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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

### SECOND ADDENDUM TO THE SECOND COMPLIANCE REPORT SLOVAK REPUBLIC

Adopted by GRECO at its 86<sup>th</sup> Plenary Meeting  
(Strasbourg, 26 – 29 October 2020)

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## **I. INTRODUCTION**

1. The Second Addendum to the Second Compliance Report assesses the measures taken by the authorities of the Slovak Republic to implement the pending recommendations issued in the Fourth Round Evaluation Report on the Slovak Republic (cf. paragraph 2) covering "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation Report on the Slovak Republic was adopted at GRECO's 61<sup>st</sup> Plenary Meeting (18 October 2013) and made public on 6 November 2014, following authorisation by the Slovak Republic ([Greco Eval IV Rep \(2013\) 2E](#)). The Fourth Round Compliance Report was adopted at the 69<sup>th</sup> Plenary Meeting (16 October 2015) and made public on 12 November 2015, following authorisation by the Slovak Republic ([Greco RC-IV \(2015\) 7E](#)). The Second Compliance Report ([GrecoRC4\(2017\)19](#)) was adopted at the 77<sup>th</sup> Plenary (16-18 October 2017) and made public on 18 October 2017, following authorisation by the Slovak Republic. The Addendum to the Second Compliance Report ([GrecoRC4\(2019\)8](#)) was adopted at the 82<sup>nd</sup> Plenary Meeting (Strasbourg, 18-22 March 2019) and made public on 26 March 2019, following authorisation by the Slovak Republic.
3. As required by GRECO's Rules of Procedure, the authorities of the Slovak Republic submitted a Situation Report with additional information regarding actions taken to implement the nine pending recommendations that, at the stage of the Addendum to the Second Compliance Report, had been partly or not implemented. The Situation report was received on 31 December 2019 and served, together with information submitted subsequently, as a basis for this Second Addendum to the Second Compliance Report.
4. GRECO selected Romania and Germany to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Sorin TANASE on behalf of Romania and Mr Markus BUSCH on behalf of Germany. They were assisted by GRECO's Secretariat in drawing up this Addendum to the Second Compliance Report.

## **II. ANALYSIS**

5. It is recalled that GRECO, in its Evaluation Report, addressed sixteen recommendations to the Slovak Republic. At the stage of the adoption of the Addendum to the Second Compliance Report, recommendations vi, vii, ix, xi, xii, xiii and xv had been implemented satisfactorily or dealt with in a satisfactory manner, recommendations iii, iv, viii, x, xiv and xvi had been partly implemented and recommendations i, ii and v had not been implemented. Compliance with the nine pending recommendations is dealt with below.

### *Corruption prevention in respect of members of parliament*

#### **Recommendation i.**

6. *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.*
7. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was not implemented. GRECO noted that a draft Code of ethics was under preparation within Parliament but had not been able to examine it and was given no further information on possible new legislation.

8. The Slovak authorities now indicate that the new Government has set as one of the priorities of its Programme Statement for 2020-2024 the adoption of measures on lobbying, which should be a combination of legal regulation, a mandatory register of lobbyists and a code of conduct. The special register for lobbyists should consist of information on the matters in which the lobbyists plan to lobby, as well as information on their clients, costs and remuneration for the lobbyist's activities.
9. GRECO notes that to date no new draft legislation on the transparency of the legislative process and on guidance to parliamentarians on dealing with lobbyists and third parties has been provided. However, it notes that the objective of drafting such a legal framework has been confirmed as a priority by the new Government.
10. GRECO concludes that recommendation i remains not implemented.

**Recommendation ii.**

11. *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.*
12. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was not implemented. GRECO noted that it was not in a position to assess a new draft Code of Ethics for parliamentarians referred to as it had not been submitted to GRECO.
13. The Slovak authorities now indicate that due to the parliamentary elections of February 2020 the draft Code of Ethics has not been submitted to Parliament and that it should be further elaborated so as to be examined during the new parliamentary term. According to the Slovak authorities, such adoption might lead to stronger and direct ownership of the rules by new Legislature and by newly elected parliamentarians.
14. GRECO notes that reportedly a code of ethics is still under preparation and concludes that recommendation ii remains not implemented.

**Recommendation iii.**

15. *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.*
16. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was partly implemented. More precisely, GRECO welcomed the introduction of a duty to report gifts/benefits in annual declarations of parliamentarians, but pointed out that no definition of gifts had been established. Furthermore, no rules on their valuation and return of unacceptable gifts had been adopted. The threshold set for acceptance of gifts was still a subject of concern. These elements were due to be elaborated in a new Code of Ethics still in progress, according to the authorities.
17. The Slovak authorities reiterate that the issue is to be addressed within the framework of a future Code of Ethics, which is not yet finalised.

18. GRECO notes that no new information has been provided and concludes that recommendation iii remains partly implemented.

**Recommendation iv.**

19. *GRECO recommended 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.*
20. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was considered partly implemented. More precisely, GRECO welcomed that the obligation for parliamentarians to declare gifts or other benefits and the use of immovable or movable assets had improved through amendments to the constitutional law on Protection of Public Interest in the Performance of Functions of Public Officials (PPI). However, the thresholds set remained a subject of concern vis-à-vis the minimum wage.
21. The Slovak authorities now state that the new Government has, in its Programme Statement for 2020-2024, given a special emphasis on the ethics of public officials. The Government has committed itself to accept in-depth and systemic improvements to the rules controlling property of public officials (including parliamentarians), and to propose a comprehensive amendment to the Constitutional law on the Protection of Public Interest in the Performance of Functions of Public Officials (PPI). Further, the Government has committed itself to introduce a state register of public officials and their property declarations and to establish an independent institution in charge of the ethics of public officials, conflicts of interest and control of asset declarations. This institution should act as a control and analytical department, should provide guidelines, organise training of public officials on ethics, highlight good practices and submit annual reports on the state of ethics of public officials (including recommendations if deemed necessary) for National Council.
22. GRECO takes note of the broad information provided and encourages the Slovak authorities to finalise the reform of the asset declaration system, including the relevant thresholds.
23. GRECO concludes that recommendation iv remains partly implemented.

**Recommendation v.**

24. *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.*
25. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was not implemented. GRECO welcomed changes to the constitutional law on Protection of Public Interest (PPI) but noted that the mandate of the Committee on the Incompatibility of Functions of the National Council needed to be revised so as to allow for more proactivity in the supervision and enforcement of rules on conflicts of interest, asset declaration and other duties and restrictions applicable under the constitutional act on PPI. It also noted that additional resources were lacking.

26. The Slovak authorities now indicate that from 1 January 2020, amendments to PPI act have entered into force. The provisions of the General Administrative Procedure Code apply *mutatis mutandis*: public officials, including parliamentarians, submit declarations to the Committee on the Incompatibility of Functions of the National Council, proceedings are organised for protecting public interest and preventing conflicts of interest. Applicable provisions (on inspection, experts, witnesses, evidence gathering etc.) are set by the Rules of Procedure of the Committee on the Incompatibility of Functions adopted on 2 April 2020. As stipulated by the PPI, a new Registry of Public Officials has been created. It aims to improve supervision over submission of assets declarations by public officials.
27. The authorities add that in December 2019, the development of a new e-parliament system was launched, which tackles also the feasibility of electronic submission and possible control of assets declarations of public officials. The final modalities of this new system are due to be considered by the new of Parliament resulting from the elections of February 2020 and will be subject to public procurement.
28. GRECO takes note of the information provided. Amendments to the PPI act have entered into force which should strengthen the role of the Committee on the Incompatibility of Functions of the National Council as regards the supervision and enforcement of rules on conflicts of interest, asset declarations and other duties and restrictions applicable to parliamentarians. GRECO also notes that an e-parliament system is envisaged to facilitate the submission of asset declarations, their publicity and their control. It encourages the finalisation of this project. GRECO also notes that new rules of procedure of the Committee on Incompatibility of Functions appear to have been adopted. However, no information on their impact has been given and no information has been provided as regards the mandate and possible increase in the resources allocated to this Committee.
29. GRECO concludes that recommendation v remains not implemented.

*Corruption prevention in respect of judges*

**Recommendation viii.**

30. *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.*
31. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was partly implemented. GRECO welcomed the preparation by the Judicial Council of summarised interpretative rules on the Principles of Judicial Ethics which seemed to go in the desired direction by interpreting certain aspects of the Principles with regard to the behaviour expected and providing explanations and examples to judges. However, GRECO considered that without the adoption of a set of more global interpretative rules this work was not enough.
32. The Slovak authorities now report that the Judicial Council approved in October 2019 Resolution no. 230/2019 authorising the preparation of a new draft text of Principles of Judicial Ethics. The deadline for adopting this text has been postponed due to replacements within the Judicial Council after the parliamentary elections of February 2020 and the pandemic crisis (Covid-19). Moreover, they indicate that the Judicial Academy has developed training of judges in the field of ethics: a training session took place in February 2020, aimed primarily at junior judges, junior prosecutors, higher court officials, trainee judges and trainee prosecutors from the whole country.

A criminal judge of the Supreme Court of the Czech Republic participated as a trainer in this session focused in particular on the Code of Ethics of Judges in practice. In addition, the Judicial Academy is planning a training session on "Ethical dilemmas of a judge" to be held in October 2020, also aimed at junior judges.

33. GRECO takes note of the information provided. New Principles of Judicial Ethics are still underway. One training session has been provided and more is at the planning stage. Nothing new in respect of advice and counselling have been submitted.
34. GRECO concludes that recommendation viii remains partly implemented.

#### **Recommendation x.**

35. *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.*
36. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was partly implemented. GRECO noted the assurances given that judges were forbidden to accept any gifts in their professional capacity and was expecting for changes in the threshold set for declaring "liabilities" (including gifts).
37. The Slovak authorities now report that the National Anti-Corruption Programme includes a measure to carry out an analysis of the existing system of asset declarations, including the issue of thresholds. They add that the anti-corruption policy approved by the Government aims at making the system of asset declarations more effective and establishing clear rules for gifts (see para. 21 above). Representatives of the Judicial Council actively participate a Group set up by the Government, aimed at making the system of asset declarations more efficient and establishing clear rules for gifts. They stress that the Judicial Council's position in respect of gifts and other forms of similar privileges is "zero tolerance".
38. GRECO notes that no new tangible results have been reported and concludes that recommendation x remains partly implemented.

#### *Corruption prevention in respect of prosecutors*

#### **Recommendation xiv.**

39. *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.*
40. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was partly implemented. GRECO assumed that value-related information in asset declarations of public prosecutors was disclosed to the Prosecutor General as a prerequisite for proper control of their affidavits and asset declarations. However, GRECO remained concerned by the non-disclosure by prosecutors of the value of assets to allow for public scrutiny.
41. The Slovak authorities now indicate that amendments to the act on Prosecutors and Legal Prosecutors of the Public Prosecutor's Office entered into force in September 2019. They provide inter alia that declaration of assets includes, in particular, information on immovable property, the legal reason and date of acquisition of the

property and the price of its acquisition, whereas the previous version of the legislation provided only for the price of the immovable property when this was requested by Attorney General. The Slovak authorities stress that this obligation applies to all assets, including movable property, property rights and other property values exceeding 6,600 €, as well as on movable property, property rights and other property values below 6,600€ when their cumulative value exceeds 16,600€. This obligation was applied for the first time in the 2020 assets declarations, concerning 2019 (and including assets acquired before 2019). These declarations are made public on the website of the General Prosecutor's Office<sup>1</sup>. This information of the prosecutors' asset declaration is then aligned to the asset declaration requirements of judges.

42. GRECO welcomes the amendments to the legislation which oblige prosecutors to disclose assets above a certain value and that the asset declarations are made public. This is in line with its recommendation.
43. GRECO concludes that recommendation xiv has been implemented satisfactorily.

#### **Recommendation xvi.**

44. *GRECO recommended introducing an obligation on prosecutors to declare liabilities (e.g. debts and loans) and gifts above a certain threshold.*
45. It is recalled that in the Addendum to the Second Compliance Report, GRECO concluded that this recommendation was partly implemented, as it was expecting for changes in the high threshold of 6 600€ to report liabilities (including gifts).
46. The Slovak authorities indicate no new developments in this respect, while referring to the expected changes as foreseen in the National Anti-Corruption Programme and the anti-corruption policy adopted by the Government (see para. 21 and 37 above).
47. GRECO notes that no new information has been provided and concludes that recommendation xvi remains partly implemented.

### **III. CONCLUSIONS**

48. **In view of the above, GRECO concludes that the Slovak Republic has implemented satisfactorily or dealt with in a satisfactory manner eight of the sixteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, five recommendations have been partly implemented and three recommendations have not been implemented.
49. More specifically, recommendations vi, vii, ix, xi, xii, xiii, xiv and xv have been implemented satisfactorily, recommendations iii, iv, viii, x, and xvi have been partly implemented and recommendations i, ii and v remain not implemented.
50. As for *members of parliament*, no significant progress can be noted since the previous Addendum. According to the National Anti-Corruption Programme, the system of asset declaration is being examined so as to improve the effectiveness of the system, including the thresholds in respect of assets declarations. Amendments to the constitutional Act on Protection of Public Interest have entered into force which are due to provide for the obligation to declare gifts or other benefits and the use of immovable or movable assets. A draft Code of Ethics for parliamentarians remains to be finalised. Regrettably, political consensus has still not been reached on how to

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<sup>1</sup> <https://www.genpro.gov.sk/prokuratúra-sr/majetkove-priznania-30a3.html>

attain greater transparency to the legislative process by regulating parliamentarians' relations with third parties, including lobbyists, or on how to further strengthen supervision and enforcement of financial disclosure rules.

51. With respect to *judges*, no significant progress can be noted either. Work is still on-going to refine the "interpretation rules" of the new Judicial Code of Conduct relating *inter alia* to conflicts of interest and to provide examples from practise. The enforcement of the rules of asset declarations have been strengthened. The threshold for declaring gifts received by judges and prosecutors remains high and is still to be changed. As regards *prosecutors* specifically, amendments to legislation which oblige prosecutors to disclose publicly assets above a certain value and that the declarations are made public is to be welcomed.
52. The overall response to the recommendations is disappointing. Eight out of sixteen recommendations are still not fully implemented, more than five years after the adoption of the Evaluation Report.
53. The adoption of this Second Addendum to the Second Compliance Report terminates the Fourth Round compliance procedure in respect of Slovakia. The authorities of Slovakia may, however, wish to inform GRECO of further developments with regard to the implementation of the pending recommendations.
54. Finally, GRECO invites the authorities of the Slovak Republic to authorise, as soon as possible, the publication of this report, to translate it into the national language and to make the translation public.