

Slovak Republic – national procedures for mutual legal assistance on
laundering, search, seizure and confiscation of proceeds of crime
(ETS No. 141)
Updated 28/10/2016

The information contained in this table should be updated on a yearly basis.

Procedure for search (asset-tracing) and seizure	
<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance (including freezing and seizure):</p>	<p>Requests under Section 2 of the convention: Investigative assistance Prezídium Policajného zboru (Presidium of the Police Force) Národná kriminálna agentúra (National Criminal Agency) Finančná spravodajská jednotka (Financial Intelligence Unit) Pribinova 22; SK-812 72 BRATISLAVA</p> <p>tel.: 421 2 9610 51 402; fax: 421 2 9610 59 047e-mail: naka@minv.sk</p> <p>Requests under Section 3 of the convention : Provisional measures Generálna prokuratúra Slovenskej republiky (General Prosecutor's Office of the Slovak Republic) Štúrova 2; SK-812 85 BRATISLAVA</p> <p>tel.: 421 2 208 37 419;</p> <p>fax: 421 2 208 37 401</p> <p>e-mail: Inter.coop@genpro.gov.sk</p>

If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	Requests shall be sent to the Central Authorities as stated above.
Channels of communication for the request for mutual legal assistance (directly, or other):	Through the Central Authorities, unless other bilateral or multilateral international treaty allows direct contact between judicial authorities.
Means of communication (e.g. by post, fax, e-mail ¹):	Requests should be send via post. If the case is urgent a delivery via fax/ e- mail is accepted. Encryption or electronic signature is not required. Requests sent via fax/e-mail should be complemented by the hard copy during the reasonable time frame.
Language requirements:	Requests and documents supporting such requests shall be accompanied by a translation into the Slovak language, the English language or the French language.
Double criminality requirement, if applicable:	Double criminality principal is required.
Other requirements: for example a link between the proceeds and the criminal offence, or that a request for the confiscation judgment or measure will be made later, or that leave is given	A link between proceeds and the criminal offence must by explained. A request shall also contains confirmation that the purpose of the seizure is future confiscation of assents/ goods.

¹ Please indicate if encryption or electronic signature is required.

by a judge for the seizure of assets/goods:	
Modalities/requirements for the execution of MLA requests for investigative assistance (search, tracing, special investigative techniques), existence of a central register of real estate/ bank accounts, duration of preservation of bank data, etc.:	The Slovak Republic keeps a central register of real estates. Availability of bank data can be time limited. According to the Slovak national legislation banks and other financial institutions are obliged to keep/ store data and documents for 5 years after termination of the contractual relationship with a client or closure of the deal. Unusual banking operation may be suspended by bank or financial institution for a maximum 120 hours. After the Financial Intelligence Unit submits the file to the competent law enforcement authority the operation may be suspended for further 72 hours max.
Limitation of use of evidence obtained:	Any information or evidence provided by the Slovak Republic may not be, without its prior consent, used or transmitted by the authorities of the requesting Party in investigations and proceedings other than those specified in the request
Modalities/requirements related to the execution of provisional measures (freezing, prejudgment seizing) including lifting of these measures (possibilities to seize (im)movable properties) and applicable time limits, if any:	<p>To order the provisional seizure of property located in the territory of the Slovak Republic is possible under these conditions :</p> <ol style="list-style-type: none"> 1/ existence of an international treaty, 2/ on the basis of a request by the foreign authority, 3/ property is intended to be used to commit a criminal offence, was used to commit a criminal offence or is a proceed of crime,

	<p>4/ and its forfeiture is expected.</p> <p>The District Court shall revoke the provisional seizure :</p> <p>1/ on the basis of a motion of the foreign authority which asked for the provisional seizure, or</p> <p>2/ on the basis of conditions set out in an international treaty.</p> <p>The District Court may also revoke the provisional seizure if the foreign state in proper time does not ask for execution of foreign property decision concerning the seized property.</p>
<p>Available asset management system including preservative measures, ,(for example prejudgment selling), concerning the seized goods:</p>	<p>The storage of released, seized and accepted items in the preliminary hearing shall be provided by a police officer or public prosecutor. If the public prosecutor, or police officer are not able to provide the storage of the released, seized or accepted items, they shall provide it through another public authority or legal entity, or a natural person who performs an entrepreneurial activity in such field. If it is a real estate, in writing it may authorise such person with real estate management and serve the resolution of the seizure of the real estate to the competent public administration authority at the department of the Land Registry. Seized financial assets on an account in a bank or branch of a foreign bank are kept on the bank account until the decision is rendered,</p>
<p>Procedure for confiscation/ Recognition of foreign decisions. Recovery of confiscated assets.</p>	
<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for</p>	<p>Requests under Section 4 of the convention: Confiscation Ministerstvo spravodlivosti Slovenskej republiky (Ministry of Justice of the Slovak Republic)</p>

Confiscation/ recognition of foreign judgments/decisions/measures:	Župné námestie 13; SK- 813 11 BRATISLAVA tel.: 421 2 888 91 473; fax: 421 2 888 91 604 e-mail: Inter.coop@justice.sk
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	Requests shall be sent to the Central Authority as stated above. This Central Authority forwards the requests to the competent judicial authorities that are authorized for the execution of them.
Channels of communication for the request for mutual legal assistance (directly, or other):	Through the Central Authorities, unless other bilateral or multilateral international treaty allows direct contact between judicial authorities.
Means of communication (e.g. by post, fax, e-mail ²):	All means of communication. Requests sent via fax/e-mail should be complemented by the hard copy of the request during the reasonable time frame.
Language requirements:	Requests and documents supporting such requests shall be accompanied by a translation into the Slovak language, the English language or the French language.
Document requirements and modalities/requirements for the procedure of confiscation:	The Slovak republic requires the original of the judgement or its certified copy. The condition of double criminality and the existence of the international agreement shall be fulfilled.
Other requirements, if applicable: For example: a link between the	A foreign decision may be recognised in a statement by which a forfeiture of assets or any part thereof, or

² Please indicate if encryption or electronic signature is required.

<p>proceeds and the criminal offence.</p> <p>In case of money laundering, what are the requirements for the predicate offence(s):</p>	<p>items or their confiscation was pronounced, provided they are located in the territory of the Slovak Republic . Foreign decision by which the already recognised decision was changed in the statement on guilt has an effect in the Slovak Republic without recognition. The decision is recognisable if it was issued in proceedings that comply with the principles contained in Article 6 of the Convention on the Protection of Human Rights and Fundamental Freedoms,) the person was not convicted of a criminal offence that is of an exclusively political or military nature, the execution of the punishment is not statute-barred under the legal system of the Slovak Republic, the person has not yet been convicted of such act by the Slovak courts, the foreign decision of another State against the same person and for the same act was not recognised in the territory of the Slovak Republic, and the recognition is not contrary to the protected interests - if performance of the decision would violate the Constitution or any provisions of the system of law of the Slovak Republic, which must always take precedence, or if the performance of the request would damage another important protected interest of the Slovak Republic..</p> <p>In case of Money laundering: no special requirements, the predicate offence might be any criminal offence defined in the Criminal Code of the Slovak Republic. Nevertheless, the relevant criminal activity shall produce any kind of revenue, profit or personal benefit that might be laundered.</p>
<p>Procedure /possibilities to trace assets/proceeds when a (foreign) confiscation order is already given:</p>	<p>Yes, in the cooperation with Financial Intelligence Unit and the competent judicial authority.</p>

Procedure for sharing of assets, if applicable:	The procedure is applicable.
Where applicable, limitations to the possibility for the requesting state to serve judicial documents directly to the persons concerned:	According to the Declaration of the Slovak Republic to the convention, serving of written documents to persons on the territory of the Slovak Republic pursuant to the modalities set forth in Article 21, paragraph 2, letter a) and letter b), shall be possible only insofar as provided for in other bilateral and multilateral international treaties, which are binding for the Slovak Republic and for the Party transmitting the written document. If there is no such treaty, serving of written documents shall be possible only on the basis of request for legal assistance,
Other particularly relevant information on special types of assistance	
Non Conviction Based Confiscation:	<p>Non Conviction based confiscation is possible. in a case of protective measure - confiscation of items. Nevertheless, the items that should be confiscated shall be specified in a very concrete terms and it is always necessary to prove link to criminal proceedings. This does not affect Police cooperation or competencies of the Financial Intelligence Unit.</p> <p>In the Slovak legal system, an item shall mean a movable item or immovable item, residential or non-residential premises, animal, controllable force of nature or energy, or a security, regardless of its form. An item shall also be considered an intangible information, IT data or video recording on a technical medium.</p>

<p>MLA regarding liability of legal persons (criminal, civil or administrative):</p>	<p>Slovak legal system does recognise criminal liability of legal persons and Slovak authorities executes request for legal assistance related to them. In the legal contacts with abroad, Code of Criminal Procedure will be applied <i>mutatis mutandis</i>, unless an international treaty or a special law³ provide otherwise. In case of civil or administrative liability of legal persons, MLA requests could not be executed in terms of Code of Criminal Procedure, that means e.g. special investigative techniques could not be applied.</p>
<p>Other information (for example, extended confiscation, confiscation for the purpose of victims):</p>	<p>Slovak legal system recognises extended confiscation that is regulated in the Criminal Code, in the Act on Criminal Liability of Legal Persons and in the Act on proving the origin of property.</p> <p>Current national legal system does not permit trans-border returning assets directly for victims on the basis of a request for confiscation. But, regardless of their nationality, an injured party (or so called "victim") can put forward their claim within Slovak civil proceedings.</p>
<p>Links to national legislation, national guides on procedure:</p>	<p>National legislation: https://www.slov-lex.sk/domov</p>

³ For instance, Act No 650/2005 Coll. on the execution in the European Union of orders freezing property or evidence and amending Act No 300/2005 Coll. Criminal Code, Act No 301/2005 Coll. Code of Criminal Procedure, and Act of the Slovak National Council No 372/1990 Coll. on misdemeanours as amended, Act No 183/2011 Coll. on mutual recognition and enforcement of financial penalties in the European Union and on amendments to certain other acts.

	<p>Links to Central Authorities:</p> <p>Ministry of Justice: www.justice.gov.sk</p> <p>General Prosecutor's Office: www.genpro.gov.sk</p> <p>Financial Intelligence Unit: www.minv.sk</p> <p>The Slovak Republic dispose with the explanatory reports made to particular legal acts. Nevertheless, those are just recommendations and are not legally binding.</p>
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