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Second Evaluation Round

Compliance Report on the Slovak Republic

Adopted by GRECO
at its 28th Plenary Meeting
(Strasbourg, 9-12 May 2006)

I. INTRODUCTION

1. GRECO adopted the Second Round Evaluation Report on the Slovak Republic at its 17th Plenary Meeting (22-25 March 2004). This Report (Greco Eval II Rep (2003) 2) was made public by GRECO, following authorisation by the authorities of the Slovak Republic, on 1 April 2004.
2. In accordance with Rule 30.2 of GRECO's Rules of Procedure, the authorities of the Slovak Republic submitted their Situation Report (RS-report) on the measures taken to implement the recommendations on 29 March 2006.
3. At its 26th Plenary Meeting (5-9 December 2005), GRECO selected, in accordance with Rule 31.1 of its Rules of Procedure, the Czech Republic and the Netherlands to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Jan VIDRNA on behalf of the Czech Republic and Ms Anne-Marie SMITS on behalf of the Netherlands. The Rapporteurs were assisted by the GRECO Secretariat in drafting the Compliance Report (RC-Report).
4. The objective of the RC-Report is to assess the measures taken by the authorities of the Slovak Republic to comply with the recommendations contained in the Evaluation Report.

II. ANALYSIS

5. It is recalled that GRECO in its Evaluation Report addressed 17 recommendations to the Slovak Republic. Compliance with these recommendations is dealt with below.

Recommendation i.

6. *GRECO recommended to develop guidelines and to provide appropriate training for the police, the investigators and the prosecutors on how to go about tracking down offenders' assets, as well as with a view to make full use of all means available aiming at identifying, seizing and freezing proceeds of corruption.*
7. The authorities of the Slovak Republic report that, as guidelines are not binding in the Slovak legislative system, it was decided to deal with problems related to *inter alia* seizure, freezing and confiscation of proceeds of corruption by amending the Criminal Code and Code of Criminal Procedure. The new Criminal Code (Act No. 300/2005) and new Code of Criminal Procedure (Act No. 301/2005) entered into force on 1 January 2006. All police officers involved with criminal investigations, as well as prosecutors and judges, have been trained in issues of substantive and procedural criminal law related to the new legislation. Furthermore, on 1 September 2005, the Act on Proving the Origin of Property entered into force, which set up a procedure for investigating property suspected of deriving from crime. However, the Act was declared unconstitutional by the Constitutional Court in October 2005. In addition, the Slovak authorities report that in 2004, a department for investigating the possible proceeds of crime (and conducting financial investigations) was set up within the Intelligence Unit of the Financial Police. The mandate of this department, which has a staff of 6 persons, to investigate the possible criminal origin of property was expanded in 2006.
8. GRECO takes note of the information provided by the Slovak authorities. It welcomes the fact that a new Criminal Code and Code of Criminal Procedure have been adopted and that training on these new codes has been given to prosecutors, police and judges. GRECO recalls that one of its concerns, as expressed in the Second Round Evaluation Report, was that not all investigators

and prosecutors dealing with financial crimes had the specialised expertise required to track down offenders' assets and investigate and prosecute complicated cases of financial crime. For this reason, GRECO was of the opinion that both training on the use of the relevant legal provisions *and* practical assistance (in the form of guidelines and training) on how to go about tracking down offender's assets should be given. While the Slovak authorities report that police, investigators and prosecutors have received training on the (new) legal provisions of the Criminal Code and Criminal Procedure Code and it also appears that the Financial Police will carry out most financial investigations (both of financial crimes and of the possible proceeds of crime), GRECO cannot assess – without further information - to what extent this has made the need for further practical assistance to other investigators, police and prosecutors redundant.

9. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii.

10. *GRECO recommended to draft guidelines and provide training for prosecutors in order for them to require as a standard measure or punishment, in case of indictment for corruption, where applicable, the forfeiture of illicitly acquired assets (or their corresponding value) or to seek attachment of these assets in connection with a conviction or, in appropriate cases, without conviction. The Slovak authorities could also consider the reversal of the burden of proof in connection with a conviction, to assist the court in identifying criminal proceeds liable to confiscation in appropriate cases.*
11. The authorities of the Slovak Republic report, as mentioned also under recommendation i, that guidelines are not binding in the Slovak legislative system. It was therefore decided to deal with the problem that the legal provisions on confiscation of instrumentalities and proceeds of corruption were rarely applied in practice by amending the Criminal Code and Code of Criminal Procedure. The new Criminal Code (Act No. 300/2005) and new Code of Criminal Procedure (Act No. 301/2005) entered into force on 1 January 2006. The new Section 60 of the Criminal Code provides that forfeiture of “things” which represent instrumentalities or proceeds of crime is mandatory. Furthermore, in the context of the adoption of the new Criminal Code and Code of Criminal Procedure training has also been provided to all prosecutors. On the second part of the recommendation, the Slovak authorities report that the government submitted a draft Act on Proving the Origin of Property, which included provisions on reversing the burden of proof in appropriate cases. The Act came into force on 1 September 2005, but was declared unconstitutional by the Constitutional Court one month later on the basis of complaints filed by Members of Parliament.
12. GRECO takes note of the information provided by the Slovak authorities. With regard to the first part of the recommendation, GRECO recalls that it noted, in its Second Round Evaluation Report, that the discretionary nature of the provisions on forfeiture and the complex and lengthy procedures for applying these provisions, were part of the reason why forfeiture of instrumentalities and proceeds of corruption were rarely applied in practice. GRECO therefore considered that guidelines should be drafted to provide for a more mandatory element in the confiscation procedure and to require prosecutors to, routinely, apply for forfeiture of assets in relation to corruption offences. As it has now been reported that forfeiture of “things” which represent instrumentalities and proceeds of crimes has become mandatory, the need for guidelines, in this respect, no longer exists. As to the second part of the recommendation, GRECO welcomes the efforts made by the Slovak authorities to amend the provisions on the burden of proof with regard to the proceeds of crime.

13. GRECO concludes that recommendation ii has been dealt with in a satisfactory manner.

Recommendation iii.

14. *GRECO recommended to provide training for judges in order to improve their expertise to impose confiscation (forfeiture and attachment of a 'thing'), where applicable, when it is proved that instrumentalities or proceeds were obtained by virtue of corruption.*
15. The authorities of the Slovak Republic report that, in addition to the training that was provided to all judges in the context of the adoption of the new Criminal Code and Criminal Procedure Code, various seminars have been organised throughout 2004 and 2005. The Ministry of Justice organised seminars on judicial co-operation in criminal matters, including freezing of proceeds of crime (15-16 March 2004), the European Arrest Warrant (29-30 April 2004), judicial co-operation in criminal matters and selected issues of commercial law (29-30 April 2004), application of EU law (7-9 June 2004) and judicial co-operation in criminal matters (18-19 October 2004).
16. GRECO takes note of the information provided. It notes that the seminars mentioned by the Slovak authorities mainly address issues related to EU law and/or international co-operation. Nevertheless, training has been provided to judges with regard to the application of the new Criminal Code and Criminal Procedure Code, which should also have improved their expertise with regard to forfeiture.
17. GRECO concludes that recommendation iii has been dealt with in a satisfactory manner.

Recommendation iv.

18. *GRECO recommended to adapt the criminal law so that forfeiture of property could be combined with a monetary sanction of a substantial nature and that, if the Slovak Republic should decide that forfeiture remains a sanction, a conviction for forfeiture should automatically result in a criminal record.*
19. The authorities of the Slovak Republic report that in the Second Round Evaluation Report, it is stated that "if the Slovak authorities introduce criminal liability of legal persons, it should be possible to combine the sanction of forfeiture and monetary sanctions of a substantial nature". The possibility of combining a forfeiture sanction and a monetary sanction was considered in the context of drafting the new Criminal Code and Code of Criminal Procedure. However, after the government's proposal to introduce criminal liability of legal persons was defeated in parliament, it was decided that it would not be useful to provide for the possibility to combine these two sanctions with regard to natural persons, as they are both sanctions of a financial nature. In addition, the Slovak authorities report that a forfeiture sanction will always lead to a criminal record in respect of natural persons.
20. GRECO takes note of the information provided by the authorities of the Slovak Republic. It understands the argument made by the Slovak authorities for not combining the two sanctions now that liability of legal persons has not been introduced in the Slovak legal system.
21. GRECO concludes, in light of this particular situation, that recommendation iv has been dealt with in a satisfactory manner.

Recommendation v.

22. *GRECO recommended that the Slovak authorities review their provisional measures and confiscation regime to ensure that there is a comprehensive set of provisions as widely defined in the Strasbourg Conventions and which clearly allow for confiscation orders at the end of criminal proceedings in respect of instrumentalities and proceeds, or property, the value of which corresponds to such proceeds.*
23. The authorities of the Slovak Republic report that the provisions on seizure and forfeiture were reviewed in drafting the new Criminal Code and Code of Criminal Procedure. The new Criminal Code and Code of Criminal Procedure entered into force on 1 January 2006. As mentioned also under recommendation ii, Section 60 (paragraph 1) now provides for mandatory forfeiture of proceeds of crime. Furthermore, Section 60 (paragraph 2) of the new Criminal Code provides: “If the thing referred to in paragraph 1 is inaccessible or unidentifiable, or is merged with the property of the offender or with the property of another person obtained by lawful means, the court may impose the forfeiture of a thing whose value corresponds to the value of the thing referred to in paragraph 1”. A “thing” is by virtue of paragraph 4 of the same section understood to also mean the proceeds of crime, profits, interests and other benefits arising from proceeds of crime.
24. GRECO takes note of the information provided by the Slovak authorities. It welcomes the review of the provisions on forfeiture and seizure that has been carried out in the process of drafting the new Criminal Code and the explicit provisions on value forfeiture and mandatory forfeiture of instrumentalities and proceeds of crime that have now been made in the new Criminal Code.
25. GRECO concludes that recommendation v has been dealt with in a satisfactory manner.

Recommendation vi.

26. *GRECO recommended that the Slovak authorities establish an objective definition of “unusual business activities” for banks and other reporting entities to ensure that all questionable financial transactions come to the attention of the Financial Police.*
27. The authorities of the Slovak Republic report that “unusual business activities” in Act No. 367/2000 have deliberately been defined in general terms. To provide for a more specific definition would, in the view of the Slovak authorities, limit possibilities to report questionable financial operations, educate criminals on what is being reported, allow them to find the loopholes in the law and thus necessitate frequent amendments to the law. Instead of amending or complementing the definition of “unusual business activities” in the law more attention was said to be given to training to the so-called compliance officers of reporting entities. In addition, the Slovak authorities report that the Financial Intelligence Unit has repeatedly instructed reporting entities and their employees on what is to be considered as an unusual business activity.
28. GRECO takes note of the information provided by the authorities of the Slovak Republic. GRECO recalls that Act No. 367/2000 defines an unusual business activity as “a legal action or other action that may enable `legalisation¹ or financing of terrorism”. GRECO considered this definition to be rather vague and was concerned that this could amount to differences in reporting

¹ ‘Legalisation’ is defined as “the use or other disposal of income or other property acquired or suspected of being acquired from illegal activity or participation in an illegal activity carried out on the territory of the Slovak Republic or outside the territory of the Slovak Republic”.

standards, non-disclosure, vulnerability to corruption and failure of money laundering cases in court.² Despite the training and the instructions that have apparently been provided, GRECO is of the opinion that these concerns are still valid. Without further information on the frequency and type of training provided and more in particular the nature of the instructions given by the Financial Intelligence Unit (especially whether they are binding upon the reporting entities), GRECO is not able to assess whether its concerns have been sufficiently addressed.

29. GRECO concludes that recommendation vi has been partly implemented.

Recommendation vii.

30. *GRECO recommended to pursue the legislative programme with regard to the organisation, functioning and decision-making processes in all branches of the public administration in a manner consistent with the relevant international instruments on corruption, that takes into account the need to prevent and combat corruption and subsequently to develop a system of assessment of its effectiveness.*
31. The authorities of the Slovak Republic report that the law on conflicts of interest has not been adopted, but that a draft for a Code of Ethics has been approved and amendments have been made to the Act on the Supreme Audit Office to extend the mandate of the Supreme Audit Office to also audit so-called local self-government entities.
32. GRECO recalls that this recommendation referred to the adoption of various new laws and amendments to existing laws – including a law on conflicts of interest, an amendment to the Civil Service Act, a new Code of Ethics for Civil Servants, amendments to the constitution to give the Supreme Audit Office a mandate to audit so-called local self-government entities, a law on the reorganisation of the police force and amendments to the Cadastral Law - which were still under preparation at the time of the adoption of the Second Round Evaluation Report. In addition to this, a system to assess the effectiveness of these new laws in preventing and combating corruption was to be developed. However, apart from the abovementioned information on the law on conflicts of interest, the Act on the Supreme Audit Office and the draft for a Code of Ethics, no information has been provided on the other laws of importance to the prevention of and fight against corruption which were referred to in the Second Round Evaluation Report, nor on the development of a system or tool to assess the effectiveness of these laws (in preventing and combating corruption).
33. GRECO concludes that recommendation vii has been partly implemented.

Recommendation viii.

34. *GRECO recommended that the Slovak Republic periodically assess the implementation of existing anti-corruption strategies and ensure that these assessments are widely publicised, in order to gauge the effectiveness of the strategies and to make the public more aware of the Republic's progress toward its anti-corruption objectives.*
35. The authorities of the Slovak Republic report that the Department for the Fight against Corruption, which was established in 2002 within the Office of the Government, is tasked with evaluating the effectiveness of laws and strategies in the field of corruption. To this end, the Department

² In addition to paragraph 32 of the Second Round Evaluation Report, the need for objective standards and reporting thresholds was also discussed in part III of the report (see paragraph 75 and footnote 27 in particular).

annually carries out an evaluation of the implementation of the National Programme on Combating Corruption, the report of which is subsequently adopted by the government and published on the web-site of the Office of the Government³.

36. GRECO takes note of the information provided by the Slovak authorities and concludes that recommendation viii has been implemented satisfactorily.

Recommendation ix.

37. *GRECO recommended to strengthen and extend the already existing e-government methods especially in the sectors of public administration and local self-government entities considered corruptive or vulnerable to corruption.*
38. The authorities of the Slovak Republic report that e-government methods are gradually being introduced in sectors of public administration vulnerable to corruption. In 2005, a new system for issuing official documents (i.e. passports, driving and other licences and identity cards) was introduced, which significantly reduces the possibilities for manipulation of official documents and corruption in the issuing of these documents. Similar measures have been introduced in the health service, for example by providing for the possibility to electronically check the fees doctors charge their patients for the provision of medical services. Subject to the availability of funds, this system will also be introduced in other parts of the state administration, as appropriate.
39. GRECO takes note of the information provided and concludes that recommendation ix has been dealt with in a satisfactory manner.

Recommendation x.

40. *GRECO recommended to strengthen the roles of the Supreme Audit Office and of the Public Defender of Rights in the prevention and combating of corruption. Subsequently, they should increase the awareness among the general public on this.*
41. The authorities of the Slovak Republic report that the Act on the Public Defender of Rights was amended by Act No. 122/2006, which entered into force on 1 April 2006. These amendments introduce an obligation for public authorities to enable the Public Defender of Rights to exercise his/her rights under Section 17, paragraph 1⁴, of the Act on the Public Defender of Rights, oblige public authorities to grant a request made by the Public Defender of Rights of paragraph 2 (a) and (b)⁵ of this same section without delay, and to grant a request made under paragraph 2 (c)–(f)⁶ within 20 working days of the request being issued. The amendments have furthermore introduced new sections in the law, obliging bodies supervising public administration authorities to notify the Public Defender of the measures taken in respect of the matter under consideration by the Public Defender. If the Public Defender subsequently does not consider these measures to be sufficient, s/he will notify the National Council of the Slovak Republic of this. As a final point, the

³ See http://www.vlada.gov.sk/bojprotikorupcii/dokumenty_zoznam.php

⁴ This provision refers to the rights of the Public Offender to enter premises, to oblige the handing over of relevant documentation, to question employees of public administration bodies and to speak – without anyone else being present – to detained persons.

⁵ These provisions oblige public authorities to provide the Public Defender with all the necessary information and enable him/her to inspect or borrow files, if so requested.

⁶ These provisions oblige public authorities to submit opinions in writing if so requested, find evidence if so requested, carry out the measures proposed by the Public Defender and implement measures proposed by the Public Defender if this falls within their competence.

Public Defender of Rights has been given the right to file a motion to commence proceedings before the Constitutional Court of the Slovak Republic and to inspect files concerning criminal matters which relate to issues under his/her purview. Furthermore, the Slovak authorities report that article 60 of the Constitution was amended by Act No. 463/2005, which entered into force on 1 January 2006. This amendment has extended the mandate of the Supreme Audit Office to also audit “the use of property, property rights, financial sources, obligations and claims of so-called local self-government units, legal persons in which the State or local self-government units have invested and legal persons founded by local self-government units”.

42. GRECO takes note of the information provided by the authorities of the Slovak Republic and welcomes the amendments made to the Act on the Public Defender of Rights and the Constitution, to strengthen the roles of the Public Defender and Supreme Audit Office. However, GRECO was not informed if and how awareness among the general public has been raised as to the strengthening of the roles of the Public Defender and the Supreme Audit Office.
43. GRECO concludes that recommendation x has been partly implemented.

Recommendation xi.

44. *GRECO recommended to provide all Codes of Ethics with more specific provisions (especially with regard to gifts and revolving doors) and extend their application to cover also public officials in general. Local and regional authorities should also establish Codes of Ethics for all public officials of municipalities and higher territorial units as well as for elected public officials of local self-governments. Subsequently, the Slovak authorities should provide training on ethics and anti-corruption conducts for all public officials.*
45. The authorities of the Slovak Republic report that codes of ethics do in their view not solve the problem of corruption, especially as they are not binding in the Slovak Republic. The current provisions of the Code of Ethics for Civil Servants are considered to be satisfactory. Furthermore, because of the high level of autonomy of local and regional authorities, the government cannot order local and regional authorities to establish codes of ethics. Nevertheless, the government has developed a draft code of ethics for the use of so-called local self-government entities. This code of ethics has been published on the website of the Office of the Government since April 2005.⁷ The Slovak authorities furthermore report that anti-corruption training has been organised.
46. GRECO takes note of the information provided by the Slovak authorities. GRECO would like to point out that one of the Guiding Principles central to this evaluation round specifically provides that countries should “promote further specification of the behaviour expected from public officials by appropriate means, such as codes of conduct”. Slovak authorities seem to be of the view that codes of ethics are only of importance in the fight against corruption when they are enforceable.⁸ Whereas GRECO takes the position, as was also expressed by the Committee of Ministers in Recommendation No. R (2000) 10 on codes of conduct for public officials, that a code of conduct should be enforceable – for example by forming part of the terms of employment of public official, a breach of which could result in disciplinary action -, it also considers that codes of ethics can be highly effective in changing the ethical climate in public administration and have in terms of the fight against corruption a significant preventive and educational role. For these reasons, codes of

⁷ <http://www.vlada.gov.sk/bojprotikorupcii/etika.php>

⁸ It however appears from the Second Round Evaluation Report (paragraph 38) that the Code of Ethics for Civil Servants is in fact enforceable in the Slovak Republic.

ethics – enforceable or not - should preferably be established to cover all employees in the public sector, whether employed at state level or at local/regional level.

47. Concerning the other more specific elements of this recommendation, GRECO points out that in the Second Round Evaluation Report, it was mentioned that more specific provisions would be introduced in the Code of Ethics for Civil Servants, after the adoption of an amendment to the Civil Service Act. The Slovak authorities have not provided any information whether this has taken place. Furthermore, GRECO recalls that a large category of employees in the public service are, even at state level, not covered by the Code of Ethics for Civil Servants (or any of the other codes). The Slovak authorities have not informed GRECO on any steps taken to extend the application of the Code of Ethics for Civil Servants (or any of the other codes) to all employees at state level (i.e. not just civil servants). With regard to establishing codes of ethics for all elected and non-elected public officials at the local and regional level, GRECO takes note of the position of the Slovak authorities that the government is not able to order local and regional authorities - because of their relative autonomy vis-à-vis the state – to adopt codes of ethics. It welcomes the development of a draft Code of Ethics for the use of local and regional authorities, but nevertheless urges the Slovak authorities to intensify their efforts to persuade and encourage local and regional authorities to adopt such codes. Finally, on the issue of training, no further information has been provided other than that training has taken place.
48. GRECO concludes, in light of the above, that recommendation xi has not been implemented.

Recommendation xii.

49. *GRECO recommended to consider the possibility of introducing the principle of rotation of public officials and civil servants working in sectors vulnerable to corruption.*
50. The authorities of the Slovak Republic report that this matter has been considered, but that, for financial reasons, general rotation of public officials and civil servants working in sectors vulnerable to corruption has not taken place. Nevertheless, in situations where there are suspicions of undue contact between customs or police personnel and persons outside the customs service or police, rotation is applied.
51. GRECO takes note of the information provided by the Slovak authorities and is of the view that the possibility of introducing the principle of rotation appears to have been sufficiently considered.
52. GRECO concludes that recommendation xii has been implemented satisfactorily.

Recommendation xiii.

53. *GRECO recommended that the Slovak authorities establish a system to notify the Registry Court and other relevant authorities whenever a leading person in a corporation has been banned from business activity by a criminal court, and to enable them to implement the ban effectively.*
54. The authorities of the Slovak Republic report that for financial reasons this recommendation has not been implemented. Nevertheless, a new Section 348, paragraph 1, sub d, was introduced in the Criminal Code (300/2005) which provides that non-compliance with any decision by a court is a criminal offence, carrying a sentence of up to 2 years' imprisonment. The Slovak authorities report that this procedure is considered sufficient for the time being.

55. GRECO takes note of the information provided by the Slovak authorities concerning the new provision on non-compliance with court orders in the Criminal Code, but notes that a mechanism to implement the ban on engaging in business activities is still lacking. GRECO furthermore considers that notification of the Registry Court whenever a 'disqualification' sanction has been imposed does not necessarily have to be costly.

56. GRECO concludes that recommendation xiii has not been implemented.

Recommendation xiv.

57. *GRECO recommended that Slovak authorities ensure that existing criminal laws (such as Article 125 of the Criminal Code) are used to the fullest extent possible in connection with false statements in accounting documents and corporate registries. A methodology / guidelines on how to identify corruption should be developed to guide accountants and tax inspectors in detecting disguised bribes and specific anti-corruption training should be provided to them.*

58. The authorities of the Slovak Republic report that the new Criminal Code contains new provisions on the "protection of the market economy", in particular Article 259 on falsification of economic and commercial evidence. These provisions replace the former Article 125 of the Criminal Code on the "use of false or grossly distorted data". To ensure that these provisions are used to the fullest extent possible, training has been provided on the application of these provisions to judges, prosecutors and police officers. The Slovakian authorities further report that internal training seminars were organised, which included training on the detection of hidden corruption. However, a uniform methodology has not yet been developed.

59. GRECO takes note of the information provided by the Slovakian authorities. It notes the amendments made to the Criminal Code and welcomes the provision of training to judges, prosecutors and police officers on the application of this legislation. Although it is difficult to assess whether this has ensured the use of the existing criminal laws to the fullest extent, GRECO assumes that this training has further facilitated the application of the legal provisions in practice. However, no information has been provided on the provision of specific training to accountants and tax inspectors and no methodology or guidelines were developed.

60. GRECO concludes that recommendation xiv has been partly implemented.

Recommendation xv.

61. *GRECO recommended that the administrative fine provisions set forth in Act. No. 431/2002 on Accountancy are used to the fullest extent permitted by the law, in that these penalties can be effective, proportionate and dissuasive regarding corrupt behaviour by legal persons.*

62. The authorities of the Slovak Republic report that the provisions of Act No. 431/2002 on Accountancy are used to the fullest extent possible. The Act was subsequently amended and came into force in January 2005 (with the exception of Section 27, which became effective on 1 January 2006); it empowers the tax authorities to impose fines for breaches of the provisions of the Acts. The Slovak authorities report that since the amended Act entered into force the tax authorities have imposed fines in thousands of cases. To ensure that these fines are effective, proportionate and dissuasive, the tax authorities consider, in deciding the amount of the fine, the "gravity, method and duration" of the illegal activities, the "consequences and circumstances" of the violations and any "unjust enrichment".

63. GRECO takes note of the above information. Although it is difficult for GRECO to assess in detail whether the provisions of the Act on Accountancy are used to the fullest extent possible, the information provided suggests that recommendation xv has been dealt with in a satisfactory manner.
64. GRECO concludes that recommendation xv has been dealt with in a satisfactory manner.

Recommendation xvi.

65. *GRECO recommended that, the law providing for corporate criminal liability be adopted, in accord with Articles 18 and 19 of the Criminal Law Convention on Corruption, and to provide training on the new legislation in order to promote its effective use.*
66. The authorities of the Slovak Republic report that, in the process of drafting a new Criminal Code, in early 2005, the government introduced provisions on corporate criminal liability in the Criminal Code. However, in May 2005 a revised draft for a new Criminal Code was adopted by Parliament after removing the provisions on corporate liability from the Code. The government approved a separate draft law providing for corporate criminal liability in March 2006. It is, however, not certain if this draft law will be accepted by Parliament. It is of course only after a law on corporate criminal liability has been adopted that training can be provided on the legislation.
67. GRECO takes note of the information provided by the Slovak authorities on their efforts to introduce criminal liability for legal persons. It appears that Slovak legislation, at the moment, only provides for administrative liability of legal persons for “unfair competition” (which includes bribery, but not money laundering or trading in influence) and civil liability of legal persons for damages incurred as a result of a violation of the law. Furthermore, it does not appear that sanctions can be imposed on legal persons for corruption, money laundering and trading in influence, other than compensation of the damage or lost profits as a result of these offences. Consequently, GRECO cannot conclude, at this stage, that the requirements of Articles 18 and 19 of the Criminal Law Convention on Corruption (ETS 173) have been met.
68. GRECO concludes that recommendation xvi has been partly implemented.

Recommendation xvii.

69. *GRECO recommended that the Slovak authorities undertake a comprehensive and sustained programme of specialised professional training for judges, prosecutors and police regarding the effective and appropriate use of criminal and administrative laws relating to money laundering, accounting offences, and the use of legal persons to shield corrupt activity.*
70. The authorities of the Slovak Republic report that before the entering into force of the new Criminal Code (Act No. 300/2005) and new Code of Criminal Procedure (Act No. 301/2005) in January 2006, judges, prosecutors and police officers had been trained in issues of substantive and procedural criminal law related to the new legislation. In addition, the Ministry of Justice has provided various seminars on judicial co-operation in criminal matters and the application of EU law.
71. GRECO takes note of the information provided by the Slovak authorities. GRECO however notes that the seminars referred to by the Slovak authorities are not related to the issues mentioned in

the recommendation. Although comprehensive training appears to have been undertaken with regard to the application of the new Criminal Code and Criminal Procedure Code, GRECO was unable to assess if this included all the topics mentioned in the recommendation and if this training was a one-time occurrence or is going to be sustained.

72. GRECO concludes that recommendation xvii has been partly implemented.

III. CONCLUSIONS

73. **In view of the above, GRECO concludes that the Slovak Republic has implemented satisfactorily or dealt with in a satisfactory manner just under half of the recommendations contained in the Second Round Evaluation Report.** Recommendations viii and xii have been implemented satisfactorily and recommendations ii, iii, iv, v, ix and xv have been dealt with in a satisfactory manner. Recommendations i, vi, vii, x, xiv, xvi and xvii have been partly implemented and recommendations xi and xiii have not been implemented.
74. GRECO invites the Head of the Slovak delegation to submit additional information regarding the implementation of recommendations i, vi, vii, x, xi, xiii, xiv, xvi and xvii by 30 November 2007.