

Vec Podklady k virtuálnej návšteve Európskej komisie – správa o právnom štáte

Vážený pán riaditeľ,

v súvislosti s otázkami, ktoré vyvstali počas virtuálnej návštevy Európskej komisie na Slovensku k Správe o právnom štáte, ktorá sa vo vzťahu k rezortu kultúry uskutočnila dňa 22. apríla 2021, si Vám dovoľujeme postúpiť nasledujúce dodatočné informácie

- I. Informácie týkajúce sa postupu prijímania ústavného zákona na pôde Národnej rady Slovenskej republiky
- II. Informácie týkajúce sa poskytnutia finančnej pomoci na eliminovanie negatívnych dopadov pandémie COVID-19 na mediálny sektor.

Predmetné informácie si Vám dovoľujeme postúpiť v anglickom jazyku.

K bodu I

According to the Constitution of the Slovak Republic, the National Council of the Slovak Republic exercises powers in legislative and control activities, in the field of foreign relations and in the establishment of its own and other bodies, as well as in other activities. For this purpose, the National Council discusses proposals and decides on the constitution, amends constitutions, constitutional laws and laws, and controls how it is observed.

Negotiations on the draft law are regulated by § 67 et seq. of the Act on the Rules of Procedure of the National Council of the Slovak Republic (hereinafter "Act on the Rules of Procedure of the National Council"). The method of drafting law, details on the procedure for its preparation, submission and discussions on its form is regulated by legislative rules, which shall be approved by a resolution of the National Council. The draft bill is discussed through three readings of the National Council.

- I. Within the first reading, a draft bill is generally discussed; any proposals or amendments cannot be submitted at this stage.
- II. If the National Council has a resolution on this, the proposal is forwarded to the second reading. At this stage, the draft bill is being discussed on the committees to which it has been assigned. The Committee shall prepare a written report on the outcome of the discussion of the draft bill for the National Council, containing the opinion of the Committee, in which it specifically proposes or recommends to the National Council to approve or not to approve the draft bill. If the draft bill is being discussed by several committees, the National Council will submit a written joint report prepared by the supervisory

committee. The supervisory committee discusses the draft bill as the very last. After the end of the debate on the bill, the submitted amendments are voted on. If no amendments or additional proposals are submitted at the meeting of the National Council in the second reading, the voting on the proposals from the joint report of the committees will be put to the vote.

- III. If no amendments are approved in the second reading, the vote on the draft bill as a whole will take place in the third reading. The result of voting is either the final adoption of the bill or its rejection. The National Council is able to pass a resolution if an absolute majority of all its deputies is present.

In general, a valid resolution of the National Council requires the consent of an absolute majority of the deputies present, unless this Constitution provides otherwise. Pursuant to Article 84 par. 4 of the Constitution, the consent of at least a three-fifths majority of all deputies is required for the adoption of a constitutional law.

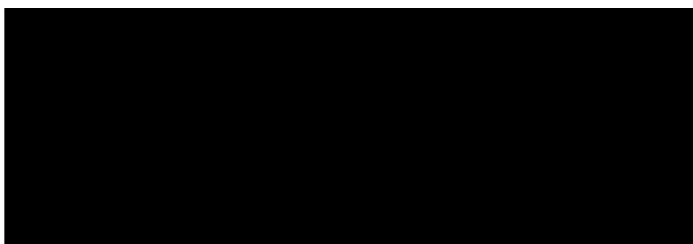
New Act shall enter into force on the day of its promulgation in the Statute Book and shall enter into force on the 15th day after its promulgation in the Statute Book, unless a later date of entry into force is provided for therein.

K bodu II

In addition to the financial support provided by the Audiovisual Fund, which was mentioned during the past virtual visit, we would like to add that the Ministry of Culture provides funding to cultural and creative industries through its grant scheme *"Mitigating the impact of the COVID-19 pandemic on the cultural sector"*. In 2020, the ministry provided to applicants financial support in the total amount of 862,920 euros. In 2021, it provides support through grant scheme intended for non-profit organizations in the total amount of € 5 901 474 as well as support aimed at natural persons working in the cultural and creative sector. This call has not been closed yet; applications can be submitted until 30 June 2021. As of June 8, 2021, 736 000 euros have been granted to successful applicants.

Apart this, we would like to add that in December 2020 the Ministry of Economy also published a call for applications for grants intended to micro, small and medium-sized enterprises operating in the field of culture and the creative industry. The aim of the call is to provide financial support for uncovered fixed costs for micro, small and medium-sized enterprises in the field of culture and/or creative sector for a period in which they had significantly difficult conditions for carrying out their business activities, from March to December 2020. The available total amount of financial resources was set at 50,000,000 euros.

The deadline for submitting applications expired on 31 March 2021. Unfortunately, we do not currently have any relevant information whether the funds allocated have already been provided to applicants and how many of these applicants are entities operating in media sector.



Ministry of Interior of the Slovak Republic
additional information

1. *In the written contribution, reference was made to statistical information on corruption prosecutions and convictions. Could you please elaborate/provide in writing information on the number of reported corruption cases and criminal police investigations into corruption offences conducted, including high-level corruption cases?*

Results of the National Crime Agency of the Presidium of the Police Force; comparison of the last years	2019	2020
Number of initiated criminal prosecutions pursuant to Section 199 of the Criminal Procedure Code	151	158 (+7)
Number of accused natural persons pursuant to Section 206 of the Criminal Procedure Code	133	205 (+72)
Number of accused legal persons pursuant to Section 206 of the Criminal Procedure Code	1	8 (+7)
The amount of requested bribes regarding criminal offences of acceptance of a bribe	376 365 eur	2 062 580 eur (+ 1 686 215 eur)
The amount of provided bribes regarding criminal offences of acceptance of a bribe	208 519 eur	4 718 020 eur (+ 4 509 501 eur)
The amount of offered bribes regarding criminal offences of bribery	345 425 eur	1 124 320 eur (+ 778 895 eur)
The amount of provided bribes regarding criminal offences of bribery	69 835 eur	4 497 345 eur (+ 4 427 510 eur)

We may conclude 2020 was the most successful regarding detection and investigation of corruption offences, which is indicated by the stated statistics compared with 2019. In relation to the growing number of prosecuted corruption offences it is necessary to point out, in the course of 2020, the National Crime Agency of the Presidium of the Police Force conducted investigation of corruption offences in grave cases, closely observed by media and wide society, the National Crime Agency of the Presidium of the Police Force has not dealt with in their practice so far.

Supplementation of the Stated Statistical Indicators of the National Crime Agency Activity per 2020

In 2020, the National Crime Agency initiated a criminal prosecution for corruption offences in 158 cases, from which acceptance of a bribe constituted 71, bribery 73, passive bribery 8 electoral corruption 5, and sport corruption 1. The charges were pressed in 169 cases against 205 natural persons and 8 legal persons. 70 natural persons, 1 legal person were charged with acceptance of a bribe, 101 natural and 2 legal persons with bribery, 27 natural and 5 legal persons with passive bribery, 4 natural persons with electoral corruption, and 3 natural persons for sport corruption.

With clarified criminal offences of acceptance of a bribe in 2020, we registered the sum of requested bribes in the amount of 2 062 580 EUR, which represents, in contrast to the previous period, the growth by 1 686 215 EUR, and the sum of actually provided bribes oscillated around 4 718 020 EUR, also a growth by 4 509 501 EUR. In relation to criminal offences of bribery we registered a sum of offered bribes in the amount of 1 124 320 EUR, a growth by 778 895 EUR, while actually given financial resources were in the amount of 4 497 345 EUR, also a growth by 4 427 510 EUR.

2. Could you elucidate the challenges of the investigation of bribery of foreign public officials?

Having acceded to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (hereinafter *the OECD Convention*) the Slovak Republic undertook to introduce criminal offences of bribery of foreign public officials, committed by natural and legal persons, into their legislation and to secure effective prevention, detection, investigation, and sanctioning of these criminal offences.

As regards the implementation of anticorruption measures provided by the OECD Convention, the Slovak Republic gradually introduced all the recommended legislative tools of combating bribery of foreign public officials in international business transactions into the domestic law and application practice. The last OECD evaluation of the Slovak Republic of 2012 implied the law enforcement authorities' awareness of corruption offences in international business environment is not sufficient in relation to business sector as well as to the public.

Further to the stated, the National Crime Agency of the Presidium of the Police Force, in charge of the detection and investigation of offences of bribery of foreign public officials in

international business transactions, secured plenty of trainings for their operating and investigating members, where lectures were given by representatives of the EUROPOL, EUROJUST, and anticorruption authorities from partner countries.

The representatives of the Special Prosecution Office of the General Prosecutors Office of the Slovak Republic are invited to join these trainings who, on the other hand, welcome the attendance of National Crime Agency of the Presidium of the Police Force members at their trainings. The issue in question is also a subject of cooperation meetings with the Special Prosecution Office of the General Prosecutors Office of the Slovak Republic. In order to increase the awareness of corruption offences in the international business environment within public administration, private sector, civil and wide society, on its website, the Ministry of Interior of the SR published informative and educating programs, aimed at the issue in question, i.e. *Anti-corruption E-learning Program* in particular the module of *Raising Awareness On Bribery In International Business Transactions* and the webpage titled *Preventing and raising awareness on foreign bribery*.

3. To what extent is corruption used by organized crime groups in Slovakia to infiltrate the licit economy?

In relation to corruption offences detection, apart from standard processing of findings, information and anonymous reports, a long term documentation of cases appears to be inevitable and necessary together with penetration into the areas of undoubted corruption risk occurrence, which are mainly the areas of handling the public resources from the European Union budget within particular ministries, public administration and self-governing bodies, and their subordinate organizations.

Based on the investigation of criminal activity of one of a so called traditional crime group, we detected and documented criminal activity of a group of persons comprised of armed security forces representatives at the highest levels of hierarchy of the Police Force, Slovak Information Service, Financial Administration Criminal Office, and the Special Prosecution Office, that should have been allegedly run by a person active in business of private security (action titled *Očistec* and *Judáš*). The organized group, acting for a longer time, was primarily focused on financial profit acquisition by prejudicing criminal proceedings or secured the criminal proceedings were not conducted, or more precisely initiated. Altogether 46 natural persons were charged, within six partial actions (titled *Babylon*, *Mýtnik*, *Mobydick*, *Očistec*, *Judáš*, *Boží mlyn*),

with grave criminal offences, including corruption offences. It is not possible to provide further information to the conducted actions given the pre-trial proceedings in progress.

Over the past years, we registered and investigated groups comprised of persons from the justice and judicial system, revealed thanks to the investigation of a premeditated murder of J. Kuciak and M. Kušnírová. That resulted in performance of actions titled *Búrka* and *Vichrica*, within which charges were pressed against 22 persons, including custodial criminal proceedings in some cases. These persons were accused for corruption offences, abuse of power of a public official and for breach of judicial independence, as at least since 2017, in exchange for undue advantages, they have been affecting the results of judicial decisions in judicial proceedings conducted within the Region of Bratislava and before the Supreme Court of the Slovak Republic.

Further to the investigated case of prejudicing the criminal proceedings in favor of prosecuted persons, primarily from the organized crime of the region of Žilina, in August 2019, 5 persons were accused and in 2020 an action titled *Plevel* was performed in this case. In this action 2 active judges and 1 judge emeritus and other persons associated with a suspicion of having committed vast corruption offences were detained. The essence of these offences was to also prejudice criminal matters at the Regional Court of Žilina and its subordinate courts in favor of prosecuted persons. In this relation charges were pressed against 11 persons for corruption offences.

In January 2021 an action titled *PLEVEL 2* was conducted in which 1 judge emeritus and 1 judge of the Regional Court of Žilina were detained. Subsequently, a charge was pressed against the judge emeritus for an offence of acceptance of a bribe and abuse of power of a public official, whereas his decision making was encouraged by having accepted financial execution to which no legal claim existed.

Another example of a successful performance of corruption offence cases was an action titled *Dobytkár*. In 2012-2019 a group of persons operated in the territory of the Slovak Republic that created a corruption scheme in relation to the provision of non-repayable grants via the Agricultural Paying Agency. This group also created a legalizing scheme whose task was to cover the origin of incomes originating from criminal activity, whilst this illegal yield oscillated in the range of 15-25% out of overall amount of the provided grants. So far in the course of the investigation (2020-2021) the charges have been pressed against 22 natural persons (9 out of them were taken into custody) and 14 legal persons.

The example of vastness of the both schemes is a case of the accused businessmen in the area of agriculture who are being prosecuted for the offence of passive bribery (separately); these requested the provision of non-repayable financial grant in the amount of 2 083 121.54 EUR, while as a bribe for ensuring it they provided a bribe to a legal person in the amount of 349 964.40. Those were the applicants themselves, so the businessmen in the area of agriculture who, if they were to ensure the certainty to succeed, provided the bribe via a mediator that affected other persons in the hierarchy of the Agricultural Paying Agency. We would like to point out it is just one out of many similar criminally relevant activities within the action titled *Dobytkár*.

The conducted investigation implies the accused for corruption offences actively participated in state policy creation for rural development, directly adjusted the system of conditions for non-repayable grant provision, and simultaneously, controlled the payment system and its corresponding inspection; given the findings it is substantiated to state that in the Slovak Republic business sector was gravely harmed in terms of agriculture, forestry, but also other business sectors associated with the rural development. A group of people could have had vast competitive advantages, and at the same time, 15-25% could have been siphoned off the overall amount of the provided grants for rural development paid as bribes in order to ensure the applicants had access to the non-repayable grants. It is disturbing these financial resources needed to be found in loans or other sources of financing, i.e., were not used for the original purpose which was the rural development. The bribes documented in the affair titled *Dobytkár* exceed 10,000,000 EUR.

Detection and investigation of organized systematic corruption infiltrating into political and economic structures, including law enforcement and judicial authorities are essential as regards public authorities' purification whose mission is to serve public interests and ensure the increase of their credibility in the national and international context.

4. What are the trends and challenges regarding the prosecution of economic and financial crime (particularly corruption offences, such as anti-money laundering)?

In order to increase the quality of activity regarding the detection and investigation, especially of grave agricultural criminal activity, but also corruption, it is inevitable to practically implement financial investigation aiming to search, identify and detain the financial resources of offenders,

as well as to discover the proceeds of crime and their subsequent use, or more precisely, investment to legal resources and other forms of money laundering.

In relation to Criminal Procedure Code amendment in terms of financial investigation it is necessary, as a part of criminal proceedings, to authenticate the property situation of a person whose is a subject of criminal proceedings in order to seize the proceeds of crime. The objective is to secure property situation authentication and drawing up of the property profile are a parallel process to the investigation aiming to prove the circumstances of a deed and convict the offender.

Concerning the increased efficiency of the activities when securing financial investigation under the auspices of the National Crime Agency of the Presidium of the Police Force, it is necessary to establish a central register of bank accounts.

5. What measures have been put in place to ensure the prevention of corruption and integrity in the law enforcement authorities? Could you please provide statistical data on the number of suspected and confirmed cases of integrity violations in the law enforcement authorities?

Apart from a priority role in the field of repressive activities, the National Crime Agency of the Presidium of the Police Force also performs activities in the field of corruption offences prevention and proposals of anticorruption measures on behalf of the whole Police Force. In order to eliminate the negative impacts of corruption in the Police Force, fulfil international obligation of the Slovak Republic, and also due to elaboration of ministerial anticorruption program for 2019-2023 on the grounds of corruption risk analysis the National Crime Agency of the Presidium of the Police Force drew up the *Action Plan of Fight against Corruption for 2019-2023* issued by Order No. 2/2020 of the President of the Police Force. The Action Plan obliges the bodies of the Police Force to carry out tasks within the determined timeframes and make a regular statement on their fulfilment so that the National Crime Agency can draw up and submit assessment of task fulfilment and their measurable indicators to the Anticorruption Coordinator of the Ministry of Interior of the Slovak Republic.

In this respect the National Crime Agency of the Presidium of the Police Force provides education of Police Force members specializing in anticorruption policy, reporting of corruption and protection of whistleblowers (persons who report corruption). Another activity of the

National Crime Agency of the Presidium of the Police Force developed in cooperation with the OECD is *Anticorruption education of the Police Force- training of lecturers*. Provision of the training with expertise of OECD workers for the lecturers from among the Police Force reflects the necessities of implementation of the Action Plan of Fight against Corruption for 2019-2023 and of its further development within the particular Police Force bodies.

The result of the training with expertise of OECD workers will be to train the lecturers as regards following the integrity principles, standards of conduct, ethical and moral values with the objective to prefer public interest and service to citizens to personal interests in accordance with the OECD Recommendation of the Council on Public Integrity. The trained lecturers will permanently coordinate anticorruption efforts, and provide professional consultancy and guidance concerning the application of standards of integrity, enforcement of ethical standards, and anticorruption awareness for Police Force members.

The National Crime Agency of the Presidium of the Police Force is represented in a working group for preparation of update of the Code of Conduct of a Police Force Member and participates in creation of ethical principles and principles of integrity of a Police Force member.

The Anticorruption Program was approved and issued under the scope of authority of the Ministry of Interior by the means of Regulation of the Minister of Interior No. 144/2019 on the Anticorruption Program as amended by Regulation of the Minister of Interior No. 56/2020 directly following the anticorruption policy approved by the Government of the Slovak Republic. One of the roles of the Anticorruption Program was to further elaborate on the objectives and measures of the Anticorruption Program up to the level of organizational bodies of the Ministry. On the grounds of the stated objective, the Bureau of the Inspection Service (hereinafter *the Bureau*), as one of the bodies of the Ministry, identified possible corruption risks up to the level of particular organizational departments of the Bureau. For this reason we assume, possible corruption risks were identified by other Police Force bodies as well, within which the law enforcement authorities operate.

Concerning the request for statistical data on the number of suspected and confirmed cases of integrity violations in the law enforcement authorities we state in 2020 **the charges were pressed against 99 policemen for 173 criminal offences.**

We further list the selected criminal offences committed by policemen, drawing on the data from the report on criminal activity of members of the Police Force, Prison and Court Guard Service, and Financial Administration for 2020:

- 3x Bodily Harm pursuant to Section 156 of the Criminal Code
- 4x Bodily Harm pursuant to Section 156 of the Criminal Code
- 5x Bodily Harm pursuant to Section 157 of the Criminal Code
- 6x Bodily Harm pursuant to Section 158 of the Criminal Code
- 1x Bodily Harm pursuant to Section 157 of the Criminal Code
- 2x Illicit Manufacturing and Possession of Narcotic and Psychotropic Substances, Poisons or Precursors and Trafficking in them pursuant to Section 172 of the Criminal Code
- 3x Extortion pursuant to Section 189 of the Criminal Code
- 1x Theft pursuant to Section 212 of the Criminal Code
- 1x Embezzlement pursuant to Section 213 of the Criminal Code
- 2x Falsification and Fraudulent Alteration of Motor Vehicle Identification Numbers pursuant to Section 220 of the Criminal Code
- 4x Fraud pursuant to Section 221 of the Criminal Code
- 2x Credit Fraud pursuant to Section 222 of the Criminal Code,
- 1x Insurance Fraud pursuant to Section 223 of the Criminal Code
- 2x Legalization of the Proceeds of Crime pursuant to Section 233 of the Criminal Code
- 7x Menace due to Intoxication pursuant to Section 289 of the Criminal Code
- 52x Abuse of Power by a Public Official pursuant to Section 326 of the Criminal Code
- 1x Neglect of Duty by a Public Official pursuant to Section 327 of the Criminal Code
- 24x Passive Bribery pursuant to Section 329 of the Criminal Code
- 2x Active Bribery pursuant to Section 333 of the Criminal Code
- 1x Trading in influence pursuant to Section 336 of the Criminal Code
- 1x Aiding and Abetting pursuant to Section 339 of the Criminal Code
- 1x Failing to Report a Criminal Offence pursuant to Section 340 of the Criminal Code
- 3x Obstruction of Justice pursuant to Section 344 of the Criminal Code
- 1x False Accusation pursuant to Section 345 of the Criminal Code
- 1x False Testimony and Perjury pursuant to Section 346 of the Criminal Code
- 3x Counterfeiting and Altering a Public Instrument, Official Seal, Official Seal-off, Official Emblem and Official Mark pursuant to Section 352 of the Criminal Code

- 3x Jeopardising the Safety of Confidential and Restricted Information pursuant to Section 353 of the Criminal Code
- 8x Unauthorised Use of Personal Data pursuant to Section 374 of the Criminal Code

Resolution of the Government of the Slovak Republic No. 438 of 8 July 2020, in particular point A.1., hereby charges the Minister of Interior of the Slovak Republic with the task as follows: *D.2. to submit the report on criminal activity of members of the Police Force, Prison and Court Guard Service, and Financial Administration containing also the data on investigation of reports submitted by the detained, arrested and accused persons on the injuries inflicted, in their own words, by members of the Police Force, Prison and Court Guard Service, and Financial Administration to the Government negotiation until 30 April annually.* On the basis of the mentioned task, the Bureau analyzed criminal activity of members of the Police Force, Prison and Court Guard Service, and Financial Administration in 2020 incorporating the data on investigation of reports submitted by the detained, arrested and accused persons on the injuries inflicted, in their own words, by members of the Police Force, Prison and Court Guard Service, and Financial Administration, and submitted it to the Minister of Interior of the Slovak Republic requesting to present it at the negotiation of Board of the Ministry and subsequently at the negotiation of the Government of the Slovak Republic. On 28 April 2021, the Government of the Slovak Republic took note of the report in question.

6. Are you aware of any effects the COVID-19 pandemic had on anti-corruption efforts (e.g. increased whistleblower complaints, health sector corruption, political corruption, etc.)?

New jeopardies associated with the COVID-19 pandemic, the Slovak Republic is facing, create opportunities for unlawful conduct, trying to take advantage of the current situation and profit from changed conditions during the epidemic. Further to the stated we can affirm, regarding the National Crime Agency of the Presidium of the Police Force, no corruption offences have been subject of detection and investigation so far that would have occurred owing to the epidemiological situation.

7. Are you aware of any recent good practice in Slovakia's fight against corruption that you would like to highlight?

New methods of operation to increase the efficiency in Slovakia's fight against corruption brought new Act No. 312/2020 Coll. on the Performance of Decision on Property Seizure and Seized Property Administration and on Amendment and Supplementation of Certain Acts, effective as of 1 January 2021.

One of the most efficient ways to detect greater corruption is via the employees who speak out against circumvention practices at their workplace and report the suspicion of corruption offence. For this reason it is inevitable to support their determination to report antisocial activity by securing lawful means for their protection. In context of the Slovak Republic a considerable change in protection of whistleblowers is expected by establishing a new body of public administration- Office for the Protection of Whistleblowers.

The conditions of the office establishment were provided by Act No. 54/2019 Coll. on Whistleblower Protection and on Amendment and Supplementation of Certain Acts effective since 1 March 2019. Simultaneously, the Act in question transfers the competences regarding the protection of whistleblowers from labour inspectorates to the created office with the objective to strengthen the conditions and increase efficiency of protection of whistleblowers. It will also fall within its competence to supervise the respect for law, provide expert opinions and consultancy with law application, and submit annual reports on the activity of the National Council of the Slovak Republic.

Follow-up questions:

- 1. Could you elucidate the sectoral Anticorruption Program of the Ministry of Interior of the Slovak Republic for 2019-2023, and in greater detail, what milestones and objectives have been identified, and what have you already achieved?*

The objective of the Anticorruption Program of the Ministry of Interior of the Slovak Republic for 2019-2023 (hereinafter *the Anticorruption Program*) is to **systematically address and regulate the activities for the purpose of minimization of the areas of, and erase causes and conditions for corruption to arise or exist.** The objectives of the Anticorruption Program result from identified corruption risks on the ministerial level, and simultaneously, directly follow the anticorruption policy approved by the Government of the Slovak Republic.

The identified risks are further elaborated with respect to the conditions of the Ministry of Interior of the Slovak Republic (hereinafter *MoI SR*) with the following objectives:

Objective 1: Minimize areas where corruption risks arise and exist

Objective 2: Raise the awareness of the employees and strengthen their integrity

Objective 3: Strengthen the integrity of the organization

The main areas of the Anticorruption Program are on the grounds of a conducted data collection analysis on corruption risk identification in the area of decisive processes- in the area of public procurement, in the area of customer service, when granting authorizations; permits to allocate subsidies, providing information and in the area of inspection activity.

Questionnaire: In order to increase the efficiency of the fight against corruption an anticorruption questionnaire is run as a part of the Anticorruption Program of the MoI SR, under the auspices of the Government Office of the Slovak Republic. The questionnaire is a valuable foundation for data collection to measure the level of corruption risk perception by the employees of the ministry, obtain overview of recommendations and adjust systematic measures to minimize the areas for corruption conduct. Within the MoI SR the fulfilment of this task is under the patronage of the Crime Prevention Department of the Office of the Minister of Interior of the Slovak Republic (hereinafter *the CPD OMI SR*). The objective is to engage all the employees of all the bodies of the Ministry. The questionnaire is conducted continuously in phases.

- In the first phase in November 2020 employees of cadastral departments in district offices of the Slovak Republic took part in the questionnaire (1750 respondents)
- In the second phase of the questionnaire, the employees of small business departments, departments of road traffic and infrastructure, and departments of construction and housing policy in district offices of the Slovak Republic took part in the questionnaire (924 respondents)
- Since 12 April until 14 May 2021, the third phase of the questionnaire for the Presidium of the Police Force members is in progress (2206 respondents). In order to improve the awareness of future questionnaire respondents and engagement of the maximum number of the Presidium of the Police Force members, on 18 March 2021, an educational meeting for managerial employees from the Presidium of the Police Force was held with a positive feedback.

The CPD OMI SR commenced to deal with the anticorruption issue as part of prevention mechanisms in cooperation with the Government Office of the Slovak Republic and the Bureau of the Inspection Service by **holding trainings and expert workshops. 7405 employees of the MoI SR** were retrained in terms of the anticorruption issue in 2020.

Since January 2021, an expert workshop for employees of the MoI SR on the issues of *Reporting of Corruption and Protection for Whistleblowers* has been being conducted in cooperation with the Crime Prevention Department of the Government Office of the Slovak Republic and the Bureau of the Inspection Service. So far 180 employees have participated in the expert workshop.

Given the risk identification to date and the corresponding necessity of regular education of the employees, and a requirement to eliminate corruption risks the CPD OMI SR is trying to create a concept of anticorruption education for the employees of MoI SR by the means of conversion courses for newly recruited staff of the MoI SR as well as by the means of individual educational plans for the current employees of the MoI SR with the anticorruption issue included.

Regarding the anticorruption issue, educational trainings were held for the employees of the national project titled *Improvement of Access of Victims of Criminal Offences to Services and Creation of Focal Points for the Victims*, who, via Information Offices (hereinafter *IO*) for Victims of Criminal Offences can provide information to the potential victims of corruption offences as in how to proceed when reporting corruption and how to protect whistleblowers. The main objective is to strengthen the position of IO in relation to the public, and to provide information concerning the anticorruption issue.

With the objective to minimize corruption the CPD OMI SR is actively participating with Transparency International Slovakia, the non-governmental organization (hereinafter *NGO*), in form of working meetings of NGO representatives and also in form of workshops on the topic *Corruption and the Elderly*, which they hold for the employees of the MoI SR.

All the activities of the Anticorruption Coordinator are publicly accessible online via: www.minv.sk, www.prevenciakriminality.sk, and Facebook page of crime prevention.

1. Regarding the Issue of registers of NGOs and Beneficial Owners

Register of non-governmental and non-profitable organizations (hereinafter *NGPO*) was established by Act No. 346/2018 Coll. on Register of Non-governmental and Non-profitable Organizations and on Amendments and Supplementations of Certain Acts as amended

(hereinafter *Act No. 346/2018 Coll.*) and entered into force on 1 January 2021. Drawing up the act in question, the MoI SR cooperated with the Plenipotentiary of the Government of the SR for Civil Society Development. Having entered into force, the act was in cooperation with the Plenipotentiary of the Government of the SR for Civil Society Development presented to representatives of non-governmental and non-profitable organizations at workshops.

The act on register of NGPO regulates the establishment of a register of non-governmental and non-profitable organizations; list of data recorded into the register and publication of the registered data and their provision.

Register of NGPO represents reliable, up-to-date and coherent source register of non-governmental and non-profitable organizations, whose registration is performed under the auspices of the MoI SR and represents logically coherent and data-consistent source of data on citizens' associations, unions, employers' organizations, organizations with an international element, non-profitable organizations providing services of general economic interest, foundations and non-investment funds.

It is possible to acquire comprehensive data from the register of NGPO on non-governmental and non-profitable organizations. Legal subject listed in the register of NGPO are unequivocally identified and form reliable and up-to-date source agenda for the register of legal persons, businessmen and public authorities.

The benefit of the newly established register of NGPO is, instead of previous partial registers and records (of foundations, non-investment funds, citizens' associations, organizations with an international element, non-profitable organizations providing services of general economic interest), a new uniform and common register of NGPO has been founded.

A further novelty is it is obligatory to register subsidiary bodies of citizens' associations, acting on their behalf, so called organizational bodies of citizens' associations (including organizational bodies of unions and employers' organizations). These subsidiary bodies have not had registers so far and establishing a register of NGPO meant transparent existence for them and a transparent relation to the parent (establishing) organization.

Register of NGPO is **run in electronic form and is divided into public and non-public part**. The public part of the register of NGPO is accessible on the webpage of MoI SR and contains the data laid down by law. Since 1 January 2023, the register of NGPO will include electronic form of instruments, containing electronic form of statutes, establishing instruments, establishing contracts, instruments of incorporation, charter of foundation, their amendments and addenda.

The data that are recorded in the register are regulated by a provision of Section 3 of Act No. 346/2018 Coll. The new register enables to record also optional data- webpage and charitable purposes that are a matter of interest for the non-profitable organizations.

Data recorded in the register are considered to be complete and accurate unless proved otherwise. The benefit of the new register is the fact a registered person is not obliged to present the data recorded in the register to public authorities.

In case of foundations, non-profitable organizations providing services of general economic interest and non-investment funds that are entities pursuant to Section 3 (4) of Act No. 346/2018 Coll. identification data about the beneficial owner are recorded into the register of NGPO as follows: name, surname, birth number or date of birth- given that the birth number was not granted, residential address, nationality, and type and number of ID or the persons considered as the beneficial owners, and the data securing the status of a beneficial owner pursuant to a specific regulation (Act No. 297/2008 Coll. on Protection against Legalization of Proceeds from Crime and on Protection against Terrorist Financing and on Amendment and Supplementation of Certain Acts as amended).

The data on beneficial owner are recorded by a relevant registering office into the register of NGPO based on the proposal by the relevant non-governmental and non-profitable organizations to enter data on the beneficial owners.

The function of the **Register of Ultimate Beneficial Ownership (RUBO)** is performed by the **Register of Legal Entities, Entrepreneurs and Public Authorities** in the Slovak Republic, which is maintained by the **Statistical Office** of the Slovak Republic, pursuant to Act no. 272/2015. Data from the relevant source registers is transferred to the RUBO, which are e.g. **Commercial Register** (in the administration of district courts) according to Act no. 530/2003, **Register of Non-Governmental Non-Profit Organizations** (in the administration of the Ministry of the Interior of the Slovak Republic) according to Act. No. 346/2018 Coll.

Pursuant to § 26a par. 1 of Act. No. 297/2008 on Protection Against Money Laundering and Protection against Terrorist Financing **The Financial Intelligence Unit (FIU)** prepares the **National Risk Assessment (NRA)**, which includes also the assessment of the risks of money laundering and terrorist financing in the Slovak Republic. Currently, the FIU is in the final phase of the preparation of the NRA for the years 2016 - 2019. The working version of the NRA for the years 2016 -2019 identifies vulnerabilities in the system of measures to combat money laundering also related to RUBO:

- low efficiency of implementation of data on ultimate beneficial owners (UBO) into source registers, which results in insufficient filling of RUBO with data on UBO,
- the absence of an effective mechanism for verifying the accuracy and timeliness of data on UBO when providing it to the relevant source registers,
- low effectiveness of appropriate and dissuasive sanctions in cases of a breach of the obligation to provide information on UBO,
- absence of the obligation of administrators of foreign trusts (citizens of the Slovak Republic with permanent residence in the Slovak Republic) to provide information on UBO,
- ambiguous definition of the obligation of legal entities to provide information on UBO to the Commercial Register in cases, when these legal entities are registered in the **Register of Public Sector Partners** in accordance to Act no. 315/2016.

In February 2021, the European Commission approved the financing of the project "**Enhancing the Effectiveness of the Anti-Money Laundering Regime in Slovakia**" with funds from the **Technical Support Instrument** managed by the **Directorate General for Structural Reform Support (DG REFORM)**. The beginning of the implementation phase of the project is planned for May/June 2021. The project also includes the expert support to the Slovak Republic in order to increase the efficiency of RUBO.

On March the 26th 2021, the inter-ministerial comment procedure on the **Proposal for Systematic Determination of Responsibility of Ministries and Certain Public Authorities for Individual Recommendations of the Financial Action Task Force (FATF) and Immediate Outcomes in the field of efficiency evaluation of the Council of Europe Committee of Experts on the Assessment of Measures against Money Laundering and Terrorist Financing MONEYVAL** was closed.

(Available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/127>)

The proposed document determines also the responsibility for the recommendation **R24 - Transparency and Final Ownership of Legal Persons** and **R 25 - Transparency and Final Ownership of Legal Arrangements**.

FATF Recommendation		Responsible	Co-Responsible	Cooperation
24a (in relation to the Commercial Register)	Transparency and Beneficial Ownership of Legal Persons	Ministry of Justice	Ministry of Interior	Ministry of Finance, Statistical Office
24b	Transparency and Beneficial Ownership of Legal Persons	Ministry of Interior	Ministry of Justice	Ministry of Finance, Statistical Office
25a (in relation to the Commercial Register)	Transparency and Beneficial Ownership of Legal Arrangements	Ministry of Justice	Ministry of Interior	Statistical Office
25b	Transparency and Beneficial Ownership of Legal Arrangements	Ministry of Interior	Ministry of Justice	Statistical Office

The Multidisciplinary Integrated Group of Experts on Money Laundering and Terrorist Financing (NES-LP – *Národná expertná skupina na prevenciu a boj proti legalizácii príjmov z trestnej činnosti a financovania terorizmu*) is part of **the Interdepartmental Expert Coordination Body on Combating Crime** (MEKO – *Medzirezortný expertný koordinačný orgán pre boj so zločinnosťou*), which is created at the **Police Presidium**.

The last meeting of **NES-LP**, where experts from Ministry of Interior, Ministry of Justice, Ministry of Finance, General Prosecution Office and Statistical Office were present and the issue of RUBO was discussed took place on the **15th April 2021**.