



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Slovakia

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

5400998

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	12056595000
Regional / entity level	

##### 3) Per capita GDP (in €)

12466

##### 4) Average gross annual salary (in €)

8676

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

301260

**Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:**

[www.statistics.sk](http://www.statistics.sk)

Q1: <http://portal.statistics.sk/showdoc.do?docid=1686>

Q2: <http://portal.statistics.sk/showdoc.do?docid=11312>

Q3: <http://portal.statistics.sk/showdoc.do?docid=12574>

Q4: <http://portal.statistics.sk/showdoc.do?docid=12553>

Q5: The conversion rate SKK/EUR is 30.1260 SKK/1 EUR - [http://www.nbs.sk/en/press/all-press-releases/press-releases-common/press-release/\\_press-pr080708\\_1](http://www.nbs.sk/en/press/all-press-releases/press-releases-common/press-release/_press-pr080708_1)

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

145584333

##### 7) Please specify

The courts (except for the Supreme court) are financed from the budget of Ministry of justice. The Supreme court manages its own budget.

The budget approved to the Ministry of justice (for the courts) - 137 904 656 EUR  
 The budget of the Supreme court - 7 679 977 EUR

**8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied**

**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	83100716
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	3651140
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	1001763
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	3773155
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	5218914
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1537981
Other (please specify):	<input checked="" type="checkbox"/> Yes	47300664

Comment :

Other:

The financial expenses for pension and medical insurance of judges and employees, travelling expenses, postal expenses, goods, costs of notaries and distrainers, boarding subsistence for employees.

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

The budget of the Ministry of justice (part for the courts) has increased due to general increase of the state budget.

2005 - 114 198 200 Euro

2006 - 123 029 476 Euro

2007 - 118 208 491 Euro

2008 - 129 210 781 Euro

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

for criminal cases?

for other than criminal cases?

If yes, are there exceptions? Please specify:

The Act on the Court fees (No. 71/1992 Coll.) regulates the exceptions from the duty to pay the court fee. There is a list of the persons who as a litigants are not obliged to pay the court fees (e.g. the state, foundations, the consumer etc.) and a list of certain types of proceedings, which are free of charge (e. g. the proceedings on guardianship and trusteeship, the maintenance proceedings etc.).

The court also can grant the exoneration from court fees.

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)**

52009161

**12) Total annual approved budget allocated to the whole justice system (in €)**

**Please provide information concerning the budgetary elements that included in the whole justice system budget:**

.  Amount 293698463

Comment :

The whole amount consists of the approved budgets of the Ministry of justice and of the Supreme court.

The budget of the Ministry of justice is composed of the part assigned to the prison service and of a "civil part" - i. e. the budget assigned to the courts and the ministry itself.

The sum does not include the budget of the prosecution system.

**13) Total annual approved public budget allocated to legal aid (in €)**

**Please provide comments to explain the figure provided under question 13:**

.  Amount 901547

Comment :

This figure represents only th budget of the Legal Aid Centre that is financed from the budget of the Ministry of Justice of the Slovak Republic. The costs of the lawyers appointed free of charge to the participant by the judge in the civil proceedings and the costs of the ex officio appointed counsels in the criminal proceedings are included in the budget allocated to courts.

**14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	901547

Comment :

The Legal Aid Centre does not grant legal aid in criminal law cases.

**15) Is the public budget allocated to legal aid included in the court budget ?**

Yes

No

**16) Total annual approved public budget allocated to the public prosecution system (in €)****Please provide comments to explain the figure provided under question 16:** Amount 59017760

Comment :

**17) Is the budget allocated to the public prosecution included in the court budget?** Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	Yes	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	Yes	Yes
Judicial Council	Yes	No	No	No
Courts	Yes	No	Yes	Yes
Inspection body	No	No	No	No
Other	No	No	No	No

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

Other ministry - The Ministry of finance

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

**Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.**

Q 6, 8, 11, 12 - The Ministry of justice, The Section of Development, Economic Affairs and Administration

Q 6,7 - The Supreme court of the Slovak republic

Q 13, 14 - The Legal Aid Centre

Q 16 - The General Prosecutor office

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	Yes

#### 21) If other, please specify (in regards to question 20):

Legal aid concerns also mediation in non-criminal cases

#### 22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes  
 No

If yes, please specify:

Under the Code of the Civil procedure (§ 138) in the civil cases the court may grant the exoneration of the court fees on the grounds of the economic situation of the participant and under the condition, that there is not arbitrary or unsuccessful application or protection of law.

The clients of Legal Aid Centre are exonerated of court fees under §4 par. 3 Act on the court fees (No. 71/1992 coll.).

#### 23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes  
 No

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	
in criminal cases	NA
Other than criminal cases	740

#### Comment :

The figure represents only legal aid cases handled by the Legal Aid Centre. The number of cases where the lawyer is appointed free of charge by the judge in the civil proceedings is not available. The number of the criminal cases, where an ex officio counsel is appointed for free to the defendant is not

available too.

**25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?**

- Yes  
 No

**26) Does your country have an income and asset test for granting legal aid:**

	Yes	Amount in €
for criminal cases	no	
for other than criminal cases?	yes	250

Comment :

Under the Act on granting the legal aid to persons in material need (No. 327/2005 Coll.) the material need is the state, when the income of the person does not exceed the 1,4 multiple of the sum of living wage.

**27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?**

- Yes  
 No

Please provide comments to explain the answer under question 27:

Elimination of lack of merit of the case is one of the conditions for granting the legal aid.

**28) If yes, is the decision for granting or refusing legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed decision-making authority (court and external)?

**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

- Yes  
 No

Please specify:

The products are available through the private insurance companies.

**30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:**

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	



	Yes
other than criminal cases?	Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering the questions 24 and 26**

The Legal Aid Centre, <http://legalaid.sk/>

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | <a href="http://jaspi.justice.gov.sk">http://jaspi.justice.gov.sk</a><br><a href="http://www.zbierka.sk">www.zbierka.sk</a>           |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es):                    | <input checked="" type="checkbox"/> Yes | <a href="http://jaspi.justice.gov.sk">http://jaspi.justice.gov.sk</a><br><a href="http://www.supcourt.gov.sk">www.supcourt.gov.sk</a> |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es):              | <input checked="" type="checkbox"/> Yes | <a href="http://www.justice.gov.sk">www.justice.gov.sk</a>  |

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

- Yes  
 No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

- Yes  
 No

If yes, please specify:

The information are provided via non-governmental sector organizations, e. g.  
<http://www.pomocobetiam.sk>

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	No	No	No	No
Victims of terrorism				

	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	No	No	No	No
Ethnic minorities	No	No	No	No
Disabled persons	No	No	No	No
Juvenile offenders	No	No	Yes	No
Other	No	No	No	No

Comment :

**35) Does your country have a compensation procedure for victims of crimes?**

- Yes  
 No

**36) If yes, does this compensation procedure consist in:**

- a public fund?  
 a court decision?  
 a private fund?

If yes, which kind of cases does this procedure concern?

Under the Act on Compensation for the Violent Intentional Crime's Victims (No. 215/2006 Coll.) the compensation can be provided only to the victims of intentionally committed violent crimes. This compensation is reimbursed from the public funds. In criminal proceedings the court may impose the convicted person to financial compensation of the victim.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

- Yes  
 No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

- Yes  
 No

If yes, please specify:

**39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?**

- Yes

No

If yes, please specify:

The victim has the right to file a complaint against the decision of the prosecutor to discontinue the criminal proceedings, excluding the case, when the settlement between the accused and victim is approved. The victim can file as well the complaint against the decision of prosecutor on the conditional suspension of prosecution, and this has suspensive effect.

## 2. 2. 2. Confidence of citizens in their justice system

### 40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

Excessive length of proceedings - The Constitutional court of the Slovak republic has the right to grant the financial compensation to a litigant when declaring the violation of the right to have his/her case tried publicly without undue delays.

Wrongful arrest, wrongful condemnation - the compensation process is governed by the Act on liability of the state for damage caused by exercising of the public power (No. 514/2003 Coll.).

The rates and tariffs are not laid in law.

### 41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

### 42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

### 43) Is there a national or local procedure for making complaints about the functioning

**(for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?**

Yes

No

**44) If yes, please specify:**

**Please give elements of information concerning the efficiency of this complaint procedure:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	No	No

Comment :

Under the Act on courts (No.757/2004 Coll.) the litigant may make a complaint about the court procedure. The complaint can concerned only the violation of his/her right to public hearing of the case without undue delays or the misbehaviour of a judge or a member of court staff.

The complaint has to be respond by the president of the court in 30 days.

The respond of the president may be revised by the president of the court of higher instance or by the ministry of justice.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.**

	Total number
First instance courts of general jurisdiction	54
Specialised first instance Courts (legal entities)	12
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	68

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

54 - District courts with general jurisdiction

Specialized courts:

8 - Regional courts - generally the appeal courts, they decide as the courts of the first instance in the administrative matters

1 - The Special court - the court competent to judge the criminal matters enumerated in the § 14 of the Code of the Criminal proceedings

3 - Military circuit courts - courts of the first instance with the special jurisdiction in criminal matters

All Courts:

68 - Total number of courts (at 31. December 2008): 1 - The Supreme court of the Slovak republic, 8 - Regional courts, 1 - Higher military court, 1 - The Special court, 3 - Military circuit courts, 54 - District courts

**47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?**

Yes

No

If yes, please specify:

Since the 1. april 2009 the system of military courts is abolished, the Higher military court and the Military circuit courts does not exist any more, their competence are shifted to the courts with the general jurisdiction.

**48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	number
a debt collection for small claims	54

a dismissal	54
a robbery	54

**Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):**

Small claim is the claim, whose value does not exceed EUR 500 at the time when the claim is filed at the court, excluding all interest, expenses and disbursements.

**Please indicate the sources for answering the questions 45 and 48:**

The Ministry of justice of the Slovak republic

The Act on the seats and the jurisdiction of the courts (No. 317/2004 Coll.)

3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**

**Please provide comments to explain the answer under question 49:**

Number  . 1388

Comment :

The total number of the judges in the evidence of the Ministry of justice on 31.December 2008. The number includes the judges of all levels and types of the courts. In the number there are included also the judges not performing the function e.g. the judges temporary assigned to the other institution (Ministry of justice, other judicial institutions), the judges at the maternity leave etc.

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	NAP
if possible, in full time equivalent	

**51) Please provide comments to explain the answer under question 50:**

**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).**

**Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?	Yes	NA

Comment :

The president of every district court determines the adequate number of the lay judges for the district. The lay judges are according to this determination elected by the local/municipal council for the term of 4 years.

The lay judges perform their judicial function only in the criminal cases specified by the Code of the criminal proceedings.

**53) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

If yes, for which type of case(s)?

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

NAP

**55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.**

**Please provide comments to explain the answer under question 55:**

Number  . 4133

Comment :

The Department of the Human Resources Development of the Ministry of Justice keeps the records of the number of the staff at all of the courts excluding the Supreme court of the Slovak republic. The division of the staff to the categories is different than in this questionnaire, the particular categories were joined according to their characteristic.

The Supreme court keeps his own records of the staff.

**56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

- |   |   |      |
|---|---|------|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  | <input checked="" type="checkbox"/> Yes | 822  |
| - non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars   | <input checked="" type="checkbox"/> Yes | 2154 |
| - staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | <input checked="" type="checkbox"/> Yes | 1157 |
| - technical staff   | <input type="checkbox"/> Yes            |      |

Comment :

"Rechtspfleger" - 748 Higher court officials and 74 Probation and mediation officials

Non-judge staff assisting to the judges - assistants, court secretaries, staff of the filing offices

**57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:**

The status of the higher court officials is defined in the Act on court officials (No. 549/2003 Coll.).

The higher court officials are civil servants who must comply with the legal requirements posts in the civil service and they have to hold a university degree in law.

A high court official, by virtue of a written authorisation from a judge, has the power to execute judicial acts in civil and criminal proceedings and autonomously take decisions on the scale laid down by law. For example, a high court officer takes decisions regarding petitions for the issue of a payment order, in probate proceedings, in enforcement proceedings, and in proceedings on the custody and redemption of instruments. He also rules on procedural decisions having a bearing, in particular, on evidence and the conduct of proceedings, e.g. on fines, the costs of evidence, legal costs, and the staying of proceedings.

A high court officer is also authorised to carry out actions independently which are connected with the preparation of hearings, the determination of conditions for the issue of in absentia judgments, judgments based on the recognition or waiving of an entitlement, and the preparation of judgments for judges.

Under the Rules of Civil Procedure, an appeal may be lodged against a decision issued by a court officer under the same conditions as against a decision of a judge. An appeal lodged against such a decision may be upheld in full by a judge. If a judge does not intend to uphold an appeal in full, the matter is presented to an appeal court for a ruling.

In criminal proceedings the higher court official can decide on the costs of the proceedings, appointment of counsel, can issue some of the decisions with regard to execution of judgments etc.

### 3. 1. 3. Prosecutors

**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number



897

Comment :

**59) Do any other persons have similar duties as public prosecutors?**

Yes

No

If yes, please specify:

**60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**



**Please provide comments to explain the answer under question 60:**

Number



842

Comment :

**3. 1. 4. Court budget and new technologies****61) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	Yes	No	Yes

**62) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Under the Act on courts (No. 757/2004 Coll.) the president of the court with court administrative director prepare the draft of the court budget until 15. November of the year preceding the year, in which the budget for next year is preparing.

The complete draft of the budget is prepared by the Ministry of justice for the whole judiciary (except the Supreme court, who governs its own budget).

The allocation of approved budget is made by the ministry of justice to Regional courts, who allocate the budget to the district courts within their territorial authority.

**63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	No	Yes	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

**64) For administration and management, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No

Financial information system	Yes	No	No	No
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**65) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	Yes	No	No
Special Website	No	Yes	No	No
Other electronic communication facilities	Yes	No	No	No

**66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes  
 No

If yes, please specify the name and the address of this institution:

The Ministry of Justice of the Slovak republic  
 Section of the Judicial Informatics and Statistics  
 Župné námestie 13  
 813 11 Bratislava

[www.justice.gov.sk](http://www.justice.gov.sk)

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

In the Slovak Republic the independent and impartial courts administer the general justice. The Slovak Republic has a two-level court system. District courts are generally competent to try proceedings at the first instance. Regional courts hear the cases as appeal courts. The Supreme Court of the Slovak Republic has the function of an appellate review court. Being the supreme judicial body the Supreme Court of the Slovak Republic never acts as a first instance court. The courts decide in civil and criminal matters, they also review the lawfulness of decisions made by administrative bodies. Courts decide in panels of judges unless the law provides that a single judge shall decide the case. The law stipulates, in which cases the lay judges chosen from the citizens participate in the decision-making of panels and when a court official authorised by the court can decide.

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and evaluation

**67) Are the courts required to prepare an annual activity report?**

- Yes  
 No

**68) Do you have a regular monitoring system of court activities concerning the**

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

**69) Do you have a regular system to evaluate the performance of each court?**

- Yes
- No

Please specify:

Under the Act on the courts (No. 757/2004 Coll.) the internal inspection (review) is the type of the supervision of the court and the judges, aimed to examination of the current state of performing of justice, to detection of reasons of possible weaknesses and to proposition of the remedies. The inspection is the part of the performance of justice. The inspection has to be realized in five year intervals.

**70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?**

- Yes
- No

**71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are treated by a single sitting judge
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

**72) Are there performance targets defined for individual judges (if no go to question 74) ?**

Yes

No

**73) Please specify who is responsible for setting the targets:**

executive power (for example the ministry of Justice)?

legislative power

judicial power (for example a High Judicial Council or a Higher Court

other

If other, please specify:

**74) Are there performance targets defined at the level of the courts (if no go to question 77)?**

Yes

No

**75) Please specify who is responsible for setting the targets:**

executive power (for example the ministry of Justice)?

legislative power

judicial power (for example a High Judicial Council or a Higher Court)

other

If other, please specify:

**76) Please specify the main targets applied**

The targets are those, which are monitor by the inspection department within the internal inspection of particular court.

**77) Which authority is responsible for the evaluation of the performances of the courts:**

High Council of judiciary

Ministry of justice

inspection authority

Supreme Court

external audit body

other

If other, Please specify:

**78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- Yes  
 No

If yes, please specify:

**79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- Yes  
 No

**80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:**

- civil cases?  
 criminal cases?  
 administrative cases?

**81) Do you have a way of analysing waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

**82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- Yes  
 No

Please specify (including an indication of the frequency of the evaluation):

The internal inspection of the courts is performed in accordance with the plan/schedule of the inspections, which is approved by the Judicial council. The inspection has to be performed every five years.

**83) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

- Yes  
 No

If yes, please specify:

The General prosecutor submits every year the Annual activity report on the public prosecution service to the National council of the Slovak republic (Parliament).

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your court monitoring and evaluation system**

The regular internal inspection of the courts is aimed to:

- results of the court and the judges with regard to personal and material conditions and workload of judges,
- the status and the reason of existing backlogs and eventual delays in proceedings,
- the observance of the procedural rules, formal requirements of the minutes and court decisions, legal time limits,
- timeliness of executing and dispatching of court decisions,
- the quality of preparation and the course of hearings, the effective utilization of the trial days and the reasons of adjourning of court sessions,
- the quality of work of court departments and record offices, the quality of court files,
- the allocation of files according to the working schedule,
- the observance of the procedure of preparation of the working schedule of the court and the reasonable grounds of its changes,
- the dignity of professional conduct of judges, court officials and court staff as well as the dignity of the court environment,
- the effectiveness of the complaint procedure.

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

If possible, number of successful challenges (in a year):

**86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	4	11	10	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	1	0

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

Please specify:

Civil cases:

The preliminary measures in the civil proceedings has to be issued in 30 days, in the cases concerning the minor child care and domestic violence in 7 days. In the cases, when the life, health or evolution of a minor child is seriously endangered the court has to decide within 24 hours.

Criminal matters:

The judge has a time limit stipulated by law to give a decision on custody of accused person and other decisions in pre-trial proceedings.

**88) Are there simplified procedures for:**

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

Civil cases:

Since 15. October 2008 the small claims procedure has been introduced to the civil proceedings. The court may decide these cases in simplified procedure without the public hearing.

The payment order procedure and the order to perform procedure are considered as the simplified procedures. The judge may issue a payment order or the order to perform an obligation without hearing a case. The defendant may contest the claim by filing a protest, which may results in annulment of the order.

Criminal cases:

The judge can issue "penal order" in simplified procedure without hearing the case.

**89) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

If yes, please specify:

Unless the time limits are governed by law, the judge can set the procedural time limits himself/herself. In justified cases the limits set by the judge can be extended.

## 4. 2. 2. Penal, civil and administrative law cases

**90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	423946	1014863	1046081	392728
1 Civil (and commercial) litigious cases*	145118	128924	140626	133416
2 Civil (and commercial) non-litigious cases*	71674	124705	124214	72165
3 Enforcement cases	20137	445	12984	7598
4 Land registry cases**	nap	nap	nap	nap
5 Business register cases**	9923	83832	84629	9126
6 Administrative law cases	8684	10883	10485	9082
7 Other	168410	666074	673143	161341
Total criminal cases (8+9)	20617	37593	37927	20283
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour				



and / or minor offences cases	NA	NA	NA	NA
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**91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

**92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 91.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	10494	31534	32451	9521
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	35	37	56	16
7 Other	20	132	123	29
Total criminal cases (8+9)	870	3697	3689	878
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour and/or minor offences cases				

Comment :

**93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 88.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	2626	7466	7148	2944
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	1003	3379	3038	1344
7 Other				
Total criminal cases (8+9)	321	1190	1283	228
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

Comment :

**94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	8950	15412	16122	8240
Employment dismissal cases*	NA	NA	1650	NA
Robbery cases	NA	NA	574	NA
Intentional homicide	NA	NA	50	NA

**95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the tale. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 92:**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*					186
Employment dismissal cases*	34,42				1109
Robbery cases	23,34				308
Intentional homicide	74,00				429

Comment :

The length of the proceedings is calculated in the statistics of the Ministry of justice in months. The data available in months were converted to days.

**96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:**

The non-litigious divorce procedure does not exist in the Slovak legal system.

**97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.**

The length of proceedings is calculated from the date of lodging the case to the final valid decision, it means, that it includes the length of the proceedings before both first instance and appeal court.

**98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

For example:

The power of prosecutor to secure funds under § 95 of the Penal Code:

If determined facts suggest that money in the account at a bank or branch of a foreign bank or other funds are intended to commit the offense of committing or being used as proceeds of crime, the presiding judge and the prosecutor to give pre-trial order, that funds have been secured.

The prosecutor has also the power to supervise and overview the observance of law in the premises where the sentences of deprivation of liberty, or custody or protective young offenders rehabilitation or protective treatment are served/carried out.

**99) Does the prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

Please specify:

Within his competence to supervise the observance of law by the public administration authorities, the prosecutor supervises the observance of law as well as of other generally binding legal rules by the authorities of public administration within the extent defined in the Act on Public Prosecution Service.

In the civil proceedings the prosecutor can act within the scope of his powers stipulated by the Civil procedure code (Art.35). If it is established by a separate law or by the Civil procedure Code the prosecutor is entitled to file the law suit. In several enumerated types of the civil proceedings the prosecutor is entitled to join (enter) the pending civil case (Art. 35, par. 2, e.g. the proceedings on legal capacity of the natural person, the custody proceedings, the bankruptcy proceedings, the cases, where the state is the litigant etc.). In these proceedings the prosecutor is entitled to file an appeal.

**100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	205468	NA	NA	NAP	6039	30070

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering the questions 90 to 95 and 100:**

Q 90 - 95 - Ministry of justice, Section of Judicial Informatics and Statistics

Q 100 - The General Prosecutor Office

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recruitment, nomination and promotion

##### 101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

##### 102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

##### 103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

##### 104) Which procedures and criteria are used for promoting judges? Please specify.

Promotion to the court of higher instance:

The president of the court of higher instance announce the selection procedure to a vacant place of a judge of a higher court.

The selection committee consist of 5 members appointed by the president of the court, 3 members are nominated by the council of judges, 1 is nominated by the Judicial council of the Slovak republic and 1 is nominated by the Ministry of justice.

Candidate judge applying for the promotion has to be evaluated by an evaluation commission nominated by council of judges. The commission examine the valid decisions of a judge, the conducting of the court proceeding from the perspective of its continuity and dignity. The opinion of the appellate chambers is taken into account.

The important condition for promoting is an activity of a judge in participation in seminars and study visits, the professional publication activity and lecturing.

The selection procedure consist in oral interview.

The committee make up the placing list of successful candidates on the base of individual voting of the members of committee.

The final decision on promoting of successful candidate is made by the Judicial council of the Slovak republic.

##### 105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

To fill the vacant post of the prosecutor the Prosecutor General of the Slovak Republic announce the competition. After the successful completion of the selection process, the candidate becomes a prosecutor candidate.

To the function of the prosecutor candidate may be appointed only a national of the Slovak Republic which,

- has a university education in law,
- has full legal capacity,
- the integrity and moral characteristics give guarantee that after a preparatory practice will carry out the function of prosecutor;
- governs the state language,
- is resident in the Slovak Republic
- successfully completed the selection process.

The purpose of the practical training is to train prosecutor candidate for the post of prosecutor. The length of this praxis is 3 years.

**106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?
- An authority composed of prosecutors and non-prosecutors?

**107) Is the same authority formally responsible for the promotion of prosecutors?**

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

The prosecutor can be promote to a higher degree on the basis of the selection procedure in accordance with the principles of the prosecutors office procedure approved by the Board of prosecutors; This procedure can be performed only by General prosecutor with the consent of the person.

**108) Which procedures and criteria are used for promoting prosecutors? Please specify:**

The principles of functional process of promoting of prosecutors approved by the Board of Prosecutors: 8 12. 2005

In accordance with § 10 of the Act No. 154/2001 Coll. on Prosecutors and the Candidate Prosecutors there were adopted the following principles of the prosecutor's office procedure for promotion to the higher level:

A)

The procedure for promoting of prosecutor of higher degree is possible only through a tender that regulates Act provisions in § 20, § 21, and then organizing the Prosecutor General instructed Lt. SR. No. 3 / 2001 of 4 May 2001, in which competition will verify the professional and moral

quality of the candidate.

B)

Prerequisites for the promoting of prosecutor of a higher degree by the length of the eligible practices are:

1. To General prosecutor's office of Slovak Republic, including a military component, can be moved a prosecutor, who has reached at least ten years experience of the eligible, except for the length of the eligible practices may be granted the Attorney General to draft a special prosecutor if the prosecutor interlaced by the special prosecutor. Should an exception be to shorten the duration of the eligible practices for more than 3 years, it may authorize the Attorney General with the consent of the Board of prosecutors.

2. In the county prosecutor's office, including higher military prosecutor, the prosecutor can be moved, which reached at least 5 years of the eligible practices. An exception to the seniority may in individual cases if required prosecutor interest, authorize the Attorney General. Should an exception be to shorten the duration of the eligible practices for more than 3 years, it may authorize the Attorney General with the consent of the Board of prosecutors;

C)

The promoting of prosecutor on higher degree can be moved the prosecutor, in addition to the facts set out in point. A, B, in its operation to date diverting quality work, its approach to meeting the job duties for the benefit of the prosecution department. In legal circles, where it operates, enjoy an appropriate authority, stemming from his expertise and approach to solving problems.

**109) Is the mandate given for an undetermined period for judges?**

- Yes
- No

Are there exceptions? Please specify:

**110) Is there a probation period for judges? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for judges		

**111) Is the mandate given for an undetermined period for prosecutors?**

- Yes
- No

Are there exceptions? Please specify:

The mandate of the prosecutor is without the time limit, while the Act on Prosecutors determined that after 65 years of age the mandate may be terminated by the Prosecutor General.

**112) Is there a probation period for prosecutors? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for		

prosecutors

**113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**

**Please specify the length**

for judges?  Yes

for prosecutors?  Yes

**You can indicate below:**

any useful comments for interpreting the data mentioned in this chapter

the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

### 5. 1. 2. Training

**114) Nature of the training of judges. Is it compulsory?**

Initial training

General in-service training

In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)

In-service training for management functions of the court (e.g. court president)

In-service training for the use of computer facilities in the court)

**115) Frequency of the training of judges**

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	No
In-service training for the use of computer facilities in the court	No	No	Yes

**116) Nature of the training of prosecutors. Is it compulsory?**

Initial training

General in-service training

Specialised in-service training (specialised public prosecutor)

In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)



- In-service training for the use of computer facilities in the public prosecution service)

### 117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	No	Yes
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

#### You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

The Judicial Academy (hereinafter only JA) was established by Act No. 548/2003 Coll. on the Judicial Academy as a budgetary organisation of the Ministry of Justice of the Slovak Republic. It started its operation on 1 September 2004 and its task is to ensure, organise and carry out education of judges, prosecutors and court officials as well as judge candidates and prosecutor candidates.

The JA drafts regularly the plan of educational events, which has to be approved by the JA Board (hereinafter the "Board"). Educational activity is provided by the faculty composed of permanent and visiting members. The visiting members of the faculty, come mainly from the ranks of judges, prosecutors and university lecturers. Under Section 11 of the quoted law the selection of the members of the faculty is made from the ranks of judges or prosecutors who hold the office of judge or prosecutor at least for a period of 5 years. The board applied the requirement of a 5-year practice accordingly also when selecting members of the faculty who do not hold the office of judge or prosecutor. The number of the members of the faculty is not limited in any way. The Board shall decide on other members upon a proposal by the Minister, the Judicial Council, and councils of judges, prosecutor general and the director.

The JA cooperates with the presidents of regional courts in the implementation of the approved academic plan.

The condition for being included in a particular event is the sending of a fully filled application form and the signature of the superior. The JA arranges education of prosecutors and prosecutor candidates through the Prosecution General of the Slovak Republic.

The JA keeps records on the attendance by judges, prosecutors and court officials in individual courses. These records are mainly used to serve the internal needs of the JA when giving repeated training. However, it may also be used as a basis for an overall assessment of judges, prosecutors and court officials in their future career.

When implementing its tasks the JA builds on legal provisions under which judges and prosecutors have the right to deepen their professional qualification while being also responsible for unused offered possibilities for education.

More information on the Judicial Academy at <http://www.ja-sr.sk/node/1360>

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

**118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 118:**

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	25303	
Judge of the Supreme Court or the Highest Appellate Court	36550	
Public prosecutor at the beginning of his/her career	23898	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	36550	

Comment :

According to the Act on judges (No. 385/2000 Coll.) the average monthly salary of the judge is equal to monthly salary of the deputy of the parliament. The salary of the judge at the beginning of the career is 90% of the average monthly salary of the judge.

The salary of the judge of the Supreme court is 130% of the monthly salary of the deputy of the parliament.

The judge has the right to 2 additional salaries in May and in November under the conditions stipulated in law. The gross annual salary for the purpose of this questionnaire was calculated as 14 monthly salaries.

The similar rules are applicable for the salaries of the prosecutors (Act on prosecutors and trainee prosecutors No.154/2001 Coll.). The average salary of the prosecutor is equal to average salary of the judge. The salary of the beginning prosecutor is 85% of the average salary. Prosecutors have also the right to 2 additional monthly salaries.

The gross annual salary was calculated as 14 monthly salaries.

**119) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	No	No

**120) If other financial benefit, please specify:**

**121) Can judges combine their work with any of the following other functions ?**

--	--	--	--

Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

**122) If other function, please specify:**

**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

**124) If other function, please specify:**

**125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

Yes

No

If yes, please specify:

**Please indicate the source for answering the question 118**

Ministry of justice, The General Prosecutor Office

Act on judges

Act on prosecutors and trainee prosecutors

### 5. 2. 2. Disciplinary procedures

**126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

Judges:

Disciplinary proceedings can be initiated only on the base of motion to start the proceedings. Without the motion the proceedings can start only in the case, when the body responsible for criminal proceedings or authority investigated the offence of a judge submits the case directly to Disciplinary court.

The subjects entitled to file the motion:

a) The minister of justice

- b) Ombudsman
- c) The Judicial council of the Slovak republic
- d) President of the regional court also against the judge of the district court within his/her competence
- e) President of the court against the judge of his/her court
- f) The council of judges against the judge of the court, where it is created

**Prosecutors:**

Motion to start disciplinary proceedings against a prosecutor may be submitted by

- a) General Prosecutor – against any prosecutor of any prosecution office
- b) Minister of Defence of the SK – against any prosecutor of the Military Prosecution Service
- c) Deputy General Prosecutor – against prosecutors of the General Prosecutor’s Office as well as against Head Prosecutors falling within his competence of a superior
- d) Regional Prosecutor against any prosecutor of a Regional Prosecution Office or against District Prosecutor or prosecutor of a District Prosecution Office
- e) Higher Military Prosecutor against a prosecutor of a Higher Military Prosecution Office, against Circuit Military Prosecutor or a prosecutor of a Circuit Military Prosecution Office
- f) a competent District Prosecutor against a prosecutor of a District Prosecution Office
- g) a competent Circuit Military prosecutor – against a prosecutor of a Circuit Military Prosecution Office

**127) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

**Judges:**

Disciplinary court

For the purpose of the disciplinary proceedings of the judges The Supreme court is the disciplinary court.

Disciplinary proceedings against the president and the vice-president of the Supreme court conducts the Constitutional court of the Slovak republic.

The judges of Disciplinary court are elected by the Judicial council of the SR for the period of 3 years from the candidates nominated by councils of judges, Minister of justice and the National council (Parliament). The candidate can be a judge or other legal professional, meeting the criteria provided by law.

Disciplinary chamber of the first instance consists of 3 members, 1 member elected from the candidates nominated by councils of judges, 1 member from the candidates nominated by the minister and 1 from the candidates nominated by the parliament. At least two members have to be judges.

The Appellate disciplinary chamber consists of 5 members - 1 member elected from the candidates nominated by councils of judges, 2 members from the candidates nominated by the minister and 2 members from the candidates nominated by the parliament. At least three members of the chamber have to be judges.

**Prosecutors:**

Disciplinary Commission

Disciplinary Commission established in the General Prosecutor’s Office is competent to find out disciplinary responsibility and to impose disciplinary measures.

Disciplinary commission is composed of a Chair person and of 4 members who must be prosecutors.

Upon proposals by the council of Prosecutors, the General Prosecutor appoints the chair person as well as members of the Disciplinary Commission for a term of three years.

**128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors

Total number (1+2+3+4)	36	4
1. Breach of professional ethics	NA	0
2. Professional inadequacy	NA	4
3. Criminal offence	NA	0
4. Other	NA	

Comment :

**129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 129**

	Judges	Prosecutors
Total number (total 1 to 9)	NA	9
1. Reprimand	NA	2
2. Suspension	NA	0
3. Withdrawal of cases	NAP	0
4. Fine	NA	2
5. Temporary reduction of salary	NA	3
6. Degradation of post	NA	0
7. Transfer to another geographical (court) location	NA	
8. Dismissal	NA	0
9. Other	NA	2

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

For the less serious imperfections in work or behaviour or for lesser offences the judge can be reprimanded by written notice directly by the subject entitled to file a motion to start disciplinary proceedings. The judge can file a motion to Disciplinary court to pronounce the invalidity of the reprimand.

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

**130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).**

4800

**131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.**

- Yes
- No
- Not applicable

**132) Number of legal advisors. If there is no data available, please indicate it (NA)**

NAP

**133) Do lawyers have a monopoly of representation in (multiple options are possible):**

- Civil cases\*?
- Criminal cases - Defendant\*?
- Criminal cases - Victim\*?
- Administrative cases\*?

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

Civil cases:

According to the Code of the Civil Procedure a litigant can be represented before the court by trade unions in the labour law disputes, by special legal persons (e.g. the consumer associations) or by any individual who has full capacity to do legal acts. Such a representation is not possible in the proceedings on extraordinary appeals (or extraordinary remedies). The litigant bringing the extraordinary appeal (remedy) must be represented before the court by a lawyer, unless he/she or his/her employee (staff member) who acts on his/her behalf holds a degree in law.

Criminal cases-Victim:

Victim can be represented in the criminal proceedings by the lawyer or by any individual with the full legal capacity or NGO.

Administrative cases: Lawyers have the monopoly only in certain types of administrative cases (§ 250a of the Code of the Civil Procedure).

**134) Is the lawyer profession organised through?**

- a national bar?
- a regional bar?

a local bar?

Please specify:

The Slovak Bar Association is an independent self-administrative professional organisation, associating lawyers and trainee lawyers.

The legal profession may be performed only by persons who are admitted to the Roll of the Slovak Bar Association.

**Please indicate the source for answering the questions 130 and 132:**

The Slovak Bar Association  
Kolárska 4  
813 42 Bratislava

www.sak.sk

### 6. 1. 2. Training

**135) Is there a specific initial training and/or examination to enter the profession of lawyer?**

Yes

No

**136) Is there a mandatory general system for lawyers requiring continuing professional training?**

Yes

No

**137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

Yes

No

If yes, please specify:

### 6. 1. 3. Fees

**138) Can users establish easily what the lawyers' fees will be?**

Yes

No

Please provide comments to explain the answer under question 138

The lawyers fees are regulated by the Regulation of the ministry of justice (at the present time No. 655/2004 Coll.).

The fees can be either negotiated as the contractual fee or the tariff fee according to the regulation is applicable.

**139) Are lawyers fees**

- regulated by law?  
 regulated by Bar association?  
 freely negotiated?

Please provide comments to explain the answer under question 139:

The contractual fee can be negotiated between the lawyer and the client as follows:

- a/ depending on the number of hours spent on a case (time fee),  
b/ single payment (lump-sum),  
c/ share of the value of the case,  
d/ tariff fee.

The basic tariff fee is determined according to the tariff value of the case and the number of the legal aid actions of the lawyer.

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

**140) Have quality standards been formulated for lawyers?**

- Yes  
 No

**141) If yes, who is responsible for formulating these quality standards:**

- the bar association?  
 the legislature?  
 other?

Please specify (including a description of the quality criteria used):

Relation of the lawyer and his/her clients, to other fellow lawyers, to the Bar Association, to courts and other public authorities, to the general public, to his/her trainee lawyers who he/she supervises, to other staff members employed in his/her law firm. There are also principles applicable to the advertisement and forms of the performance of the legal profession.

**142) Is it possible to complain about**

- the performance of lawyers?  
 the amount of fees?

Please specify:

The complaint procedure is governed and regulated by Act No. 586/2003 Coll. on the Legal Profession as amended to date, and in the Disciplinary Rules approved by the General Assembly of Lawyers in June 2007.

**143) Which authority is responsible for disciplinary procedures**

- the judge?



- the Ministry of justice?
- a professional authority or other?

Please specify:

The Disciplinary Committee is the body responsible for disciplinary procedures. It is elected by the General Assembly of Lawyers. Each disciplinary proceeding is handled by a three-member disciplinary panel appointed by the Chairman of the Disciplinary Committee from among its members.

**144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 141:**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				

Comment :

**145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 145:**

	Reprimand	Suspension	Removal	Fine	Other
Annual number					

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**146) Does the legal system provide for mediation procedures? If no go to question 151**

Yes

No

**147) If applicable, please specify, by type of cases, the organisation of mediation**

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. Divorce)	No	Yes	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	Yes	No	No	No
Criminal cases	No	No	No	No	No

**148) Is there a possibility to receive legal aid for mediation procedures?**

Yes

No

If yes, please specify:

The Act on a legal aid (No. 327/2005 Coll.) includes as the part of the legal aid the representation in the procedure before the mediator

**149) Number of accredited mediators. If there is no data available, please indicate it (NA)**

247

**150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

civil cases?	NA
family cases?	NA
administrative cases?	NAP
employment dismissals?	NA
criminal cases?	NAP

**Please indicate the source for answering the question 150:**

#### 7. 1. 2. Other forms of alternative dispute resolution

**151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:**

The Act on Arbitration proceedings (No. 244/2002 Coll.) offers the possibility to solve the disputes arisen from internal and international civil and commercial legal relations.

The contractual parties should conclude written arbitration clause, pursuant to which their disputes should be decided by chosen arbitrator or by permanent arbitration court.

Ministry of justice keeps the list of permanent arbitration courts

(<http://www.justice.gov.sk/wfn.aspx?pg=156&uc=adr/rozs>).

The parties may agree on procedural rules, otherwise the standard rules determined by the Act should apply.

The decision of an arbitrator can be challenged by an action before the court on the grounds stipulated in the Act and within the period of 30 days counted from the day of service of the decision.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154**

- Yes  
 No

**153) Number of enforcement agents. If there is no data available, please indicate it (NA).**

278

**154) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiff practising as private profession ruled by public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

A distrainer is a person appointed and empowered by the state to enforce court rulings and other decisions. He/she carries out enforcement impartially and independently. In the performance of his duties, he is bound only by the Constitution of the Slovak Republic, constitutional laws, international treaties, laws, other general implementing legislation, and court rulings issued in enforcement proceedings.

In connection with enforcement activities, he/she has the status of a public official, and the performance of enforcement activities is regarded as the exercise of official authority.

A distrainer is appointed by the Minister for Justice. A citizen who has full legal capacity, holds a university degree in law, is of good character, has at least three years' experience of enforcement or judicial activity connected with the enforcement of decisions and has passed an expert examination may be appointed a distrainer. A person who has been subject to disciplinary action stripping him of the office of distrainer or who has been subject to disciplinary action striking him from the bar register, disciplinary action stripping him of the office of notary, disciplinary action stripping him of the office of prosecutor or disciplinary action removing him from the office of judge may not be a distrainer.

The enforcement agent's activities are incompatible with another employment relationship, entrepreneurship, membership of the bodies of a commercial company or cooperative, or with the performance of other gainful activity, with the exception of academic, pedagogical, literary, artistic and journalistic activity.

A distrainer carries out enforcement pursuant to authorisation issued by a court of enforcement.

**155) Is there a specific initial training or examination to enter the profession of enforcement agent?**

- Yes  
 No  
 Not applicable

**156) Is the profession of enforcement agent organised by?**

- a national body?  
 a regional body?  
 a local body?  
 not applicable

**157) Can users establish easily what the fees of the enforcement agents will be?**

- Yes  
 No  
 Not applicable

**158) Are enforcement fees:**

- regulated by law?  
 freely negotiated?  
 not applicable

**Please indicate the source for answering the question 153:**

The Slovak Chamber of distrainers  
Šustekova 49  
851 04 Bratislava

ww.ske.sk

8. 1. 2. Supervision

**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes  
 No  
 Not applicable

**160) Which authority is responsible for the supervision and the control of enforcement agents:**

- a professional body?  
 the judge?  
 the Ministry of justice?

the prosecutor?

other?

Please specify:

The competence of the Ministry of Justice of the Slovak Republic (hereinafter the "Ministry") with respect to distrainers is laid down in Section 8 of Act No. 233/1995 Coll. on court distrainers and distraint (Distraint Procedure) and on the amendment of certain other acts as amended within the meaning of which the state supervision of the activity of the Slovak Chamber of Distrainers (hereinafter "the Chamber") and distrainers is performed by:

\* the Ministry by monitoring compliance with the lawfulness of procedures applied by distrainers in concrete cases, regular and targeted checks of distraint offices and distraint files, discussing and assessing Chamber reports on the results of distraint activities and knowledge from handling complaints concerning distrainer's conduct,

\* the Minister of Justice who appoints and removes distrainers, decides on lifting distrainer's confidentiality obligation.

The Minister of Justice may suspend the distrainer from his office (§ 222 Rules of Distraint) when criminal proceedings have been initiated against him/her on grounds of an intentional crime or a distraint activity related crime, till the promulgation of the judgement of the court of first instance or in case of commenced disciplinary proceedings against him/her on grounds of serious disciplinary violation till the decision becomes final.

The Minister of Justice may file a petition to open disciplinary procedure against a distrainer within one year from the day he/she learned of the disciplinary violation, however, not later than three years from the date of the event.

The Minister of Justice has the obligation to suspend the distrainer who was found guilty of committing an intentional crime or a crime related with distraint in a judgement of a court of first instance from office for the period of serving the sentence of deprivation of liberty until the judgement becomes final, if there are no grounds for appeal.

The Minister of Justice has the obligation to remove a distrainer who lost his integrity according to the Distraint Rules of Procedure or who failed to submit a criminal record statement within the required time limit, without undue delay.

The Minister of Justice has the obligation to remove a distrainer who fails to prove his/her compliance with the requirement of a master degree level of education at a school of law of a tertiary educational institution in the Slovak Republic or who fails to have his/her certificate of a master degree level of education at a school of law of a tertiary educational institution issued by a foreign tertiary education institution recognised, without undue delay.

### **161) Have quality standards been formulated for enforcement agents?**

Yes

No

Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

### **162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?**

Yes

No

if yes, please specify

**163) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

**8. 1. 3. Complaints and sanctions****164) What are the main complaints of users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all?  
 non execution of court decisions against public authorities?  
 lack of information?  
 excessive length?  
 unlawful practices?  
 insufficient supervision?  
 excessive cost?  
 other?

Please specify:

**165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes  
 No

If yes, please specify:

**166) Is there a system measuring the timeframes of the enforcement of decisions :**

- for civil cases?  
 for administrative cases?

**167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:**

- between 1 and 5 days  
 between 6 and 10 days  
 between 11 and 30 days

more

If more, please specify

**168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of disciplinary proceedings	<input type="checkbox"/> number:	56
for breach of professional ethics		NA
for professional inadequacy		NA
for criminal offence		NA
Other		NA

**169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of sanctions	<input checked="" type="checkbox"/> number:	37
Reprimand	<input checked="" type="checkbox"/> number:	9
Suspension	<input type="checkbox"/> number:	
Dismissal	<input type="checkbox"/> number:	
Fine	<input checked="" type="checkbox"/> number:	10
Other	<input checked="" type="checkbox"/> number:	18

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

**Please indicate the source for answering the questions 167, 168 and 169:**

The Slovak Chamber of Distrainers  
Šustekova 49  
851 04 Bratislava

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**170) Is there a judge who is in charge of the enforcement of judgments?**

- Yes  
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):



The judge gives the instructions to the administrative staff of the court to order the enforcement of all types of sentences and supervises whether all the sentences are enforced.

The judge orders the execution of the judgement "ex officio".

The execution of the sentences not related to imprisonment is made and supervised by the probation officer.

**171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

Yes

No

If yes, please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

#### 172) Do you have notaries in your country? If no go to question 177

- Yes  
 No

#### 173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?		NAP
a status of private worker ruled by the public authorities?		NAP
a public one?	<input checked="" type="checkbox"/> number	325
other?		NAP

#### Comment :

A notary is a person appointed and empowered by the state to practise as a notary and carry out other activities in accordance with the law.

A notary is appointed by the Minister of Justice on the basis of selection procedure, as a general rule to hold office within the geographical jurisdiction of a court of first instance.

A notary is impartial and independent in the performance of his duties. He is bound only by the Constitution, laws and other general implementing legislation. The office of a notary is incompatible with entrepreneurial activities or other gainful activity, except for the management of the notary's own assets and those of his minor children, and academic, publishing, pedagogical, interpreting and artistic activity. A notary may not act as an expert in cases where he is a court commissioner.

#### 174) Do notaries have duties:

- within the framework of civil procedure?  
 in the field of legal advice?  
 to authenticate legal deeds?  
 other?

Please specify:

Notarial activities comprise the drawing-up and issue of instruments on acts in law, the certification of legally significant facts, procedure in cases of notarial custody, and acts in matters of notarial central registers. In connection with his practice, a notary may provide parties with legal advice, draw up other documents, manage assets, and represent clients in the management of their assets.

In the probate proceedings, the court appoints a notary to provide consultation on the inheritance in the capacity of court commissioner, and to issue a certificate of inheritance in cases where legal requirements have been met. The acts of a notary are regarded as the acts of a court.

#### Please indicate the source for answering the question 173

The Chamber of Notaries of Slovak republic, Zahradnicka 66, Bratislava

### 9. 1. 2. Supervision

#### 175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes  
 No

#### 176) Which authority is responsible for the supervision and the control of the notaries:

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the prosecutor?  
 other?  
 not applicable

Please specify:

The Chamber of Notaries perform the supervision of the notaries by hearing the complaints and inspection of files, deeds and registers.

The Minister of Justice of the Slovak Republic:

\* appoints and removes notaries,

\* determines the number of notary offices at each court of first instance (number of notary positions) and their possible change,

\* upon the proposal of the Chamber he/she may transfer notaries to another district of a court of first instance with their consent.

The Minister of Justice may file a petition to open disciplinary proceedings against a notary within three months from the day he/she learned of the disciplinary violation, however, not later than one year from the date of the event.

The same right belongs to the president of the Chamber and the president of Regional court.

#### You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**  
 **the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

Act n. 323/1993 Col. on Notaries and notarial activities (Notarial order), regulating the status and activities of Notaries, entered into force on 1st of January 1993. Slovak Notary, being designated and empowered by state, is a person authorized to perform notarial acts and any other acts, as defined by law. Notary is nominated by the Minister of Justice, on the basis of a selection procedure, generally into the office falling within the Court of first instance district. However, he/she is not part of state bureaucracy; he/she is not bounded by any instructions, but is subject to state supervision, performed by the Minister of Justice. State is thus entitled to issue legislation regulating the activities of the Notaries, self-governance of the Notaries, as well as designate the number of notarial offices within the district of Court of first instance.

Chamber of Notaries, as a self-governing body of Notaries, apart from the duties concerning self-governance of Notaries and supervision over the Notaries' activities, is in charge of Central information system (CIS) administration. The system itself is a Chamber's property, owned and operated by it. Notairal central registers are an integral part of CIS and their administration is entrusted to the Chamber by law or particular Act. Each notarial office must use NOTAR programme, which records legal acts into the Notairal central registers. The data are first stored

in the local database under a peerless ID number (Notary's office code). When the data are transmitted to the central database of the Chamber of Notaries of SR, it is thanks to this ID, that it is possible to identify the Notary's office, which has carried out this particular notarial act. In addition to Notary's office ID, the user ID is added. In this way, it is possible to attribute the registered act to a particular user (employer of the Notary's office), that has realized the registration.

Data recorded into Notarial central registers have effect against everybody from the date of their registration. A person concerned by the registration can not object to non-equivalence of the registered and real facts, against the person, who acts on the faith of record in the Notarial central register.

#### Main scope of notarial activities

Notaries draw up notarial records on contracts, testaments and other legal acts for the participants, on the basis of their declaration.

Notary acting in the capacity of a Court Commissioner is entitled, under the authorization of the court, to conduct independently inheritance proceedings aiming at the issuance of a succession certificate or to advance the case to the court in order to issue a resolution. Act n. 384/2008 Col., amending Act n. 99/1963 Col. Code on Civil Procedure as last amended, and which entered into force on 15th of October 2008, strengthened the position of Notaries acting as Court Commissioners (i.e. executing the judicature), according to which Notaries, on behalf of the court, are entitled to take independently certain partial procedural decisions and decisions on interruption of the inheritance proceedings. They however still act by the authority of the competent court.

At the participant's request, Notary certifies the facts that might be background to the claim of rights or that might have legal consequences. In particular, he/she issues certifications on: rightness of a duplicate or a photocopy, authenticity of a signature on the document, fact that the act was submitted and when it happened, course of general meetings and other meetings of the legal persons, fact that a person is alive, declaration on usucaption and other facts.

Notarial activities comprise also a procedure on notarial custody and acts related to Notarial Central Registers.

Area of information and communication technologies includes issuing of the extracts and write-offs from the registered data and in particular access (registration) to the Notarial Central Registers:

a) of notarial deeds (NCRnz)

b) of testaments, acts on disinheritance and on cancellation of such acts (NCRza)

c) of certified signatures (NCRop)

d) of the chattel mortgages (NCRzp) – it is a record of the established chattel mortgage, changed data on chattel mortgage, beginning of the execution of the rights form the chattel mortgage and its erasure in the Notarial Central Register of the chattel mortgages.

e) of auctions (NCRdr) – Notary registers data on voluntary auction as provided by law, into the Notarial Central Register of auctions.

f) of acts (NCRls) – according to Act n. 384/2008 Col, amending Act n. 99/1963 Col. Code on Civil Procedure as last amended, an important change has been set in for the Notaries. According to § 189a all the court decisions on deprivation or restriction of the capacity to act with legal effects, must be obligatorily recorded in the Notarial Central Register of acts.

g) of the specified legal persons (NCRpo) – administration of the list of 2 % tax revenue beneficiaries, to whom the Notary certifies the completion of all the necessary conditions for the

reception of 2 % from the tax revenue, for every calendar year separately.

## 10. Court interpreters

### 10. 1. function

#### 10. 1. 1. Statute

#### **177) Is the title of court interpreter protected?**

- Yes  
 No

#### **178) Is the function of court interpreter regulated?**

- Yes  
 No

#### **179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations**

683

#### **180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?**

- Yes  
 No

If yes, please specify:

The person can be registered in the list of qualified interpreters when he/she meets the criteria stipulated by The Act on the Experts, Interpreters and Translators (Act No. 382/2004 Coll.)

He/She has to:

- a/ have the full legal capacity
- b/ be without the criminal record
- c/ obtain the qualification in particular area (language)
- d/ pass through the special course on the status of the qualified interpreter
- e/ be in the practice for the period of minimum 5 years
- f/ pass the special examination to prove his/her qualification
- g/ make an oath in the hands of the minister of justice

#### **181) Are the courts responsible for the selection of court interpreters?**

- Yes  
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

Any person can apply for the registration in the list of the qualified interpreters. The Ministry of justice keeps the central list of the interpreters. The ministry of justice organise the special examinations for the interpreters. The applicant can be registered when he/she meets the criteria stipulated by law.

The court can appoint to the proceedings any of the interpreter from the list.

If it is not possible to appoint the interpreter from the list, the court can appoint other competent person as "ad hoc" interpreter.

Besides the list of qualified interpreters the ministry of justice keeps also the central list of qualified translators.

## 11. Functioning of justice

### 11. 1. Foreseen reforms

#### 11. 1. 1. Reforms

**182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:**

Since the 1. April 2009 the system of military courts is abolished, the Higher military court and the Military circuit courts does not exist any more, their competence are shifted to the courts with the general jurisdiction.