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**STRUCTURE AND OPERATION  
OF LOCAL AND REGIONAL  
DEMOCRACY**

**Slovak Republic**



# **STRUCTURE AND OPERATION OF LOCAL AND REGIONAL DEMOCRACY**

## **Slovak Republic**

Situation in 1998

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## **1. LEGAL BASIS**

### **1.1. Constitutional provisions relating to local/regional authorities**

The Constitution of the Slovak Republic No. 460/1992 regulates the status of territorial self-government in chapter 4 (Articles 64-71).

It contains the following main principles:

- the municipality is the basic unit of territorial self-government;
- the municipality is an independent territorial and administrative unit of the Slovak Republic, which associates persons permanently resident on its territory;
- the municipality is a legal entity which administers its own property and financial means under legally specified conditions;
- municipalities cover their financial needs preferably from their own revenues as well as from state grants. The law shall specify which tax revenues and fees must flow to municipal budgets. State grants may be claimed only within the limits of law;
- the municipality is entitled to make associations with other municipalities to provide for the joint administration in areas of common interest;
- the issues relating to territorial self-government are decided by the municipality independently, any duties and restrictions imposed upon the municipality must be legally grounded. Issues relating to territorial self-government are decided in local referendums or through municipal bodies, after consultation of citizens' assemblies;
- the municipality may issue generally binding ordinances in matters relating to territorial self-government;
- the bodies of the municipality are the municipal board of representatives, elected on the basis of general, equal, direct and secret ballot, and the mayor, elected in the same way by the citizens of the municipality;
- it is possible to transfer, by special act, the execution of certain tasks of local state administration to the municipality. The costs of thus transferred tasks will be covered by the state.
- in carrying out tasks delegated by the state, the municipality may issue binding ordinances, if empowered by law and under supervision of the government.

## **1.2. Main legislative texts concerning local/regional authorities**

The main acts concerning the status of municipalities are:

- Slovak National Council Act No. 369/1990 on Municipalities in compliance with later regulations;
- Slovak National Council Act No. 377/1990 on the Capital of the Slovak Republic;
- Slovak National Council Act No. 401 /1990 on the town of Košice;
- Slovak National Council Act No. 346/1990 on Local Government Elections in compliance with later regulations;
- Slovak National Council Act No. 138/1991 on the Property of Municipalities in compliance with later regulations;
- Slovak National Council Act No. 191/1994 on Designation of the Municipalities in Languages of National Minorities;
- Slovak National Council Act No. 253/1994 on Legal Status and Salaries of Mayors and Lord Mayors.

Other acts concerning the status of local state administration (regional and district offices) are:

- Slovak National Council Act No. 221/1996 on the Slovak Republic's Territorial and Administrative Organisation;
- Slovak National Council Act No. 222/1996 on the Organisation of Local State Administration;
- Slovak National Council Act No. 84/1990 on Inland Revenue Bodies in compliance with later regulations.

## **2. STRUCTURE OF LOCAL AND REGIONAL AUTHORITIES**

### **2.1. Main subdivisions**

From the administrative point of view, the Slovak Republic is divided into regions, districts, municipalities and military districts.

Bodies of self-government exist only at the level of municipalities. Bodies of self-government of higher territorial units have not been created. Regional and district offices exist in eight regions and seventy-nine districts. Besides these, there are bodies of so-called specialised state administration, the structure of which is not always territorially identical with the territorial structure of regions and districts.



## 2.2. Statistical data

Statistical data on territorial units and surface indicators concern the new territorial and administrative organisation of the Slovak Republic dated 22 July 1996, statistics of population are related to 31 December 1995.

### Territorial units in the Slovak Republic in 1997

	1950	1997
Municipalities	3 359	2 875*
Towns		136
Districts	91	79
Regions	6	8

\* 2 871 municipalities (out of which 136 towns) and four military districts.

### Surface indicators in the Slovak Republic in 1997

	Largest (km <sup>2</sup> )	Smallest (km <sup>2</sup> )	Average (km <sup>2</sup> )
Municipalities	404.75 <sup>a</sup>	0.48 <sup>b</sup>	17.10
Districts	1 551.00 <sup>c</sup>	10.00 <sup>d</sup>	621.00
Regions	9 455.00 <sup>e</sup>	2 053.00 <sup>f</sup>	6 129.00

a Starý Smokovec  
c Levice  
e Banská Bystrica

b Píla  
d Bratislava I  
f Bratislava

### Population indicators in the Slovak Republic in 1997

	Largest	Smallest	Average
Municipalities	7 063 <sup>a</sup>	7 <sup>b</sup>	847
Towns	451 395 <sup>c</sup>	1 406 <sup>d</sup>	22 554
Districts	163 018 <sup>e</sup>	12 848 <sup>f</sup>	68 198
Regions	777 301 <sup>g</sup>	549 621 <sup>h</sup>	673 456
TOTAL			5 387 650

a Smižany (District of Spišská Nová Ves)  
b Prikra (District of Svidník)  
c Bratislava  
d Modrý Kamen

e Nitra  
f Medzilaborce  
g Prešov  
h Trnava

**Municipalities and towns according to population  
in the Slovak Republic in 1997**

<b>Municipalities and towns according to number of inhabitants</b>	<b>Number of municipalities (including towns)</b>	<b>Number of towns</b>	<b>Population</b>
Up to 999	1 966	0	871 275
1 000-4 999	785	21	1 475 073
5 000-9 999	52	43	364 389
10 000-49 999	61	61	1 330 498
50 000-99 999	9	9	652 850
Over 100 000	2	2	693 565

### **2.3. Special structures in some areas**

According to Slovak National Council Acts No. 377/1990 on the Capital of the Slovak Republic Bratislava and No. 401/1990 on the Town of Košice, there are different structures of self-governmental bodies in these agglomerations. The territory of these towns is larger than the territory of the district.

Bratislava is divided into seventeen urban parts, which are self-governed by local boards of representatives and mayors. However, the town board of representatives and the lord mayor are responsible for representing the whole territory of the city of Bratislava.

In addition to the self-government bodies, there are five districts on the territory of Bratislava, which are the seats of district offices and territorial bodies of specialised state administration.

The same applies to Košice which is divided into twenty-two self-governing urban parts and four state administrative districts.

### **2.4. Changes in structures**

Regions and districts are established and can only be modified by law.

In the case of municipalities, the government may establish, abolish or divide them, upon the agreement of the municipality concerned and after consulting the regional district.

However, the territory of a municipality may be modified following the decision of a regional office upon the agreement of the municipality.

The conditions concerning amalgamation, setting up, abolishment or changing the borders of a municipality are not specified by law. However, in order to split a municipality the following conditions should be met: the parts of a municipality which are going to be separated were not previously merged, the municipal financial resources are not invested in the part of municipality which is going to be separated, and the parts of a municipality which are going to be separated have their own land register (*cadastre*).

Finally, it should be noted that according to Slovak National Council Act on Municipalities, the National Council is competent for granting township status to any municipality at the government's proposal.

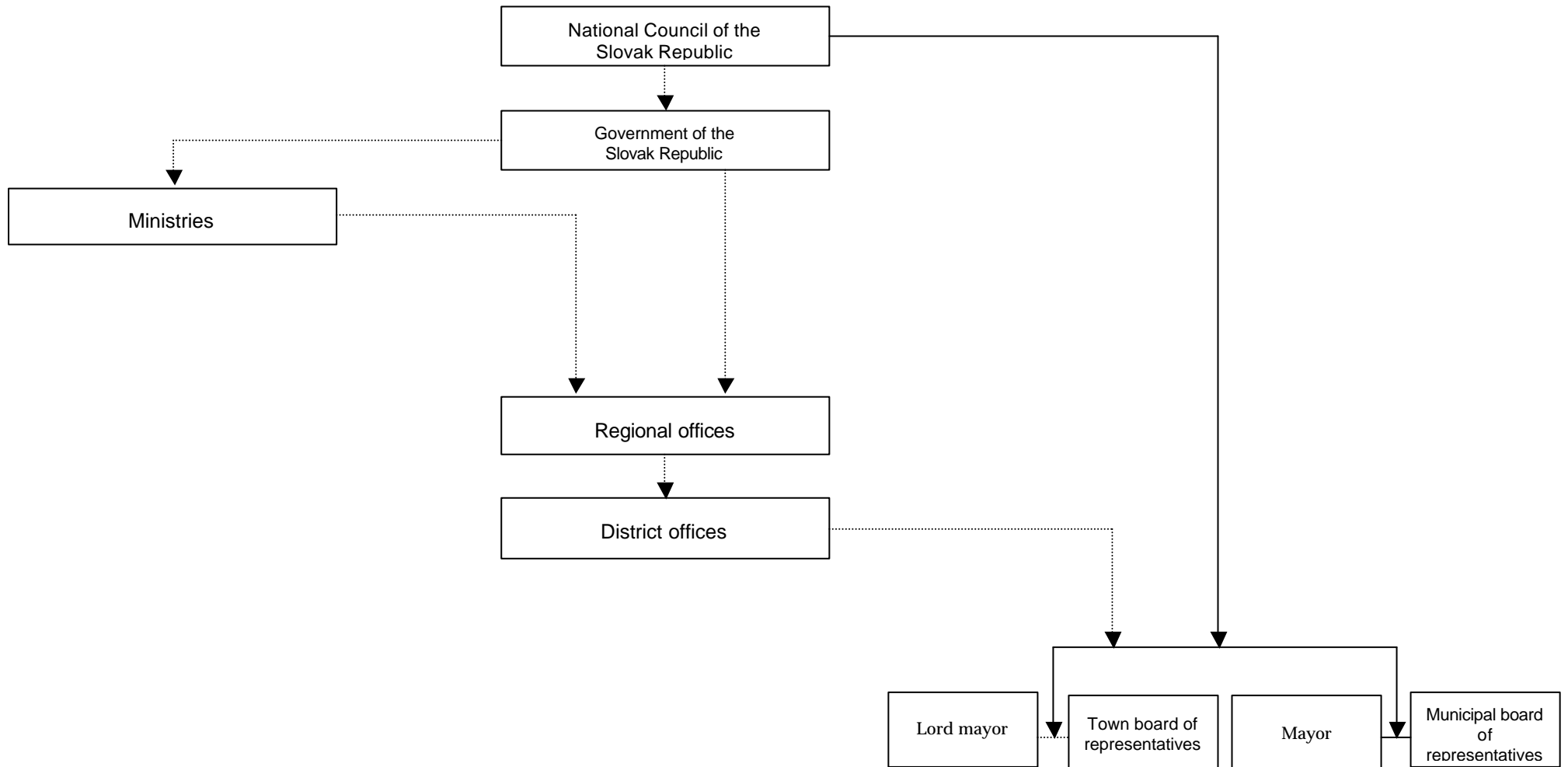
## **2.5. Organisation of local state administration**

There are eight regional and seventy-nine district offices with legal capacity. They are responsible for carrying out state competencies at local level; other bodies of the state administration, municipalities or other legal persons may only be entrusted with the implementation of state tasks by law.

Regional and district offices in parallel with managing local state administration in respective areas shall co-ordinate the implementation of joint tasks with other state administrative bodies and collaborate with other state bodies, territorial self-government bodies and other legal persons in performing joint tasks on the territory of the region and district respectively; these tasks mainly refer to securing economic and social development of the territory, implementing development concepts of respective sections of life in the region, creation and protection of a healthy way of life, developing education, culture, tourism, state care of youth and physical education. They are also responsible for observing legality and public order, protecting rights and freedoms of the population and dealing with emergencies.

The relationship between state administrative bodies and self-governmental bodies of municipalities is regulated by law; they act separately in the administration of public matters. The tasks of social and economic development of the territory are solved on the basis of partnership co-operation. The district office is entitled to assign specific tasks to municipalities during general emergency situations such as disasters, major fires and floods. It is also an appellate body, which decides on matters initially settled by the municipality in administrative proceedings and on matters of local taxes.

**Scheme of relations between public administration bodies in the Slovak Republic**



### **3. LOCAL AND REGIONAL AUTHORITIES' BODIES**

#### **3.1. Deliberative body**

The municipal board of representatives is elected through direct vote by the population of the municipality for a four-year term.

The municipal board of representatives may establish its advisory bodies:

- the municipal council is elected by the board of representatives from among its members. The number of its members is limited to one third of the members of the board of representatives. The municipal council in its composition should have an adequate representation of political parties corresponding to their representation on the municipal board of representatives. If a municipal council is established and a deputy mayor elected by the municipal board, he shall be a member of the council;
- the commissions of the municipal board of representatives are permanent or temporary advisory, initiative and control bodies. According to requirements, the municipal board of representatives shall independently decide on their establishment and dissolution. The municipal board of representatives shall determine the composition and the tasks of the commission. Its members must be inhabitants of the municipality.

#### **3.2. Executive body and political head**

The executive body and the political head of the municipality is the mayor (in the towns the lord mayor). He/she is directly elected by the inhabitants of the municipality for a four-year term.

The mayor represents the municipality in all matters. He/she is a statutory body in matters of municipal property, in personnel and wage matters and in matters of organisation of the municipal administration. Certain tasks can be transferred to the chairman of the municipal office or to other persons of the municipal administration.

The mayor shall convoke the municipal council, if it is established, according to requirements, at least once at month. The important documents concerning the decisive activities of the mayor as well as activities of the municipal board of representatives shall be discussed in the municipal council. The mayor is not bound in a legal sense by the conclusions of the municipal council.

The mayor directly or the chairman of the municipal office and the chief of the municipal police respectively, shall manage and organise the work of the municipal office and municipal police if they are established in the municipality.

The mayor shall represent the state in matters transferred to the municipality by law. He/she is guided in these matters not only by law, but also by the directives of the state authorities.

The political head of a regional or district office is its principal. The principal is a statutory body in matters of state property administered by the office, in personnel and wage matters of employees of the office and in matters of organisation of the office. The principal is the superior to the section heads and to all employees of the office. He/she acts on behalf of the state.

The principal of the regional office shall be appointed and removed by the government of the Slovak Republic at the Minister of the Interior's proposal. The principal of the district office shall be appointed and removed by the government.

The executive bodies of district and regional offices are the sections. They are established by the principals of regional and district offices on the basis of directives from the Ministry of the Interior.

### **3.3. Head of administration**

The head of the municipal administration is the mayor. In larger municipalities the function of chairman of the municipal office is established, who will directly organise the administration of the municipality.

The mayor implements in a similar way the municipal administration and the tasks of the state transferred by law to the municipality.

The chairman of the municipal office, if established, secures organisational and administrative tasks; he/she does not have decisive power. He/she is elected by the municipal board of representatives upon proposal by the mayor.

The section head is the head of the administration in regional (district) offices.

The regional and district office section head shall carry out state administration in its areas according to law. He mainly applies law, decrees and other decisions of the state bodies, decides on individual matters concerning physical and moral persons, carries out the supervision, keeps the determined files, collects administrative fees, etc.

The regional office section head shall be appointed and removed by the regional office principal following a discussion with the appropriate minister. The district office section head shall be appointed and removed by the district office principal following a discussion with the regional office principal.

### **3.4. Differences in powers and responsibilities in local and regional authorities**

The municipality shall carry out municipal administration concerning the municipal property and the property of the state (committed to municipal administration), local fees, economic activity in the municipality, local roads and public spaces, cemeteries, local cultural and sport facilities of the municipality, maintenance of public green areas, public lighting, water supply, public sewage systems, local public transport, supervision over opening hours, marketplaces, spatial planning, housing and social care.

The regional and district office shall carry out state administration in matters defined by law concerning state defence, internal administration, business, territorial development, consumer protection, fire protection, civil defence of population, environmental protection, land planning and construction code, finances, prices, state property management, agriculture, forestry, water management, hunting and fishing, public and licensed procurement, public property and services, land adjustments and land register (*cadastre*), state veterinary care, transport and road management, health care, education, social affairs, culture, youth and sport and state control.

The decision-making in individual matters is a two level process with the possibility of judicial review in the third instance.

If the decision was taken in the first instance by the municipality (mayor), the appeal is decided by a section of the district office applying the *cassatio* principle.

If the decision was taken in the first instance by a section of the district office, the appeal is decided by a section of the regional office applying the *reformatio* principle.

If the decision was taken in the first instance by a section of the regional office, the appeal is decided by the respective minister applying the *reformatio* principle.

All valid decisions of municipalities and state authorities are reviewable by the court on the suit basis applying the *cassatio* principle, if the two instances of the decision-making process took part. A person who has not made an appeal cannot take the matter to court.

### **3.5. Legal provisions concerning the internal structures of local/regional authorities**

The framework of the structure of municipal organs is provided by law. It includes the mayor, municipal board of representatives, municipal council, commissions of the board of representatives, deputy mayor, chief auditor of the municipality, municipal office and municipal police. Detailed structure of municipal organs can be set out by the municipal board of representatives.

Only the framework of the internal structure of regional and district offices is provided by law. Details of the structure are within the competence of principals of the offices, according to directives of the Minister of the Interior in co-operation with other appropriate ministers.

## **4. DIRECT CITIZEN PARTICIPATION IN DECISION-MAKING**

### **4.1. Local referendum**

Local referendum exists at the level of municipality. The law provides for the holding of a local referendum on issues related to amalgamation, splitting or abolition of municipalities, establishing or abolishing of local charge, tax or public allowance; or if it is required by petition of at least 20% of eligible voters of the municipality. This local referendum has compulsory effects.

The referendum can also be called for by the municipal board of representatives before deciding on any important issue. This local referendum has advisory character.

One more than half of eligible voters in a municipality have to participate in a local referendum in order for that referendum to be validated. The decision is accepted if it has obtained the simple majority of valid votes cast.

### **4.2. Other forms of direct participation**

- taking part in public meetings organised by an organ of the municipality in order to discuss any issues of public interest. Participation is voluntary, every citizen has the right to take part in discussion. The result of such meeting is not a decision. This is only the way of finding out the citizen's point of view required before the decision is taken by the municipality;
- taking part in meetings of the municipal board of representatives if they are public. Any citizen may take part in discussion in order to give his/her opinion on issues under debate;
- possibility to submit petitions, complaints or proposals to organs of the municipality, district office or regional office or to any state body, including president, parliament and government.

## **5. STATUS OF LOCAL ELECTED REPRESENTATIVES**

### **5.1. Condition for standing in local elections**

The elections of self-governmental bodies of municipalities are regulated by the Slovak National Council Act No. 346/1990 on Local Government Elections in compliance with later regulations. According to the above-mentioned law a citizen with the right to vote may be elected to the municipal (town) board of representatives. Every citizen of the Slovak Republic over the age of 18 with permanent residence in a given municipality has the right to vote for self-governmental organs of the municipalities. A citizen aged 25 with the right to vote may be elected mayor (lord mayor).



Political parties or their coalitions (registered at the Ministry of the Interior) may submit a list of candidates for self-governmental municipal bodies election. Independent (individual) candidates may nominate themselves to stand for election upon presentation of a petition signed by voters.

## **5.2. Activities incompatible with the performance of a local elected representative's duties**

The function of a member of a municipal (town) board of representatives is incompatible with the following functions:

- judge;
- prosecutor or investigator in the prosecutor's office;
- member of armed security corps, prison and judicial guard;
- staff member or chief auditor of the municipal (town) board of representatives for which the candidate runs;
- mayor (lord mayor).

The post of mayor (lord mayor) is also in conflict with the functions mentioned above.

## **5.3. Regulations governing the financing of candidates' election campaigns to local or regional elections**

The technical expenditure connected with the elections for the municipal (town) board of representatives and mayors (lord mayors) are covered from the state budget of the Slovak Republic as stated in the Act on Local Government Elections.

Each political party and every independent candidate has to cover the costs incurred by their electoral campaign. Public authorities not provide them with any financial support.

By law, each political subject during the electoral campaign has equal access to state public media. All candidates have equal access to local media. The municipalities have to allocate space for electoral posters, which will be used in accordance with the equal principle for political subjects and independent candidates standing for elections.

## **5.4. Status of local elected representatives**

A local elected representative:

- could be the member of parliament; otherwise point 5.2. is applied;
- is obliged to make a property declaration every three years. However, this is an obligation for every citizen. Local elected representatives have no further duty to declare their assets;
- has no different rights from other citizens. He/she can be penalised in the same way for crimes and offences;

There are no formalised conditions governing his/her resignation.

There are no restrictions in choosing the activities to be exercised after the end of his/her term of office.

While exercising a full-time public function, the representative's previous position is maintained during the whole term of office. Upon the expiration of the term of office, the representative returns to his/her original occupation/original employer, if applicable. Otherwise, he/she receives unemployment support, unless hired in another position.

Labour conditions are the same as for other employees.

Elected mayors and representatives of municipal boards can participate in short-term general or special training programmes organised by the state or private training institutions. Training is not compulsory and it depends on expressed interests. There are no training programmes for candidates.

A local representative can take a leave of absence from his/her regular occupation in order to attend official meetings connected with the execution of his/her office. In this case the municipality shall refund lost salary.

In the case of a full-time function (applicable in the case of mayor or deputy mayor) he/she should receive proper remuneration. If the elected function is executed together with a regular occupation, it is not remunerated. In this case a local elected representative should receive refund of travel and other related expenses and from time to time a symbolic remuneration according to the financial resources of the municipality available and the level of function exercised.

He/she is entitled to annual leave, while executing a full-time function; this leave is of the same length as for other employees. If executing the function together with a regular occupation, he/she cannot claim any special or other kind of leave.

The remuneration of a local elected representative is subject to taxation in the same way as a wage or other remuneration. Remuneration received for the performance of a function is subject to the deduction of contributions for health insurance and retirement pension schemes.

#### **5.5. Envisaged reform of the status of elected representatives**

At this time no reform of the status of elected representatives is envisaged. Present status was approved in November 1990, and was last amended in the summer of 1994.

#### **5.6. The representation of sexes**

Legal conditions concerning the access to public office are totally equal for both sexes. However, the percentage of women mayors and representatives is remarkably lower in larger municipalities and towns. Women are represented by a higher percentage in the functions of mayors and representatives of municipal boards in smaller municipalities. No discrimination against women has been registered, and no complaint has been lodged by women's organisations.

## **6. DISTRIBUTION OF POWERS BETWEEN THE VARIOUS CATEGORIES OF LOCAL AND REGIONAL AUTHORITIES**

### **6.1. Principles governing the distribution of powers**

The powers of local authorities are regulated by the Constitution. Detailed distribution of powers between bodies of state administration and self-government is stated in the Slovak National Council acts.

According to the Slovak National Council Act No. 369/1990 on Municipalities, municipalities have the following exclusive powers:

- independent decision-making and implementing of all matters connected with the administration of the municipality, if these activities are not transferred to the state, or other legal or physical persons;
- co-operating with political parties and political organisations operating in the municipality, as well as with associations of inhabitants of the municipality;
- co-operating with commercial, legal or physical persons operating in the municipality;
- exercising state administration tasks, which have been transferred by special acts to the municipality; mostly connected with housing, civil protection, spatial planning, construction code, environmental protection, transportation and culture;
- editing generally binding ordinances;
- creating public enterprises;
- creating advisory bodies;
- granting honorary citizenship;
- deciding on local taxes and charges in compliance with specific regulations;
- deciding on associations of municipalities in permanent or temporary national, regional and interest associations.

Competencies of individual bodies of local state administration in the territory are based upon and determined by the appropriate National Council acts. Regional offices and district offices are the basis. They execute state administration in the following areas:

- state defence;
- general internal administration (including registers, citizenship, offence procedures, permission for debt collections, state symbols, hunting weapons);
- licensing of trading businesses and consumer protection;

- fire protection and civil defence of the population;
- environmental protection (including spatial planning and construction code, air protection, water protection, nature protection and waste management);
- finances, prices, administration of state property;
- agriculture, forestry and hunting;
- state veterinary care;
- transport and road management;
- public and licensed procurement;
- social affairs and health care;
- education, youth and physical culture;
- culture;
- land register (*cadastre*);
- regional development strategy;
- control;
- international co-operation.

## **6.2. Competencies of local and regional authorities**

See the table at the end of the section.

## **6.3. Participation of local/regional authorities in national economic and spatial planning**

Exercising self-governmental functions, the municipality participates in the planning of social and economic development and the spatial and technical development of its managed territory through:

- municipal budget;
- real estate and movable property management;
- execution of investment and business activities in order to secure the needs of its inhabitants and the development of the municipality;

- directing the economic activities in the municipality, especially by issuing the binding standpoints on its investment activities,<sup>1</sup> the use of local sources, starting of entrepreneurial activities (if these activities are related to the interests of municipal inhabitants, the municipality gives its standpoint on the aims of these activities);
- preparation and approval of:
  - land planning documentation of parts and zones,
  - concept of development for each area of municipal life.

In the construction procedure, the municipality issues binding standpoints on the applications for permits to build or repair buildings on the territory of the municipality. For these constructions, the building permits are issued by the district office's section of environment. For the small constructions up to 16 m<sup>2</sup>, citizens exercise their duty of declaration in relation to the municipality, which will issue an agreement on building such a construction.

The competencies of the state administration bodies concerning economic and spatial planning are regulated mainly by the Act of NC SR No. 222/1996 on the Organisation of Local State Administration and by the Act No. 50/1976 on Land Planning and Construction Code in compliance with later regulations. A special act on regional development is in the stage of preparation at this time.

### **Regional office**

On the basis of the Act on Organisation of Local State Administration:

- co-ordinates the fulfilment of common tasks with other state administration bodies and bodies of territorial self-government:
  - in securing economic and social development of the territory;
  - in implementing the development concepts of respective sections of life in the region;
  - in creating and protecting a healthy way of life;
  - in developing education, culture, tourism, state care of youth and physical education.

On the basis of the Act on Land Planning and Construction Code:

- procures land planning documentation for large land complexes (regional offices in Bratislava and Košice review drafts of plans for settlement structures).

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<sup>1</sup> Used by the municipality to ensure rational development of the territory; by the way of issuing a negative standpoint, the municipal authority can block investment activities, mainly those which could threaten the ecological balance or the economic prosperity of the municipality. In practice, negative standpoints are exceptional.

### **District office**

On the basis of the Act on Organisation of Local State Administration:

- represents the state:
  - in approving the development concept of individual areas of the municipal life;
  - in debating municipal area plans (except for the capital city of Bratislava and the city of Košice).
- draws up district social and economic development programmes and co-ordinates initiatives of legal and natural persons related to such development, especially in matters of tourism, culture, state care of youth and physical education.

On the basis of the Act on Land Planning and Construction Code:

- carries out the first instance state administration in its area (e.g. issuing of building permits and others).

### **6.4. Other deconcentrated organs of central bodies**

Most of the deconcentrated workplaces of central bodies were abolished on 24 July 1996. Local state administration is carried out mostly by local state administration bodies, which are not an organisational part of central bodies.

The deconcentrated organs of central bodies, which were not abolished:

- inspectorates of the Slovak Inspection of Environment as deconcentrated organs of the Ministry of Environment of the Slovak Republic. They inspect the protection of water quality and other components of the environment;
- inspectorates of the Slovak Office for Labour Safety. They inspect the safety measures and health protection at work and security of technical equipment;
- regional workplaces of the Slovak Statistical Office. They act as regional clearing houses of the statistical information gathered.

### **6.5. Proposals or bills leading to important changes in the distribution of powers between the local or regional authorities and central government**

A major reorganisation of local state administration and in the administrative organisation of the state took place on 24 July 1996. It resulted in a decrease in the number of the local state administration bodies and of the deconcentrated organs of central bodies. At the same time a unified hierarchical system of regional and district offices was created.

Function	Competent authority			Type of competence				Exercise of the competence				Remarks
	State	Intermediate	Municipality	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority	
<b>General administration</b>												
Security, police	•			•								
Municipal police			•				•	•				
Fire protection	•		•			•		•				
Civil protection	•		•			•		•				
Justice	•			•				•				
Civil status register	•			•				•				
Statistical office	•			•				•				
Electoral register			•			•		•				
<b>Education</b>												
Pre-school education	•			•		•		•				
Primary education	•			•		•		•				
Secondary education	•			•		•		•				
Vocational and technical	•			•		•		•				
Higher education	•			•		•		•				
Adult education	•			•				•				
Other	•			•				•				
<b>Public health</b>												
Hospitals	•			•		•			•			
Health protection	•			•		•		•				

Function	Competent authority			Type of competence				Exercise of the competence				Remarks
	State	Intermediate	Municipality	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority	
<b>Social welfare</b>												
Kindergarten and nursery			•				•	•				
Family welfare services	•						•	•				
Welfare homes	•			•				•				
Social security	•				•				•			
Other												
<b>Housing and town planning</b>												
Housing			•			•		•				
Town planning			•				•	•				
Regional/spatial planning	•		•			•		•				
<b>Environment, public sanitation</b>												
Water & sewage	•		•		•				•			
Refuse collection & disposal			•			•			•			
Cemeteries & crematoria			•			•			•			
Slaughterhouses												
Environmental protection	•					•		•				
Consumer protection	•		•			•		•				
<b>Culture, leisure &amp; sports</b>												
Theatres & concerts	•						•		•			
Museums & libraries	•					•			•			
Parks & open spaces			•				•		•			
Sports & leisure			•				•		•			





## **7. CO-OPERATION AND OTHER TYPES OF RELATIONSHIPS BETWEEN LOCAL/ REGIONAL AUTHORITIES**

### **7.1. Institutionalised co-operation (consortia) for the performance of tasks of common interest**

Co-operation between local state bodies and municipalities is regulated by law. In the absence of regional self-government co-operation at regional level with regional state bodies is not regulated.

Co-operation between municipalities carrying out tasks of common interest is also regulated by law.

The law allows for the organisation of municipalities into associations, for the carrying out of tasks of common interest of municipalities (consortia), hence, the possibility to associate financial and other types of resources and to establish common funds. This co-operation is, by law, neither formalised, nor conditioned by the involvement of the state, except for international co-operation and association (transfrontier regional co-operation).

Associations of municipalities are spontaneously and voluntarily created, mostly on a territorial basis (regional associations), less on other criteria (e.g. Union of towns, Union of spa towns). The majority of towns and municipalities are associated in the National Association of Towns and Municipalities of the Slovak Republic.

The most important reason for associating is to jointly protect the interests of self-government in a certain territory and to counterbalance state administration. The other reasons are a common historical background of municipalities on a certain territory, their common culture (folk art, dialect, similarity in economic development, centres of tourism, etc.)

Associations of municipalities are created as legal subjects of civil law with their own statutes which form the basis of their activity approved by the members and registered by the state bodies.

The members of the association (municipalities) have equal status. The organs of the associations act on the basis of delegation by their members. The activities of an association are financed by its own resources, without state grants.

### **7.2. Legislative provisions concerning the associations of local authorities at national or regional level and their relationship with governmental authorities**

For the associations of local authorities no special provisions exist. The Constitution provides them with the right to associate under the same conditions as other subjects of civil law. The rules of association and procedure of registration are regulated by the Civil Code.

The relationships of municipalities' associations with government authorities are not regulated by any legal provisions. The general provision on registration and state control should be applied, just as in relation to associations of natural or legal persons.

### **7.3. Co-operation between local/regional authorities in different countries**

Individual towns and municipalities may establish partnerships with towns and municipalities in other countries. These partnerships are set up on a voluntary basis and rely on bilateral agreements between the respective towns (municipalities). Most of these partnerships have been in place for decades. These partnerships have and had in the past governmental support and most of them were established by the Ministry of Foreign Affairs on the basis of declared interest from towns and municipalities.

Other relations, especially the participation in international associations of municipalities, transfrontier co-operation and similar activities have not been developed yet, due to an insufficient legal framework.

## **8. FINANCE**

The funding of tasks of local public administration is either from the budgets of municipalities and towns, arising from their self-governmental status, or from the budgets of regional and district offices, directly connected to the state budget.

Municipalities' requirements are financed mostly from their own revenues. The principle that any municipality besides its own revenues, is entitled to grants from the state budget is anchored in the Constitution of the Slovak Republic. The basis of municipal economy is the budget of the municipality, which also indicates the self-governmental status of the municipality.

The municipalities are allowed to:

- associate municipal resources and activities to carry out tasks of common interest for a larger number of municipalities (on the basis of decision taken by the board of representatives) and to establish common regional or interest-related funds respectively;
- issue bonds.

The structure of municipal sources of income has been developed since 1991, following:

- definition of the tasks and responsibilities of municipalities;
- creation of the property basis of the town;
- new taxation system since 1 January 1993.

The sources of income of local budgets were in 1996 as follows:

## **8.1. Taxes**

### 8.1.1. Exclusively local taxes

#### Property tax

The principle of taxation is based on the size per square metre of the property. The basic rates vary according to size, geographical location and characteristics of the municipality. As tax administrator, the municipality has the power, within legally defined limits, to increase or reduce property tax rates according to local conditions. The property tax collected by municipalities in 1995 amounted to 9.23% of their revenue.

### 8.1.2. Additional taxes

The municipalities are not entitled to levy taxes in addition to the state taxes or to introduce new types of taxes.

### 8.1.3. Shared taxes

In 1996, three shared taxes were defined by the Act on the State Budget:

- 23.60% share of the individual income tax revenue, levied on employment and functional benefits, distributed to the municipalities in proportion to the number of permanent residents on their territory as of 31 December, 1994. In 1995 this share was 22.53%, which amounted to 15.85% of municipalities' revenues;
- 3.33% share of the legal persons income tax revenue, 60% of this share is distributed to municipalities in proportion to the number of permanent residents on their territory as of 31 December, 1994 and 40% of this share is distributed according to the local tax base. In 1995 this category represented about 7.04% of municipalities' resources;
- 30% share of the road tax revenue, this tax is levied on motor cars used for business activities and represents a source of the State Road Fund revenues. It is collected by the tax offices in their districts, and 30% of the total revenue collected in the respective district will be distributed among the cities and towns of the district in proportion to their population. These financial means are intended to cover the costs of construction, repairs and maintenance of local communications. In 1995 it amounted to approximately 1.85% of municipalities' resources.

In 1995, the shared taxes amounted to approximately 24.7% of total municipalities' revenues.

With the exception of the share of the road tax revenue, the use of these sources is not purpose-bound and is not linked to any type of expenditure from the municipal budget.

The respective portions of shared tax revenues are distributed among municipalities via a system of tax bodies.

## **8.2. Grants from higher authorities to municipalities and towns**

Earmarked transfers

From 1993 up to 1995, within this category of municipal budgets, the following have been allocated:

- grants from the state budget to public transport;
- earmarked funds to help the funding of construction of housing;
- other grants and earmarked sums from state funds.

Grants from the state budget to public transport: have been made in 1993-1996 to partially cover the needs of technical equipment for public transport in the cities, and to cover the costs of operation in the cities of Bratislava, Košice, Prešov, Zilina. Grants are approved every year in the Act on the State Budget.

Grants and earmarked sums from the state funds: there are ten state sectors' funds in the Slovak Republic. Two of them are of importance for municipalities:

- The State Fund for the Environment, established to concentrate financial resources to solve the tasks of environmental protection,
- Fund Pro-Slovakia, granting means for the development of cultural activities, including some repairs to historical monuments.

Grants from state funds are usually conditioned by the financial participation of the municipalities.

## **8.3. Financial equalisation**

This category of financial transfers includes grants for the implementation of the self-governmental functions of municipalities with a population below 5 000. Smaller municipalities receive funds to partially compensate them for not generating their own resources. These sources are used to cover current expenditure. Their use is entirely at the municipality's discretion.

Grants for municipalities with a population below 5 000 represented approximately 11.1% of the total grants to municipalities.

The methods and conditions of distribution of grants among the municipalities are defined by the Act on the State Budget. In 1995, the grants from the state budget amounted to approximately 8.9% of the total municipalities' revenue.

#### 8.4. Other sources of income

Local fees are the fiscal instrument influencing the development of municipal economy with various degrees of intensity. Depending on local requirements, the law allows municipalities to decide on collecting from among the following eleven types of local fees:

- for a stay in recreation and spa towns;
- for dogs;
- for entrance to certain public places;
- for use of public space;
- for advertisement;
- for accommodation in recreational and training facilities;
- for sales of alcoholic beverages and tobacco products;
- for entering the historical core of cities by car;
- for games and gambling machines;
- for use of apartments or parts of apartments for other purposes than housing.

Municipalities and towns are free to apply a particular fee or to fix its rate. The law sets only the upper limit of fee rates.

Administrative fees are paid by legal entities and individuals, who have requested the rendering of the paid act or in the interest of whom such act was performed.

The following fees according to special laws in relation to municipalities and towns:

- charges for waste disposal;
- charges for air pollution.

The law determines that this category of revenue may be used only for the purposes of environmental protection.

In 1995, administrative fees represented approximately 1.88%, and local and other fees approximately 4.33% of the total revenue of municipalities.

Revenue from municipal property:

- revenue from the participation (with a property) of the municipality in entrepreneurial activities;
- revenue from renting;
- revenue from municipal securities;
- other revenue from municipal property management;
- revenue from the sale of apartments.

In 1995, revenue from municipal property represented approximately 21.1% of the total revenue of municipalities.

## **8.5. Borrowing**

Municipalities have the right to raise loans without special approval of the state administration body. The loans are provided by commercial banks. Borrowing on the capital market is also possible. The towns and municipalities have supported the establishment of their own bank, the First Communal Bank in Zilina. Municipalities may request loans also from branches of foreign banks in the Slovak Republic.

## **8.6. Economic control of municipalities**

The municipalities and towns are not obliged to submit their budget to the state administration bodies. Only the use of the state earmarked grants can be controlled by state administration bodies.

Municipalities and towns elaborate their budgets on the basis of special regulations for a period of one year. The budget and annual final accounts are published for inhabitants fifteen days before their approval by the municipal board of representatives. An independent auditor audits the annual accountancy report.

The “chief auditor”, who is an employee of the municipality (town), is elected for an unspecified period by the local board of representatives. He/she supervises the carrying out of the municipality’s tasks, as well as the use of municipal property. He/she elaborates the expert’s standpoint on the draft budget and on the final accounts of the municipality before their approval by the municipal board of representatives.

Regional and district office’s budgets are part of the state budget. Requirements in the areas of education, social care, culture and health (only capital expenditure) are financed via these budgets.

## **9. CONTROLS OVER LOCAL/REGIONAL AUTHORITIES**

### **9.1. General administrative supervision of the acts of local/regional authorities**

General administrative supervision of the decision-making (including non-activity) of towns and municipalities is exercised by the Prosecutor. The Prosecutor exercises the same general administrative supervision over the government and all state administration bodies. The General Prosecutor is appointed and removed by the President of the Slovak Republic at the proposal of the parliament. The Prosecutor, who exercises general administrative supervision, is independent of the government.

### **9.2. General administrative supervision of the legality of acts**

The power of the Prosecutor is related to the legality of all acts as well as to the legality of decision-making in individual cases by state administration bodies and self-government. If acts are found to be illegal, the Prosecutor has the power to act. The Prosecutor shall act on the basis of his own decision or on the request of a third party.

If the illegality of acts of the government, a ministry, a local state administration body or a municipality is proven the Prosecutor may ask parliament to cancel it, or request the Constitutional Court to declare the act unconstitutional.

In the case of the illegality of an act concerning individual matters of natural or legal persons, the Prosecutor has the right to protest against the illegal decision with a request to cancel or change this decision. The execution of the decision is suspended until the matter is resolved.

In the case of illegality in a repeated administrative activity of a state administration body or a municipality the Prosecutor may issue a warning. The body in question is obliged to reconsider its action with the assistance of the Prosecutor and remedy the situation.

### **9.3. Administrative supervision of the expediency of acts of local authorities**

General administrative supervision exercised by the Prosecutor is related only to legality. It is not related to the expediency of acts.

The expediency of acts is considered only in regular appeal procedure in individual matters. The decision-making process in individual matters is at two levels with the possibility of judicial review at the third stage. The court cannot judge the expediency of the act. This right belongs only to the appeal body, if the initial decision was taken by a state administration body.

### **9.4. Remedies for local/regional authorities against improper exercise of administrative controls or restrictions upon their autonomy**

Remedies against the general administrative supervision exercised by the Prosecutor:

- the proposal of the Prosecutor concerning the legal act of a municipality is decided upon by the parliament or the Constitutional Court; the municipality in question has the possibility to express its point of view;
- the proposal (protest, warning) of the Prosecutor concerning the decision in individual matters is not binding for the municipality; it can be forwarded to the appeal body, which has the possibility to cancel or confirm the municipality's decision;
- a complaint can be lodged against the Prosecutor with a higher ranking Prosecutor.

For other acts of state administrative bodies, according to the nature of the matter, a complaint can be addressed to the higher state administration body, the Prosecutor or the case can be taken to court.



## **9.5. Audit of local budgets**

According to law, every municipality is obliged to ask an independent auditor – member of the Slovak Board of Auditors – to carry out an audit. The audit and an accountancy report are approved by the municipal board of representatives and published. The state has no control over the budgets. Data from municipalities is the subject of statistical analysis, used in strategic decision-making of the state and approval of grants to municipalities by the parliament. There is no other control of decision-making, administrative and financial control of municipalities.

## **10. REMEDIES FOR INDIVIDUALS AGAINST DECISIONS OF LOCAL/REGIONAL AUTHORITIES**

An individual may appeal to the municipality or state administration body to change its decision in the first instance. If this body does not comply, the appeal body decides in the second instance.

An individual may bring the decision taken by the state administration body making the appeal to court to review its legality.

Other remedies also exist: renewal of proceedings (*novatio*), making a request for a reviewing procedure on the appeal or submitting the case to the Prosecutor.

## **11. ADMINISTRATIVE FUNCTIONS IN LOCAL STATE ADMINISTRATION**

### **11.1. Grading of personnel**

The grading of personnel of local state administration is regulated by Government Ordinance No. 249/1992. The type of work and qualifications required (educational level and diplomas) forms the basis for personnel grading. Functions are divided according to basic characteristics into twelve salary grades. Seniority in the civil service is reflected in ten salary steps.

Administrative staff are nominated into the functions from the third up to the twelfth salary grade, i.e. from the simplest tasks to more complex activities requiring initiative and decision-making qualities.

The legal regulation does not explicitly refer to municipalities. Once the municipal board of representatives has decided to apply this legal regulation, it has to be applied throughout.

### **11.2. Authority responsible for financial status**

The budget of the municipality is established according to budgetary rules for a period of one year. The budget of the municipality, changes, the control of its use and the final accounts' report are approved by the municipal board of representatives. The chief auditor mostly controls cash operations and accounting of the municipality including use of the municipality's property. He provides his expert opinion on the budget proposals and the final accounts' report before their approval by the municipal board of representatives.

The regional and district offices are financed from the state budget of the Slovak Republic. The regional office and district office are statutory bodies in legal and labour matters related to the activity of the offices and are assigned the property of the Slovak Republic.

When the organisational statute so provides, part of competency in the area of financial economy is assigned to the financial section head, or to the branch section heads (e.g. in the area of education).

### **11.3. Relationship between conditions of service in state and municipal administration**

Labour relationships are uniformly regulated for all categories of employees by the Labour Code. The Act on Public Service, which will establish the status of civil servants, is being prepared.

### **11.4. Number of employees**

- In 1997, towns and municipalities employed 52 329 administrative and maintenance staff of whom more than 17 601 worked in administrative and service positions in the municipal offices and others were employed in organisations established by the local authorities (flat management, town technical services, etc.).
- 20 000 posts are planned in the new regional and district offices. By 1997 this level was almost attained. In 1996, the specialised state administration offices (e.g. tax offices, labour offices, etc.) had 18 170 employees.

## **12. REFORMS ENVISAGED OR IN PROGRESS**

The Government of the Slovak Republic has promised in its Programme Statement (in the section relating to public administration):

- to achieve, with reference to the political and economic situation, an optimal organisation of public administration in order to cater for citizens basic needs. This requires that decentralisation of state competencies to lower levels of public administration be continued, according to the subsidiarity principle;
- to carry out further devolution of local state administration competencies to territorial self-government and envisaged regional self-government;
- to consider the need for changes in the Act on Territorial and Administrative Organisation of the Slovak Republic.

Further proposals for the reform of local public administration in the Slovak Republic will be submitted to the National Council of the Slovak Republic by 30 June 1999.