

EUROPEAN RULE OF LAW REPORT 2021
2nd EDITION
Input of the Slovak republic

Pursuant to the request of the Commission from 29 January 2021, the Slovak Republic hereby contributes with the written statement to the second edition of the European Rule of law Report. The following document covers relevant information on 4 areas included in the questionnaire, namely I. Justice System, II. Anti-corruption framework, III. Media Pluralism and IV. Other institutional issues related to checks and balances. With regard to the fact that particular information has already been submitted last year within the first edition of the Rule of law Report, this document is mainly focused on recent development and progress made so far.

I. JUSTICE SYSTEM

The legal and institutional framework for the independence of the justice system in Slovakia reported last year is still applicable. However, several reform laws have been adopted:

- Act No **106/2020 Coll.** on Judicial Council and amending other Acts (www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/106)
- Act No. **241/2020 Coll.** amending Act No 153/2001 Coll. on Prosecution and other Acts (www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/241)
- Act No. **421/2020 Coll.** on temporary protection of entrepreneurs in financial difficulties (www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/421)
- Constitutional Act No. **422/2020 Coll.** amending the Constitution of the Slovak Republic No. 460/1992 Coll. (www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/422)
- Act No. **422/2020 Coll.** Judicial Reform Act (www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/423)

Any other Act quoted in the text below can be also easily find via the Slov-lex Portal either using the search option or simply by using a direct link: www.slov-lex.sk/pravne-predpisy/SK/ZZ/year/number_of_the_Act (see the links above). Afterward, using the „history“ option (on the right) you can choose which time version of the Act you want to see.

A. Independence

1. Appointment and selection of judges, prosecutors and court presidents

- **Constitutional Judges**

The Act No. 460/1992 Coll. – Constitution (as amended)

- Art. 154g (9) reformed the process of election of judges who compose the Constitutional Court. Under a new rotation system only 1/3 of judges can now be elected during one term of Parliament. Election of the candidates for a constitutional judge under a new rotation system represents a safeguard against a concentration of powers in hands of one political representation.
- Art. 84 (5) increased the parliamentary quorum necessary for the election of a candidate to the qualified majority. A simple majority of all MPs is enough in every repeated election.
- Art. 134 (2) - election and hearing of the candidates by the Parliament has been made public with checks against the passivity of the Parliament being introduced.

- Art 134 (4) introduces new personal requirements for the appointment of a constitutional judge – conditions of morality, length of practice and integrity.

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

Act No. 385/2000 Coll. on Judges and Lay Judges (as amended)

- §5 (6) redefines the capacity of a judge to serve in the office and broadens conditions for appointment to the judicial office related to the judge's personal trustworthiness (a judge cannot have assets coming from organized crime or have a business or financial relations with persons involved in it, requirements of morality and integrity).
- §5 (3) opens the judge function to other legal professions by recognising other certain exams as equivalent to the judicial exam. Sufficient legal practice required.
- §28b (2) - regarding the selection of judges, a new obligation for candidates was introduced – they need to submit an assets' declaration together with their application.
- §28c (1) specifies the content of selection procedures of judges of the regional courts, Special criminal court, Supreme court and Supreme Administrative Court slightly differ from mass selection procedures for the district courts.
- §§148 to 149o and §30(7) introduce a position of an intern at the court, together with the process of their selection. An intern is a state employee, preparing himself for the function and the selection procedure of a judge. An intern must pass an entry selection procedure for his post and needs to comply with conditions for appointment as a judge, his post lasts for the period of 1 year while he is serving under the supervision of a selected “mentor” judge preparing decisions etc. except summoning hearings and issuing court decisions. At the termination of his post, he is issued with an evaluation of his competence. It is a paid judicial training that opens the function of a judge to other legal professionals. The institute of judicial trainee ceases to exist. Of course, trainees hired before 2021 will continue their 3-year term. The trainees under the old institute terminated their service by passing a judicial exam. New interns will need to have passed a judicial exam with their application and selection procedure for the post of an intern. Their selection procedure will contain a psychological assessment, unlike the previous institute of trainees.

- **Prosecutors**

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

- §7 (3) - established new conditions for appointment to the function of the Prosecutor General - integrity requirements were added, including moral characteristics and previous life pattern;
- §7 (4) to (7) list persons who can nominate a candidate for Prosecutor General, documents to submit by candidates proving their eligibility.

Act No. 154/2001 Coll. on Prosecutors and Prosecutor Candidates (as amended)

- §24a (2) amended conditions for appointment to the function of the Special Prosecutor - integrity requirements were added, including moral characteristics and previous life pattern;
- §24a (3) to (9) amended qualification requirements for the post of the Special Prosecutor.
- § 24b – a function of the Special Prosecutor was opened also to other legal professionals (non-prosecutors).

Act No. 350/1996 Coll. on Parliamentary Procedure (as amended)

- §123 (1) and §125 amended the process of election of both the Prosecutor General and the Special Prosecutor in the Parliament (regarding the process of their hearings) and made hearings of the candidates for both functions public.

- **Court Presidents**

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

- §36 - Court Presidents except for presidents of supreme courts are appointed by the Minister of Justice for a 5-year term from judges who were successful in the selection procedure and who are not members of the Judicial Council. The same person can be appointed repeatedly. The President of the new Supreme Administrative Court will be appointed by the President of the Republic (similarly as the President of the Supreme Court).
- § 37 – selection system: Court Presidents are selected in a transparent selection procedure with information of its launching being publicly available, published in the national press and all judges are informed of it obligatorily. Candidate can be any judge from any court of the same or higher instance than the court of the opened position. Selection committee consists of 5 members, 3 are nominated by Minister of Justice, 1 is elected by the Judicial Council and 1 by the respective court. Requirements of impartiality and morality as well as the professional capacity to be able to assess abilities of a candidate for the function of a Court President are imposed on the candidates for a member of the selection committee. Preferred professional background of a member to be a University milieu, non-governmental organization or a legal profession. Members of the committee elect its president. Simple majority of present members (min. 4 have to vote) is required for a decision. If no candidate for a Court President is successful in the selection, a new selection procedure is launched. Selection procedures are public except from voting of members of the selection committee.
- § 37 (4) – aim of the selection procedure is to assess the competence and abilities of applicant necessary to ensure proper conduct of justice and administration of the court. The selection has a form of an interview – reflects new supervisory role of the Judicial Council at the selection of presidents of courts.
- § 37 (8) – based on the results of the selection procedure, the selection commission requests the Judicial Council to verify the successful candidate's assets circumstances (regarding their legality) and to supervise fulfilment of the conditions of candidate's capacity to serve as a judge in accordance with the Act on the Judicial Council.
- § 37 (10) – Ministry of Justice publishes all applications with curricula and motivation letters of candidates 1 month before the selection procedure starts and notifies the Parliament thereof. Anyone can submit justified objections against any candidate within 20 days. Ministry of Justice will forward these to the selection committee, which can confront the concerned candidate and request his reaction.

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

- Art. 145 (3) - President and Vice-President of the Supreme Court are appointed by the President of the Republic from the judges of the Supreme Court upon a proposal of the Judicial Council, for 5 years. The same applies to the President and Vice - President of the Supreme Administrative Court, respectively. The same person may be appointed in two consecutive terms.
- President and Vice-President of the Supreme Court and of the Supreme Administrative Court, respectively, can be dismissed by the President of the Republic during their term only from reasons in Art. 147 of the Constitution.

2. Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors

- **Constitutional Judges**

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

- Art. 138 (3) introduced an age limit (72 years) for the service of judges of the Constitutional Court. After reaching this age judge's function ceases to exist automatically.

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

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

- Art. 146 (2) – introduced an age limit for judge's function – 67 years, after reaching the age, the judge's function terminates automatically. Before the constitutional reform, a judge could have been removed from office at the age of 65. This resulted in some arbitrary decisions, where certain judges were dismissed at the age of 65, while others were allowed to work much longer.
- Art. 147 – introduces an additional obligation for the President of the Republic to dismiss a judge for the following reason: based on a decision that a judge has lost the preconditions for the judge's capacity guaranteeing that he will properly perform his function (as an outcome of a disciplinary procedure).
- Art 148 (1) – A judge's consent is not required for a transfer to a different court when the system of courts changes (not really a new provision, the same rule was applied in the past, it will cover transfers of judges from courts that are being merged to courts that result from these mergers).

Act on Judges and Lay Judges No. 385/2000 Coll. (as amended)

- §12 – temporary placement of a judge to a court of the higher instance is possible with his consent, for a purpose of his training, for max. of 3 months in 3 years, decided by the Judicial Council, agreement of the two involved court presidents.
- §18 - introduced a possibility to dismiss a judge based on the Art. 147 (2) of the Constitution by the President of the Slovak Republic upon a proposal of the Judicial Council, including relevant proceedings.
- §22a (2) – temporary suspension of judge's function is decided by the Judicial Council upon a proposal of the President of the Judicial Council or the Minister of Justice, with judges of the both supreme courts also the president of the respective supreme court can propose such suspension.
- §23 (1) conditions of incompatibility of judge's office were added, reflecting new requirement of incompatibility with the function of President or Vice-President of the Judicial Council in the Constitution (Art. 145a) during which the judge's office is temporarily suspended.

- **Court presidents**

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

- Art. 145 (3) - President and Vice-President of the Supreme Court and of the Supreme Administrative Court, respectively, can be dismissed by the President of the Republic during their term only for reasons established in Art. 147 of the Constitution.

- **Prosecutors**

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

- §8 (3) d) – the new reason for dismissal of the **Prosecutor General** was added – for committing an act referred to by a final disciplinary decision as incompatible with the performance of his function.

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

- §15 (2) new reasons for removal of a Prosecutor by the Prosecutor General – f) when Prosecutor became member of a political party or a political movement, g) does not have a permanent residence in the Slovak Republic, h) and i) refer to positions in the European Prosecutor's Office, when Prosecutors were removed from their function at the level of the EPPO and the reasons of this removal seriously endangers trustworthiness or reputation of the Prosecution Service.

3. Promotion of judges and prosecutors

- **Judges**

Act on Judges and Lay Judges No. 385/2000 Coll. (as amended)

- §11 (2) assignment of a judge (by the Judicial Council) to the Supreme Court as well as to the Supreme Administrative Court is conditioned by a number of years of practice.
- §14 (2) transfer of a judge to a regional court or to the Special Criminal Court is conditioned by a number of years of practice.
- §15 (1) stipulates conditions of promotion of a judge for a president of a senate – based on a selection procedure, upon preceding the opinion of the Judicial Council, at supreme courts also upon the opinion of the relevant college.

- **Prosecutors**

No changes.

4. Allocation of cases in courts

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

- §50 (3) because of the new and broadened competencies of the Judicial Council the judges who perform the function of a member of the Judicial Council were guaranteed half of the workload in order to have time to exercise their duties performed for the Judicial Council.
- Automatic accidental allocation of cases to judges (under §51 (1)) is implemented within the Court Management System. The CMS secures that the cases are allocated accidentally within one court to a senate or a single judge without any human interference or influence. This system was introduced in Slovakia in 2008. The new court map aims to improve efficiency in the functioning of random allocation of cases by reducing a number of courts and placing a greater number of judges in each court. Please refer to the response to Q 16 below.

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

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

- a new rule was introduced that 9 members of the Judicial Council who are nominated by the Government (3), Parliament (3), and the President of the Slovak Republic (3) can be only non-judges. This measure should increase public control of the judiciary; Judicial Council will get new dynamics by including perspectives from outside of the judicial environment. 9 members of the Judicial Council are still judges, elected by their peers.

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

- §5 and §6 - made the Judicial Council operational in the event of the absence of its president when the position is not occupied (need to address unexpected new situation)
- §3b – introduced new competence of the Judicial Council to verify judges' capacity to serve as a judge (trustworthiness) and verification of financial circumstances/assets of judges (new powers to assess origins and the legality of the acquisition of judge's assets).
- §§27h to 27hi - proceedings for enforcing new competencies were introduced. Up to now, the Judicial Council could not verify origins and legality of the acquisition of assets, now it acts

upon its own initiative and its proceedings can lead up to disciplinary proceedings against a judge before the Supreme Administrative Court.

- §4(1)k - the Judicial Council can express disagreement with the prosecution of a judge for a criminal offence of „bending of the law”, having an effect of criminal prosecution of the judge in question being stopped. This represents an important measure supporting the independence of the judiciary and also represents the protection of their decisional immunity.
- §§10 to 12 - new election procedure for members of the Judicial Council was introduced. It is now based on a regional principle, electoral regions and commissions in courts were established, conditions for candidates and their nomination process were added.
- §26 and §27 - termination of the function and proposal for dismissal of a member of the Judicial Council was amended.

6. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges.

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

- Art. 136 (3) – disciplinary proceedings against Presidents and Vice Presidents of the Supreme Court and the Supreme Administrative Court are held by the Constitutional Court. The Constitutional Court does not give its consent anymore to pre-trial detention of ordinary judges and the Prosecutor General (this is now decided by the relevant court handling the criminal proceedings).
- Art. 142 and 143 - establishment of the Supreme Administrative Court, and its competencies - to decide of disciplinary accountability of judges and prosecutors.
- Art. 141b (2) – decisions on the loss of a judge's preconditions for judge's capacity guaranteeing that he will properly perform his function are delivered only in a disciplinary proceeding.
- Art. 148 (1) – a judge can be transferred to a different court also on the basis of disciplinary decision, his consent is not necessary, then.
- Art. 148 (4) – A judge cannot be criminally prosecuted for his legal opinion expressed in judgment, not even after termination of his function, except in cases whereby the judge committed a crime. This is without prejudice to the disciplinary accountability of the judge.

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

- § 326a - Crime of abuse of law (bending the law) has been introduced – it addresses situations where the judge or arbiter rules clearly against the law (inspired by German legislation). Judicial Council can stop the prosecution of a judge for this criminal offense (to safeguard the independence of the judiciary).

Act No. 385/2000 Coll. on Judges and Lay Judges (as amended)

- §29a “Immunity of judges and lay judges is stipulated in the Art. 148(4) of the Constitution of the SR.”
- §32 (5) sets an obligation for all judges to submit their declaration of assets to the Judicial Council electronically and stipulates that the Judicial Council reviews the assets' situation of all judges.
- §116 added qualifications of disciplinary misconduct - connected with judges' assets (not submitting a declaration of assets in a prolonged deadline or repeatedly, not being able to prove the legality of acquisition of his/her assets in a procedure before the Judicial Council; having financial connections with the underworld).
- §119 (1) a disciplinary senate assesses disciplinary accountability of a judge and decides of disciplinary measures. At President and Vice-President of both supreme courts this is done by the Constitutional Court.

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

- §§27h to 27hi - a new sanction for a judge for not being able to show in plausible manner legality of origins of his assets will result (in connection with Constitutional Court's ruling No. PL. ÚS 21/2014) not in a loss of judicial capacity as in the past, but it will under new rules result in President of the Judicial Council lodging a proposal for disciplinary procedure against that judge before the Supreme Administrative Court.

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

- §15 (5) Prosecutor General can request the Constitutional Court for approval with the pre-trial detention of a judge of the Constitutional Court.

Plans reported in the Justice Scoreboard 2020

- Disciplinary Code shall be adopted in 2021, it should include professions of judges, prosecutors, notaries, and bailiffs.

Judges - disciplinary proceedings in 2020:

- Written warning: 3 cases
- Temporary suspension of the function: 10 cases (these temporary suspensions are a result of the criminal prosecutions of judges)
- Judges were acquitted in 3 cases and in 8 cases were disciplinary proceedings stopped.
- None of judges were dismissed as a result of the disciplinary proceeding.

Prosecutors - disciplinary proceedings in 2020

- **3 disciplinary proceedings for disciplinary offenses** according to § 188 par. 1 letter a) - non-fulfilment or breach of the prosecutor's duties, related to: unjustified delays in the proceedings, the prosecutor's proceedings led to a violation of the accused's right to a defence, inspection of the file without the consent of the superior prosecutor and in one case, scurrilous/coarse language against the superior prosecutor.
- **2 disciplinary proceedings for serious disciplinary offenses** according to § 188 par. 1 letter a), par. 2 - serious disciplinary offense (if, due to the nature of the non-fulfilled or breached duty, the manner of conduct, the degree of fault, repetition, the prosecutor's conduct or other aggravating circumstances, his harmfulness is increased). These cases were related to the following misconduct: an incorrect procedure of the prosecutor in regard to the release of the suspect from detention, neglect of the reporting obligation on the state of the preliminary criminal proceedings, delays in the criminal prosecution proceedings, antedating of decisions or non-compliance with the superior's instruction in the matter of conducted criminal prosecution.
- No disciplinary case against prosecutor was completed in 2020. However, one case was completed on 22/1/21 - a disciplinary measure was imposed pursuant to § 189 para. 2 letter a) of the Act on Prosecutors, namely a reduction of the basic salary by 50% to 12 months).

7. Remuneration/bonuses for judges and prosecutors**Act No. 385/2000 Coll. on Courts (as amended)**

- § 65 (1) f) cancelled certain incentives for judges based on a Constitutional Court decision (PL. ÚS 12/05) under which the remuneration of a judge should represent a stable sum that should not contain any variable components manageable by the executive power. The amendment

dismissed all incentives that were not a stable part of the judge's salary, but were only optional and depended upon subjective decision of the Court Presidents. This change represents an additional element of securing judges' independence from authorities of judicial administration by excluding a possibility of factual influencing of judge's decisions.

- §66 (1) sets the remuneration of judges of the Supreme Administrative Court equal to the remuneration of their colleagues serving at the Supreme Court. So, the basic monthly salary of judges of both supreme courts represents 1,3 times the monthly salary of a member of the Slovak Parliament.
- §93 changes unlimited receipt of an income compensation bonus and sickness benefit bonus by limiting their receipt to a maximum of 60 days. Both bonuses in their unlimited form represented an unreasonably high social privilege. They are not paid from the social security of employees, but directly from the state budget. Apart from these two bonuses the judge is covered by standard social security insurance and receives standard social security benefits – here a sickness benefit- under the same conditions as any other insured employee.

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

- §115 cancelled certain incentives for prosecutors (similarly to judges, see above)
- §131 (4) changed unlimited receipt of an income compensation bonus and sickness benefit bonus by limiting their receipt to maximum of 60 days (see above).
- §93(1) c) a bonus for a disciplinary procedure was added as a stable form of a salary – it is a bonus for being a member or a president of a disciplinary procedure (introduced in 2019).

8. Independence/autonomy of the prosecution service

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

- §16 broadened the scope of competence of the Prosecutor General towards the Supreme Court and the Supreme Administrative Court (including attending their plenaries and speaking there) and introduced a new competence to start proceeding before the supreme courts with the aim to ensure unified interpretation of legal acts.

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

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

B. Quality of justice

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

In the section „Protection of vulnerable persons“ of its Program Declaration for 2020-2024, the Government of the Slovak Republic made a commitment „to review the legal regulation concerning the Centre for Legal Aid, including the assessment of the cooperation with attorneys, in order to extend the provision of legal aid to a broader range of low-income population who cannot access justice otherwise, and to make an evaluation of the need to increase the number of branches of the Centre for Legal Aid.“

In the reported period, the Centre for Legal Aid (hereinafter referred to as the „Centre“) continued in the implementation of two national projects – the national project **“Enhancing and building capacities in the area of the provision of legal aid and the prevention of the escalation of legal problems”** (National Project 1; since 2017) within the framework of the operational program Effective Public Administration and the national project **“Information system of the Centre for Legal Aid”** (National Project 2; since 2018) within the framework of the operational program Integrated Infrastructure. The aims of those projects are to make the legal aid and progressively developing e-Government services more accessible to a greater number of existing and potential clients of the Centre, and to improve the effectiveness and quality of the provided legal assistance.

The main goal of the National Project 1 is to improve the provision of legal aid and to make it more accessible to socially and economically marginalized groups. As part of this project, the Centre established **three new offices**, hired 18 new employees and created **12 consultation stations**.

In 2020, the Centre introduced the use of **four methodologies**, which unify the decision-making processes regarding the provision of legal aid in civil matters, in the proceedings on discharge of debt, in foreigners related and cross-border matters. The methodologies were adopted as internal regulatory acts binding upon all employees involved in the provision of legal aid.

The opening of the **call centre in June 2019** was an output of the National Project 2 and contributed to greater accessibility to the services of the Centre and their effectiveness. In 2020, eight agents in collaboration with their supervisor processed 47 205 phone requests and on average 471 e-mail requests per month from citizens and collaborating attorneys.

In April 2020, the Centre re-designed and enhanced its website with novel interactive features such as office search functionality, online forms, new booking system, and FAQs section. The website is bilingual and is also accessible via mobile devices.

(see also information provided for the EU Justice Scoreboard)

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

- There have been no substantive changes regarding justice system expenditures in 2020. Expenditures (without expenditure on IT services):
 - 2019 = EUR 239,490,250
 - 2020 = EUR 250,301,883
- The salaries and social and health insurances of the judges and employees create a major part of these expenses. The average salary of a judge was adjusted to EUR 3,276 and the salaries of employees were raised by 10%.
- Expenditure on court proceedings (EUR 18 million), represent approximately half of the expenses on goods and services (including expenses on advocates, experts, notaries, bailiffs, interpreters, translators, witnesses and lay judges).
- Several judges terminated their office in 2020, with the right to the highest amount of the leaving allowance (age census). A total sum of EUR 5 million was paid in 2020 in severance payments and leaving allowances.
- Expenses related to securing performance of courts during pandemics - EUR 300,000 were paid above normal expenditures.
- More substantive changes in the financing of the justice system are expected in the future in relation to the reform of the court map. These changes are planned to materialise from 2022 and will have an impact on the 2022 budget of the justice in the sum of approximately EUR million and of EUR 12,4 million for 2023.

Number of Judges (31/1/2021)			
Court	Total number of Judges	Men	Women
Regional Courts and Specialised Criminal Court	384	147	237
District Courts	900	301	599
Total	1284	448	836

Number of employees at Regional Courts, District Courts and Specialised Criminal Court (31/1/2021)		
Function		Number of employees
Performance of judiciary	Assistants	1079
	Judicial Secretary	738
	Higher Court Official	1331
Other staff at general judicial department		464
Judicial treasury		55
Administration and management staff		914
Total		4581

(see also information provided for the EU Justice Scoreboard)

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

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

In 2020, the Judicial Academy changed and updated the methodology of trainings in the field of **soft skills** and, also in **professional ethics**, due to low trust in the judicial system and the functioning of the prosecutor's office. Education in this area follows the training requirements set out in the EJTN Handbook on Judicial Training Methodology in Europe, and particularly reflects requirements based in the Government's Program Statement. Both types of training are based on regional principles, so that one topic is widely spread among target group from every single region. That reflecting, the Academy

organized series of trainings in soft skills, for the judges, court staff and prosecutors, that continue to be provided in 2021. The intensified training in professional ethics will take place in 2021. The methodology of this training follows the internal documents of Judicial Academy on organization and realization of educational processes.

The year 2020 was the most dynamic year in the history of the Academy. The pandemic caused by COVID-19 required flexible measures and solutions and had a major impact on the planned training and organized events. In the first months of 2020, the Judicial Academy provided education in the premises of its headquarters in Pezinok, in the premises of the Detached Workplace in Omšenie, as well as in regional classrooms at the Regional Court in Košice and the Industrial Property Office of the Slovak Republic in Banská Bystrica. The planned events were carried out without restrictions only until 11 March 2020, when the Government declared the state of emergency in connection with the spread of COVID-19 and nationwide restrictions and bans resulting from the deteriorating pandemic situation began to be applied. In this context, we immediately took the necessary steps to continue to train and quickly switched from training in person to distance learning wherever the nature of the event allowed (including using the ZOOM application). Online teaching takes place in virtual classrooms. Changing to a different form of training did not affect the number of courses organized in 2020, because the training started to be more available to the target group.

In 2020, the Judicial Academy started special intense courses of legal English. These trainings are part of the national project funded by European Social Fund. The courses will continue to be provided in 2021, too.

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

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

Several projects are ongoing in respect of improvement of efficiency, modernization, and access to the Slovak judiciary via the use of new technologies:

- **Case management system** – new electronic forms were introduced in 2020. They relate to the temporary protection of entrepreneurs in financial difficulties. Providing temporary protection from creditors and supporting entrepreneurs in financial difficulties should enable them to continue their business and thus prevent, in particular, job and know-how losses and provide a higher level of satisfaction of creditors' claims. Ministry of Justice also introduced a form of a simplified "small bankruptcy" which represents a new accelerated process for resolving bankruptcy and restructuring agendas.
- **RES** (development of electronic judicial services) – The implementation of changes to UBUS has started in 2020 and is currently still ongoing.
- **e-Codex** – Slovakia takes part in the EU-wide electronic data exchange under the e-CODEX system, which was implemented in December 2020. It should become a new standard of international electronic communication once it is properly integrated with other systems
- **APD** – Speech to text transcription project was launched in 5/2020, a pilot testing of the APD system is underway and it has been improved by the use of neural networks (Artificial Intelligence).

The digitalization of justice and its modernization continues in pursuit of higher efficiency of justice. A **new IT department** was established at the Ministry of Justice. It will be in charge of (in-house) IT development for the justice sector. As a result, we expect more efficient and cheaper IT solutions in the future. An emphasis will be placed on development of two backbone IT solutions via development: the new Court Management System and the new Commercial Register.

The Reform of judicial map and digitalization of justice are the backbones of reforms under the Slovak Recovery and Resilience Facility in the Justice component.

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

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

Ministry of Justice does not have specific monitoring and evaluation tools for standard and regular assessment of courts. Ministry of Justice does not conduct regular surveys among court users or legal professionals. The introduction of assessment tools and standards (except the court statistics and their publicity) are included in the medium-term plans of the Ministry of Justice and its Analytical Centre.

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

- Time frames – measuring of time frames was realized in pilot courts (8 regional courts and one district court in each region). The results are currently being evaluated.
- Phases of proceedings – data were collected in agendas of civil and business cases at the pilot courts. The outcomes are currently being evaluated.
- Case weighting – assembling of data was interrupted due to COVID-19 pandemics, it was postponed twice, already. Results are expected in October 2022. Further information on development of the case weighting project in 2020 can be found in a Report, link:

<http://web.ac-mssr.sk/vazenie-pripadov/>

Progress regarding the **ICT systems**:

ZABIX – A system for monitoring of services has expanded recently - a new functionality has been added. It can detect whether the service is online or offline, monitors the number of processed queries, checks the functionality of workflows of connected services in real time.

16. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization

A draft amendment to **Act on the Seats and Districts of Courts, No. 371/2004 Coll.** introduces a **new court map**.

- The proposal is currently (from December 2020 and still in February 2021) in the inter-governmental review part of its legislative procedure (prolonged to allow a broader discussion and take into account further inputs from professionals).

- Main goals of reform of the court map are enabling for specialization of judges and courts and a strong focus on improving the random selection of judges to the cases.
- The content of the bill has been discussed by special working parties since 2017 and is based on CEPEJ recommendations.
- The specializations of judges, random selection, data on incoming cases and decided cases, expected efficiency of judges/courts, and commuting to courts were the major indicators considered when determining the size of the district covered by each general district court. The distance of each court to citizens was also taken into account, especially regarding the court hearings for vulnerable groups.
- The reform was prepared with 2016 - 2019 statistical judicial data, regional specifications, distance for citizens, time needed for the citizens to get to the court, public transport options, statistical data number of citizens, etc.
- New court map reduces the number of district courts from 54 to 30 and will introduce specialization of courts and judges. Number of appeal courts will be reduced from 8 to 3.
- 25 out of the 30 district courts will be dedicated only to the general agenda - general courts will be covering agendas of civil, criminal, and family law.
- From the remaining 5 district courts, will 4 courts will deal with business cases and 3 courts will be dedicated to administrative cases.
- The specialization of judges should lead to higher quality and better performance of the whole system and to more efficient utilization of resources. The second effect of the new judicial map could be interrupting the corruption bonds within justice.
- The number of judges will remain the same as it is now, but thanks to larger court districts, each court will have more judges. That is important to enable a better random selection of judges and limitation of corruption.
- As a minimum 3 judges will be specialized in every main agenda (civil, business, criminal, family) at each court.
- The reform of the judicial map was commented on by CEPEJ experts Mr. Stawa and Mr. Fabri: *“The methodology used by the Ministry of Justice which led to the current proposed reform of the Slovak judicial map is in line with both the CEPEJ Guidelines and the CEPEJ 2017 Assessment Report. Remarkable is the evidence-based approach used, which appears to have been particularly used for the design of the new first instance district courts.”*

C. Efficiency of the justice system

17. Length of proceedings

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

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

The data for 2020 will be available only after March 2021, so below we offer the most recent collected data – for 2019.

- **Criminal cases:** the published average lengths of proceedings for criminal cases in 2019 was 6,38 months, disposition time in criminal cases first instance courts was 119,3 days and the clearance rate in criminal cases first instance courts was 101,5%.
- **Civil cases:** the published average lengths of proceedings for civil cases in 2019 was 21,6 months. Disposition time in civil cases first instance courts was 153,4 days and the clearance rate in civil cases first instance courts 108,3%.
- **Family cases:** the published average lengths of proceedings for family cases in 2019 was 7,59 months. Disposition time in family cases first instance courts 141,5 days and the clearance rate in family cases first instance courts 102,41%.
- **Business cases:** the published average lengths of proceedings for business cases in 2019 was 24,28 months. Disposition time in business cases first instance courts 284,6 days and the clearance rate in business cases first instance courts 114,5%.

Other reforms

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

- Art. 131 (1) The possibility of dismissal of the claim for procedural reasons at the very beginning was abolished as a prevention of refusing the justice

Act No. 314/2018 Coll. on the Constitutional Court (as amended)

- §8 (4) introduced an obligation for the constitutional judges to find an agreement in the plenary and a quorum for either a positive or a negative opinion for a decision of any particular claim. The constitutional judges cannot abstain from voting.

Act No. 385/2000 Coll. on Judges (as amended)

- §34 (10) introduced a right of a judge to publicly comment on his decisions.

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

- introduced a competence of the Prosecutor General to initiate proceedings before the Supreme Court and the Supreme Administrative Court aiming at achieving **consistent interpretation of the law**.

A draft Act on Judicial Protection in Public Procurement

- published on 15 December 2020 and is now in a legislative procedure.
- Its aim is to shorten lengthy procedures of public procurement and to concentrate judicial deciding in these matters in administrative courts (inspired by the Austrian legislation).
- Substance of the proposed procedure represents a significant reduction of phases (instances) of examination (review) of the process of public procurement.
- The Office for Public Procurement will retain authority to impose fines for breach of law. An administrative claim can be lodged against its decisions on imposing of fines, to be decided by administrative courts.

Improvements in functioning of the Commercial Register

- On 11 January 2021 the Ministry of Justice proposed a draft of measures to be adopted to improve efficient functioning of the Commercial Register. The proposal provides a plan of legislative, IT, and organizational arrangements upgrading it to comply with the requirements of the 21st century.
- New system of the Commercial Register will function exclusively in electronic form and publicity of data on businesses registered, including the collection of documents and electronic communication with businesses and public administration.

Further plans

- It is planned in a longer-term horizon that the **structure of the Prosecution Service** will be adapted to the new court map.
- In respect of **improving the efficiency** of the judicial system, the Ministry of Justice plans to render the courts' administration more efficient and based on the principle of getting value for the money. Distribution of human as well as financial resources allocated to courts must reflect their real needs measured by detailed analysis of data and a thorough audit of the current state, respecting the recommendations of the CEPEJ.
- Interest of the Ministry of Justice is also to **relieve the Presidents of courts** from the workload connected to the administration of courts so that they can fully deal with the management of justice.
- In the **family law agenda**, there is a plan to introduce an **interdisciplinary approach** to decisions on children with the participation of psychologists, social workers, mediators, and experts. It should create better conditions for larger use of extra-judicial solutions, personal enquiry of the child by a judge in child-adapted premises supported by relevant methodology for enquiry of a child. A new rule will be introduced in order to convene the first meeting with parties within a month from the application.

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

- COVID information relevant for the judiciary is regularly published at the website of the MoJ (<https://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>)
- COVID information relevant for the cross-border cooperation is regularly submitted to the EU via the EJM in civil and commercial matters and the EJM in criminal matters.
- This information is published via the European e-Justice Portal (https://e-justice.europa.eu/content_impact_of_covid19_on_the_justice_field-37147-en.do),
- Detailed COVID information regarding judicial cooperation in criminal matters is kept by the Eurojust.

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

- JUDr. Ján Šikuta was elected as the President of the Supreme Court (20 May 2020)
- Prof. JUDr. Ján Mazák, PhD. was elected as the President of the Judicial Council (20 June 2020)
- JUDr. Ján Hrubala was appointed as the President of the Specialized Criminal Court (9 August 2020)
- JUDr. Maroš Žilinka, PhD. was appointed as the General Prosecutor (10 December 2020).
- JUDr. Daniel Lipšic, LL.M was elected as the Special Prosecutor and took function the after taking the oath in the hands of the Speaker of the Parliament (15 February 2021).

II. ANTI-CORRUPTION FRAMEWORK

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

To react to the points raised in the 2020 Rule of Law Report:

- **Limited capacity to prosecute high-level corruption and unsatisfactory resources of the Special Prosecutor Office.**
 - On 10 February 2021, the Government of the Slovak Republic approved a proposal increasing number of staff and prosecutors in the Special Prosecutor's Office (by its decision No. UV-1860/2021). Number of Prosecutors will raise to 35, number of other specialized staff will raise to 17 experts.
 - Divisions and sub-divisions will be created at the Office to deal with different types of

corruption and criminality. Currently, the corruption division of the Department of General Crime of the Office will consist of 1 head prosecutor and of 9 prosecutors.

- The Office was supported by a sum of extra approx. EUR 1,3 millions in February 2021 to realize this reform in a short time (see also: <https://rokovania.gov.sk/RVL/Material/25698/1>)

- ***Low numbers of prosecution of the high-level corruption cases***

- The below list of current serious corruption cases demonstrates that from 2019, the number of cases in which high-ranking individuals are specifically prosecuted and even in most cases prosecuted for corruption in connection with money laundering has increased rapidly.
- This is due to both - a more proactive approach by the police and the fact that the prosecutor's office is putting pressure on the police to focus on detecting more serious forms of corruption and to pay less attention to petty corruption.
- From 2019, despite the persistence of some systemic problems, there has been a significant improvement in the detection and prosecution of serious corruption offenses, linked in several cases to the laundering of the proceeds of crime. This can be quite clearly documented in the following criminal cases, which were implemented in 2019 and 2020:

1. In 2019, the Prosecutor raised charges against two natural and three legal persons for the continuing crime of accepting a bribe under Section 329 in conjunction with the continuing particularly serious crime of money laundering under Section 233 of the Criminal Code, which occurred at least since 2017. This regarded ensuring appointment of xx to the position of the head of the District Office in Bratislava, Department of Environmental Care in order to obtain unjustified property benefit for themselves. XX ensured, through his other subordinate employees, preparation of documents and making favourable decisions and opinions, the signing of which by XX were conditioned by providing a bribe.

2. Furthermore, in 2020, several natural persons and legal entities were charged with the continuing crime of accepting a bribe committed in the form of participation in parallel with the continuing particularly serious crime of money laundering. From 2017 until March 2020, in Bratislava and other places in the territory of the Slovak Republic and in the territory of the Federal Republic of Austria, the persons joined together for the purpose of committing corruption crimes, as well as committing the legalization of proceeds from crime, where xx employed as the General Director of the Agricultural Paying Agency (PPA), as a person with jurisdiction in proceedings before the PPA, with the intention of awarding an unjustified property benefit for himself as well as for other natural persons or for legal entities managed by them, ensured the issuance of positive decisions on the approval of non-repayable financial contribution („NFP“), which were conditioned by the provision of cash as a bribe. Some of the accused were taken into custody for the said crime.

3. Another case in which charges were raised in 2020 for the crime of accepting a bribe by money laundering as well as manipulation of public procurement, is the case of the reserves, which was supposed to be committed in a corruption and legalization procedure by having until 2020, as the chairman of the authority for governance of state's material reserves, together with other officials acting on behalf of the authority, within the exercise of their powers arising from their functions concerning selection of specific suppliers and conclusion of commercial-legal relations, or contracts, repeatedly by procedure in violation of Act no. 343/2015 Coll. on Public Procurement purposefully influenced the announcement and course of public procurement. For the promised property benefit from future suppliers, they manipulated market research to determine the estimated value of the contract, purposefully adjusted the tender documents to suit a particular future supplier etc. The accused were prosecuted in custody.

4. Another criminal case, when in 2020 an indictment was filed for the offense of bribery in conjunction with the crime of legalization of income from crime. It is a criminal case which results from accused xx

and xx offered a bribe to xx currently holding the position of First State Secretary of the Ministry of Agriculture and Rural Development of the Slovak Republic, in the form of providing 5% of the value of the bid submitted in public procurement within the project entitled "Central Data Repository ÚKSÚP - comprehensive project for data management" in the amount of 1,497,614.40 Eur, for which the in the position of state secretary would ensure the continuation of public procurement, announce the winner of public procurement and their company and then sign a contract for the implementation of the project.

5. It is also necessary to mention the criminal case concerning the state enterprise Lesy Ltd., where the act consists in the fact that in 2019, the xx in the position of sales director of the company Lesy SR (Forests of the SR), together with xx requested from xx a bribe in the form of cash for the fact that a Framework Agreement will be signed with the company J Ltd., as the winner of the public tender announced in the Public Procurement Journal, where the value of the bribe was determined at 13% of monthly invoicing. The agreed amount pursuant to Framework Agreement 1607 was in the amount of € 1,624,200 excluding VAT and, subsequently, pursuant to Framework Agreement 1608, in the amount of € 2,120,600 excluding VAT in the period from March 31, 2019 to March 31, 2020, a total of € 122,253.59 was provided as a bribe.

6. In the years 2019 to 2020, serious corruption offenses were detected in the field of justice, as several cases of corruption of judges in several courts were charged in several cases. A total of 18 judges in the Bratislava Regional Court and 4 judges in the Žilina Regional Court were charged with the crimes of accepting a bribe under Section 329 of the Criminal Code, bribery under Section 333 of the Criminal Code, and abuse of power by a public official under Section 326 of the Criminal Code, a part of them is or was prosecuted in custody. The acceptance of bribes was directly related to the decision-making of these judges in specific criminal and commercial court proceedings, while the bribes received were to be decided in the cases assigned to them for the benefit of the bribing persons.

7. In 2020, as part of an extensive investigation into a criminal group called "Takáčovci", the connection of its highest representatives to persons from the police environment, as well as the Special Prosecutor, was found. In this context, charges were gradually raised of criminal offenses of accepting a bribe by current as well as former police officers who, for a financial reward, disclosed information from the law enforcement authorities towards a given criminal group.

The Special Prosecutor was also charged with accepting a bribe of Section 329 of the Criminal Code who, within the scope of his competence for financial remuneration, assisted in the release of a leading member of the said criminal group.

8. In 2020, the former President of the Police Force was indicted for the continuing crime of accepting a bribe under Section 329 of the Criminal Code (in two acts from 2014 - 2019 the amount of € 526,000 - but committed suicide in custody). In addition the former director of the Special Police Activities Department was accused of accepting bribes for his activities for the so-called criminal group called „Sýkorovci“(providing information from the police about members of the group during several years) and for the ongoing crime of accepting a bribe in two acts 2014 - 2019 in the amount of € 36,000. In addition, the SIS Deputy and the Head of the Operations Department (Financial Police) NAKA BA, Deputy KÚFS were both charged with ongoing crimes of accepting a bribe (providing information obtained by their activities to the subjects under investigation. The Head of the Operational Department of the Financial Police, together with his wife (prosecutor KP BA) and one of their family members were also accused of money laundering (minimum € 450,000). Another high-ranking SIS (Slovak intelligence office) official was accused of extortion. They were all receiving financial means in connection with the acquisition of information, on the basis of their job classification for the benefit of the entities that were the target of the investigation, or operational development on individual components.

9. In 2020, serious corrupt crime in the area of the Police Force was detected and clarified, which was to be committed mainly in the years 2013 to 2018, including the highest representatives and officials of the Police Force and the National Criminal Agency. This is a case with the working title "Purgatory", in which a total of 21 persons were charged, in 10 cases they were current or former members of the Police Force and in one case it was a former director of the Criminal Office of the Financial Administration. Persons were charged with several criminal offenses, namely corruption offenses, the offense of abuse of power by a public official, but also the crime of establishing, plotting and supporting a criminal group. Initially, 6 people were taken into pre-trial detention in this criminal case. The crime of corruption was to consist mainly in influencing criminal proceedings in favour of suspects and accused persons, but also in unauthorized research and in unauthorized surveillance. The subject of the investigation is also disclosure of information of criminal proceedings and operational files in favour of third parties who could not claim access to such information. As far as corruption offenses are concerned, bribes ranged from a few thousand to hundreds of thousands of euros. The highest documented bribe is at the level of 400,000 euros, but there is also a suspicion of other, even higher, amounts. The investigation was launched on October 22, 2020, and it continues intensively, as evidenced by the fact that on February 15, 2021, charges were filed for another 9 acts. Thus, a total of 19 acts are currently being investigated, but there are suspicions for other acts as well.

10. The case of the TV Markíza bill of exchange. Finally, a very serious criminal case was the case of TV Markíza bills of exchange. This case is perceived by wide public as the first serious fraud case that has been finally decided, that involves people who had at the time being an influence in state politics. In the case, Marián Kočner and Pavol Rusko were charged with the crimes of counterfeiting, falsification and unauthorized production of money and securities in a single action with the crime of obstructing justice in the form of complicity for falsifying four bills of exchange on Markíza and in 2016, on this basis began to collect 69 million euros from TV Markíza. In this criminal case, on February 27, 2020, the Specialized Criminal Court issued a verdict in which it found both, Kočner and Rusko, guilty and sentenced them to 19 years in prison. On January 12, 2021, the Supreme Court of the Slovak Republic upheld the above-mentioned judgment of the Specialized Criminal Court, and thus the conviction against both accused is final and valid. Mr. Rusko was perceived as an influential public personality, a former director general and a co-owner of the TV Markíza (1995 – 2000) and a politician (in 2001 – 2006), a former Deputy Prime Minister and Minister of Economy, although he was not in the executive functions anymore when he falsified the bills of exchange of the most popular television company of those times. Mr. Kočner is perceived as a famous "behind the scenes of the politics" person, alleged of ordering the murder of the journalist and his fiancée, among other charges.

18. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant), e.g. in table format.

Corruption Prevention Department of the Government Office of the Slovak Republic had 6 employees (civil servants) and a director until the end of February 2021. Since 1 March 2021 one place was cut down and up to date it has 5 employees and a director. There is no particular budget for preventive activities of the department.

B. Prevention

19. Integrity framework including incompatibility rules (e.g.: revolving doors)

Government Office works on the project of Public Integrity Review in partnership with the OECD. Integrity indicators arising from the OECD Recommendation on Public Integrity are being reviewed

with regard to their implementation in the Slovakian civil service. Additionally, the updated National Anti-Corruption Programme contains measures to enhance the public integrity across the civil service sectors. The issue of revolving door is included in the Government Policy Programme 2020-2024. Adopting a legislative regulation thereof is foreseen in the updated National Anti-Corruption Programme.

20. General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

For the time being, lobbying is not provided in the Slovakian legislation. Nevertheless, following the Government Policy Programme 2020-2024 adopting the regulatory rules for lobbying is envisaged in the National Anti-Corruption Programme. Additionally, regulatory provisions on asset disclosure are also envisaged in the Anti-Corruption Programme.

22. Measures in place to ensure whistleblowers' protection and encourage reporting of corruption

On 5 February 2021, Mgr. Zuzana Dluhošová was elected the Head of the Office for the Protection of the Whistleblowers by the National Council following the pre-selection hearings of the candidates. Therefore, the whistleblowers can report the breaches of rules much easier and the Office can provide them a more effective assistance to protect them.

In 2020 a criminal activity of a group of people linked with law enforcement bodies was revealed and documented on the grounds of a criminal activity investigation of a criminal organization, while the hierarchically highest persons from the Police Force, Slovak Information Service, Financial Administration Criminal Office, and Special Prosecution Office of the General Prosecutors Office of the Slovak Republic were accused of organized crime and corruption offences. The organized group was allegedly managed by a person running business in the area of private security, mainly focused on gaining financial profit by the means of prejudicing criminal proceedings, or more precisely by ensuring the criminal proceedings were not held or initiated.

In the course of the respective period, uncovering, documenting, and investigating of various groups comprised of the persons from the justice and judiciary system continued, whose suspicion of corruption offences emerged from the investigation of premeditated murder of Ján Kuciak and Martina Kušnírová. The peril of these organized groups stemmed from the fact it was comprised of persons with a decision-making power on the highest levels in law enforcement authorities, and the judiciary system, whose principal task originating from their role and position is to enforce respect for laws, establish law and order and, last but not least, fortify the democratic principles in the Slovak Republic.

23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

- Infrastructure and construction, in particular “green” renovation of buildings
- Agriculture
- Environment (esp. projects related to tackle the climate change)
- Healthcare
- Government procurement and investment

Each sector should implement corruption risk management. To reduce the space for corrupt behaviour and the space for corruption, a dedicated IT application has been developed and is implemented across the sectors. The application consists of a number of modules that help to identify corruption risks in the areas such as transparency, discretionary power, integrity, due diligence, accountability, conflict of interest, clientelism, job positions, processes, familiarity with the anti-corruption rules etc. The modules can be tailored to a specific area and are expandable. The application evaluates the corruption risks automatically and is able to generate the proposals for related measures. The electronic questionnaire is anonymous and, additionally, the respondents have the possibility to suggest measures to mitigate and/or eliminate the corruption risks. This application prepared by the Corruption Prevention Department of the Government Office of the Slovak Republic can be used in any public institutions for free.

The Covid-19 pandemic brought, apart from other negative impacts, also an opportunity for those trying to take the advantage of the situation to unlawfully make a fortune by the means of corrupt and illicit practices. In order to avert this phenomenon, it is necessary for public authorities to establish and implement into practice measures of good administration, effective anti-corruption mechanisms with corruption risk management application, strengthening integrity culture.

Owing to corruption risk elimination and the related criminal activity associated with Covid-19 pandemic, the Police Force established a mechanism of reporting, registering, and assessing of criminal offences committed in relation to the Covid-19 pandemic. The contact point to report the suspicion of the criminal activity in question is the Criminal Police Bureau of the Presidium of the Police Force.

Furthermore, the Anti-Corruption Hotline proceeded by the Corruption Prevention Department of the Office of Government of the Slovak Republic is available in workdays for free in order to report any suspicion for corrupt behaviour by Slovak citizens.

Another measure is also an establishment of LiveChat on the webpage with online consultation-<https://prevenciakriminality.sk/clanok/7-protikorupcna-politika/148-protikorupcnym-programom-chceme-dosiahnut-doveru-obcanov-vo-verejne-sluzby> and educational activities for the employees of the Ministry of Interior of the Slovak Republic via online expert workshops in the area of corruption prevention.

24. Measures taken to address corruption risks in the context of the COVID-19 pandemic

Anti-corruption Policy of the Ministry of Interior of the Slovak Republic and of the Police Force

Anti-corruption coordinator from the Crime Prevention Department of the Office of the Minister of Interior of the Slovak Republic was assigned to fulfil the tasks of the document titled Anti-corruption Policy of the Slovak Republic for Years 2019-2023 (Protikorupčná politika Slovenskej republiky na roky 2019 – 2023) and in coordination with him the Anti-corruption Program of the Ministry of Interior of the Slovak Republic for years 2019-2023 (Protikorupčný program Ministerstva vnútra SR na roky 2019 – 2023) was drawn up.

The National Criminal Agency of the Presidium of the Police Force was appointed as the main authority of anti-corruption policy due to their corresponding competence, on behalf of the Presidium of the Police Force, under whose scope of authority the Action Plan of Fight against Corruption for Years 2019-2023 ((hereinafter the Action Plan) Akčný plán boja proti korupcii Policajného zboru na roky 2019 – 2023) was drawn up.

Elimination of potential corruption threats in relation to the Action Plan and also of the loss of credibility of the public towards the Police Force of the Slovak Republic is determined by thorough adherence to anti-corruption policy principles on national and ministerial level with the preference of a personal approach and involvement of every individual in prevention of new corruption risk trends, their debilitation and elimination, as well as boosting the professional ethic, morale and integrity culture.

Other measure in the area of police criminal activity prevention is also lecturing activity at secondary schools of the Police Force and the Academy of the Police Force in Bratislava, specialized in clarifying the causes and circumstances of police criminal activity commission, pattern of criminal offences, and particular cases of police criminal activity, adherence to the Ethic Code of the Police and the European Code of Police Ethics.

Corruption Risk Management

Anti-corruption policy implementation and enforcement, and effective anti-corruption program establishment are supposed to ensure corruption risk management and strengthen the integrity in the public administration. Corruption risk assessment, their impact on the activity, objectives and credibility of the public authorities is a continuous process, within which the adopted measures must be monitored and evaluated in order to improve the system of prevention and elimination of new corruption risks.

For that purpose under the auspices of the Ministry of Interior of the Slovak Republic, Regulation of the Minister of Interior of the Slovak Republic no. 56/2020 of 18 May 2020 was issued supplementing the Anti-corruption Program of the Ministry of Interior of the Slovak Republic for years 2019-2023 with mechanisms of internal inspection of corruption risk management, with the obligation to assess and update corruption risks at least once a year, together with a draft of particular measures to eliminate them.

Preventive Anti-corruption Projects of the National Criminal Agency of the Presidium of the Police Force

The National Criminal Agency of the Presidium of the Police Force also participates in the international project titled IntegriSport Erasmus+ originating from the initiative of Counter Sport Corruption Foundation for Sport Integrity. The project is conceptually aimed at implementation of the Council of Europe Convention on the manipulation of sports competitions, as well as at determination of referential framework and standards for law enforcement authorities, with the preference of prevention strengthening and fight against the manipulation of sports competitions so called match fixing.

Apart from the Slovak Republic the law enforcement authorities, sports associations and betting companies from Cyprus, Finland, Hungary, Lithuania, Netherlands and Portugal also participate in the project. Project activities are aimed at training and raising awareness of the manipulation of sports competitions, as well as the professional research conducted according to the national requirements and international cooperation in the area of prevention and fight against the manipulation of sports competitions. Information about the project of IntegriSport Erasmus+ is published on the webpage: www.integrisport.org .

26. Criminalisation of corruption and related offences

Act No. 312/2020 Coll. on Forfeiture of Assets and Management of Seized Property (effective from 1/1/2021)

- The act implements several European and international recommendations in the area of forfeiture procedure and management of the seized property. The expected effects are to take the burden of handling such assets from other law enforcement agencies and to avoid that the assets would be legalized through transfers.
- A new body/office is being established with view of increasing effectiveness of the system.
- A selection procedure for a director of the new Office for Management of the Seized Property was launched on 13 January, with the possibility to submit applications until 2 February. The management of this new office will be selected by a Commission composed of seven members (from Ministries of Justice and Finance, Prosecutor General, Special Criminal Court)

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

- §83a Introduced a possibility of **seizing** a part of **assets**, based on court's decision, also applicable towards assets that were transferred to close relatives.
- §233 and §233a Introduced a **crime of legalisation of proceeds from criminal activity**,
- §336c a §336d New **crime of accepting and granting of an undue advantage (sweetening of officials)** aims at broadening the conceptualization of corruption and corrupt behaviour. It aims mainly at public officials and makes it illegal for them to receive any kind of favours, services or undue advantages, which could lead them to make a more favourable decision for the provider of such advantage.
- §326a **Crime of abuse of law (bending the law)** aims to tackle situations when an official with the decision-making authority (judge or arbiter) rules clearly against the law.

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

- amendments relevant to application of changes to the Criminal Code and introduces a new part of the law on the **seizure of criminal tools and gains** (§§89 to 98a) enabling the prosecutors to seize these already in the preparatory proceedings. (with effect from 1. 1. 2021)

Act No. 161/2015 Coll. on Civil Non-Contentious Proceedings Code (as amended by Act No. 68/2021 Coll.)

- changes aimed at improvement of protection of the right of ownership from usucaption (the acquisition of a title or right to property by uninterrupted and undisputed possession for a prescribed term).
- By new rules an approval with notary's stamp will not be enough for adverse prescription of a land. Approving of the usucaption will be transferred from notaries to courts
- This change represents a reaction to many cases of speculative transfers of lands that occurred, abusing the institute of usucaption behind the backs and without knowledge of real property owners. The new law can deter corruption in the field of transactions with lands

27. Data on investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

The National Criminal Agency of the Presidium of the Police Force as a law enforcement authority is obliged to secure operative uncovering and investigating of all suspicions of corruption offences, financial criminality, money laundering, frauds, tax evasions, criminal offences against financial interests of the EU and other criminal offences within their scope of authority in order to punish the perpetrators of these criminal offences.

The National Criminal Agency of the Presidium of the Police Force acquires the information about the suspicions of corruption offences on the grounds of notification of a particular person (whistleblower, journalist, member of a citizens' association, and other natural or legal person) based on the

information obtained by their own operative and analytical activity (an incentive for such an activity can be information from the media, social networks, anonymous notifications etc.) as well as the knowledge provided by other authorities, especially units of the Police Force, Slovak Information Service, National Security Authority, and Supreme Audit Office.

Analysing the activity in the area of uncovering indicates apart from standard processing of data, information and anonymous notifications, it is inevitable to aim the effort of operative workers at long-term documentation of cases and corresponding penetration into the sphere where corruption can be found without question, but individual subjects of the corruption pattern succeed in concealing it in terms of legal and commercial relationships. It mainly concerns the manner, in which the resources from public procurements are handled; non-repayable financial resources from the EU budget are disbursed within particular ministries, government and local authorities and their subordinate organizations.

Corruption offences can be characterized by sophisticated ways in which they are committed and concealed, therefore investigative operational activity requires professional and inventive approach by the police working in this area. Its successfulness is considerably affected by the quality of selected persons cooperating with the Police Force and the ability to penetrate into the ambiance of committing criminal offences. Also thanks to the application of analytical instruments and procedures we managed to reveal until now highly clandestine corruption offences committed in the area of forest management and providing the compensations of immovable properties within restitution proceedings.

Conducting a simultaneous financial investigation has been found valuable, especially aimed at transfers of financial resources on bank accounts, verifying the circumstances of suspicious property acquisition not corresponding with declared incomes; together with multivariate analysis of legal and commercial relationships arousing suspicions their sole purpose is to veil previous corruption activities or legalize the incomes from corruption activities.

Analysing the activity to date in the area of uncovering and investigating of corruption offences indicates corruption offences in the past years were prevalent and preserved in the areas of healthcare, education, government and local authorities (justice, prosecution offices, technical inspectors, municipal cadastral offices, building authorities). These were the cases of corrupt practices of employees in government and local offices, but also other spheres, where the stated persons requested bribes for the abuse of their roles or posts in order to provide unlawful advantages of various types to natural and legal persons.

Application of sanctions in corruption cases

- Data of condemned persons for corruption criminal offences were last published in yearly court decisions' statistics for the year 2019. The data for 2020 have not been processed, yet and will be available after March 2021.
- For the year 2019 altogether **62 persons** were condemned for the corruption crimes under the Criminal Code §328 to 336b, in the country.

The Special Prosecutor's Office proceedings related to corruption in 2019 and 2020

- In 2020, there was a significant increase in the number of prosecuted and convicted corruption cases. Compared to 2019, when a total of 140 corrupt cases were prosecuted, in 2020 the number of prosecuted corruption cases increased to 192. The number of defendants increased from 83 to 124 and the number of convicts increased from 87 to 118.
- At the same time, there was also a significant change in the quality and composition of prosecuted corruption cases compared to previous years. While until 2019 the composition of prosecuted corrupt criminal cases consisted largely of less serious small bribes leading to

lower state positions, in 2020 **several high-ranking state officials were charged** (State Secretary of the Ministry of Justice, Chairman of the State Material Reserves Administration, President of the Police Force SR, director of the National Criminal Agency, director of the Criminal Office of Financial Administration, director of the national financial police unit NAKA, director of the Agricultural Paying Agency (direct connection with the misuse of subsidies from the EU funds), director of the State Enterprise Lesy SR (SK Forests) and other high-ranking persons.

- A total of 22 judges were also charged with corruption. Another important fact to consider, is that criminal prosecutions are not only conducted for corruption offenses, but also, for example, for related money laundering.

28. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

Offenders' conduct and the ways of committing corruption offences are constantly evolving, their offenders, mainly on the basis of knowledge from commonly known affairs from media, commit these offences with more caution, clandestinely, where the bribe is provided or more precisely obtained under various pretexts, use secret expressions used on daily basis or the assistance of confidential persons, thus impeding the National Criminal Agency of the Presidium of the Police Force to uncover and investigate such offences.

In principle, it is possible to repeat what has already been said during the previous evaluation phase. The low level of detection and clarification of serious corruption cases, in which the laundering of assets generated by corruption can also be expected, was due to the low level of the National Anti-Corruption Unit's own operational and especially analytical activities in the period under review. As part of its operational activities, the National Anti-Corruption Unit focused, and partly successfully detected, in particular, less serious cases of corruption in state (public) administration offices, technical inspection stations, police checks, doctor's outpatient offices and the like, where perpetrators accept bribes repeatedly, but, basically, in relatively small amounts and in connection with the processing of its regular work agenda. However, the operational and analytical activities of the police focused only marginally and with little efficiency on detecting complicated corruption schemes in public procurement, processing subsidies from the budget of the Slovak Republic and the European Union, high-value public procurement and similar serious matters and where there is a huge waste of public finances.

One of the main reasons for the low effectiveness of detecting such corruption is in particular the fact that the analytical component of the police, which should (already and especially in the initial stages of suspicion) perform financial flow analyses and identify personal and property links between suspects, in order to develop a clear picture of , whether a particular suspicious operation may be potentially beneficial to persons who have influenced, and continue to fail, decisions on the relevant contract, grant or other use of public resources.

The police operational components, among other issues, encounter not only a lack of professional staff, but also legislative problems, when, for example, a police officer is not authorised (within the operational stage of investigation of corruption) to request banking information related to suspected persons in accordance with § 29a par. 4 of Act no. 171/1993 Coll. on the Police Force, as amended, despite the fact that in some other criminal offenses (tax evasion, illegal financial operations, or in the legalization of proceeds of crime) police officers have such authorization. The central register of bank accounts in the Slovak Republic still does not exist.

In 2019, even in a specific criminal case, when performing prosecutor's supervision in corruption

criminal cases, the prosecutor of the Special Prosecutor's Office found that the NAKA's National Anti-Corruption Unit investigator had requested the relevant unit of the National Financial Police Unit (NAKA) to carry out financial investigation on specific suspected persons in relation to a possible corrupt crime. Subsequently, however, the Director of the National Financial Police Unit (NAKA) rejected the request on the grounds that financial verification and asset profiling would not be carried out because there was a suspicion of criminal offenses that did not cause major damage and did not involve particularly serious crimes, therefore such verification would be, with regard to the purposes of consistent application of § 119 par. 1 letter f) CCP manifestly disproportionate and unjustified, as a result of which this unit refused to carry out the required financial investigation. The Special Prosecutor pointed out the above-mentioned shortcoming in writing to the Presidium of the PZ, and only on the basis of this notification was an immediate action has been taken and it was generally permitted to conduct financial investigations in corruption cases as well.

This case documents that in 2019 (after the adoption of a series of measures in the field of financial investigation), but of course especially in previous years, the detection of complicated corruption cases encountered various artificial restrictions within the police organization.

In regard to the reporting of corruption from other state bodies, it shall be mentioned that, during the monitored period, only a very small amount of relevant information that would lead to the detection of corrupt criminal cases came to the National Anti-Corruption Unit, from other components/units of the police, SIS, National Security Office, Supreme Audit Office, or the Financial Intelligence Unit. Closer cooperation with these bodies could lead to much greater efficiency in detecting and documenting corruption. Even there has been some indication this cooperation between some of the above-mentioned units and the anti-corruption component of NAKA is improving, in recent months, but it will be necessary to set up the entire system of cooperation so that each of these bodies participate in detecting possible corruption offenses within its competence and regularly. One of the key roles in this mechanism could probably be played by the Financial Intelligence Unit. Such co-operation across public authorities can lead to a significant increase in the detection of corrupt criminal cases

III. MEDIA PLURALISM

A. Media authorities and bodies

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

According to § 4 of the Act No. 308/2000 Coll. on broadcasting and retransmission and on changes of the Act No. 195/2000 Coll. on telecommunications (hereinafter as the "Broadcasting and Retransmission Act") all activities of the Council for Broadcasting and Retransmission (hereinafter as the "Council") resulting from its position and its scope are carried out by the members of the Council. Employees of the Office of the Council ensure the agenda connected with activities of the Council. To ensure an increase in quality in the election process of the members of the Council, provisions of Broadcasting and Retransmission Act related to the Council's composition have been amended. According to the new provisions the National Council shall elect the members of the Council after a public hearing of the candidates. The public hearing of the candidate shall be conducted by the relevant committee of the National Council. The public hearing shall be broadcasted live on the National Council's website.

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

Media councils and self-regulatory bodies represent independent entities having their own competences. The Ministry of Culture of the Slovak Republic (hereinafter as the “Ministry of Culture”) does not monitor their existence and functions. In general, it can be pointed out, that the state regulation in the field of radio and TV broadcasting, retransmission and on-demand audio-visual media services is executed by the Council for Broadcasting and Retransmission. The tasks and the powers of the Council are stipulated in the Broadcasting and Retransmission Act.

According to the section 5 of the Broadcasting and Retransmission Act the Council's competence shall also include co-operation with self-regulatory bodies in the area of broadcasting, retransmission and the provision of on-demand audio-visual media services for the purposes of creating effective self-regulation systems.

As mentioned in the input for the 2020 Rule of Law Report, when establishing the sanctions for individual breaches of the legislative provisions, the legislative framework in Slovakia allows the Council to take into account the sanctions that have been established in a parallel examination by the self-regulatory bodies. However, this is not applied in practice yet.

The Advertising Standards Council (hereinafter as the “ASC”) represents an advertising ethical self-regulation body in the Slovak Republic. The mission of ASC is to secure and promote the dissemination of honest, appropriate, decent, legal and truthful advertising.

Ethical self-regulation of journalists is overseen by the Print-Digital Council of the Slovak Republic as the executive body of the Association for the Protection of journalistic ethics. The Print-Digital Council deals with complaints about the possible violation of journalistic ethics, as well as motions concerning restraint of the journalists’ access to information.

In this regard, it should be noted that in 2020 the Ministry of Culture began the legislative process of adopting new legislation in the field of media by publishing preliminary information on the draft bill which will ensure the transposition of the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-visual Media Services Directive) in view of changing market realities, into the Slovak legislation. The aim of the new legislation is to improve and implement self and co-regulatory mechanisms with regard to the protection of minors, commercial communications and the protection of the general public from harmful and hateful content at national level. It is expected that the transposition process in the Slovak Republic will be ended in September 2021.

B. Transparency of media ownership and government interference

Information regarding the transparency of media ownership and government interference provided in the input for the 2020 Rule of Law Report is still relevant. It needs to be underscored that new media legislation transposing the revised Audio-visual Media Services Directive will also include rules for ensuring transparency of media ownership and measures providing for media service providers making information concerning their ownership structure, including the beneficial owners, accessible. The Council regularly publishes lists of broadcasters and providers of on-demand audio-visual media services, as well as its decisions related to the broadcasting licences on the Council’s website.

C. Framework for journalists' protection

33. Rules governing transparency of media ownership and public availability of media ownership information and 35. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

Ensuring access of the general public, including journalists, to the information of particular institutions of the public sector transparently is generally considered as one of the most effective instruments of

fight against corruption. Free access to information effectively eliminates the places where corruption might arise; affects the transparency in a fundamental way, and increases the risk of its uncovering. In the past years the Slovak Republic has considerably strengthened the area of transparent publication and free access of information of the public administration for journalists and general public. In particular via Act no. 211/2000 Coll. on Free Access to Information and on Amendment and Supplementation of Certain Acts as amended (Act on Free Access to Information), and Act no. 315/2016 Coll. on Register of Public Sector Partners and on Amendment and Supplementation of Certain Acts as amended.

Currently the Slovak Republic can exercise amended Act no. 54/2019 Coll. on Whistleblowers Protection and on Amendment and Supplementation of Certain Acts, in addition to the transposition of the Directive (EU) 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union law.

In accordance with the prepared act amendment, the whistleblowers will be able to publish information about suspicion of antisocial activity also via journalists. The Act determines circumstances under which potential whistleblowers will be provided legal certainty while publishing the information and the protection from retaliation. Providing protection to the whistleblowers as sources of information for journalists will create legal conditions for a positive impact and support of journalists' activities, increased efficiency of conditions for freedom of media and strengthening of democratic principles in the Slovak Republic.

34. Rules and practices guaranteeing journalist's independence and safety

Last year, we mentioned in our statement that the Ministry of Culture puts great emphasis on respect for media freedom and independence and that protection of journalists is still a topical and not less intensively discussed issue, thus the Ministry of Culture plans to continue focusing on this topic.

After the parliamentary elections in 2020, it was concluded that on the occasion of legislative changes in the field of media, the Ministry of Culture will once again address the issue of protection of journalists, including defining their status and work, horizontally for all types of media, including the legislative grasp, which actually do not fall into the regulation of the so-called press law valid in the Slovak Republic.

Therefore, the Ministry of Culture is currently preparing new legislation that will ensure the free and safe practice of the journalistic profession and guarantee the protection of journalists' sources in addition to traditional media in the digital environment, as well as access to information without discriminatory and unjustified restrictions. The legislative process is expected to be completed in the autumn of this year.

Journalists also turn to law enforcement authorities in cases they seek to protect their rights when suspecting an unlawful assault related to their activity. In case the law enforcement authorities are requested to ensure security for journalists or to investigate assaults against journalists, too, all such requests, even those submitted anonymously, are, in accordance with legal regulations, registered, thoroughly investigated, adequately assessed and adjudicated by a corresponding law enforcement authority according to the relevant legal regulations.

Future plans: Changes to the crime of defamation (in relation to journalists) is being reflected upon at the Ministry of Justice.

37. Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

Data are not being collected.

Other developments related to the journalists and media

In the case of Ján Kuciak's murder, the following changes took place during 2020:

- The specialized criminal court in Pezinok issued a verdict by which the cooperating accused Zoltán Andruskó was sentenced to 15 years on the basis of an approved agreement on guilt and punishment.
- For the other accused, the Specialized Criminal Court in Pezinok, after the main hearing, issued a verdict by which the executor of the murder, Miroslav Marček, who confessed to the crime, was legally convicted and sentenced to 25 years imprisonment.
- The assistant deputy, Tomáš Szabó, was found guilty of a particularly serious crime of assassination and sentenced to 25 years' imprisonment - he filed an appeal - awaiting the results of the appeal proceedings.
- Marián Kočner and Alena Zsuzsová were acquitted by the court of the first instance, against which the prosecutor filed an appeal. The criminal case is currently awaiting the results of the appeal proceedings.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

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

Legislative process is public and takes place on the portal of www.slov-lex.sk, it follows above all the provisions of Act no. 350/1996 Coll. on Rules of Procedure of the National Council, of Act no. 400/2015 Coll. on Lawmaking Regulations, legislative rules of lawmaking (approved by the National Council) and legislative rules of the Slovak Government:

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1996/350/20210101>

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/20210101>

https://www.nrsr.sk/web/Static/sk-SK/NRSR/Doc/zd_lptz.pdf

https://www.vlada.gov.sk/data/files/7912_uplne-znenie-legpravvladysr-v-zneni-uzn-vlsr-z-15-jula-2020-c-466.pdf

Assessing the impact is conducted on the grounds of Uniform Methodology for Particular Impact Assessment approved by the government:

<https://www.mhsr.sk/uploads/files/we49FwHx.pdf>

Pursuant to the Act on Lawmaking Regulations prior to the initiation of legislative proposal making, in order to inform the public and public administration bodies advance information is published on the portal www.slov-lex.sk on the prepared legislative proposal:

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/20210101#paragraf-9>

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

The fundamental rules of an accelerated legislative procedure are provided in the Act on Rules of Procedure of the National Council, and in the Act on Lawmaking Regulations:

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1996/350/20210101#paragraf-89>

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/20210101#paragraf-27.odsek-1>

Judicial reforms

- All judicial reforms are being prepared by expert teams established by the minister of Justice. They are composed of experts from the judiciary (judges, presidents of courts, representatives of the Judicial Council) as well as by experts from outside the justice environment such as academics, representatives of NGOs.
- The outputs that these expert groups produce are presented to main stakeholders in the justice sector (Judicial Council, Supreme Court, Constitutional Court, ombudsman or involved the professional association of lawyers, notaries, bailiffs, etc.) before any legislative procedure begins.
- The official legislative procedure follows afterwards. It is public and anyone can comment on the proposals, including courts, judges or even individual from the general public (anyone with access to internet).
- The communication between the Ministry of Justice and involved parties is ongoing.

40. Regime for constitutional review of laws

According to the Art. 125 of the Constitution the Constitutional Court decides upon the compliance of laws, government regulations, generally binding regulations, generally binding acts of authorities of local state administration and generally binding regulations of local and regional authorities with the Constitution, constitutional laws, published international agreements. At local and regional authorities also compliance of their generally binding regulations with regulations of the government and with the generally binding acts of ministries and other central state administration authorities.

Constitution - Act No. 460/1992 Coll. (as amended by Constitutional Act No. 422/2020 Coll.)

- Art. 125 (4) explicitly stipulates that the Constitutional Court does not have the competence to assess **compliance of constitutional laws** with other constitutional laws or with the Constitution.
- The Constitutional court was entrusted by the Constitution to assess compliance of laws with the Constitution and the constitutional acts (there is no material core of the Constitution mentioned in the Constitution as in some other EU MS, such as Germany or the Czech Republic)
- The Constitutional court, on its own initiative, broadened his competence by an extended interpretation of the term "law".
- The reason for this constitutional amendment was to bring clarity to the competencies of the Constitutional Court following the legal opinion, that the court cannot control the constitutional legislative powers of the Parliament.

- Art. 127 (5) **Individual control of constitutionality** was introduced with effect from 1 January 2025 – Proceedings at the Constitutional Court on the conformity of legal acts with the Constitution can be (from 2025) initiated by a Constitutional Court's senate based on an application by a party to the proceeding – mechanisms of protection of fundamental rights are strengthened).

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

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

- measures taken to ensure the continued activity of Parliament (including possible best practices)

No special measures in respect of the judicial review or the constitutional review of emergency regimes and measures in the context of the pandemics were adopted. The standard procedures apply (including control by the Constitutional Court).

The first recorded case of COVID-19 in Slovakia was confirmed on 6 March 2020, which was shortly after the parliamentary elections of 29 February 2020 that were won by the then opposition. According to Article 82 paragraph 2 of the Slovak Constitution, the President shall convene the constituent session of the newly elected legislature within 30 days of the announcement of official election results. Thus, the first plenary session took place on 20 March 2020 and the new government was appointed one day after.

In 2020 (March-December), the newly formed Parliament held 20 plenary sessions lasting 67 sitting days, passing in total 517 resolutions. In the reporting period, the Parliament adopted 125 laws, out of which 60 laws via fast-track legislative procedure intended to mitigate the public health, social and economic impacts of the COVID-19 pandemic. Yet, there has been no comprehensive statistical aggregation of laws adopted regarding the COVID-19 pandemic in Slovakia, hence we selected either examples of amendments of laws mainly from the beginning of the pandemic (as the new government aimed to adapt the legal framework to newly appeared COVID-related circumstances), or the most important examples of the newly adopted laws.

Nevertheless, one of the most important amendments was the amendment of Article 5 (2) of the Act No. 227/2002 Coll. on State Security at the Time of War, State of War, State of Emergency, and State of Crisis as amended stipulating that: "A state of emergency can be declared to the necessary extent and for the necessary period, for a maximum of 90 days. A state of emergency declared due the threat to life and health of persons in a causal connection with the occurrence of a pandemic may be extended to a maximum of another 40 days, even repeatedly, to the extent and for the time necessary. The extension of the state of emergency according to the second sentence shall be approved by the National Council of the Slovak Republic within 20 days from the first day of the extended state of emergency. If the National Council of the Slovak Republic fails to give its consent, the extended state of emergency shall expire on the day of non-approval of the government's proposal to express its consent to the extension of the state of emergency, otherwise upon expiry of the period under the third sentence to express such consent. The consent of the National Council of the Slovak Republic is also required in the case of a re-declaration of a state of emergency if 90 days have not elapsed since the end of the previous state of emergency declared for the same reasons; the third and fourth sentences shall apply *mutatis mutandis*." Hence, the Slovak parliament has the right to block the decision of the government to prolong the state of emergency.

According to Article 13 of the Constitution of the Slovak Republic, obligations may be imposed by an act or based on an act, within its limits and keeping basic rights and freedoms, further by an international agreement and by a government decree. However, the first emergency state, as well as the obligatory service of particular persons, followed by limitation of freedom of movement and stay and stay-at-home order were imposed by a government regulation (No. 45/2020 and No. 72/2020 of the Coll.), without even having it confirmed by the plenary. Similar obligations were imposed within the rest of 2020 by government regulations (only).

Parliamentary questions, interpellations, reports and the draft state budget for 2021 were submitted and debated customarily, following the hygiene and COVID-conscious procedures. From March to December 2020, the new Parliament debated 40 reports, 36 interpellations and 106 oral questions answered during the Question Time. Transparency of parliamentary operations per usual was ensured through the legislative tracking system and web streams of plenary sessions.

1.1 Justice

Law amended with fast-track legislative procedure (selected examples)

1) Government bill on certain emergency measures in connection with the spread of the dangerous contagious human disease COVID-19 and the judiciary and amending certain laws (The act was published in the collection of laws as the Act No. 62/2020 Coll.):

The bill intended to limit the expiry of periods and excluding periods in private-law relations or their return in specified cases, to limit expiry of the procedural time limits on the part of the parties and the parties to the proceedings, limiting also the need for court hearings and public participation in those hearings during state of emergency, extending the deadline for filing a debtor's bankruptcy petition, facilitating decision making per rollam in the case of collective bodies of private legal entities, temporary suspension of the right of lien and auction, restrictions on the prohibition of contracting with entities not entered in the register of public sector partners at the time of an emergency if the conditions for a directly negotiated procedure due to an emergency are also met, and to introduce the possibility of using location and operational data generated by electronic communications by the Public Health Authority to protect the life and health of the population.

2) Secondly, significant amendments were made by Act No. 241/2020 Coll., regarding prosecutor general, as well as special public prosecutor elections, based on which elections of both took place. Before the amendment, only prosecutors working with the Office of General Prosecution could apply for the post of special public prosecutor. The amendment removed this condition and lowered requirements necessary to apply.

3) Furthermore, Decision on prolongation of emergency state may be subject to proceeding in the Constitutional Court of the Slovak Republic (hereinafter „CCSR“), as enacted by Act No. 415/2020 Coll.

1.2 Education

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill supplementing Act no. 245/2008 Coll. on education and training (Education Act) and on amendments to certain acts, as amended (The act was published in the collection of laws as the Act No. 56/2020 Coll.):

The bill was intended to enable the Minister of Education, Science, Research and Sport of the Slovak Republic, in clearly defined situations, to decide, in particular, on the dates decisive for the organization of the school year outside the limits set by Education Act, as well as to cancel parts or forms of examinations that conclude education at high schools.

In Section 150, the following paragraph was modified:

“(8) If a state of the emergency is declared, if a ban on the operation of schools and school facilities is ordered under special regulation or if there is a natural disaster or an event during which school life or the health of children, pupils or employees of schools and school facilities may be endangered, the Minister of Education may decide on:

- a) extraordinary interruption of school education in schools;
- b) extraordinary interruption of operation of school facilities;
- c) other dates decisive for the organization of the school year, in particular, other dates of:
 - school periods and school holidays;
 - classification, evaluation, the probationary period at the end of education and entrance examinations;
 - the issuing of evidence of formal qualifications,
 - submission of applications for admission, applications for education, applications for study and registration;
- d) cancellation of the part or form of the examination which concludes education in a high school in the relevant school year; or
- e) the abolition of external testing of primary school pupils in the school year concerned.”

2) Government bill amending Act no. 131/2002 Coll. on Higher Education and on amendments to certain acts, as amended, and amending certain acts (The act was published in the collection of laws as Act No. 93/2020 Coll.):

The proposal regulates the areas of solutions:

- in the field of regional education: providing electronic versions of textbooks and workbooks, as well as efforts to open the market for textbooks and workbooks, which is related to the need to improve the process of providing these materials, adjustment of activities of school authorities (terms of office, publicity, videoconferencing), providing the possibility to use funds for outdoor schools and a course of physical activities in nature for current fourth-graders in the next school year until the end of 2020, adjustment of distance education in full-time study and verbal evaluation,
- in the field of higher education: modification of the activities of collective bodies (terms of office, public principle, videoconferencing), modification of the full-time method so that electronic communication is also accepted (e. g. online transmission), modification of extraordinary extension of studies,
- in the field of research and development: operational project financing solutions and times of their solution during crisis.

1.3 Interior

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill on certain measures within the competence of the Ministry of Interior of the Slovak Republic in connection with the COVID-19 disease (The act was published in the collection of laws as Act No. 73/2020 Coll.):

The proposal contained measures in the area of territorial self-government during the crisis to allow alternative ways of meetings of municipal councils and councils of self-governing regions and to interrupt the running of certain time limits (in particular prolongation of validity of identity cards and driving licenses), and also to postpone the fulfilment of certain duties in the field of vehicle registration. The law also regulated the provision of paid leave due to the quarantine of members of the armed forces within the scope of Act no. 73/1998 Coll. on the civil service of members of the Police Corps, Slovak Information Service, Prison and Judicial Guard Corps of the Slovak Republic and Railway Police, as amended, and quarantine measures of members of the Fire and Rescue Corps and the Mountain Rescue Service. The proposed act further modified the act on the residence of foreigners so that foreigners, who cannot travel due to crisis and their stay in the territory of the Slovak Republic had expired, were protected from the consequences that their unauthorized residence would otherwise cause. The act also proposed to increase the fine in block proceedings for civil protection offences at the time of an emergency to 1000 EUR and to enable the police bodies and municipal police to impose such sanctions in block proceedings.

2) The amendment of the Act no. 395/2019 Coll. on Identity Cards and amendments to certain acts as amended was the part of the above-mentioned government bill (The act was published in the collection of laws as Act No. 73/2020 Coll.):

§ 19a Transitional provisions related to the crisis caused by COVID-19:

The expiry date of an identity card during the crisis:

(a) which expires from date of the entry into force of this Act until 30 April 2020, shall be prolonged until one month after the withdrawal of the crisis;

(b) IDs expiring from 1 May 2020 to 31 May 2020 shall be prolonged until two months after the withdrawal of the crisis;

(c) IDs expiring from 1 June 2020 to 30 June 2020 shall be prolonged until three months after the withdrawal of the crisis;

(d) IDs expiring from 1 July 2020 until the withdrawal of the crisis shall be prolonged up to four months after its withdrawal.

3) Act no. 404/2011 Coll. on Residence of Aliens and amendments and supplements to certain acts as amended (The act was published in the collection of laws as Act No. 73/2020 Coll.):

Section 131i Transitional provisions related to the crisis caused by COVID-19

(1) Temporary residence, permanent residence or tolerated stay that would otherwise have expired during a state emergency, or emergency declared concerning COVID-19 or which expires within one month from the withdrawal of the crisis, shall be extended until two months from the withdrawal of the crisis.

(2) A third-country national who has legally entered the territory of the Slovak Republic and has not been granted residence under this Act shall be entitled to stay in the territory of the Slovak Republic until one month has elapsed from the withdrawal of the crisis.

(3) A third-country national residing outside the territory of the Slovak Republic during a crisis may apply for renewal of temporary residence or an application for permanent residence for an indefinite period at the embassy.

(4) The police department may accept documents according to Section 32, par. 2, Section 34 par. 3, Sec. 45 par. 3, Sec. 47 par. 3, Sec. 53 par. 3 or Section 59 par. 3 if, at the time of the crisis, for which the third-country national was not able to apply for a residence permit or a resumption of stay, they were no more than 90 days old and the third-country national did not travel from the territory of the Slovak Republic.

1.4 Health Care

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill on emergency measures in connection with the spread of dangerous contagious human disease COVID-19 in the field of health care and amending certain laws (The act was published in the collection of laws as 69/2020 Coll.):

In the field of administrative punishment within the competence of the Ministry of Health of the Slovak Republic, this act aimed to enable certain rights to participants in administrative proceedings whose conduct in times of crisis would be an administrative offence or misdemeanour. The bill temporarily regulated relationships, rights and obligations in the most affected areas of healthcare provision, and public health. In particular, it aimed to protect the parties to the proceedings by making the necessary adjustments to the liberalization grounds linked with the pandemic. Liberation was regulated also for health care providers, health insurance companies, insurance payers and employers who fall within the remit of the Ministry of Health of the Slovak Republic. Another important aim of the bill was to ensure that rapid and effective measures could be taken to protect public health. In times of crisis, updating the training of persons holding a certificate of professional competence would not be undertaken. Employers did not have to fulfil certain obligations related to the protection of health at work; the performance of medical preventive examinations concerning work would be limited. Training to work on the removal of asbestos or asbestos-containing materials from construction sites might have been carried out from a distance form at an educational institution carrying out an accredited training program.

2) Government bill amending certain laws in connection with the second wave of the COVID-19 pandemic (The act was published in the collection of laws as 9/2021 Coll.):

The bill regulated certain provisions of special legal regulations, the amendment or supplementation of which was required by the situation caused by the spread of the dangerous contagious disease COVID-19 in the territory of the Slovak Republic. The bill responded to the continuing negative development of the epidemiological situation in Slovakia, and the related re-declaration, respectively extension of the state of emergency in the territory of the Slovak Republic. In this context, it was proposed to amend the Civil Protection Act, the Employment Services Act, the Health Care Act, the Health Care Providers Act, the Economic Mobilization Act, the Public Procurement Act, and two emergency measures in connection with the spread of dangerous infectious diseases human disease COVID-19 in the judiciary and the financial field.

1.5 Environment

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill on certain measures within the competence of the Ministry of the Environment of the Slovak Republic in connection with the COVID-19 disease (The act was published in the collection of laws as 74/2020 Coll.):

The bill regulated in particular the time limits for the assessment of flood damages and sending of summary reports on the course of floods only after the abolition of the crisis and entitlement to monetary compensation for the restriction of property rights or usage rights; for limiting routine

management to the abolition of crisis, running time limits in proceedings requiring, for example, a local consultation, an oral hearing, access to the files, consultation of documentation, a public hearing, negotiation or consultation until the crisis is abolished for issuing decisions that do not follow from the effective date of the law until the resolution of the crisis.

2) Government bill on certain measures within the competence of the Ministry of the Environment of the Slovak Republic in connection with the COVID-19 disease (The act was published in the collection of laws as 218/2020 Coll.):

The bill aimed to adopt emergency measures that would allow for the continuation of proceedings in which the deadlines had been suspended due to emergency measures related to COVID-19. Legal regulation concerning Act no. 39/2013 Coll. on Integrated Prevention and Control of Environmental Pollution and on amendments to certain acts, as amended, and Act No. 79/2015 Coll. on Waste and on the amendment of certain laws as amended concerned the passage of proceedings which could not have been continued, such as oral hearings, local inspections and inspection of files, due to the measures of the Public Health Authority.

1.6 Financial and tax area

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill amending Act no. 67/2020 Coll. on certain emergency financial measures concerning the spread of the dangerous contagious human disease COVID-19 (amended seven times in 2020 and three times in January and February 2021):

The act and its amendments modified for instance the possibility to postpone instalments free of charge for up to nine months. Banks would be obliged to postpone the repayment of the loan upon the client's request. The condition for postponement of instalments due to a pandemic is that the applicant must not be a delay in repaying the loan for more than 30 calendar days as of the date of receipt of the application. Likewise, the debtor must not be in default of at least 100 EUR for another loan with the same creditor. Postponement of instalments may be requested by banks' clients, which are natural persons, sole traders and small and medium-sized enterprises with up to 250 employees. The application can be submitted by any of the borrowers of the loan. The aim is that the application can be submitted not only by the person to whom the loan was granted but also by the co-applicant. The amount of contactless payments has also been increased from EUR 20 to EUR 50.

The act and its amendments adapted also several tax issues such as: postponing the statutory income tax deadlines for filing tax returns, reports, annual employee bills, notifications and payments of non-monetary income to healthcare providers and motor vehicle taxes in specific cases, postponing deadlines for financial statements, annual reports, and auditors' reports and storing them in the register of financial statements and fulfilment of accounting obligations, measures for the third sector to access the assigned funds (2% and 3% of the tax paid, respectively), relief from import duties and VAT on medical supplies from third countries, relief from failure to update lists (during a pandemic) of taxpayers and VAT payers who have breached their obligations, discontinuation of tax controls and tax proceedings, except for those that result in refunds (excess deduction control, tax overpayment procedures), postponement of tax execution, forgiveness of the absence of a deadline by law without application, free of charge and the need for a decision, except for filing a tax return and paying taxes, relief from failure to pay administrative fees for actions to be undertaken as a result of a pandemic, match delivery with new mail rules, etc.

Besides, these legal acts helped taxpayers affected by economic measures taken in the context of an emergency caused by dangerous contagious human disease COVID-19, by easing the conditions for applying the tax bonus to a dependent child under § 33 of the Income Tax Act.

The above-mentioned laws aimed also to extend the financial measures to mitigate the effects of the coronavirus crisis by a specific measure in the field of gambling, related to the payment of gambling levies and to solve certain application problems in implementing already adopted financial rules. It was proposed to postpone the payment of levies so that the deadlines for payment of levies due during

the pandemic period are postponed. However, deferral of payment of levies was allowed to all gambling operators on commercial terms, if they were required to pay interest following the Commission Notice on the revision of the method for setting the reference and discount rates.

Moreover, zero VAT rate on personal protective equipment used to ensure higher protection of respiratory organs, which are filter face half-mask of category FFP2 or filter face half-mask of category FFP3, was introduced. The proposed measure sought to reduce the price of these goods to the final consumers with the aim to protect public health. It was proposed that this measure would be applied until 30 April 2021.

1.7 Economy and tourism

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill amending certain laws in connection with the improvement of the business environment affected by measures to prevent the spread of dangerous contagious COVID-19 human disease (The act was published in the collection of laws as Act No.198/2020 Coll.):

The law contained measures of an administrative nature as well as the removal of bureaucratic restrictions for small and medium-sized enterprises and sole traders. The interventions in question resulted from the requirements of application practice and had been formulated in the past by the addressees of the norms in many forums.

2) Government bill supplementing Act no. 71/2013 Coll. on the provision of subsidies within the competence of the Ministry of Economy of the Slovak Republic, as amended, and on the amendment of Act no. 62/2020 Coll. on certain extraordinary measures in connection with the spread of the dangerous contagious human disease COVID-19 and in the judiciary and amending certain laws as amended by Act no. 92/2020 Coll. (The act was published in the collection of laws as Act No. 155/2020 Coll.):

According to the Act, subsidy from the budget chapter of the Ministry of Economy for the relevant financial year may be provided to cover the payment of rent, which is to pay as a sum in money, to which the landlord is entitled under a lease or similar agreement, the content of which is the tenant's right to use the subject-matter of rental from 1 February 2020 at the latest ("rent subsidy"), the use of which for the agreed purpose, in connection with the prevention of the consequences of the spread of dangerous contagious human disease COVID-19 by measures of government authorities on the public health, authorities responsible for schools and school facilities or the Ministry of Education, Science, Research and Sports of the Slovak Republic, was prevented by closure of the subject of the lease, interruption of teaching in schools and school facilities or substantially limited by the prohibition of the public presence in the subject of the lease ("impeded utilisation"); the rent subsidy is not granted to ambulatory health care providers who are reimbursed for the provided health care. The subject-matter of the lease agreement may be a room or part thereof or a complex of rooms which, by a decision of the building authority, are intended for purposes other than housing and in which the tenant sells goods or provides services to final consumers, including related service areas and storage areas, and marketplace. The rent subsidy may be provided in the amount of the provided rent discount based on an agreement between the landlord and tenant, but not more than 50% of the rent for the period of impeded utilisation; this also applies to public institutions and other legal entities established by the law. If the property owner is the administrator of state property, the rent is reduced by half.

3) Government bill amending Act no. 91/2010 Coll. on the Promotion of Tourism, as amended, in connection with the COVID-19 disease (The act was published in the collection of laws as Act No. 342/2020 Coll.):

The act responded to the emergency linked with the COVID-19 pandemic and allowed the Ministry of Transport and Construction of the Slovak Republic to calculate the amount of subsidies provided to tourism organizations in 2022 and 2023 from summary data on selected membership fees and the total value of collected accommodation tax in 2019 for those tourism organizations for which the value

of the collection of accommodation tax and/or the value of selected membership fees in 2020 and 2021 had not reached the values achieved in 2019.

1.8 Social Affairs

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill amending Act no. 461/2003 Coll. on social insurance as amended and supplementing Act no. 311/2001 Coll. Labour Code as amended (The act was published in the collection of laws as Act No. 157/2020 Coll.):

Bill intended to adapt, inter alia, the sickness and nursing benefits and labour-related conditions to the Public Health Authority measure enabling opening of childcare facilities for children under 3 years of age, kindergartens, schools and kindergartens for children with special educational needs, primary schools to educate first- to fifth-year pupils, and primary schools for pupils with special educational needs for educating first- to fifth-year pupils, all subject to strict hygienic and protective measures in line with the then exit strategy plan.

2) Government bill amending Act no. 461/2003 Coll. on social insurance, as amended, and which amends certain laws (The act was published in the collection of laws as 127/2020 Coll.)

The purpose was to regulate the establishment and termination of compulsory sickness insurance and compulsory pension insurance for self-employed persons as a result of the postponement of deadlines for filing tax returns according to Act no. 67/2020 Coll. on certain emergency financial measures concerning the spread of the dangerous contagious human disease COVID-19.

3) There is an important ruling of the CCSR connected with provision enacted by the National Council of the Slovak Republic (hereinafter „NCSR“), reading that the right to compensation and to lost profits because of execution of measures according to this act (§58 para. 5 of Act No. 355/2007 Coll. Of Laws on protection, support and development of public health), covering indefinite number of people, is excluded. The CCSR suspended effect hereof (published under No. 318/2020).

1.9 Culture

Laws amended with fast-track legislative procedure (selected examples)

1) Government bill on the provision of subsidies within the competence of the Ministry of Culture of the Slovak Republic (The act was published in the collection of laws as Act No. 299/2020 Coll.), and

2) Government bill amending certain laws within the competence of the Ministry of Culture of the Slovak Republic in connection with the second wave of the COVID-19 pandemic (The act was published in the collection of laws as Act No. 300/2020 Coll.)

The laws aimed to mitigate the effects of coronavirus pandemic on culture and creative industries. The aid was intended for cultural workers from the arts, arts and crafts, craft, technical and support professions, as well as professions in the field of audio-visual culture and film arts, who work in the cultural and creative industries as self-employed persons.

Based on these laws, artists can pay voluntarily two per cent contribution to art funds (Literary Fund, Music Fund and Fine Arts Fund) for the year 2021. Protection also continues for organizers of festivals and other cultural events, which were planned to take place by 30 June 2021, but due to the pandemic were or would be cancelled. The possibility of postponing the validity of purchased tickets will be extended until 30 June 2022. If the applicant does not agree with the alternative date of the event and will request a refund of the entrance fee for an already purchased ticket, the organizer will still have a time of 13 months after the original date of the event to refund the entrance fee.

The possibilities of support from public funds – the Audio-visual Fund, the Slovak Arts Council and the Minority Culture Fund – were also significantly extended to provide direct assistance to mitigate negative effects of emergencies such as the COVID-19 pandemic.

2. Measures taken to ensure the continued activity of Parliament (including possible best practices)

Depending on the local epidemic situation, access to the main parliamentary building including the plenary hall was restricted to:

- MPs;
- parliamentary staff;
- a limited number of designated MP assistants to ensure the continuation of activities with a proportional assignment to parliamentary groups with all assistants allowed to work on-site in parliamentary offices located in another building;
- authorized persons with parliamentary ID;
- parliamentary business-related visitors to the Speaker, Vice-Speakers and Committee Chairs;
- working visitors participating in meetings or sessions of the parliament, its committees and parliamentary administration departments, and;
- a limited number of authorized media representatives.

Quorum was not reduced due to constitutional parameters and legal reasons, and MPs attended the plenary sessions and committee meetings in-person in full numbers, except for those who were tested positive or were in self-isolation. The plenary hall arrangement does not allow for social distancing measures. However, everyone on-site (including MPs) was required to wear a facemask and to use hand sanitiser on-premises and in particular when entering the plenary hall. Voting took place as per usual using voting equipment in the chamber.

Nevertheless, for example the European Affairs Committee of the National Council of the Slovak Republic met via hybrid form (6 deputies personally in the committee meeting room and 6 deputies online) on 22 January 2021. Besides, the aforementioned committee met in a similar manner also with Věra Jourová (Vice-President of the European Commission for values and transparency) and Michal Šimečka (Slovak Member of the European Parliament).

Parliamentary questions, interpellations, reports and the draft state budget for 2021 were submitted and debated customarily, following the hygiene and COVID-conscious procedures. From March to December 2020, the new Parliament debated 40 reports, 36 interpellations and 106 oral questions answered during the Question Time.

Transparency of parliamentary operations per usual was ensured through the legislative tracking system and web streams of plenary sessions. Depending on the local pandemic situation, the Parliament serially applied telework protocols (i. e. home office) for staff in March, April and October 2020 and in January and February 2021 with the consent of the director of each respective organizational unit and if the individual scope of work allows.

Testing was available for MPs and parliamentary staff during the first-of-its-kind countrywide COVID-19 mass screening with antigen tests, which took place in two phases on 31 October and 1 November, and again on 7 and 8 November. Testing was serially available to the relevant parliamentary staff also in January and February 2021. Furthermore, the Chancellery of the National Council of the Slovak Republic installed germicidal radiators, and the central air-conditioning distribution was regularly disinfect, including daily cleansing of touch surfaces as well as work desks and keyboards.

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

Reflecting the problems that were pointed out in the 2020 Rule of Law Report:

- **Independence and competence of the Slovak National Centre for Human Rights (hereinafter referred as “Centre”)**

Within the scope of its mandate, the Centre has sufficient powers to enable it to fulfil the purpose for which it was established. However, since the Centre was established almost 30 years ago, its structure may not currently reflect the requirements imposed upon NHRIs completely (in respect of its effectiveness and transparency). Therefore, the Ministry of Justice prepared a draft of an amendment of the Act on the Establishment of the Slovak National Centre for Human Rights (Act no. 308/1993 Coll.), which was followed by lengthy legislative process including numerous consultations with some

of the Slovak ministries as well as with the representatives of the public, NGOs and the Centre itself. Unfortunately, in June 2019 the Slovak Parliament rejected this proposal in the last stage of its legislative proceedings. Right now, Ministry of Justice does not plan to prepare another proposal in this matter as it was rejected only recently.

- **Unsatisfactory competencies and resources of the Public Defender of Rights (hereinafter referred as “Public Defender”)**

Ministry of Justice is currently preparing a proposal for an establishment of the National Preventive Mechanism (NPM) in the Slovak Republic in accordance with the terms stipulated in the Optional Protocol to the Convention against Torture (OP-CAT). The Public Defender shall become the NPM in Slovakia. It requires to amend the Act on the Public Defender of Rights (Act no. 564/2001 Coll.). Improvement of overall functioning and elimination of shortcomings in its powers or structure of which the Ministry is aware or which were addressed by the Public Defender, should be part of this process. Currently, the Ministry of Justice is trying to find a suitable date for a broad discussion with Slovak independent human rights institutions in order to find the most appropriate solution to establish NPM in Slovakia which has been hampered by the pandemic.

- **Overlapping and unclear competencies of both aforementioned institutions:**

It is true that the competencies of the Centre and of the Public Defender in the field of human rights partially overlap, however, none of these institutions indicates that it would cause problems in practice as main powers of the Centre are within the area of non-discrimination and of the Public Defender in the area of human rights in the context of public institutions. Ministry of Justice has no information that would suggest a clash of competencies or lack of clarity in terms of responsibilities and powers of these institutions either within the institutions themselves or in the public.

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

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

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

Selected activities of the Committee of the National Council of the Slovak Republic for European Affairs to support the culture of the rule of law

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

The Ministry of Foreign Affairs and European Affairs of the Slovak Republic delivered the preliminary opinion on the report in question to the Committee of the National Council of the Slovak Republic for European Affairs on 13 October 2020.

The Committee of the National Council of the Slovak Republic for European Affairs took note of the report and the preliminary opinion in question by the Resolution of the Committee no. 40 on 9

December 2020 at its 25th meeting in the framework of information on new draft EU legal acts and on preliminary opinions submitted in accordance with § 58a. par. 8 of the Act of the National Council of the Slovak Republic no. 350/1996 Coll. on the Rules of Procedure of the National Council of the Slovak Republic, as amended.

The Committee of the National Council of the Slovak Republic for European Affairs took note of the report again by the Resolution of the committee no. 50 of 2 February 2021 at its 31st meeting.

The audiovisual broadcast of the 31st meeting of the Committee was broadcast online for the needs of the media and the public via the social network Facebook on 2 February 2021.

Meetings of the Committee of the National Council of the Slovak Republic for European Affairs related to the meetings of the European Council and the General Affairs Council on the issue of the rule of law

Before the meeting of the General Affairs Council, which took place on 25 February 2020, the members of the Committee of the National Council of the Slovak Republic for European Affairs were acquainted with the draft opinions of the Ministry of Foreign Affairs of the Slovak Republic and the Ministry of European Affairs of the Slovak Republic on the agenda. In accordance with the Principle of silence procedure, they approved this proposal, inter alia, on the item entitled the European Rule of Law Mechanism (annual rule of law review cycle).

The Committee of the National Council of the Slovak Republic for European Affairs also used the opportunity to approve the draft opinions of the Ministry on the agenda of the General Affairs Council, which took place on 26 May 2020, even before its meeting. The members of the committee also agreed, through a silence procedure, on draft opinions on the current state of the preparations of the first annual report on the rule of law in the EU which was presented by the Commission on the Council meeting.

Principles of the rule of law was also the topic of the 12th meeting of the Committee of the National Council of the Slovak Republic for European Affairs, which took place on 15 July 2020 before the extraordinary meeting of the European Council, which took place on 17-21 July 2020. At the European Council meeting EU leaders approved the recovery package and the 2021-2027 budget and expressed the ambition to protect the Union's financial interests in accordance with the general principles enshrined in the Union's Treaties, in particular the values set out in Article 2 of the EU Treaty. Respect for the rule of law in connection with the long-term EU budget was discussed by the Prime Minister Igor Matovič with the members of the committee.

The discussion on the issue of the rule of law took place at the 17th meeting of the Committee of the National Council of the Slovak Republic for European Affairs, which took place on 23 September 2020 after the General Affairs Council, which took place on 22 September 2020. The meeting was presented by Martin Klus, State Secretary of the Ministry of Foreign Affairs and European Affairs of the Slovak Republic.

The discussion was related to the specific points *"Principle of the rule of law in Poland / reasoned proposal under Article 7 (1) TEU"* and *"Values of the Union - Hungary / reasoned proposal under Article 7 (1) TEU"*. In this case, the Committee of the National Council of the Slovak Republic for European Affairs used the opportunity not to comment on the draft opinion of the Ministry of Foreign Affairs and European Affairs of the Slovak Republic (the so-called Principle of silent procedure), which is the demonstration of the possibility to take note of the opinion - "tacitly" to agree and discuss it only ex post and do not approve it explicitly.

The Principle of silent procedure was used by the Committee of the National Council of the Slovak Republic for European Affairs even before the meeting of the General Affairs Council, which took place on 13 October 2020.

The Committee "tacitly" approved the draft opinion of the Ministry on the Council's agenda, which included, inter alia, the "Annual Rule of law dialogue" and the "Multiannual Financial Framework 2021-2027", together with a discussion among the Member States of the European Union on conditionality in relation to the respect for the rule of law.

The long-term EU budget for 2021 - 2027 and the renewal support package in connection with the draft regulation on the general conditionality regime for the protection of the EU budget concerning the rule of law was also the topic of the 26th meeting of the National Council Committee for European Affairs which took place on 10 December 2020. This meeting was held before the European Council meeting, which took place on 10 and 11 December 2020 and was also attended by Prime Minister Igor Matovic.

Discussion on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM/2017/835) at the meeting of the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic

On 8 February 2018 the European Affairs Committee of the National Council of the Slovak Republic requested the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic in the Resolution of Committee no. 120, according to § 58a para. 3 f) Act no. 350/1996 Coll. on Rules of Procedure of the National Council of the Slovak Republic as amended to issue an opinion on the proposal for the Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM/2017/835).

The preliminary opinion of the Ministry of Foreign Affairs and European Affairs of the Slovak Republic on the proposal for the decision was delivered to the European Affairs Committee of the National Council of the Slovak Republic on 9 February 2018.

Prior to the 67th meeting of the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic, which took place on 2 May 2018, the European Affairs Committee of the National Council of the Slovak Republic recommended its members to agree with the preliminary opinion of the Ministry of Foreign and European Affairs of the Slovak Republic.

The State Secretary of the Ministry of Foreign and European Affairs of the Slovak Republic, Lukáš Parížek, submitted the preliminary opinion of the Ministry of Foreign Affairs and European Affairs of the Slovak Republic on the proposal for the Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM/2017/835) at the 67th meeting of the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic.

The members of the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic discussed a possible violation of rule of law principles by the Republic of Poland in a debate. 12 out of total number of 13 deputies of the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic were present. 5 members voted in favour of the motion for a resolution, 1 member voted against and 6 members abstained. The Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic did not adopt the resolution, as the proposal of the resolution did not obtain the consent of an absolute majority of the present members under § 52 para. 4 Act no. 350/1996 Coll. on Rules of Procedure of the National Council of the Slovak Republic as amended and according to Article 84 par. 2 of the Slovak Constitution.

At the 48th meeting of The European Affairs Committee of the National Council of the Slovak Republic, which took place on 16 May 2018, the European Affairs Committee noted the opinion of the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic on the proposal with respect to information about new EU legal acts and preliminary opinions submitted according to § 58a. par. 8 Act no. 350/1996 Coll. on Rules of Procedure of the National Council of the Slovak Republic as amended.

Resolution of the National Council of the Slovak Republic no. 1607 of 1 February 2019 on current developments in the relations of the Member States of the European Union, Hungary and the Republic of Poland with the EU institutions

On 1 February 2019 at meeting no. 40 the discussion on the rule of law took place in the plenary session of the National Council of the Slovak Republic. On this day, the plenum of the National Council of the Slovak Republic approved the Resolution of the National Council of the Slovak Republic no. 1607 on

current developments in the relations of the Member States of the European Union, Hungary and the Republic of Poland with the institutions of the European Union.¹

The National Council of the Slovak Republic in the resolution, referring to the basic values on which the European Union is founded, as set out in Art. 2 of the Treaty on European Union, noted the resolution adopted by Parliament on a proposal calling on the Council of the European Union, according to Art. 7 par. 1 of the Treaty on European Union, decided that there was a clear risk from Hungary of a serious breach of the values on which the Union was founded (2017/2131 (INL)); Proposal for a Council decision on designation under Art. 7 par. 1 of the Treaty on European Union, that there is a clear risk of a serious breach by Hungary of the values on which the Union is founded (12266/18 of 19 September 2018); Proposal for a Council Decision on the determination of a clear risk of a serious breach of the rule of law by the Republic of Poland (COM/2017/835) of 20 December 2017 (16007/17 of 22 December 2017)).

In addition, in its resolution, the National Council of the Slovak Republic called on *"all stakeholders to show the political will to continue a constructive and effective dialogue on all contentious issues in order to preserve the unity of the European Union and reduce mutual tensions."*

The vote on the resolution took place on 1 February 2019. Of the 139 deputies present voted 126; of which 83 in favor, 15 against, 28 abstentions and 13 members of the National Council of the Slovak Republic did not vote.

Public hearing and election of candidates for constitutional judges in the National Council of the Slovak Republic

Among the activities and measures aimed at supporting the culture of the rule of law, we can also include public hearings in the National Council of the Slovak Republic.

On 10 September 2020, a public hearing of candidates for a judge of the Constitutional Court of the Slovak Republic took place in the historic building of the National Council of the Slovak Republic on Župné námestie in Bratislava. Eight candidates ran for the position of constitutional judge: Stanislav Irsák, Ladislav Juszkó, Michal Matulník, Daniel Krošlák, Robert Šorl, Štefan Kseňák, Miroslav Babják and Andrea Olšovská.

Originally, nine candidates ran, but academic Martina Jánošíková withdrew her candidacy at the end of August 2020. Several of the candidates ran for the post again.

After a public hearing, the Constitutional Law Committee of the National Council of the Slovak Republic confirmed that the candidates for the election of a constitutional judge met all the conditions. The members of the Constitutional Law Committee of the National Council of the Slovak Republic moved all eight candidates for judge of the Constitutional Court to be elected to parliament.

Judges of the Constitutional Court are appointed, according to the Constitution of the Slovak Republic, by the President of the Slovak Republic on the proposal of the National Council of the Slovak Republic. The National Council of the Slovak Republic proposes twice the number of candidates for judges to be appointed by the President of the Slovak Republic; The National Council of the Slovak Republic votes on the proposals publicly after hearing the persons proposed by the National Council of the Slovak Republic.

The election took place at the 12th session of the National Council of the Slovak Republic, specifically on 17 September 2020. The deputies elected candidates for constitutional judges: Miroslav Babják and Robert Šorl. The first received 113 votes, the second 105. On 30 September 2020, President Zuzana Čaputová appointed Robert Šorl as a constitutional judge.

Public hearing and election of candidates for the post of General Attorney in the National Council of the Slovak Republic

Public hearing and election of candidates for the post of General Attorney brought a contribution in

¹ https://www.nrsr.sk/web/Static/sk-SK/NRSR/Doc/v_uznesenie_1607_20190201.pdf

order to strengthen a culture of the rule of law. Seven candidates shown an interest for this position: Jozef Čentéš, Tomáš Honz, Ján Hrivnák, Juraj Kliment, Rastislav Remeta, Ján Šanta a Maroš Žilinka. The Constitutional Law Committee of the National Council of the Slovak Republic heard them at a public meeting on 19, 20 and 23 November 2020.

On 23 November 2020 at the evening after the termination of public hearing The Constitutional Law Committee of the National Council of the Slovak Republic dismissed all candidates for the position of Attorney General and confirmed that all candidates redeemed conditions for a certain post.

The candidates had answered all questions from members of the committee, representatives of the President's Office as well as present members of the National Council of the Slovak Republic. Each of the candidates had been heard by the National Council of the Slovak Republic for the several hours.

The election of the Attorney General itself took place in the parliament on 3 December 2020. The election was public and 147 members of the National Council of the Slovak Republic took part in it.

The prosecutor of the Office of the Special Prosecutor's Office of the Slovak Republic, Maroš Žilinka, clearly succeeded in it. 132 deputies voted for his election, 8 were against and 7 abstained in his case.

On 10 December 2020, Maroš Žilinka was appointed to the position of an Attorney General by the President of the Slovak Republic Zuzana Čaputová.

Public hearing and election of candidates for the position of a Special prosecutor in the National Council of the Slovak Republic

Members of The Constitutional Law Committee of the National Council of the Slovak Republic heard candidates for a post of a Head of the Office of the Special Prosecutor's Office on a public hearing which was held on 1 and 2 February 2021.

Four candidates applied for the post of a Head of the Office of the Special Prosecutor's Office: Peter Kysel, Daniel Lipšic, Ján Šanta and Vasil Špirko.

After the hearing, the Constitutional Law Committee decided that all candidates met the conditions to stand as candidates, and based on the hearing, it recommended in voting all four candidates for a special prosecutor for election in the National Council of the Slovak Republic.

The election of a special prosecutor by members of the National Council of the Slovak Republic took place on 5 February 2021 at the 23rd meeting of the National Council of the Slovak Republic.

The election was public, an advocate Daniel Lipšic became a new special prosecutor.

Overall 79 deputies voted for his election, 12 were against and 26 deputies of the National Council of the Slovak Republic abstained in his case.

A special prosecutor is not appointed, but he takes the oath of Office.

Parliamentary development assistance provided by the Chancellery of the National Council of the Slovak Republic to partner parliaments

Chancellery of the National Council of the Slovak Republic has long-lasting and wide-ranging experience with parliamentary development assistance focused on institutional and capacity-building activities for parliaments and parliamentary administrations of candidate countries, potential candidate countries and countries in EU's southern and eastern neighbourhoods; thus, sharing experience also in the area of rule of law. These activities date back to 2004, when the Slovak parliamentary experts provided guidance during parliamentary Rules of Procedure drafting in Montenegro. Since then, the National Council has co-organized a number of events for MPs and parliamentary staff members from Western Balkan countries, Iraq and Lebanon. Moreover, from September 2017 to December 2019, the National Council implemented in consortium with the Czech Parliament and Hungarian National Assembly the EU-funded Twinning Project *Strengthening the capacities of the Parliament of Moldova for EU approximation process*, which, over the course of 27 months, conducted 70 institutional and capacity-building activities with involvement of 66 short-term experts from seven EU Member States. To ensure smooth on-the-spot management of this Project, the National Council seconded one of its experts as the Resident Twinning Adviser.