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**Public**  
**Greco RC-I (2003) 2E**  
**Addendum**

## **First Evaluation Round**

### **Addendum to the Compliance Report on the Slovak Republic**

Adopted by GRECO  
at its 25<sup>th</sup> Plenary Meeting  
(Strasbourg, 10-14 October 2005)

## I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on the Slovak Republic at its 4<sup>th</sup> Plenary meeting (12-15 December 2000). The Report (Greco Eval I Rep (2000) 2E), which contains 19 recommendations addressed to the Slovak Republic was made public on 19 January 2001.
2. The Slovak Republic submitted the Situation Report required by GRECO's compliance procedure on 9 January 2002 and an update thereto on 7 February 2003 concerning the implementation of the recommendations. On the basis of these reports and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on the Slovak Republic at its 13<sup>th</sup> Plenary meeting (24-28 March 2003) which was made public on 28 March 2003. The Compliance Report (Greco RC-I (2003) 2E) concluded that 15 of the 19 recommendations had been implemented satisfactorily, whereas four of the recommendations had been partly implemented (i, ii, xiii and xviii); GRECO requested additional information on their implementation. The additional information requested was submitted on 15 March 2005.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendations i, ii, xiii and xviii, in the light of the additional information referred to in paragraph 2.

## II. ANALYSIS

### Recommendation i

4. *GRECO recommended that measures be taken to eliminate unnecessary licences and that objective and transparent criteria be determined for the granting of licences, authorisations and state subsidies that remain necessary.*
5. GRECO recalls that it concluded in the RC-report that the Slovak authorities had not provided information on whether the number of required licences had been reduced, nor did they give any reasons justifying the necessity of retaining current licences. In addition it requested the Slovak Republic to submit additional information on the adoption of the amendments to the relevant legislation which were foreseen in the National Programme on Fighting Against Corruption (NPFAC) with regard, in particular, to the granting of licences.
6. The Slovak authorities have reported that, in addition to the information already provided, the number of licence procedures has been substantially reduced after the First Round Evaluation (approximately to one third). Applicants are awarded licenses on condition that they meet all statutory criteria. The criteria and legal regulations of the selection procedure have been amended by the Licence regulations of February 2003. Licenses are divided into two groups: those granted automatically on request and those, the granting of which is decided by a license committee (e.g. in the case of firearms). Finally, since the First Evaluation Round, stabilisation of the political situation and of the civil service status has increased professionalism in officials involved in licensing procedures. There have been no reports or investigations of corruption in the context of such procedures.
7. GRECO concludes that recommendation i has been implemented satisfactorily.

### **Recommendation ii**

8. *GRECO recommended that transparent and clear rules as well as efficient control mechanisms be established regarding privatisation.*
9. *GRECO recalls that it concluded in the RC-report that recommendation ii had been partly implemented because the Slovak authorities did not provide sufficient information on the rules applicable and on the control mechanism regarding the process of privatisation.*
10. *The Slovak authorities have now reported that detailed and control mechanisms have been established in the context of the Country's accession to the EU and by the adoption of the relevant EU legislation, mainly by virtue of Act No 564 of 4.12.2003.<sup>1</sup> According to Section 10, paragraph 2 of the Act, "the Government shall always take a decision on the privatisation of a natural monopoly type enterprise or its part and on the privatisation of the state property interest or the property interest of the National Property Fund of the Slovak Republic in undertaking business of other legal entity of natural monopoly type, after considering the intent and procedures of the privatisation at the National Council of the Slovak Republic". Therefore, both the executive and the legislative powers exercise control in respect of the privatisation of any public entity. Finally, any citizen or non-governmental organisation has the right to obtain information under the Freedom of Information Act No 211/2000. In a case, the Supreme Court confirmed that all information on privatisation shall be accessible and made public upon request. Statutory sanctions shall be imposed on the public authority that refuses to provide information. The Ministry of Privatisation was dissolved in 2003 as the privatisation had almost been completed.*
11. *GRECO concludes that recommendation ii has been implemented satisfactorily.*

### **Recommendation xiii**

12. *GRECO recommended that measures be taken to implement the following proposals: a) establish guidelines in relevant fields of police activity about the way to prevent corruption as well as the action that should be taken to ensure the collection of evidence in cases of corruption with a view to criminal procedure; b) adopt regulations, based on objective criteria, to improve the selection of staff of the Police Force and prevent and sanction nepotism; c) establish a programme aimed at enhancing social standing and the financial and moral value of the work done by the Police Force members; d) introduce, in the Code of Conduct, a prohibition of corruptive conduct and classify a violation of this prohibition as being a gross violation of work ethics; e) provide the Police Force with the necessary computer equipments to improve the capacity of data processing systems.*
13. *GRECO recalls that it was concluded in the RC-report that recommendation xiii had been partly implemented, in particular, those proposals which concern the guidelines on police activity on corruption, the selection criteria for the police and the recognition of the work carried out by the Police Force (a, b and c).*

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<sup>1</sup> "on modifications and amendment of Act No. 92/1991 on Terms of State Property Transfers to Other Entities as amended, and on modifications of the Act of the National Council of the Slovak Republic No 173/1993 on Certain Compensations Related to State Property Transfer to Other Entities".

14. The Slovak authorities have now reported that the new Code of Criminal Procedure and, in particular, Section 12 paragraphs 13 and 14, are fully implemented and ensure the effective collection of evidence in cases of corruption, including by special investigative means. After GRECO's First Evaluation Round an evaluation of the statutory conditions for the recruitment of police officers proved to be sufficient enough to prevent and sanction nepotism. Thus in a case involving the son of a politician, a police officer was dismissed because he had been recruited in breach of the statutory regulations. The salaries of police officers are adjusted in accordance with the financial means available to the state. However, police officers have other important social benefits and are highly regarded by the public. The majority of disclosed cases of corruption is based on co-operation between the public and the police.
15. GRECO has taken note of the information provided and considers that the Slovak authorities have achieved further progress with regard to the implementation of this recommendation.
16. GRECO concludes that recommendation xiii has been implemented satisfactorily.

#### **Recommendation xviii**

17. *GRECO recommended that the powers of the Supreme Audit Office be extended, notably to evaluate and make effective suggestions for improving the management of public entities.*
18. GRECO recalls that it was concluded in the RC-report that the recommendation xviii had been partly implemented.
19. The Slovak authorities reported that the powers of the Supreme Audit Office (SAO) have been strengthened in a comprehensive manner by virtue of an amendment to the Act on the SAO (No 385/2004) and they are said to be similar now to the powers of comparable entities in other EU countries. The SAO is entitled to audit all state financial resources or resources received from abroad. The Office can also evaluate and make suggestions for improving: a) the method of levying and claiming taxes, custom duties, payments and fines forming the revenues of the state budget, and b) the execution and application of rights and obligations arising from financial and economic relations.
20. The Slovak authorities have also reported that for some public resources at local level (such as local taxes), municipalities have their own auditing system. This system is considered to be more expedient than entrusting one central audit institution with controlling thousands of municipalities, not least because of limited staff resources. Therefore, in the context of the Country's accession to the EU and the adoption of the relevant EU legislation, this situation has been dealt with by the adoption of Act No. 618/2004 *on modifications and amendment of Act No. 502/2001 on Financial Control and Internal Audit and on modifications and amendment of some other acts.*
21. GRECO welcomes the new measures adopted and concludes that recommendation xviii has been implemented satisfactorily.

### III. **CONCLUSION**

22. In addition to the conclusions contained in the First Round Compliance Report on the Slovak Republic and in view of the above, GRECO concludes that the Slovak Republic has implemented satisfactorily recommendations i, ii, xiii and xviii.
23. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of the Slovak Republic.