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Groupe d'États contre la corruption

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

COMPLIANCE REPORT

SLOVAK REPUBLIC

Adopted by GRECO at its 69th Plenary Meeting
(Strasbourg, 12-16 October 2015)

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I. INTRODUCTION

1. The Compliance Report assesses the measures taken by the authorities of the Slovak Republic to implement the recommendations issued in the Fourth Round Evaluation Report on the Slovak Republic which was adopted at GRECO's 61st Plenary Meeting (14-18 October 2013) and made public on 6 November 2014, following authorisation by the Slovak Republic ([Greco Eval IV Rep \(2013\) 2E](#)). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. As required by GRECO's Rules of Procedure, the authorities of the Slovak Republic submitted a Situation Report on measures taken to implement the recommendations. This report was received on 11 May 2015 and served, together with the information submitted subsequently, as a basis for the Compliance Report.
3. GRECO selected Romania and Germany to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Andrei FURDUI, Legal Advisor, National Office for Crime Prevention and Asset Recovery, Ministry of Justice, on behalf of Romania and Mr Danny POLK, Administrative Officer, Criminal Law Division, Ministry of Justice and Consumer Protection, on behalf of Germany. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
4. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any outstanding recommendation (partly or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

II. ANALYSIS

5. GRECO addressed sixteen recommendations to the Slovak Republic in its Evaluation Report. Compliance with these recommendations is dealt with below.
6. As an introduction, the authorities of the Slovak Republic explain that on 29 October 2014, the government adopted Decree No. 542/2014 approving measures aimed at the implementation of the recommendations contained in the Evaluation Report. Respective tasks were assigned to the National Council of the Slovak Republic (parliament), the Judicial Council, the General Prosecutor's Office and the Ministry of Justice.

Corruption prevention in respect of members of parliament

7. The authorities report that several initiatives by individual MPs or groups of MPs, addressing some of the issues highlighted in the Evaluation Report resulted in some draft laws. However, none of these drafts were adopted and consequently, the new President of the National Council, elected in December 2014, outlined a plan to resolve these issues before the end of the current electoral term. Among the issues to be addressed are amendments to the constitutional law on conflicts of interest, amendments to the Rules of Procedure to adopt a Code of Ethics along with sanctions for its violation and the issue of lobbying. Accordingly, a working group representing all political parties sitting in parliament was to propose amendments to the Constitution and relevant texts by 30 September 2015. The future amendments are meant to enter into force in March 2016, so that they apply to the members of the next legislature.

Recommendation i.

8. *GRECO recommended that the transparency of the legislative process be further improved by introducing appropriate standards and providing guidance to members of Parliament on dealing with lobbyists and those third parties whose intent is to sway public policy on behalf of partial interests.*
9. The authorities of the Slovak Republic mention that in the period 2012-2015, several attempts were made to introduce a law on lobbying, which did not gather sufficient support in the National Council. The draft code of ethics incorporated into the draft bill amending the Rules of Procedure of the National Council (see paragraph 13) contains an article on "transparency in the discharge of the office of MPs", which is meant to introduce standards in this area.
10. GRECO takes note of the information reported. While attempting to regulate lobbying as a whole is positive, GRECO recalls that the thrust of the recommendation is to address the interaction of MPs with lobbyists and other third parties and, in particular, the issues highlighted in the Evaluation Report, such as a lack of standards on appropriate conduct for MPs, a lack of clarity on the concept of lobbying and the vulnerability to inappropriate lobbying activities during the informal and closed decision-making phase following initial public consultations on draft laws. It does not seem, however, that the article on "transparency in the discharge of the office of MPs" in the draft code of ethics deals with these issues, but rather with a transparent use of procedures and funds. GRECO also points out that the recommendation goes beyond the introduction of standards and also calls for appropriate guidance to parliamentarians.
11. GRECO concludes that recommendation i has not been implemented.

Recommendation ii.

12. *GRECO recommended that (i) a Code of Conduct for members of the National Council be adopted (including guidance on the prevention of conflicts of interest, acceptance of gifts and other advantages, misuse of official position and asset declarations) and be made publicly available; and (ii) the Code be properly enforced (via a supervisory mechanism and sanctions) and accompanied by dedicated training, advice and counselling.*
13. The authorities report that a draft outline of a code of ethics for members of the National Council has been prepared by the working group referred to in paragraph 7. A group of MPs from the leading political party, who were part of this working group, then submitted to the National Council, on 28 August 2015, a draft bill amending the Rules of Procedure of the Parliament (Draft bill of MPs Mr Peter Pellegrini, Mr Miroslav Číž and Ms Jana Laššáková, on the Act of the National Council of the Slovak Republic no. 350/1996 Coll. on Rules of Procedure of the National Council of the Slovak Republic as amended¹). The draft code of ethics forms part of this draft bill and will, upon adoption, be incorporated into the Rules of Procedure of the National Council as an annex, thereby providing a mechanism for its effective enforcement. The draft code contains 10 articles dealing with ethical principles, conflicts of interests, acceptance of gifts and other benefits, declaration of property and financial situation, transparency in the discharge of the office of MPs, relationship with employees of the Chancellery of the National Council and procedure in case of breaches of the code. The draft bill also provides for

¹ Parliamentary paper no. 1676, containing the wording of the draft bill and the explanatory report are available in Slovak only on the webpage:
<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=6&ID=1676>

disciplinary proceedings and sanctions for breaching the code of ethics. The draft bill has been a subject of debate across the whole political spectrum and it is possible to expect its adoption at the November session of the Parliament, with a planned entry into force on 1 January 2016.

14. GRECO welcomes the draft bill amending the Rules of Procedure of the National Council and containing a code of ethics, which appears to deal with the issues identified in the recommendation, including sanctions and an enforcement procedure. It wishes to stress, however, that the second part of the recommendation also calls for supervision, training, advice and counselling.
15. GRECO concludes that recommendation ii has been partly implemented.

Recommendations iii and iv.

16. *GRECO recommended:*

- *that rules specific to the National Council be elaborated on the acceptance of gifts, hospitality and other benefits by parliamentarians and that internal procedures for valuation, reporting and return of unacceptable gifts be set out (recommendation iii);*
- *to further develop and refine the financial disclosure regulations applicable to members of Parliament in order to include the regular notification of financial interests, partnerships, other business arrangements, domestic and foreign travel paid by third persons as well as benefits, hospitality and sponsorship obtained from domestic and foreign entities above a certain threshold (recommendation iv).*

17. Regarding recommendation iii, the authorities make reference to article 4 of the draft code of ethics, which contains a general prohibition on MPs accepting gifts and other benefits that would interfere with their independence and impartiality and provides for an obligation to register gifts valued at more than 100 € in a dedicated register kept by the Parliamentary Committee on Incompatibility of Functions.
18. As to recommendation iv, article 5 of the draft code deals with declarations of assets, functions, employment and activities as foreseen in the Constitutional Act on the Protection of Public Interest in the Performance of Offices by Public Officials. Moreover, a draft bill amending the Constitutional Act on Conflict of Interest was also submitted to the National Council on 28 August 2015 by the same group of MPs as that referred to in paragraph 13 (Draft bill of MPs, Mr Peter Pellegrini, Mr Miroslav Číž and Ms Jana Laššáková, on the issue of Constitutional Act amending Constitutional Act no. 357/2004 Coll. on the protection of the public interest in the performance of offices by public officials, as amended by the Constitutional Law no. 545/2005 Coll.²). It contains *inter alia* provisions on more precise reporting of public officials' asset declarations, in particular with regard to their structure and completeness. These changes reflect public demands on the details of notice of functions, jobs, activities and financial standing of public officials, as well as requests for more information on loans and donations. This draft bill is also expected to be adopted in the November session of the National Council and to enter into force on 1 January 2016.

² Parliamentary paper no. 1677, containing the wording of the draft bill and the explanatory report, is available on: <http://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=6&ID=1677>

19. GRECO welcomes the information reported regarding the provisions included in both draft bills presented to the National Council, which seem to address the concerns of recommendations iii and iv. It looks forward to assessing - in due course - the detail of the other provisions to be adopted in the future.

20. GRECO concludes that recommendations iii and iv have been partly implemented.

Recommendation v.

21. *GRECO recommended that the supervision and enforcement of rules on conflicts of interest, asset declarations and other duties and restrictions applicable to members of Parliament under the Constitutional Act on the Protection of Public Interest in the Performance of Offices by Public Officials be strengthened, notably, by revising the mandate and attributing supplementary human and material resources to the Committee on the Incompatibility of Functions of the National Council.*

22. The authorities explain that the best way to respond to this recommendation is currently under consideration. Instead of amending the Constitutional Act on the Protection of Public Interest in the Performance of Offices by Public Officials (PPI), the working group referred to under paragraph 7 is contemplating dealing with the issue of reporting by public officials in an ordinary law. This would require an authorisation to proceed by way of ordinary law, pursuant to Article 7 of the PPI, as well as other technical amendments of the PPI.

23. Given the very preliminary stage of the considerations reported, GRECO can only conclude that this recommendation has not been implemented.

24. GRECO concludes that recommendation v has not been implemented.

Corruption prevention in respect of judges

Recommendation vi.

25. *GRECO recommended that decisions to remove court presidents be reasoned, that they follow appropriate removal proceedings and are made subject to judicial review.*

26. The authorities report that the Constitutional Court found, in a ruling of 7 May 2014 (PL ÚS 102/2011), that the second and third sentences of Section 38 para. 5 of the Act on Courts were unconstitutional. These sentences excluded the application of the Administrative Procedure Code and judicial review in the procedure of removal of court presidents. Since 1 August 2014 – date of publication of the ruling – decisions on removal have therefore been subject to judicial review before an administrative court.

27. However, for reasons of legal purity, the legislator then amended the Act on Courts (Act No. 322/2014 Coll., entered into force on 1 December 2014) and Section 38 para. 5 currently provides that decisions of the minister of justice to remove court presidents have to be reasoned. They may not be appealed, but are subject to review by the Supreme Court on the basis of an application pursuant to Part 5, Chapter 2 of the Civil Procedure Code. The time-limit for this application is ten days from the removal decision and the Supreme Court has to decide on the application within 30 days from the removal decision. The decision by the Supreme Court is not subject to appeal. As regards appropriate removal proceedings, the authorities report that the removal decision is based on the circumstances of the case, which are established and verified by special organisational units of the Ministry of Justice. These circumstances may come to light on the basis of the review of statistical

data, for instance, or following a report by a member of the public. They are then verified according to rules prescribed in Act no. 10/1996 Coll. on Control in State Administration. The court president may express his/her views in writing on the control's findings, as well his/her objections on the control's final protocol (Section 12 para. 1 of Act no. 10/1996 Coll.). In exceptional cases, however, this control procedure is not followed. This may occur in case of an obvious misconduct of a court president, documented by the media or recorded on police camera – like committing a traffic offence or damaging property in a drunken state. In such exceptional cases, the minister still asks the court president for his/her views, but there is no prescribed procedure.

28. GRECO welcomes the ruling of the Constitutional Court according to which the exclusion of procedural guarantees and of judicial review in decisions to remove court presidents are unconstitutional. As regards Section 38 para. 5 as amended, it is satisfied that removal decisions have to be reasoned and are subject to judicial review by the Supreme Court. Concerning removal proceedings, GRECO is of the view that the guarantees provided by the control procedure foreseen under Act no. 10/1996 Coll. are appropriate. It is concerned, however, that in exceptional circumstances, this procedure is not followed and there is no written obligation on the minister to hear the court president before taking the removal decision.
29. GRECO concludes that recommendation vi has been partly implemented.

Recommendation vii.

30. *GRECO recommended that (i) in order to strengthen the independence of the judiciary from undue political influence, to provide in law for not less than half the members of the Judicial Council to be elected by their peers; and that (ii) the transparency in the functioning of the Judicial Council and judicial self-governing bodies (notably the disciplinary commissions and Selection Committee) be further improved.*
31. As regards the first part of the recommendation, the authorities explain that as the composition of the Judicial Council is regulated in the Constitution, it had to be amended. Constitutional Law No. 161/2014 Coll., which entered into force on 1 September 2014, amended Article 141a of the Constitution to provide that half the 18 members of the Judicial Council are to be elected directly by judges.
32. Regarding the second part of the recommendation, the authorities report that the Act on Courts was amended (act No. 195/2014, which entered into force on 1 September 2014) to introduce changes in the setting-up and allocation of cases to the disciplinary commissions. Prior to the amendment, a new disciplinary commission used to be set up for each new disciplinary claim, a system which was found not to work in practice. According to the amended Act on Courts, disciplinary commissions are now created for a period of one year and cases are randomly allocated to them. As regards transparency of the functioning of the Judicial Council, the oral part of the procedure for the selection of judges is now recorded and published after the end of the procedure on the Ministry of Justice's website, together with minutes of the selection procedure (Section 28 para. 5 of the Act on Judges and Lay Judges, as amended by Act no. 322/2014 Z.z). Moreover, sessions of the Judicial Council are public – except for decision-making on classified materials – and decisions of the Judicial Council are publicly available on the website, including sound records of the sessions.
33. As regards the first part of the recommendation, GRECO welcomes the amendment of the Constitution according to which half of the members of the Judicial Council are now judges elected directly by their peers. It also welcomes, as regards the

second part of the recommendation, the measures taken to increase transparency in the functioning of the Judicial Council.

34. GRECO concludes that recommendation vii has been implemented satisfactorily.

Recommendation viii.

35. *GRECO recommended that (i) the "Principles of Judicial Ethics" be revised and further developed so as to provide more precise guidance to all judges on the expected conduct, judicial integrity and corruption prevention, and (ii) the proper application of the "Principles" be ensured (via a supervisory mechanism and sanctions) and accompanied by dedicated training, advice and counselling.*
36. As regards the first part of the recommendation, the authorities report that the adoption of principles of judicial ethics has become the sole competence of the Judicial Council, in cooperation with the bodies of judicial self-administration, further to the constitutional amendment referred to in paragraph 31. Accordingly, a text of "Principles of Judicial Ethics" was prepared by the Slovak Association of Judges and is currently the subject of a broad debate among councils of judges, under the aegis of the Judicial Council. Among the issues being debated are whether, how and in what form to approve the code of ethics; whether the principles of an ethical conduct have to be listed exhaustively or in the form of general recommendations; and whether disregard for the provisions of the code can be subject to disciplinary sanctions. Two discussion forums were organised on 12 March and 11-12 May 2015 and it is expected that the principles of judicial ethics may be approved by the end of 2015.
37. As regards the second part of the recommendation, the authorities explain that Section 30 para. 2g of the Act on Judges and Lay Judges (AJLJ) stipulates the duty of judges to observe the principles of judicial ethics. According to Section 116 para. 1a) of the AJLJ, a breach of judicial duty is considered as a disciplinary misconduct. Finally, the authorities mention that, although the Principles of Judicial Ethics have not been approved yet, the Judicial Academy has been organising training courses on ethical issues for some years. For instance, two training sessions on the professional ethics of judges and prosecutors took place in 2015 and addressed, among others, the preparation of the "Principles of Judicial Ethics". Once they are adopted, training on this text will be included in the educational plan of the Judicial Academy.
38. GRECO takes the view that the amendment of the Constitution according to which the adoption of principles of judicial ethics is within the sole competence of the Judicial Council, together with the bodies of judicial self-administration – instead of being subject to the agreement of the minister of justice as was the case previously – is a positive development. The broad debate that is currently going on among judges around the draft "Principles of Judicial Ethics" is also to be welcomed. GRECO hopes that these moves will lead to an improved text, providing precise guidance on judges, as required by the first part of the recommendation. As regards the second part of the recommendation, GRECO notes that the mechanisms for ensuring compliance with the future "Principles of Judicial Ethics" are still subject to a wide debate. Yet, the state of play concerning this text is currently addressed during the training sessions for judges on professional ethics that have been on-going since the adoption of the Evaluation Report. GRECO takes the view, therefore, that the promotion of the "Principles of Judicial Ethics", which is one of the objectives of the second part of the recommendation, is already underway.
39. GRECO concludes that recommendation viii has been partly implemented.

Recommendation ix.

40. *GRECO recommended that a focused policy for preventing and managing conflicts of interest and corruption risks within the judiciary be elaborated and properly enforced.*
41. The authorities indicate that a new Working Group of the Ministry of Justice for Implementation of the International Obligations of the Slovak Republic in the Field of Criminal Law (hereafter the Working Group) was created on 1 March 2015. It comprises representatives of relevant departments of the ministry and representatives of other state bodies, such as the prosecution service and the Ministry of the Interior, who are invited to participate in meetings on relevant topics. The Working Group had its first session on 16 March 2015, during which it discussed recommendations adopted by different international organisations, including GRECO. It decided to recommend to the minister of justice the preparation of an Action Plan on the prevention of corruption and conflicts of interest in the judiciary. The draft Action Plan was prepared by the Ministry of Justice in July and discussed by the relevant bodies at the end of August 2015. It is currently being updated, in view of a further discussion by the Working Group, after which it will be approved by the Minister of Justice.
42. GRECO welcomes the current preparation of the Action Plan on the prevention of corruption and conflicts of interest in the judiciary.
43. GRECO concludes that recommendation ix has been partly implemented.

Recommendation x.

44. *GRECO recommended establishing an obligation to declare liabilities (e.g. debts and loans) and gifts above a certain value on those judges who are not covered by the Constitutional Act on the Protection of Public Interest in the Performance of Offices by Public Officials.*
45. The authorities report that the Working Group referred to in paragraph 41 recommended to the Minister of Justice to include an obligation for judges to declare liabilities and gifts into the AJLJ. However, with regard to the forthcoming parliamentary elections, scheduled in March 2016, the current parliament would not have enough time to approve relevant legislative changes. This issue will thus be dealt with by the new Minister next year.
46. GRECO takes note of the information reported and concludes that recommendation x has not been implemented.

Recommendation xi.

47. *GRECO recommended that the enforcement of rules on asset declarations under the Act on Judges and Lay Judges be strengthened, notably, by ensuring a more in-depth scrutiny of the declarations, providing commensurate human and material resources to the relevant oversight body and consistently sanctioning the identified violations.*
48. The authorities explain that the Judicial Council is competent under the AJLJ to receive and verify judges' asset declarations. The Judicial Council can request judges to provide any clarification or additional information regarding their declaration within 30 days of its submission. If a declaration shows that a judge's property exceeds his/her salary and other declared income, the judge has to prove how the property was obtained. The Judicial Council may also request a judge to

submit a receipt of his/her tax return or receipts demonstrating income or the acquisition of assets, including their value, within a prescribed deadline not exceeding 60 days. If a judge does not comply with these obligations, if the Judicial Council is not satisfied by the information provided and/or has reasonable doubts about the origin of a property or the trustworthiness of information submitted by a judge, it may submit a motion to the minister of justice to initiate disciplinary proceedings. The Judicial Council has not submitted such a motion since the adoption of the Evaluation Report.

49. GRECO notes that the system described is the same as the one assessed in the Evaluation Report. No measures appear to have been taken in order to ensure a more in-depth scrutiny of the asset declarations, to provide the Judicial Council with the necessary human and material resources to carry out a reinforced scrutiny and no disciplinary procedures have been initiated as a result of identified violations.
50. GRECO concludes that recommendation xi has not been implemented.

Corruption prevention in respect of prosecutors

51. The authorities report that the General Prosecutor's Office approved, on 31 March 2014, a document on "Measures to implement the recommendations of GRECO to prevent corruption in relation to prosecutors of the Public Prosecution Service of the Slovak Republic", along with a time-table for a temporary (by 30 September 2014) and a final assessment (by 31 January 2015) of the implementation of the recommendations. These measures were communicated to the minister of justice and approved by the government.
52. In the beginning of 2014, the General Prosecutor created a commission to prepare new legislation on the prosecution service, prosecutors and trainee prosecutors. However, following a decision by the Constitutional Court of 7 May 2014 (No. 217/2014 Coll.) finding unconstitutional some provisions of the laws on the Public Prosecution Service and on Prosecutors and Trainee Prosecutors, the activities of the commission were suspended, as priority was given to amending the provisions concerned. The commission restarted its activities at the beginning of 2015, but this delay had significant impact on the process of implementation of the GRECO recommendations requiring the adoption of legislative measures. A draft bill amending the above-mentioned laws was approved by the government and submitted to the National Council on 28 August 2015. The first reading of this bill took place on 16 September and it will be considered by the relevant parliamentary committees between 27 October and 9 November 2015. It is expected that the bill will be adopted in the parliamentary session starting on 10 November 2015 and will enter into force on 1 January 2016.

Recommendation xii.

53. *GRECO recommended that (i) the 2012 Ethics Code be reviewed in order to establish whether it sets clear ethical standards of professional conduct for the Public Prosecution Service and is adapted if necessary and made public; and (ii) the proper application of the code be ensured (via a supervisory mechanism and sanctions) and supported by dedicated training, advice and counselling.*
54. As regards the first part of the recommendation, the authorities indicate that after the 2012 Ethics Code was presented by the Council of Prosecutors, questions emerged regarding the lack of a proper legal basis for the issuance and adoption of the Code by the prosecutorial authorities. These questions were discussed by the commission mentioned in the above paragraph, which concluded that a legal regulation was necessary to solve them and to determine which rules had to be

included in legislation and which could be dealt with within a code of ethics. Regardless of these legal difficulties, the preparation of a code of ethics continued. A draft code was prepared by the Council of Prosecutors and submitted for comments to the prosecution service as a whole, through the heads of prosecutorial councils. The draft bill referred to in paragraph 52 includes a proper legal basis for the adoption and issuance of a code of ethics for prosecutors. The draft code will be adopted by the Council of Prosecutors by 31 March 2016 at the latest and issued by the General Prosecutor. It will be published on the website of the General Prosecutor's Office.

55. As regards the second part of the recommendation, the authorities explain that the draft bill foresees the establishment of a Commission on Ethics within the Council of Prosecutors. It will issue opinions on whether misconduct by a prosecutor represents a breach of the rules contained in the code of ethics, on the request of a petitioner or of a disciplinary commission. The Commission on Ethics will also have the authority to assess *ex officio* ethical issues and the acceptability of a prosecutor's conduct. Its opinions will be issued in writing and will include a statement of reasons. The Commission's opinions of a general nature and recommendations will be published on the website of the General Prosecutor's Office. The authorities also emphasise that even though a binding code of ethics has not been adopted yet, any violation of the principles of professional ethics of prosecutors represents a violation of the fundamental duties of prosecutors. Several issues of professional ethics are already included in relevant legislation and their violation may give rise to disciplinary liability.
56. Finally, as regards training and awareness, the authorities communicate that, further to a proposal of the General Prosecutor of 30 July 2014, the curriculum of the Slovak Judicial Academy for 2015 includes training activities on ethics, namely two sessions on "Professional ethics of judges and prosecutors", as well as one on "Ethics of a judge and quality of judicial decisions". Seminars on these issues are scheduled in May and October 2015 and the curriculum will be updated as necessary. In addition, issues of professional ethics were included for discussion on the agenda of meetings and sessions on various levels of the prosecution service.
57. GRECO welcomes the measures taken to address both parts of the recommendation. As regards the first part, it takes note of the preparation of a draft code of ethics, with broad consultation of the prosecution service. It looks forward to assessing the content of the code in due time. As regards the second part of the recommendation, GRECO welcomes the future establishment of a Commission on Ethics, the inclusion of training sessions on ethics in the curriculum of the Judicial Academy for 2015, as well as the discussions to be held at various levels of the prosecution service.
58. GRECO concludes that recommendation xii has been partly implemented.

Recommendation xiii.

59. *GRECO recommended that guidelines on the prevention and management of actual and potential conflicts of interest be elaborated within the Public Prosecution Service.*
60. The authorities explain that a guideline on conflicts of interests is supposed to be included in the draft code of ethics that is currently under preparation. Beyond the scope of the recommendation, the Prosecutor General agreed with the diagnosis of GRECO regarding a lack of available information on the frequency of disqualifications. He therefore issued on 4 November 2014 a binding instruction introducing a register of disqualifications at all levels of the prosecution service.

This register will allow an overview of cases that have been transferred further to a prosecutor's removal. Moreover, the draft bill referred to in paragraph 52 contains a provision on instructions addressed by superior prosecutors to subordinate prosecutors, according to which such instructions, including those dealing with removal of a prosecutor from a case, have to be given in writing. Oral instructions are possible in emergency circumstances, but have to be confirmed in writing within 48 hours.

61. GRECO notes that a guideline on conflicts of interest is supposed to be included in the draft code of ethics, but it remains to be seen whether this guideline will provide sufficient explanations on conflicts of interest – such as a definition, possible examples and steps to be taken when confronted with a possible or actual conflict, or in case of doubt. GRECO welcomes the provision on instructions contained in the draft bill currently presented to the National Council, as well as the introduction of a register of disqualification and hopes that the information gathered therein will be analysed in order to improve, if necessary, the rules on case assignment and transfer.
62. GRECO concludes that recommendation xiii has not been implemented.

Recommendation xiv.

63. *GRECO recommended that the data contained in the affidavits and asset declarations of prosecutors be made publicly accessible in practice and all obstacles to such access be removed, with due regard to the privacy and security of prosecutors and their family members who are subject to a reporting obligation.*
64. The authorities report that, in order to facilitate access to the part of the asset declarations and to the affidavits that are published on the webpage of the General Prosecutor's Office, a provision of the draft bill referred to in paragraph 52 provides an obligation for the Superior Personnel Department of the General Prosecutor's Office to publish the list of prosecutors on the website and to keep it up-to-date. This will enable, after inserting the name and surname of the prosecutor concerned on the website, to access data relating to him/her. Nevertheless, the authorities stress that unlike members of parliament, judges and prosecutors are involved, to a large extent, in activities connected with perpetrators of crime, including serious, transnational and organised crime. Taking into account the fact that no binding international instrument was adopted in this field, the balance between publicity and the protection of privacy and security of prosecutors may need to be examined further, with a view to establishing standards at international level.
65. GRECO welcomes the provision included in the draft bill, which ought to facilitate access in practice to the affidavits and the published part of prosecutors' asset declarations. On a more general note, GRECO is aware of the lack of general standards in this field and of the need to strike an appropriate balance between the privacy and security of prosecutors and their family members, as the wording of the recommendation indicates. It stresses, however, that this recommendation was tailored to the specific situation in the Slovak Republic, in which prosecutors' affidavits and (part of) their asset declarations were public documents in theory, but access to them was severely restricted in practice.
66. GRECO concludes that recommendation xiv has been partly implemented.

Recommendation xv.

67. *GRECO recommended that the acceptance, reporting and management of gifts by all categories of prosecutors while performing their duties be regulated.*

68. The authorities report that the draft code of ethics includes a prohibition to accept gifts, invitations and any other advantages that might raise doubts regarding the impartiality of a prosecutor. Any property or good received free of charge, of a value exceeding 6 600€, has to be reported in asset declarations, according to Section 28, para. 2 a) to c) of the Act on Prosecutors and Trainee Prosecutors No. 154/2001. Moreover, trainee prosecutors are under a prohibition to accept gifts or any other advantages in relation to the performance of their duties (Section 246 para. 1h of the Act on Prosecutors and Trainee Prosecutors). This provision was introduced by the Act No. 322/2014, which entered into force on 1 December 2014.
69. GRECO welcomes the introduction of a prohibition on trainee prosecutors accepting gifts and other advantages in relation to their duties and the inclusion of a similar prohibition in the draft code of ethics. It notes that gifts of a value exceeding 6 600€ have to be reported in prosecutors' asset declarations, but that no provision is made for the reporting and management of gifts under this high threshold.
70. GRECO concludes that recommendation xv has been partly implemented.

Recommendation xvi.

71. *GRECO recommended introducing an obligation on prosecutors to declare liabilities (e.g. debts and loans) and gifts above a certain threshold.*
72. The authorities explain that the draft bill referred to in paragraph 52 contains a provision according to which asset declarations will have to include data regarding any prosecutor's liabilities if the value thereof exceeds 6 600€.
73. GRECO welcomes the draft provision introducing an obligation on prosecutors to declare liabilities, but notes once again that the 6 600€ threshold is high.
74. GRECO concludes that recommendation xvi has been partly implemented.

III. CONCLUSIONS

75. **In view of the foregoing, GRECO concludes that the Slovak Republic has implemented satisfactorily or dealt with in a satisfactory manner only one of the sixteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, ten recommendations have been partly implemented and five recommendations have not been implemented.
76. More specifically, recommendation vii has been implemented satisfactorily, recommendations ii, iii, iv, vi, viii, ix, xii, xiv, xv and xvi have been partly implemented and recommendations i, v, x, xi and xiii have not been implemented.
77. With respect to members of parliament, GRECO welcomes the two draft bills, which deal with most of the issues identified in the recommendations, and have been presented to the National Council. A draft bill amending the Rules of Procedure of the National Council contains a draft code of ethics with provisions dealing *inter alia* with conflicts of interest and the acceptance of gifts and other benefits. The draft bill also provides for disciplinary proceedings and sanctions in case of violation of the code's provisions. The other draft bill currently before the National Council contains provisions on more precise and complete reporting by parliamentarians. It is expected that both bills will be adopted in the November session of the National Council and enter into force by 1 January 2016.
78. As far as judges are concerned, GRECO welcomes the constitutional amendment providing that half of the members of the Judicial Council are now to be elected by

judges, as well as the measures taken to increase transparency of the functioning of this body. It is positive that decisions to remove court presidents now need to be reasoned and are subject to judicial review by the Supreme Court, but appropriate procedural guarantees still need to be foreseen in all cases. GRECO also welcomes the process of preparation of the "Principles of Judicial Ethics", which includes a broad consultation of the judiciary. Some issues regarding these principles are still open, however, such as the mechanism for ensuring compliance. Further progress is also expected as regards a policy for preventing and managing conflicts of interest within the judiciary, the introduction of an obligation for judges to declare liabilities and gifts, as well as a more in-depth scrutiny of asset declarations.

79. Finally, as regards prosecutors, GRECO welcomes the process of preparation of a code of ethics and its supervisory mechanism, as well as the inclusion of several training sessions on ethics in the 2015 curriculum of the Judicial Academy. GRECO also welcomes the provisions contained in new legislation currently pending before the National Council, which seems to address many issues identified in the recommendations, such as an obligation on prosecutors to declare liabilities and gifts and better public access to information contained in prosecutors' asset declarations and affidavits.
80. In view of the above, GRECO notes that in the present absence of final achievements, continuation of the reform process undertaken in respect of members of parliament, judges and prosecutors is necessary to demonstrate that an acceptable level of compliance with the recommendations within the next 18 months can be achieved. GRECO therefore concludes that the current low level of compliance with the recommendations is not "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure and asks the Head of delegation of the Slovak Republic to submit additional information regarding the implementation of recommendations i to vi and viii to xvi by 30 April 2017.
81. Finally, GRECO invites the authorities of the Slovak Republic to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.