

24 October 2018

on the Constitutional Court of the Slovak Republic, amending and supplementing certain other laws.

The National Council of the Slovak Republic has passed the following law:

## **PART ONE GENERAL PROVISIONS**

### **§ 1**

#### **Subject matter**

This law regulates the organisation of the Constitutional Court of the Slovak Republic (hereinafter “the Constitutional Court”), the status of its judges, the status of the Chancellery of the Constitutional Court of the Slovak Republic (hereinafter “the Chancellery of the Constitutional Court”) and proceedings before the Constitutional Court.

### **§ 2**

#### **Status and seat of the Constitutional Court**

- (1) The Constitutional Court is an independent judicial authority charged with the protection of constitutionality.
- (2) The seat of the Constitutional Court is in Košice.

## **PART TWO**

### **ORGANISATION, MANAGEMENT AND DECISION-MAKING OF THE CONSTITUTIONAL COURT**

### **§ 3**

#### **Composition of the Constitutional Court**

- (1) The Constitutional Court is composed of thirteen judges, of whom one is the President and another the Vice-President of the Constitutional Court.
- (2) The President and Vice-President of the Constitutional Court are appointed from among the judges of the Constitutional Court by the President of the Slovak Republic (hereinafter “the President of the Republic”).

### **§ 4**

#### **The President of the Constitutional Court**

- (1) The Constitutional Court is overseen by its President.
- (2) The President of the Constitutional Court

- a) acts on behalf of the Constitutional Court and represents it externally,
  - b) ensures the proper functioning of the Constitutional Court through the Chancellery of the Constitutional Court,
  - c) takes the oath of the President-elect of the Slovak Republic,
  - d) informs the Speaker of the National Council of the Slovak Republic that the President of the Republic has resigned, on the basis of the latter's notification to that effect,
  - e) fulfils other tasks conferred upon him/her by law.
- (3) If neither the President nor the Vice-President of the Constitutional Court are present or if nobody has been appointed as President or Vice-President of the Constitutional Court, urgent tasks pertaining to the President of the Constitutional Court shall be carried out by the oldest from among the longest-serving judges of the Constitutional Court, unless another judge of the Constitutional Court has been commissioned in accordance with paragraph 4 below.
- (4) The President of the Constitutional Court may commission another judge of the Constitutional Court with fulfilling the tasks of the President of the Constitutional Court to a specified extent.

## § 5

### **The Vice-President of the Constitutional Court**

- (1) The Vice-President of the Constitutional Court shall temporarily carry out the competences of the President of the Constitutional Court if the latter has not been appointed.
- (2) The Vice-President of the Constitutional Court shall stand in for the President of the Constitutional Court if the President of the Constitutional Court
- a) has authorised the Vice-President of the Constitutional Court to stand in, or
  - b) cannot carry out his/her office, in which case the Plenum of the Constitutional Court shall decide upon the motion by the Vice-President of the Constitutional Court that the latter shall stand in for the President of the Constitutional Court.
- (3) In the situation specified in the first paragraph, the Vice-President of the Constitutional Court shall act as "Vice-President of the Constitutional Court of the Slovak Republic temporarily carrying out the competences of the President of the Constitutional Court of the Slovak Republic", otherwise he/she shall act as "Vice-President of the Constitutional Court of the Slovak Republic".

## § 6

### **Decision-making of the Constitutional Court**

- (1) The Constitutional Court passes its decisions in the Plenum and the Senates.
- (2) Cases for decision-making by the Plenum of the Constitutional Court or by a Senate of the Constitutional Court are prepared and presented at the sessions of the Plenum of the Constitutional Court or of a Senate of the Constitutional Court by the judge of the Constitutional Court to whom the case has been assigned in accordance with Section 46 (hereinafter "judge-rapporteur"), unless Sections 7 or 13 of this law stipulate otherwise.

### **The Plenum of the Constitutional Court**

## § 7

- (1)** The Constitutional Court passes its decisions in the Plenum
- a)** in proceedings as laid down in Art. 105. 2, Art. 107, Art. 125 par. 1 lit. a) and b), Art. 125a par. 1, Art. 125b par. 1, Art. 128, Art. 129 par. 2 to 7, Art. 129a, Art. 136 par. 2 and 3, Art. 138 par. 2 lit. b) and c) and Art. 152 par. 2 and 3 of the Constitution of the Slovak Republic (hereinafter “the Constitution”),
  - b)** on harmonisation of legal opinions of the Senates of the Constitutional Court,
  - c)** on recusal of a judge of the Constitutional Court due to his/her bias in proceedings falling within the competency of the Plenum of the Constitutional Court,
  - d)** on reopening of proceedings under Art. 133 of the Constitution if the proceedings concerned fall within the competency of the Plenum of the Constitutional Court,
  - e)** on merging of proceedings falling under the competency of the Senates of the Constitutional Court, if the proceedings are deliberated in different Senates of the Constitutional Court,
  - f)** on disciplinary liability of judges of the Constitutional Court and imposing of disciplinary sanction on judges of the Constitutional Court.
- (2)** The Plenum of the Constitutional Court also decides on
- a)** internal matters of the Constitutional Court,
  - b)** the draft budget of the Chancellery of the Constitutional Court.
- (3)** On matters laid down in paragraph 1 lit. a) to e) the Plenum of the Constitutional Court shall decide on the basis of a proposal for a decision submitted by the judge rapporteur, unless stipulated otherwise in paragraph 5.
- (4)** On matters laid down in paragraph 1 lit. f) and in paragraph 2, the Plenum of the Constitutional Court shall decide on the basis of a proposal for a decision submitted by the President of the Constitutional Court, unless stipulated otherwise in paragraph 5 or Section 27.
- (5)** Any judge of the Constitutional Court has the right to submit a counterproposal. Voting on the counterproposal shall take place before the voting on the proposal submitted by the judge rapporteur or the President of the Constitutional Court. If there are several counterproposals, voting on them shall take place in the order in which they have been submitted.

## **§ 8**

- (1)** The Plenum of the Constitutional Court is composed of all the judges of the Constitutional Court.
- (2)** The President of the Constitutional Court convokes and presides over the sessions of the Constitutional Court and decides their agenda. The President of the Constitutional Court shall convoke a session of the Plenum of the Constitutional Court if the majority of the judges of the Constitutional Court request it.
- (3)** The President of the Constitutional Court oversees the deliberations of the Plenum of the Constitutional Court in such manner as to ensure that all the points are discussed and to allow every judge the opportunity to express his/her opinion and pass a decision in accordance with his/her opinion and conscience.
- (4)** The Constitutional Court is quorate if the majority of all the judges of the Constitutional Court are present at the session and decision-making of the Plenum of the Constitutional

Court. Every judge of the Constitutional Court present at the deliberations and decision-making of the Plenum of the Constitutional Court is required to vote.

(5) The Plenum of the Constitutional Court decides by a majority of all the Constitutional Court judges. If this majority is not reached, the motion shall be rejected, unless otherwise stipulated in Section 211 of this law.

## **§ 9**

(1) Deliberations of the Plenum of the Constitutional Court are closed to the public; this does not affect the provisions in the second paragraph.

(2) Deliberations of the Plenum of the Constitutional Court may be attended by employees of the Chancellery of the Constitutional Court and other persons whose presence is necessary for procedural reasons, if the President of the Constitutional Court invites them or the Plenum of the Constitutional Court so decides.

(3) The conferring and voting of the Plenum of the Constitutional Court is always closed. Apart from the judges of the Constitutional Court composing the Plenum of the Constitutional Court, only the employee of the Chancellery of the Constitutional Court taking the minutes of the deliberations of the Plenum of the Constitutional Court may be present during the voting. The minutes of the voting cannot be declassified or consulted, unless it is necessary for the purposes of disciplinary proceedings.

(4) Voting in proceedings under Article 136 par. 2 and 3 is carried out by secret ballot. The Plenum of the Constitutional Court may rule by a majority of all judges of the Constitutional Court that other personnel matter shall also be decided by secret ballot.

## **The Senates of the Constitutional Court**

### **§ 10**

(1) The Senates of the Constitutional Court decide on matters outside the competency of the Plenum of the Constitutional Court.

(2) The Senates of the Constitutional Court decide on the basis of a proposal for decision submitted by the judge rapporteur.

(3) The members of the Senates of the Constitutional Court may submit a counterproposal. Voting on the counterproposal shall take place before the voting on the proposal submitted by the judge rapporteur. If there are several counterproposals, voting on them shall take place in the order in which they have been submitted.

### **§ 11**

(1) Senates of the Constitutional Court are composed of three judges of the Constitutional Court, one of whom presides over the Senate of the Constitutional Court.

(2) The composition of the Senates of the Constitutional Court and the representation of their members shall be determined by the Plenum of the Constitutional Court in the work schedule.

(3) The presiding judges of each Senate of the Constitutional Court convoke the Senates of the Constitutional Court, determine their agenda and oversee their deliberations.

(4) The Senates of the Constitutional Court elect their presiding judge from among their members. The term of office of the presiding judges lasts twelve months, unless stipulated otherwise in the work schedule.

(5) The presiding judge oversees the deliberations of the Senate of the Constitutional Court in such manner as to ensure that all the points are discussed and to allow each member the opportunity to express his/her opinion and pass a decision in accordance with his/her opinion and conscience.

(6) The Senates of the Constitutional Court are quorate if the majority of their members are present at the session and decision-making of the respective Senate of the Constitutional Court. All members of the Senate of the Constitutional Court are required to vote.

(7) The Senates of the Constitutional Court decide by a majority of their members.

## **§ 12**

Section 9 par. 1 and 3 shall equally apply to the deliberations of the Senates of the Constitutional Court.

## **§ 13**

### **Harmonisation of legal opinions of the Senates of the Constitutional Court**

(1) If a Senate of the Constitutional Court, while performing its decision-making activities, reaches a legal conclusion which differs from one expressed in a previous decision of another Senate of the Constitutional Court, the judge rapporteur shall file a motion for harmonisation of legal opinions with the Plenum of the Constitutional Court. The Plenum of the Constitutional Court shall decide on the harmonisation of legal opinions in a ruling. The ruling of the Plenum is binding for the Senate in all further proceedings.

(2) The Constitutional Court judge who was judge rapporteur in the proceedings before the Senate of the Constitutional Court shall also be judge rapporteur in the proceedings before the Plenum of the Constitutional Court.

(3) The President of the Constitutional Court shall file a motion for harmonisation of legal opinions if it is discovered that a Senate of the Constitutional Court has deviated in its decision from a legal opinion expressed in a decision of another Senate of the Constitutional Court. The Plenum of the Constitutional Court shall decide on harmonisation of legal opinions in a ruling. The ruling shall be binding for the Senates of the Constitutional Court when deciding analogous cases.

(4) The President of the Constitutional Court shall be judge rapporteur in the proceedings before the Plenum under paragraph 3.

## **PART THREE**

### **JUDGES OF THE CONSTITUTIONAL COURT**

#### **Appointment of the judges of the Constitutional Court**

## **§ 14**

**(1)** The judges of the Constitutional Court are appointed by the President of the Republic based on the proposal of the National Council of the Slovak Republic (hereinafter “the National Council”).

**(2)** The National Council shall propose double the number of candidates in relation to the number of Constitutional Court judges to be appointed by the President of the Republic.

**(3)** The term of office of a Constitutional Court judge is twelve years; it starts on the day on which the Constitutional Court judge takes the oath.

## **§ 15**

**(1)** Candidacy proposals for the position of judge of the Constitutional Court may be submitted to the National Council by

**a)** members of the National Council,

**b)** the Government of the Slovak Republic (hereinafter “the Government”),

**c)** the President of the Constitutional Court,

**d)** the President of the Judicial Council of the Slovak Republic (hereinafter “the Judicial Council”),

**e)** at least five members of the Judicial Council,

**f)** the President of the Supreme Court of the Slovak Republic (hereinafter “the Supreme Court”),

**g)** the Prosecutor General of the Slovak Republic (hereinafter “the Prosecutor General”),

**h)** the Public Defender of Rights,

**i)** professional organisations of lawyers,

**j)** research institutions active in the area of law.

**(2)** A candidacy proposal for the position of judge of the Constitutional Court shall contain in addition to the requirements set forth in a separate regulation **1)**

**a)** identification of the proponent,

**b)** the subject of the proposal,

**c)** documents certifying that the candidate for the position of judge of the Constitutional Court fulfils the prerequisites for appointment as judge of the Constitutional Court,

**1.** the original or an authenticated copy of a document certifying the name, surname, age of the candidate, their citizenship of the Slovak Republic and permanent residence in the Slovak Republic,

**2.** the original or an authenticated copy of a document certifying completed second-degree university education in law,

**3.** documents proving that the candidate for the position of judge of the Constitutional Court has been active in a legal profession for at least 15 years,

**4.** a declaration by the candidate that he/she is not a member of any political party or movement, and if he/she is, then a declaration that he/she will resign from the political party or movement before taking the oath,

**5.** a declaration by the candidate that he/she does not hold any office or perform any activity incompatible with the position of a Constitutional Court judge, and if he/she does, then a declaration that he/she will give up that office or activity before taking the oath,

**d)** the date of drafting of the proposal and signature of the proponent.

**(3)** Each candidacy proposal for the position of judge of the Constitutional Court must be reasoned, and a motivation letter by the candidate for the position of judge of the Constitutional Court must be attached to it.

## **§ 16**

Constitutional Court judges are sworn in by the President of the Republic according to Art. 134 par. 4 of the Constitution. Refusing to take this oath, or taking it with reservations, results in the deprivation of the office of judge of the Constitutional Court. The judge shall confirm the oath with a signature on a document containing the text of the oath; the document must contain the date of the taking of the oath.

## **Termination of the office of judge of the Constitutional Court**

### **§ 17**

**(1)** The office of judge of the Constitutional Court ends when the term for which he/she was appointed expires.

**(2)** Before the expiry of the term of office of judge of the Constitutional Court, his/her office shall end

**a)** if he/she resigns,

**b)** if he/she is dismissed,

**c)** if he/she dies or is declared deceased.

**(3)** If the office of a judge of the Constitutional Court ends before the expiry of his/her term, the President of the Republic shall appoint another judge to the Constitutional Court for a new term out of two candidates proposed by the National Council.

### **§ 18**

A judge of the Constitutional Court may resign from his/her office by submitting a written statement to the President of the Constitutional Court. This mandate then expires at the end of the month in which his written resignation has been delivered to the President of the Constitutional Court.

### **§ 19**

**(1)** The President of the Republic shall remove a judge of the Constitutional Court from office

**a)** following a final conviction for an intentional crime or if the Constitutional Court judge has been convicted on the basis of a final decision and the court has not decided to suspend the prison sentence,

**b)** following a disciplinary decision of the Constitutional Court for an act incompatible with the office of a Constitutional Court judge,

**c)** if the Constitutional Court informs him/her that the Constitutional Court judge has not participated in the proceedings before the Constitutional Court for more than a year, or

**d)** if the Constitutional Court judge ceased to be eligible to the National Council.

**(2)** The office of the Constitutional Court judge ends on the day after the decision of the President of the Republic removing the former from office is delivered.

**(3)** The President of the Constitutional Court shall immediately send to the President of the Republic

**a)** any final judgment in which a court has convicted a Constitutional Court judge of an intentional crime,

**b)** any final judgment in which a court has convicted a Constitutional Court judge of a crime and has not decided to suspend the prison sentence,

**c)** any disciplinary decision of the Constitutional Court stating that a Constitutional Court judge has committed an act incompatible with the office of a Constitutional Court judge,

**d)** notification that a Constitutional Court judge has not been participating in the proceedings before the Constitutional Court for more than a year,

**e)** notification that a Constitutional Court judge ceased to be eligible to the National Council.

**(4)** Any public authority which in carrying out its powers acquires information or passes a decision relevant for the fulfilling of the duties of the President of the Constitutional Court listed in par. 3 lit. a), b), or e), is obliged to immediately communicate the information or send the decision to the President of the Constitutional Court.

### **The status of the judges of the Constitutional Court, their rights and duties**

#### **§ 20**

**(1)** Constitutional Court judges may not carry out any office, employment or activities which are incompatible with being a public official.

**(2)** If a Constitutional Court judge is carrying out an office, employment or activity listed in the first paragraph, the President of the Constitutional Court shall request him/her to discontinue the office, employment or activity or to perform a juridical act established by law and aimed at their termination within 10 days from the delivery of the request.

**(3)** If a Constitutional Court judge disobeys this request of the President of the Constitutional Court and continues carrying out the office, employment or activity listed in the first paragraph, the President of the Constitutional Court shall file against the Constitutional Court judge an initiative for commencement of proceedings on the protection of public interest and prevention of conflict of interests.

#### **§ 21**

**(1)** A Constitutional Court judge performs his/her office as a constitutional official in a special relationship with the State, which begins with appointment to the office of Constitutional Court judge and ends on the day on which his/her office of Constitutional Court judge ends.

**(2)** Employment relationship, state employment relationship, service relationship, special relationship of judge with the State or other labour relationship of a Constitutional Court judge to an entity with which he/she is in an employment relationship, state employment relationship, service relationship, special relationship of judge with the State or other labour relationship before his/her appointment remains intact.

#### **§ 22**



**(1)** Constitutional Court judges are under obligation to protect the inviolability of natural human rights, civil rights and principles of democracy and rule of law.

**(2)** Constitutional Court judges are independent in performing their office and are only bound by the Constitution, constitutional laws and international treaties ratified by the Slovak Republic and promulgated in the manner prescribed by law.

**(3)** Constitutional Court judges are also bound by laws when deciding on the conformity of

- a)** governmental ordinances, regulations of the ministries and other central state administration authorities with the Constitution, constitutional laws, international treaties ratified by the Slovak Republic and promulgated in the manner prescribed by law, and laws,
- b)** generally-binding ordinances under Art. 68 of the Constitution with the Constitution, constitutional laws, international treaties ratified by the Slovak Republic and promulgated in the manner prescribed by law, and laws,
- c)** regulations of local state administration authorities and generally-binding ordinances of territorial self-government authorities under Art. 71 par. 2 of the Constitution with the Constitution, constitutional laws, international treaties ratified by the Slovak Republic and promulgated in the manner prescribed by law, laws, governmental ordinances and regulations of the ministries and other central state administration authorities.

## **§ 23**

**(1)** Constitutional Court judges are under obligation to perform their office conscientiously and to refrain from acting in a way which might undermine or threaten the authority of the Constitutional Court, confidence in the Constitutional Court and the dignity of the office of Constitutional Court judge, whether in performance of their office or in their private lives.

**(2)** Constitutional Court judges are under obligation to refrain from performing offices, employments and other activities which are incompatible with the office of Constitutional Court judge (§ 20 par. 1).

**(3)** Constitutional Court judges are under obligation to preserve confidentiality of matters which became known to them in the exercise of their office, including after the end of their office; this obligation of confidentiality does not apply to reporting crimes. Constitutional Court judge may be absolved of the obligation to preserve confidentiality by the President of the Constitutional Court. The President of the Constitutional Court may be absolved of this obligation by the President of the Republic. Constitutional Court judges may not be absolved of the obligation to preserve confidentiality regarding the voting of the Plenum of the Constitutional Court and of the Senates of the Constitutional Court; this is without prejudice to the right of every Constitutional Court judge to annex a separate opinion to a decision of the Constitutional Court.

## **§ 24**

**(1)** A Constitutional Court judge may not be criminally or disciplinarily prosecuted for his/her decision-making in the exercise of his/her office, even after the end of his/her office.

**(2)** If a Constitutional Court judge is caught in the act of committing a crime and detained, the Prosecutor General must immediately inform the President of the Constitutional Court of this

fact; if the President of the Constitutional Court is caught in the act of committing a crime and detained, the Vice-President of the Constitutional Court is to be informed thereof.

**(3)** A Constitutional Court judge may not be remanded in custody without the consent of the Constitutional Court. The Prosecutor General is competent to submit to the Constitutional Court the request for consent to remand a Constitutional Court judge in custody.

**(4)** If the Prosecutor General informs the President of the Constitutional Court that he/she requests the Constitutional Court's consent to remand a Constitutional Court judge in custody, the President of the Constitutional Court shall immediately convoke the Plenum of the Constitutional Court. The Plenum of the Constitutional shall examine and decide on the request, allowing the Constitutional Court judge in question to comment on the matter. The Constitutional Court judge in question shall not vote.

**(5)** The investigation file shall be annexed to the request under paragraph 4.

**(6)** The Constitutional Court's decision becomes final on the day on which the Constitutional Court decides on the request of the Prosecutor General to give consent to remanding in custody of a Constitutional Court judge. The written version of the decision must immediately be delivered to the Constitutional Court judge.

**(7)** If a Constitutional Court judge is in custody, his/her office does not end; this is without prejudice to § 19 par. 1 lit. c).

## **§ 25**

**(1)** Remuneration of Constitutional Court judges is regulated in a separate regulation.

**(2)** When a Constitutional Court judge is not exercising his/her office due to temporary sick leave or having been placed in quarantine, he/she is entitled to compensation equal to his/her salary including other perquisites according to a separate regulation, at the longest however for six months in any calendar year.

**(3)** A Constitutional Court judge is entitled to two weeks of preventive recuperation in addition to his/her holiday. The costs of the preventive recuperation and the connected stay shall be covered by the State.

## **§ 26**

**(1)** A Constitutional Court judge who has been exercising his/her office for more than a third of the term is entitled to a bonus for the exercise of the office of Constitutional Court judge, provided that

**a)** the exercise of the office of Constitutional Court judge has been terminated, except if the President of the Republic has removed the judge from office according to § 19 par. 1 lit. a) or b), and

**b)** he/she is entitled to retirement pension, early retirement pension or disability pension.

**(2)** A Constitutional Court judge is entitled to a bonus for the exercise of the office of Constitutional Court judge amounting to 33.3 % of the salary of Constitutional Court judge relevant for the time when the bonus is paid, rounded to the nearest whole euro, beginning with the first day of the month following the month in which he/she fulfils the requirements listed in paragraph 1.

**(3)** A Constitutional Court judge is entitled to only one bonus for the exercise of the office of Constitutional Court judge regardless of the number of terms in which he/she has exercised this office.

**(4)** If a Constitutional Court judge is entitled to both a bonus for the exercise of the office of Constitutional Court judge and a bonus for the exercise of an office according to a separate regulation, he/she is entitled only to that bonus which is more beneficial to him/her. This equally applies to the allowance awarded to any surviving relatives of a Constitutional Court judge.

**(5)** Survivors' allowance shall be payable to

**a)** the widow of the Constitutional Court judge, amounting to 60 % of the bonus to which the Constitutional Court judge was entitled on the day of the latter's death,

**b)** the widower of the Constitutional Court judge, amounting to 60 % of the bonus to which the Constitutional Court judge was entitled on the day of the latter's death,

**c)** a dependent child of the deceased Constitutional Court judge, amounting to 30 % of the bonus to which the Constitutional Court judge was entitled on the day of his/her death; if the dependent child does not have a second parent the amount of the allowance shall be 60 % of the bonus for the exercise of the office of Constitutional Court judge to which the deceased Constitutional Court judge would have been entitled on the day of his/her death.

**(6)** The bonus for the exercise of the office of Constitutional Court judge and survivors' allowance shall increase if the salary of Constitutional Court judges is increased at the time of the payment of the bonus. The increased bonus or allowance shall be payable to the beneficiary from the day the Constitutional Court judges' salary is increased.

**(7)** The Chancellery of the Constitutional Court shall decide on the bonus for the exercise of the office of Constitutional Court judge and on the survivors' allowance within 30 days of the application for it being delivered. The Code of Administrative Procedure shall apply to the decision-making on the application for the bonus for the exercise of the office of Constitutional Court judge and the survivors' allowance.

**(8)** The bonus for the exercise of the office of Constitutional Court judge and the survivors' allowance shall be paid by way of a non-cash transfer to the bank account or account in a foreign bank branch designated by the beneficiary. The bonus for the exercise of the office of Constitutional Court judge and the survivors' allowance are paid by the Chancellery of the Constitutional Court at regular monthly intervals which it determines, at the latest on the 15<sup>th</sup> day of the calendar month in which the bonus or allowance is paid.

## **Disciplinary liability of Constitutional Court judges**

### **§ 27**

**(1)** A judge of the Constitutional Court commits a disciplinary offence if he/she culpably violates the duties entailed in the exercise of the office of Constitutional Court judge or if he/she behaves in such a way as to disrupt or threaten the authority of the Constitutional Court, the trust in the Constitutional Court or the authority of the office of judge of the Constitutional Court.

**(2)** The Plenum of the Constitutional Court shall examine the disciplinary liability of and decide on the disciplinary sanction for the judge of the Constitutional Court on a motion by

the President of the Constitutional Court, which must be reasoned. The disciplinary proceedings shall commence on the day when the motion of the President of the Constitutional Court for commencement of disciplinary proceedings is delivered to the members of the Plenum of the Constitutional Court. If the motion for commencement of disciplinary proceedings is not delivered to all the members of the Plenum of the Constitutional Court on the same day, the disciplinary proceedings shall commence on that day on which the motion for commencement of disciplinary proceedings is delivered to the last judge of the Constitutional Court. If the delivery of the motion for commencement of disciplinary proceedings to the judge of the Constitutional Court against whom the motion is filed has failed or if the judge of the Constitutional Court against whom the motion is filed is the last judge to whom the motion is delivered, the disciplinary proceedings shall commence on the day on which the motion is delivered to the last other judge of the Constitutional Court.

**(3)** A motion for commencement of disciplinary proceedings against the President of the Constitutional Court may only be filed by at least three fifths of members of the National Council. The motion must be reasoned and must contain the list of members who have filed it. The disciplinary proceedings shall commence on the day when the motion is delivered to the Constitutional Court.

**(4)** A motion for commencement of disciplinary proceedings against a judge of the Constitutional Court or the President of the Constitutional Court may be filed if in the opinion of the person filing the motion the judge of the Constitutional Court or the President of the Constitutional Court has committed a disciplinary offence as defined in paragraph one above, or if there are serious circumstances related to those persons which objectively diminish the authority of the office of judge of the Constitutional Court or threaten the trust in the independent and impartial decision-making of the Constitutional Court.

**(5)** A motion for commencement of disciplinary proceedings may be filed within six months from the day on which the person with the standing to file it learned about the circumstances which suggest that the judge of the Constitutional Court or the President of the Constitutional Court has committed a disciplinary offence as defined in paragraph one or that there are serious circumstances related to them which objectively diminishes the authority of the office of judge of the Constitutional Court or threatens the trust in the independent and impartial decision-making of the Constitutional Court.

**(6)** Disciplinary proceedings may not be commenced after three years from the conduct of the judge of the Constitutional Court or the President of the Constitutional Court which gave rise to the filing of the motion for commencement of disciplinary proceedings.

**(7)** If a motion for commencement of proceedings is filed against the President or Vice-President of the Constitutional Court, they shall have in the further stages of the disciplinary proceedings the status of judge of the Constitutional Court against whom a motion for disciplinary proceedings is directed.

## **§ 28**

**(1)** The Plenum of the Constitutional Court shall hear the judge against whom the motion for commencement of disciplinary proceedings has been filed. The judge concerned must be allowed at the least during that hearing to become acquainted with the motion for

commencement of disciplinary proceedings. The President of the Constitutional Court, if he/she has filed the motion, and the judge against whom the motion is directed shall take part in the deliberations of the Plenum of the Constitutional Court, except for the conference and voting of the Plenum of the Constitutional Court.

**(2)** The Plenum of the Constitutional Court shall not admit the disciplinary motion for further proceedings if it finds that it is manifestly unfounded.

**(3)** The Plenum of the Constitutional Court shall stay the proceedings if:

**a)** it concerns a judge of the Constitutional Court in whose case earlier disciplinary proceedings for the same conduct ended with a decision of the Constitutional Court not admitting the motion for further proceedings or with one of the decisions of the Plenum of the Constitutional Court specified in paragraph 7 below,

**b)** the time limit for filing a motion for commencement of disciplinary proceedings has elapsed,

**c)** the disciplinary liability of the Constitutional Court judge has lapsed,

**d)** the office of the judge of the Constitutional Court has ended.

**(4)** If the Plenum of the Constitutional Court admits the motion and does not decide to stay the proceedings, it shall appoint a three-member disciplinary senate. The members of the disciplinary senate shall be selected randomly. The President of the Constitutional Court, if he/she has filed the motion, and the judge against whom the motion is directed may not be members of that disciplinary senate.

**(5)** If the disciplinary senate concludes that the judge of the Constitutional Court has not committed the disciplinary offence, it shall propose to the Plenum that it acquit that judge.

**(6)** If the disciplinary senate concludes that the judge of the Constitutional Court has committed the disciplinary offence, it shall propose to the Plenum that it should impose a disciplinary sanction specified in par. 7 lit. a) or d). If the disciplinary senate concludes that the Vice-President of the Constitutional Court has committed the disciplinary offence, it shall propose to the Plenum that it should impose a disciplinary sanction specified in par. 7 lit. b) or d). If the disciplinary senate concludes that the President of the Constitutional Court has committed the disciplinary offence, it shall propose to the Plenum that it should impose a disciplinary sanction specified in par. 7 lit. a), c) or d).

**(7)** The Plenum of the Constitutional Court shall not be bound by the proposal of the disciplinary senate. The Plenum may decide to:

**a)** impose the disciplinary sanction of admonition,

**b)** propose to the President of the Republic that he/she recall the Vice-President of the Constitutional Court from the office of the Vice-President of the Constitutional Court,

**c)** propose to the President of the Republic that he/she recall the President of the Constitutional Court from the office of the President of the Constitutional Court,

**d)** propose to the President of the Republic that he/she recall the judge of the Constitutional Court for conduct incompatible with the office of the judge of the Constitutional Court,

**e)** acquit the judge of the Constitutional Court.

**(8)** In disciplinary proceedings the Plenum and disciplinary senates of the Constitutional Court shall decide with a ruling.

(9) The disciplinary sanction imposed on a judge of the Constitutional Court shall be enforced by the President of the Constitutional Court by admonishing the judge of the Constitutional Court or by delivering the ruling of the Constitutional Court proposing the recall of the judge of the Constitutional Court for conduct incompatible with the office of the judge of the Constitutional Court or the recall of the Vice-President of the Constitutional Court from the office of the Vice-President of the Constitutional Court to the President of the Republic. The disciplinary sanction imposed on the President of the Constitutional Court shall be enforced by the Vice-President of the Constitutional Court by admonishing the President of the Constitutional Court or by delivering to the President of the Republic the ruling of the Constitutional Court proposing the recall of the President of the Constitutional Court from the office of the President of the Constitutional Court or his/her recall from the office of judge of the Constitutional Court for conduct incompatible with the office of judge of the Constitutional Court.

(10) For the purposes of assessing the disciplinary liability, Part One of the Criminal Code and for the purposes of disciplinary proceedings the Criminal Procedure Code shall apply accordingly, unless paragraphs one to nine and § 27 stipulate otherwise, or something different follows from the nature of the matter.

## **PART FOUR**

### **CHANCELLERY OF THE CONSTITUTIONAL COURT**

#### **Organisational and personnel support of the activities of the Constitutional Court**

##### **§ 29**

(1) The Chancellery of the Constitutional Court shall provide specialist support and perform tasks connected with ensuring the organisational, personnel, economic, administrative and technical functioning of the Constitutional Court. The Chancellery of the Constitutional Court shall be a state budget organization.

(2) The Head of the Chancellery shall administer and act on behalf of the Chancellery of the Constitutional Court. The Head of the Chancellery shall be appointed and recalled by the President of the Constitutional Court. The Head of the Chancellery shall be accountable to the President of the Constitutional Court. The President of the Constitutional Court shall decide on the salary of the Head of the Chancellery pursuant to a separate regulation. A separate regulation shall regulate further aspects connected with the exercise of the office of the Head of the Chancellery.

(3) The tasks of the Chancellery of the Constitutional Court shall be carried out by state employees and employees working in the public interest.

(4) Details on the organisation and activities of the Chancellery of the Constitutional Court and on the status of the state employees and employees working in the public interest in the Chancellery of the Constitutional Court shall be regulated in the Rules of Administration and Procedure of the Constitutional Court.

### **§ 30**

(1) A separate regulation shall apply to state employees in the civil service in the Chancellery of the Constitutional Court, unless paragraphs 2 or 3 stipulate otherwise.

(2) State employees in the civil service in the Chancellery of the Constitutional Court shall be remunerated pursuant to a separate regulation, as well as to the definitions of salary scales and the associated base salaries of the state employees of the Chancellery of the Constitutional Court. The definitions of salary scales of the state employees of the Chancellery of the Constitutional Court are found in the Annex no. 1. The associated base salaries of the state employees of the Chancellery of the Constitutional Court are found in the Annex no. 2.

(3) The increase of the salary scales of state employees of the Chancellery of the Constitutional Court shall be regulated in accordance with the amounts and maturity dates determined pursuant to a separate regulation. The increased salary scales of state employees of the Chancellery of the Constitutional Court shall be determined by an internal regulation of the Chancellery of the Constitutional Court.

(4) A separate regulation shall apply to employees working in the public interest in the Chancellery of the Constitutional Court. The employees working in the public interest in the Chancellery of the Constitutional Court shall be remunerated pursuant to a separate regulation.

### **§ 31**

#### **Court advisors**

(1) There shall be court advisors active at the Constitutional Court. Court advisors may be state employees of the Chancellery of the Constitutional Court or they may exercise their duties as court advisors on the basis of a contractual relationship with the Chancellery of the Constitutional Court.

(2) Court advisors shall exercise their duties in accordance with the instructions they receive from the judges of the Constitutional Court, they shall mainly prepare background materials for the decision-making, prepare drafts of decisions and carry out other specialist tasks. The President of the Constitutional Court, a presiding judge of a Senate of the Constitutional Court or a judge of the Constitutional Court may delegate to the court advisors individual procedural acts which otherwise belong to the powers of the judges of the Constitutional Court, i.e. they may mainly authorise them to procure documents necessary for the decision-making and to ensure that motions for commencement of proceedings have the required formalities. Court advisors may not hear the parties to proceedings or witnesses.

(3) Court advisors must have second-degree higher education in law and at least five years of work experience in a legal profession. Court advisors must have a clean criminal record; if an individual has been convicted of an intentional crime, they shall not be considered to have a clean criminal record. For the purposes of proving a clean criminal record, candidates for the office of court advisors shall provide data necessary for requesting the criminal record extract; the Chancellery of the Constitutional Court shall immediately send these data in electronic form by means of electronic communication to the General Prosecutor's Office of the Slovak Republic for the purposes of issuing the criminal record extract.

(4) Each judge of the Constitutional Court has the right to have at least four court advisors assigned to him/her. The President of the Constitutional Court shall assign to each judge of the Constitutional Court on the basis of the latter's request at least three court advisors from among those who are state employees in the Chancellery of the Constitutional Court and at that time are not assigned to another judge. Each judge of the Constitutional Court shall have the right to choose further court advisors, who shall carry out the tasks of court advisor on the basis of a contractual relationship to the Chancellery of the Constitutional Court.

(5) The duty of confidentiality under § 23 par. 3 shall also apply to court advisors. A court advisor may be absolved of this duty by the President of the Constitutional Court.

(6) Court advisors who are state employees of the Chancellery of the Constitutional Court shall have the right to take the judicial exam under the same conditions as senior court clerks. The Chancellery of the Constitutional Court shall grant the court advisors paid leave of four weeks for the purposes of preparation for and taking of the judicial exam. The President of the Constitutional Court shall submit to the Judicial Academy of the Slovak Republic the proposal to allow the court advisor to take the judicial exam. The proposal shall contain the evaluation of the court advisor.

## **PART FIVE**

### **PROCEEDINGS BEFORE THE CONSTITUTIONAL COURT**

#### **CHAPTER ONE**

##### **GENERAL PROVISIONS**

###### **Title One**

###### **Parties to proceedings and intervening persons**

###### **§ 32**

The parties to proceedings shall be the petitioner, all those against whom the motion for commencement of proceedings is directed and all persons in whose case this law so stipulates.

###### **§ 33**

(1) Intervening persons shall be persons who are or were a party in the proceedings before the public authority in which the final decision was issued, the measure or other intervention taken which might have violated the complainant's fundamental rights and freedoms, unless § 140, § 194 or § 208 stipulate otherwise.

(2) If there are doubts about whether a person is an intervening persons, the Constitutional Court shall decide it with a ruling.

###### **Title Two**

###### **Representation**

###### **§ 34**



(1) The petitioner must be represented by an advocate for the whole proceedings, unless the second paragraph or § 35 stipulate otherwise.

(2) If the petitioner is an advocate, he/she does not need to be represented by an advocate.

### **§ 35**

(1) Petitioners which are public authorities shall be represented by persons authorised to act on their behalf or other authorised representative who must have second-degree higher education in law. A group of members of the National Council under Art. 130 par. 1 lit. a) of the Constitution, if they are a party to proceedings, shall be represented by an authorised representative. Public authorities as well as groups of members of the National Council under Art. 130 par. 1 lit. a) of the Constitution may decide to be represented by an advocate.

(2) If a court is the petitioner under Art. 130 par. 1 lit. d) of the Constitution, the respective judge or the presiding judge in the respective chamber shall act on its behalf.

### **§ 36**

The advocate cannot be represented by an advocate trainee in the proceedings before the Constitutional Court.

### **§ 37**

(1) The Constitutional Court may appoint a legal representative for a petitioner who requests a legal representative for the proceedings before the Constitutional Court, provided that this is justified by the petitioner's financial situation and that it is not a case of apparently unsuccessful exercise of the right to protection of constitutionality.

(2) The costs of the appointed legal representative shall be covered by the State.

## **Title Three**

### **Right to plead in one's native language**

### **§ 38**

(1) Everyone has the right to plead before the Constitutional Court in their native language or in a language they understand. The Constitutional Court is obliged to provide to the parties equal opportunities for exercising their rights. Taking into account the nature and circumstances of the case, the Constitutional Court shall assign an interpreter.

(2) The costs incurred in connection with the parties' pleading in their native language or in a language they understand shall be covered by the State.

## **Title Four**

### **Submission**

### **Submission**

### **§ 39**

(1) A submission shall mean any act addressed to the Constitutional Court.

(2) Every submission shall be judged according to its content.

(3) If this law does not call for any specific formalities, a submission shall indicate who is making it, what it relates to, what is sought by it and it shall be signed.

(4) If a submission is made in pending proceedings, a required formality of the submission shall be the specification of the reference number of those proceedings before the Constitutional Court.

## **§ 40**

### **Forms of submission**

(1) Submissions addressed to the Constitutional Court shall be made in writing, either in paper form or in electronic form.

(2) Submissions made in electronic form without the authorisation pursuant to the Law on e-Government shall be afterwards delivered in paper form or in electronic form with the authorisation pursuant to the Law on e-Government; if a submission is not delivered in this manner within ten days, it shall be disregarded. The Constitutional Court shall not call for any further delivery of the submission.

(3) Submissions made in paper form shall be submitted in the necessary number of original copies with their annexes so that one copy with the annexes can be filed in the Constitutional Court's file and each party and intervening person can obtain one copy with the annexes. If an insufficient number of copies and annexes is submitted, the Constitutional Court shall produce further copies at the expense of the person making the submission.

## **Title Five**

### **Motion for commencement of proceedings**

## **§ 41**

(1) The proceedings before the Constitutional Court shall be commenced on the basis of a motion filed by the authorised entities listed in Art. 130 par. 1 of the Constitution and in separate regulations, unless § 206 stipulates otherwise. In the cases under Art. 126 and Art. 129 of the Constitution, the Constitutional Court shall commence proceedings on the basis of a motion filed by entities authorised under this law.

(2) The proceedings shall be commenced from the day of the delivery of the motion for commencement of proceedings to the Constitutional Court.

## **§ 42**

(1) Submissions which initiate proceedings before the Constitutional Court shall be referred to as motion for commencement of proceedings.

(2) A motion for commencement of proceedings shall be:

a) motion for commencement of proceedings on the conformity of legal regulations under Art. 125 of the Constitution,

b) motion for commencement of proceedings on the conformity of concluded international treaties under Art. 125a of the Constitution,

c) motion for commencement of proceedings on the conformity of the subject matter of a referendum under Art. 125b of the Constitution,

- d)** motion for commencement of proceedings on jurisdiction disputes under Art. 126 par. 1 of the Constitution,
- e)** motion for commencement of proceedings on disputes over auditorial powers of the Supreme Audit Office of the Slovak Republic (hereinafter “the Supreme Audit Office”) under Art. 126 par. 2 of the Constitution,
- f)** complaints by individuals or legal entities under Art. 127 of the Constitution (hereinafter “constitutional complaint”),
- g)** complaints by local self-government bodies under Art. 127a of the Constitution,
- h)** motion for commencement of proceedings on the interpretation of the Constitution or a constitutional law under Art. 128 of the Constitution,
- i)** complaint against decision verifying the mandate of member of the National Council under Art. 129 par. 1 of the Constitution (hereinafter “complaint under Art. 129 par. 1 of the Constitution”),
- j)** motion for commencement of proceedings on the constitutionality and legality of the presidential elections, elections to the National Council, elections to local self-government bodies and elections to the European Parliament under Art. 129 par. 2 of the Constitution,
- k)** complaints against the result of a referendum under Art. 129 par. 3 of the Constitution,
- l)** complaints against the result of a public voting on the recall of the President of the Republic under Art. 129 par. 3 of the Constitution (hereinafter “public voting”),
- m)** motion for declaration of the decision on vacancy in the office of the President of the Republic under Art. 105 par. 2 of the Constitution,
- n)** motion for review of decision dissolving or suspending a political party or political movement under Art. 129 par. 4 of the Constitution,
- o)** impeachment against the President of the Republic for wilful violation of the Constitution or high treason under Art. 129 par. 5 of the Constitution,
- p)** motion for commencement of proceedings on the conformity of decisions declaring state of emergency or state of alarm and decisions referring to them, under Art. 129 par. 6 of the Constitution,
- q)** complaint under Art. 129 par. 7 of the Constitution against a resolution of the Judicial Council of the Slovak Republic (hereinafter “the Judicial Council”) under Art. 154d par. 2 of the Constitution,
- r)** motion for reopening of proceedings before the Constitutional Court under Art. 133 of the Constitution,
- s)** request for consent with the remand in custody of a Constitutional Court judge under Art. 136 par. 2 of the Constitution,
- t)** request for consent with the remand in custody of a judge or Prosecutor General under Art. 136 par. 3 first sentence of the Constitution,
- u)** motion for commencement of disciplinary proceedings against the President of the Supreme Court, Vice-President of the Supreme Court of the Slovak Republic (hereinafter “Vice-President of the Supreme Court”) or the Prosecutor General under Art. 136 par. 3 second sentence of the Constitution,
- v)** motion for commencement of proceedings on the invalidity of legal regulations under Art. 152 par. 2 and 3 of the Constitution,

w) motion for review of decision on the protection of the public interest and prevention of conflicts of interests under a separate law.

### **§ 43**

#### **General requirements for motions on commencement of proceedings**

(1) A motion for commencement of proceedings shall contain in addition to the general formalities required of submissions under § 39 the date of birth of the petitioner, if the petitioner is an individual, or the identification number of the petitioner, if the petitioner is a legal entity, seat or residence of the petitioner, specification of the entity against which the motion is directed, what decision the petitioner seeks, the reasoning and the proposed evidence.

(2) A motion for commencement of proceedings must be dated and signed by the petitioner or by their representative.

(3) If the petitioner is obliged to be represented for the whole proceedings by an advocate, a power of representation given to an advocate must be annexed to the motion for commencement of proceedings. It must be stated in the power of representation that the petitioner grants the advocate the power to represent them in the proceedings before the Constitutional Court.

### **§ 44**

#### **Collective motion for commencement of proceedings**

A collective motion for commencement of proceedings shall consist of at least ten motions for commencement of proceedings filed at the Constitutional Court by the same petitioner on one particular day.

### **§ 45**

#### **Being bound by the motion for commencement of proceedings**

The Constitutional Court shall be bound by the scope and reasons given in the motion for commencement of proceedings, unless § 89 stipulates otherwise.

## **Title Six**

### **Allocation of cases**

### **§ 46**

Cases shall be randomly allocated to judge-rapporteurs using technical and software tools approved by the Plenum of the Constitutional Court in order to exclude any possibility of influencing the allocation of cases.

### **§ 47**

(1) If a case falls within the jurisdiction of the Senates of the Constitutional Court, the Senate of the Constitutional Court whose member according to the work schedule is the judge-rapporteur to whom the case has been allocated under § 46 shall have jurisdiction in that case.

(2) If the judge-rapporteur to whom a case has been allocated belonging to the jurisdiction of the Plenum of the Constitutional Court is recused (§ 49 to 51), the case shall be re-allocated according to § 46 to a new judge-rapporteur. If the judge-rapporteur to whom a case has been allocated belonging to the jurisdiction of the Senates of the Constitutional Court is recused (§ 49 to 51), the jurisdiction shall stay with the Senate of the Constitutional Court determined in accordance with the first paragraph. The new judge-rapporteur shall be the judge of the Constitutional Court who under the work schedule is to substitute the recused judge in the respective Senate of the Constitutional Court.

#### **§ 48**

Cases commenced on the basis of a collective motion shall be allocated in a staggered manner so that the continuity of allocation of other cases is maintained.

### **Title Seven**

#### **Recusal of judges of the Constitutional Court and exclusion of other persons**

#### **§ 49**

(1) A judge of the Constitutional Court shall be recused from hearing and deciding a case if, having regard to his/her relation to the case, parties to proceedings, intervening persons or their representatives, doubts could arise about his/her impartiality. Circumstances lying in the manner in which a judge of the Constitutional Court proceeded in the pending proceedings or in other cases before the Constitutional Court shall not constitute a reason for his/her recusal.

(2) A judge of the Constitutional Court shall be recused from hearing and deciding a case if he/she had been active in other office or profession than the office of Constitutional Court judge with regard to the case under review.

(3) Activities as defined in the second paragraph shall not include participating in the preparatory work, discussion and adoption of legal regulations or expressing opinions with regard to legal questions connected with the case under review within the scope of research, pedagogic or literary activities.

(4) Judges of the Constitutional Court shall inform immediately the President of the Constitutional Court of any reasons for recusal as specified in paragraphs one and two.

#### **§ 50**

(1) A judge of the Constitutional Court may declare that he/she feels biased in a particular case; he/she must do so immediately in writing and state the reasons. The Constitutional Court shall disregard repeated declaration of bias in the same case made by the same judge for the same reason if it has already decided on a previous declaration of bias made by that judge of the Constitutional Court.

(2) The parties to proceedings has the right to object bias of the judges of the Constitutional Court who are to hear and decide their case. The party must raise the objection of bias within ten days from the day on which they learnt about the reasons for recusal. The party must state when it was that they found out about the reasons for recusal. The party must provide reasons for the objection of bias. The judge of the Constitutional Court whose bias is being objected is

obliged to give a response to it. The Constitutional Court shall disregard repeated objections of bias made against the same judge for the same reasons if it has already decided on a previous equivalent objection of bias.

## **§ 51**

**(1)** If a case falls within the jurisdiction of the Plenum of the Constitutional Court, the Plenum shall decide on the recusal of a judge of the Constitutional Court. The judge of the Constitutional Court who bias is being objected by a party to proceedings or who has declared that he/she feels biased in the given case or has informed on the reasons for his/her recusal under § 49 par. 4 shall abstain from the voting on his/her recusal as well as on the recusal of any other judge of the Constitutional Court. If as a result of recusal of judges of the Constitutional Court due to an objection of bias raised by one of the parties against several judges of the Constitutional Court, declarations made by the judges that they feel biased or their informing on the reasons for their recusal under § 49 par. 4 it is impossible to proceed as stipulated in the previous sentences, the Plenum of the Constitutional Court shall decide on the merits of the case in its original composition; any further declaration made by the parties to the effect that they recuse a judge for his/her bias, any further declarations made by any of the judges to the effect that they feel biased or any further informing by the judges about the reasons for their recusal under § 49 par. 4 shall be disregarded.

**(2)** If a case falls within the jurisdiction of the Senates of the Constitutional Court, another Senate of the Constitutional Court determined according to the work schedule shall decide on the recusal of a judge of the Constitutional Court. If as a result of recusal of judges of the Constitutional Court due to an objection of bias raised by one of the parties against several judges of the Constitutional Court, declarations made by the judges that they feel biased or their informing on the reasons for their recusal under § 49 par. 4 it is impossible to proceed as stipulated in the previous sentence, the Senate of the Constitutional Court shall decide on the merits of the case in its original composition; any further declaration made by the parties to the effect that they recuse a judge for his/her bias, any further declarations made by any of the judges to the effect that they feel biased or any further informing by the judges about the reasons for their recusal under § 49 par. 4 shall be disregarded.

## **§ 52**

**(1)** The recusal of a court advisor, court secretary, expert or interpreter shall be decided by:

- a)** the President of the Constitutional Court, if the case falls within the jurisdiction of the Plenum of the Constitutional Court,
- b)** the presiding judge of the Senate of the Constitutional Court, if the case falls within the jurisdiction of the Senates of the Constitutional Court.

**(2)** The provisions in § 49 to 51 shall apply accordingly to the recusal of a court advisor, court secretary, expert or interpreter.

## **Title Eight**

### **Shelving submissions**

## **§ 53**

If the judge-rapporteur learns from the content of a submission that it does not constitute a motion for commencement of proceedings, he/she shall shelve it. He/she shall inform thereof in writing the person who made the submission with the Constitutional Court.

## **Title Nine**

### **Deliberations on motions for commencement of proceedings**

## **§ 54**

### **Order of deliberations on motions for commencement of proceedings**

(1) When deliberating on motions for commencement of proceedings, the Constitutional Court does not have to follow the order in which they were filed if it considers one of the motions for commencement of proceedings to be an urgent matter.

(2) When deliberating on motions for commencement of proceedings constituting a collective motions, the Constitutional Court shall proceed so as to maintain the continuity of deliberations with regard to other cases.

## **§ 55**

### **Inadmissibility of motions for commencement of proceedings**

A motion for commencement of proceedings shall be inadmissible if:

- a) it concerns a matter already decided by the Constitutional Court, except for cases in which the decision was made only with regard to conditions of proceedings, provided that in the subsequent motion the conditions for proceedings were already fulfilled,
- b) the Constitutional Court is already hearing the same case,
- c) the petitioner seeks review of a decision of the Constitutional Court, or
- d) this law so stipulates in § 132 par. 2 or § 142 par. 2.

## **§ 56**

### **Preliminary deliberations on motions for commencement of proceedings**

(1) The Constitutional Court shall carry out preliminary deliberations on a motion for commencement of proceedings at a non-public session in the absence of the petitioner, unless § 9 stipulates otherwise.

(2) The Constitutional Court may in the course of preliminary deliberations decide, with a ruling and without any oral hearing, not to admit a motion for commencement of proceedings for further proceedings, if:

- a) the Constitutional Court lacks the power to examine it,
- b) the motion was filed by a petitioner who is not represented in accordance with § 34 or § 35 and the Constitutional Court has rejected the petitioner's request to have a legal representative appointed under § 37,
- c) the motion lacks the formalities prescribed by this law,
- d) the motion is inadmissible,
- e) the motion was filed by a person who was evidently not authorised to do so,
- f) the motion was filed late,

**g)** the motion is manifestly unfounded.

**(3)** If the defects of a motion for commencement of proceedings under § 42 par. 2 lit. f), g), i) to l), n), q), r), and w) are corrigible, the Constitutional Court may call on the petitioner to correct the defects within the time limit fixed by the Constitutional Court. If the party does not correct the defects within the fixed time limit, the Constitutional Court shall decide not to admit the motion for commencement of proceedings. The Constitutional Court shall not notify the petitioner of defects of motions for commencement of proceedings under § 42 par. 2 lit. a) to e), h), m), o), p), and s) to v).

**(4)** If the Constitutional Court decides not to admit a motion for commencement of proceedings under § 42 par. 2 lit. f) in accordance with the second paragraph and the same petitioner files at the Constitutional Court another motion for commencement of proceedings relating to another case but substantially identical to the previous one and which the Constitutional Court may decide not to admit for further proceedings for the same reasons, the decision not admitting the motion only needs to contain a simplified reasoning, in which the Constitutional Court shall only refer to the earlier decision on the previous motion for commencement of proceedings.

**(5)** If the Constitutional Court does not refuse to admit a motion for commencement of proceedings and does not reject it in accordance with § 57, it shall admit it for further proceedings to the extent which shall be specified in the operative part of the ruling with which the motion is being admitted for further proceedings.

**(6)** The Constitutional Court shall serve the motion for commencement of proceedings which has been admitted for further proceedings on the other parties to proceedings and any intervening persons with a call for replies to be sent within the time limit it shall fix.

## **§ 57**

### **Rejecting motions for commencement of proceedings**

In cases falling within the jurisdiction of the Plenum of the Constitutional Court, the Plenum shall pass its decisions by a majority of all the judges of the Constitutional Court. If this majority is not reached during preliminary deliberations on a motion for commencement of proceedings or when deciding on the merits, the motion for commencement of proceedings shall be rejected.

## **§ 58**

### **Oral hearing**

**(1)** Oral hearings shall take place in the proceedings on:

- a)** the conformity of legal regulations under Art. 125 of the Constitution,
- b)** the conformity of concluded international treaties under Art. 125a of the Constitution,
- c)** the conformity of the subject matter of a referendum under Art. 125b of the Constitution,
- d)** jurisdiction disputes under Art. 126 par. 1 of the Constitution,
- e)** disputes over the auditorial powers of the Supreme Audit Office under Art. 126 par. 2 of the Constitution,
- f)** constitutional complaints,
- g)** complaints of local self-government bodies under Art. 127a of the Constitution,



- h)** complaints under Art. 129 par. 1 of the Constitution,
  - i)** motions for examinations of decisions dissolving or suspending a political party or political movement under Art. 129 par. 4 of the Constitution,
  - j)** impeachment against the President of the Republic for wilful violation of the Constitution or high treason under Art. 129 par. 5 of the Constitution,
  - k)** complaints under Art. 129 par. 7 of the Constitution against resolutions of the Judicial Council under Art. 154d par. 2 of the Constitution,
  - l)** motions on commencement of proceedings on the invalidity of legal regulations under Art. 152 par. 2 and 3 of the Constitution.
- (2)** The parties to proceedings, intervening persons and their representatives have the right to be present at the oral hearing.
- (3)** The Constitutional Court may desist from conducting an oral hearing subject to the consent of the parties and if no further clarification of the matter may be expected from that hearing.

## **§ 59**

### **Public oral hearings**

- (1)** Oral hearings shall be public in the proceedings on:
- a)** the conformity of legal regulations under Art. 125 of the Constitution,
  - b)** the conformity of concluded international treaties under Art. 125a of the Constitution,
  - c)** the conformity of the subject matter of a referendum under Art. 125b of the Constitution,
  - d)** jurisdiction disputes under Art. 126 par. 1 of the Constitution,
  - e)** disputes over the auditorial powers of the Supreme Audit Office under Art. 126 par. 2 of the Constitution,
  - f)** complaints of local self-government bodies under Art. 127a of the Constitution,
  - g)** complaints under Art. 129 par. 1 of the Constitution,
  - h)** motions for examinations of decisions dissolving or suspending a political party or political movement under Art. 129 par. 4 of the Constitution,
  - i)** impeachment against the President of the Republic for wilful violation of the Constitution or high treason under Art. 129 par. 5 of the Constitution,
  - j)** motions on commencement of proceedings on the invalidity of legal regulations under Art. 152 par. 2 and 3 of the Constitution.
- (2)** Oral hearings shall be public also in other cases, unless the Constitutional Court excludes the public for the whole hearing or a part of it. The public may only be excluded for the whole hearing or a part of it if the public hearing might compromise the protection of classified information, a commercial secret, an important interest of the parties, or the morality.

## **§ 60**

### **Evidence taking**

- (1)** The Constitutional Court may take evidence necessary for deciding the case. It may authorise one of the judges of the Constitutional Court to take evidence outside of an oral hearing. Another court may also be requested to take evidence.

(2) Everyone is obliged to cooperate with the Constitutional Court in producing background papers for its decision, if the Constitutional Court so requests.

## **§ 61**

### **Suspension of proceedings**

(1) The Constitutional Court may suspend proceedings if it decides to submit a preliminary question to the Court of Justice of the European Union pursuant to an international treaty binding for the Slovak Republic.

(2) The Constitutional Court may suspend proceedings if it decides to submit a request for an advisory opinion to the European Court of Human Rights on fundamental issues relating to the interpretation or application of rights and freedoms contained in the Convention on the Protection of Human Rights and Fundamental Freedoms. If after the suspension of proceedings the European Court of Human Rights does not issue the advisory opinion, the Constitutional Court may resume the proceedings.

### **Application of provisions of other regulations**

## **§ 62**

Unless stipulated otherwise in Parts Five or Six of this law or the nature of the case excludes it, the Code of Civil Contentious Proceedings shall apply accordingly to the proceedings before the Constitutional Court.

## **§ 63**

(1) The Law on e-Government shall apply to proceedings before the Constitutional Court.

(2) The Constitutional Court shall carry out the creation, updating and cancellation of the electronic form of the electronic official document for the purposes of proceedings pursuant to this law.

(3) If for technical reasons the Constitutional Court is objectively unable to perform a juridical act connected with the exercise of public authority in electronic form, it shall be authorised to perform this act in another form.

(4) The separate provisions on the electronic exercise of public authority by courts shall apply to proceedings before the Constitutional Court.

## **§ 64**

### **Forms of decisions**

The Constitutional Court shall decide on the merits with a finding, unless this law stipulates otherwise in § 224, § 228, § 239 par. 1, § 241 par. 3, or par. 4. In all other cases, it shall decide with a ruling. The Constitutional Court shall decide with a judgment only in proceedings under Art. 129 par. 5 of the Constitution.

## **§ 65**

### **Public announcement of decisions**

(1) Findings of the Constitutional Court in cases in which an oral hearing has taken place and judgments of the Constitutional Court shall be announced publicly “in the name of the Slovak Republic”.

(2) Any decision of the Constitutional Court to be announced publicly must also on that day be prepared in writing.

## **§ 66**

### **Reasoning of decisions**

(1) The decisions of the Constitutional Court on preliminary deliberation of motions for commencement of proceedings, on recusal of judges of the Constitutional Court, on intervention, on the appointment of legal representatives, on the suspension of effect of contested legal regulations, their parts or individual provisions, on interim measures, on costs of proceedings and on the merits of the case must be reasoned. The decisions of the Constitutional Court in proceedings commencement on collective motions in factually and legally analogous cases may contain simplified reasoning, in which the Constitutional Court shall only refer to its earlier decision in a factually and legally analogous case containing proper reasoning.

(2) The written version of the decision of the Constitutional Court shall be prepared by the judge-rapporteur. If the Plenum of the Constitutional Court adopts a decision which substantially differs from the decision proposal submitted by the judge-rapporteur, the President of the Constitutional Court shall appoint another judge of the Constitutional Court in place of the judge-rapporteur to prepare the written decision. If a Senate of the Constitutional Court adopts a decision which substantially differs from the decision proposal submitted by the judge-rapporteur, the presiding judge of the Senate of the Constitutional Court shall appoint another judge of the Constitutional Court in place of the judge-rapporteur to prepare the written decision.

## **§ 67**

### **Separate opinions of the judges of the Constitutional Court**

(1) Any judge who has participated in the voting on a decision of the Plenum of the Constitutional Court or a Senate of the Constitutional Court has the right to attach his/her separate opinion to that decision. The judge of the Constitutional Court is obliged to prepare the separate opinion in writing within thirty days from the preparation of the written version of the decision to which he/she is attaching the separate opinion.

(2) The separate opinion of the judge of the Constitutional Court may concern the operative part or the reasoning of the decision. It shall be served in the same manner as the decision itself. If the decision itself is to be promulgated in the Collection of Laws of the Slovak Republic (hereinafter “the Collection of Laws”), the separate opinion shall be equally promulgated in the Collection of Laws. Any separate opinions shall be published at the website of the Constitutional Court together with the decision itself.

(3) The provision in the second paragraph relating to the service, promulgation and publication of separate opinions of Constitutional Court judges shall only apply to separate opinions prepared in writing within the time limit specified in the first paragraph.

## **§ 68**

### **Service and announcement of decisions**

(1) The parties to proceedings, intervening persons or their representatives shall be served with all the Constitutional Court's decisions relating to the case at hand. If the Constitutional Court has decided not to admit a motion for commencement of proceedings under § 56 and failed to inform the party against whom the motion was directed of the fact that a motion for commencement of proceedings had been filed against them, it may serve the decision issued in accordance with § 56 only on the petitioner.

(2) Decisions of the Constitutional Court issued in proceedings on the conformity of legal regulations, in proceedings on the conformity of international treaties, in proceedings on the subject matter of a referendum, in proceedings on the interpretation of the Constitution and constitutional laws, in proceedings on complaints against the result of a referendum, in proceedings on complaints against the result of the public voting, in proceedings on vacancy in the office of the President of the Republic and in proceedings on the invalidity of legal regulations shall be promulgated in the Collection of Laws in the extent prescribed by this law.

(3) The Plenum of the Constitutional Court may decide on the motion of the President of the Constitutional Court that the legal opinion expressed in a decision which otherwise is not to be promulgated in the Collection of Laws shall be promulgated therein, if this legal opinion is of universal importance.

## **§ 69**

### **Legal remedies**

There shall be no legal remedies against decisions of the Constitutional Court. This shall not apply should, by a decision of a body of an international organization established for the purposes of the implementation of a treaty binding to the Slovak Republic, an obligation arise for the Slovak Republic to re-examine in the proceedings before the Constitutional Court an already issued decision of the Constitutional Court. Decisions of the Constitutional Court must contain instruction on legal remedies available.

## **§ 70**

### **Finality and enforceability**

(1) The decisions of the Constitutional Court shall be final and enforceable from the day of their serving on the last of the parties to the proceedings before the Constitutional Court, unless this law stipulates otherwise in § 83, § 90, § 100, § 108, § 150, § 168, § 175 or § 179 or otherwise follows from the decision of the Constitutional Court.

(2) The Constitutional Court shall be obliged to publish at its website any final decisions terminating proceedings, decisions on interim measures and decisions suspending the enforceability of the contested final decision, measure or other intervention within fifteen days from when the decision becomes final.

(3) In the decisions referred to in the second paragraph, data shall be anonymised prior to publication if this anonymization shall ensure the protection of the rights and interests

protected by law. The Plenum of the Constitutional Court shall specify in the Rules of Administration and Procedure of the Constitutional Court which categories of data are to be anonymised in the decisions and the procedure to be followed when publishing decisions.

**(4)** The Constitutional Court shall disclose to the public on the basis of motions pursuant to the Law on the Freedom of Information any court decisions including decisions which are not on the merits. While doing so, it shall take the necessary measures under the Law on the Freedom of Information for the protection of rights and interest protected by law.

## **Title Ten**

### **Court fees and costs of proceedings**

#### **Court fees**

##### **§ 71**

The proceedings before the Constitutional Court shall not be subject to court fees, unless § 72 stipulates otherwise.

##### **§ 72**

**(1)** In the proceedings on constitutional complaints, in legally and factually analogous cases already decided by the Constitutional Court and in which the petitioner was unsuccessful, the Constitutional Court shall impose with a ruling on the petitioner a court fee for every eleventh and subsequent complaint submitted at the Constitutional Court by the same petitioner in that calendar year. If one submission contains several cases of which that person seizes the Constitutional Court under Art. 127 of the Constitution, each of those cases shall be considered as a separate complaint for the purposes of calculating court fees. There shall be no legal remedy against rulings imposing court fees; this shall not apply if pursuant to a body of international organisation an obligation arises for the Slovak Republic to re-examine in proceedings before the Constitutional Court an already issued decision of the Constitutional Court. If the Constitutional Court issues an incorrect decision on court fees, this decision shall be annulled or amended even without any motion and even after it has become final.

**(2)** In the decision pursuant to paragraph one, the Constitutional Court shall fix a time limit in which the petitioner is to pay the court fee. Court fee shall be paid to the account of the Chancellery of the Constitutional Court and may be paid by postal order or by bank transfer from a bank or foreign bank branch.

**(3)** If the petitioner fails to pay the court fee within the time limit fixed by the Constitutional Court, the Constitutional Court shall stay the proceedings with a ruling. There shall be no legal remedy against rulings staying proceedings due to failure to pay court fees; this shall not apply if pursuant to a body of international organisation an obligation arises for the Slovak Republic to re-examine in proceedings before the Constitutional Court an already issued decision of the Constitutional Court. As soon as the ruling staying proceedings due to failure to pay court fees becomes final, the obligation to pay court fees imposed with the ruling pursuant to paragraph one shall expire.

(4) A court fee shall be returned in full pursuant to a separate regulation if it was paid by someone who was not obliged to pay it or who paid it based on an incorrect decision of the Constitutional Court on the obligation to pay court fees. A court fee shall also be returned in cases of stay of proceedings. In other cases, court fees shall not be returned.

(5) Unless paragraphs one to four and § 71 stipulate otherwise or the nature of the matter excludes it, provisions of a separate regulation on court fees shall apply accordingly to the collection of court fees.

### **§ 73**

#### **Costs of proceedings**

(1) The costs of proceedings before the Constitutional Court incurred by a party to proceedings shall be covered by that party.

(2) The costs of proceedings before the Constitutional Court incurred by an intervening person shall be covered by that intervening person.

(3) In justified cases and according to the result of the proceedings, the Constitutional Court may, with a ruling, impose on one of the parties to proceedings to fully and partly reimburse the costs of proceedings incurred by the other party or by the State.

## **CHAPTER TWO**

### **PROCEEDINGS ON CONFORMITY OF LEGAL REGULATIONS**

### **§ 74**

#### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings under Art. 125 par. 1 of the Constitution on conformity of lower-level regulations with higher-level regulations or international treaties approved by the National Council and ratified and promulgated in the manner prescribed by law may be filed by:

**a)** at least one fifth of members of the National Council,

**b)** the President of the Republic,

**c)** the Government,

**d)** a court in connection with a case under examination,

**e)** the Prosecutor General,

**f)** the President of the Judicial Council, if the legal regulation concerns the exercise of justice,

**g)** the Public Defender of Rights, if further application of the legal regulation could threaten fundamental rights or freedoms or human rights and fundamental freedoms stemming from an international treaty ratified by the Slovak Republic and promulgated in the manner prescribed by law (hereinafter “fundamental rights and freedoms”).

### **§ 75**

#### **Motion for commencement of proceedings**

A motion for commencement of proceedings on conformity of legal regulations must contain, in addition to the general requirements specified in § 43:

- a) specification of the legal regulation, its part or its particular provisions whose conformity with a higher-level legal regulation or an international treaty the petitioner challenges,
- b) reasons which led the petitioner to doubt the conformity of the contested regulation, its part or some of its provisions with a higher-level regulation or an international treaty,
- c) specification of the higher-level legal regulation, its part or some of its provisions or of an international treaty, its part or some of its provisions, with which the contested regulation is not in conformity according to the petitioner.

## **§ 76**

### **Parties to proceedings**

The parties to proceedings shall be the petitioner and the public authority which issued the contested regulation.

## **§ 77**

### **Withdrawal of motion for commencement of proceedings**

The petitioner may withdraw his/her motion for commencement of proceedings on the conformity of legal regulations. The Constitutional Court shall in that case stay the proceedings, unless it decides to dismiss the withdrawal, especially if there is a risk of serious violation of constitutional rights and freedoms.

### **Suspension of effect of the contested legal regulation**

## **§ 78**

If the Constitutional Court admits a motion for commencement of proceedings on the conformity of legal regulations for further proceedings (§ 56 par. 5), it may even without any motion suspend the effect of the contested regulation, its part or some of its provisions if their further application may threaten fundamental rights and freedoms, if there is a risk of significant economic loss or other serious irreversible consequences.

## **§ 79**

It must be specified in the motion for suspension of effect of the contested regulation, its part or some of its provisions which fundamental rights and freedoms may be threatened and for what reasons, what kind of significant economic loss may arise and for what reasons, as well as what kind of other serious consequences and for what reasons, should the contested regulation, its part or its contested provisions continue to be applied.

## **§ 80**

The Constitutional Court shall decide without delay on the motion for suspension of effect of the contested legal regulation, its part or some of its provisions.

## **§ 81**

The Constitutional Court shall annul the suspension of effect of the contested regulation, its part or some of its provisions even without any motion if the reasons for the suspension cease to exist. Otherwise, the decision of the Constitutional Court suspending the effect of the

contested regulation, its parts or some of its provisions shall lose validity when the decision of the Constitutional Court on the merits of the case or on the staying of proceedings becomes final.

## **§ 82**

The operative part and instruction on the legal effects of the ruling of the Constitutional Court suspending the effect of the contested legal regulation, its part or some of its provisions, the ruling on revocation of suspension of effect of the contested legal regulation, its part or some of its provisions, and the ruling on the stay of proceedings in which the effect of the contested regulation, its part or some of its provisions had been suspended, shall be promulgated in the Collection of Laws and shall include information on whether any separate opinions have been annexed.

## **§ 83**

The ruling of the Constitutional Court suspending the effect of the contested legal regulation, its part or some of its provisions, or the ruling on revocation of suspension of effect of the contested legal regulation, its part or some of its provisions shall become final and generally binding from the day of their promulgation in the Collection of Laws.

## **§ 84**

**(1)** If the effect of the contested regulation, its part or some of its provisions is suspended, legal regulations abrogated by them shall not recover their validity, unless the Constitutional Court decides otherwise; however, if they contained only an amendment or a supplementation, the previous legal regulation as effective before this amendment or supplementation shall remain in force, unless the Constitutional Court decides otherwise.

**(2)** The suspension of the effects of the contested regulation, its part or some of its provisions shall also entail the suspension of the effects of any regulation issued for the purposes of implementation of the contested regulation, its part or some of its provisions.

## **§ 85**

If the suspension of effects of a provision of a legal regulation which lays down a time limit for exercising a right, fulfilment of an obligation or for the execution of another act is revoked or expires, a new two-year time limit shall commence from the day of the revocation or expiry; this shall not apply if the Constitutional Court declares the provision incompatible with a higher-level regulation under § 88 par. 2 or decides to stay the proceedings under § 87.

## **§ 86**

### **Requesting opinions**

**(1)** Before deciding on the merits of the case, the President of the Constitutional Court shall request the opinion of the public authority which issued the regulation under examination, the Government's opinion for which the Ministry of Justice of the Slovak Republic (hereinafter “the Ministry of Justice”) submits the opinion. The public authority which issued the legal regulation is under obligation to attach to its opinion the explanatory memorandum. If the



legal regulation was issued by the National Council, it shall attach to the opinion and the explanatory memorandum a recording of the debate done at its meeting on the draft contested law.

(2) The President of the Constitutional Court may also request the opinion of the President of the Supreme Court and the opinion of the Prosecutor General. The President of the Constitutional Court may also request the opinion of the Public Defender of Rights, the opinion of other public authorities, the opinion of professional lawyers' organizations, the opinion of scientific institutions active in the field of law, the opinion of prominent experts or the opinion of legal entities concerned by the motion.

(3) Anyone from whom the President of the Constitutional Court has requested an opinion under paragraphs 1 and 2 shall be obliged to provide that opinion.

(4) Representatives of the professional public may also submit opinions on the motion on commencement of proceedings even without having been requested to do so; however, the Constitutional Court is not obliged to take them into account.

## **§ 87**

### **Stay of proceedings**

The Constitutional Court will stay the proceedings if the legal regulation under review loses its validity before the finding on the merits is promulgated. If the proceedings were initiated on the basis of a motion filed by a court under Art. 125 par. 1 and Art. 144 par. 2 of the Constitution, the Constitutional Court shall decide on the stay of the proceedings according to the nature of the case.

### **Decision**

## **§ 88**

(1) If in the proceedings on the conformity of legal regulations the Constitutional Court does not find any non-conformity of the lower-level legal regulation, its part or its provisions with a higher-level regulation or an international treaty, it shall reject the motion for commencement of proceedings wholly or in part.

(2) If the Constitutional Court does find the lower-level legal regulation, its part or its provisions under examination to be incompatible with a higher-level legal regulation or an international treaty, it shall declare this incompatibility in a finding in which it shall specify the provisions of the higher-level regulation or international treaty which the legal regulation, its part or its particular provisions under examination violate.

## **§ 89**

If in the proceedings on the conformity of legal regulations the Constitutional Court finds non-conformity of the lower-level legal regulation, its part or its provisions with a higher-level regulation or an international treaty and finds at the same time non-conformity of another legal regulation, its part or some of its provisions with the same higher-level regulation or international treaty specified in the motion for commencement of proceedings

on the conformity of legal regulations, it shall issue a finding on the non-conformity found also with regard to this another legal regulation or its relevant part or provisions.

## **§ 90**

### **Delivery and promulgation of the finding**

(1) The President of the Constitutional Court may decide that the finding in the proceedings on the conformity of legal regulations shall be delivered in addition to the parties also to other persons.

(2) The operative part, reasoning and instruction on the legal effects of the finding of the Constitutional Court in proceedings on the conformity of legal regulations shall be promulgated in the Collection of Laws together with any separate opinions. The Plenum of the Constitutional Court shall decide which part of the reasoning of the finding, from which the legal opinion of the Constitutional Court and the reasons leading to it must be clear, shall be promulgated in the Collection of Laws.

(3) The finding of the Constitutional Court becomes final and generally binding from the day of its promulgation in the Collection of Laws.

### **The effects of the finding**

## **§ 91**

(1) The legal regulation, its part or its provision which the Constitutional Court declared incompatible with a higher-level regulation shall lose effect from the day of the promulgation of the finding in the Collection of Laws.

(2) The public authority which under Art. 125 par. 3 of the Constitution is to bring the legal regulation into conformity is bound by the legal opinion expressed in the finding of the Constitutional Court. If the public authority fails to bring the legal regulation into conformity with the higher-level regulation or international treaty within six months, the legal regulation, its parts or provisions which have been declared incompatible with a higher-level regulation by the Constitutional Court shall lose their validity.

(3) The loss of effect or validity on the part of the legal regulations as a result of the finding of the Constitutional Court does not entail restoration of the validity of legal regulations abrogated by the former, unless the Constitutional Court decides otherwise; however, if they contained only an amendment or a supplementation, the previous legal regulation as effective before this amendment or supplementation shall remain in force, unless the Constitutional Court decides otherwise.

## **§ 92**

Any legal regulations issued for the purposes of implementation of the contested legal regulation, its part or its provisions shall lose effect from the day of promulgation of the finding of the Constitutional Court in which it declared the contested regulation, its part or some of its provisions incompatible.

## **§ 93**

(1) The a court in criminal proceedings issued a judgment on the basis of a legal regulation, a part of it or some of its provisions which later lost effect in accordance with Art. 125 par. 3 of the Constitution and this judgment became final but has not been enforced, the loss of effect of that legal regulation, its part or its provision constitutes grounds for reopening of proceedings under the Code of Criminal Procedure, unless the Constitutional Court decides otherwise.

(2) Other final decisions issued in civil court proceedings and administrative court proceedings on the basis of a legal regulation which lost effect in its entirety, in part or in some of its provisions shall remain unaffected; obligations imposed in those decisions may not be enforced.

### **CHAPTER THREE**

### **PROCEEDINGS ON THE CONFORMITY OF INTERNATIONAL TREATIES**

#### **§ 94**

#### **Locus standi to file motion for commencement of proceedings**

A motion for commencement of proceedings under Art. 125a of the Constitution on the conformity of a concluded international treaty requiring consent of the National Council with the Constitution and constitutional laws may be filed before the Constitutional Court by the President of the Republic or by the Government before submitting the treaty for discussion in the National Council.

#### **§ 95**

#### **Motion for commencement of proceedings**

(1) A motion for commencement of proceedings must contain, in addition to the general requirements specified in § 43:

- a) specification of the international treaty, its part or its provisions the incompatibility of which with the Constitution or a constitutional law the petitioner challenges,
- b) reasons which led the petitioner to doubt the compatibility of the international treaty, its part or its provisions with the Constitution or a constitutional law,
- c) specification of the provisions of the Constitution or constitutional law which the international treaty violates in the opinion of the petitioner,
- d) documents on the basis of which the international treaty was negotiated, if they are at the petitioner's disposal.

(2) An authentic copy and a Slovak translation of the international treaty shall be attached to the motion for commencement of proceedings on the conformity of the international treaty.

#### **§ 96**

#### **Parties to proceedings**

(1) The parties to proceedings shall be the President of the Republic, the Government and the National Council.

(2) The President of the Constitutional Court shall call upon the President of the Republic and the Government to procure and submit documents on the basis of which the international treaty was negotiated.

## **§ 97**

### **Requesting opinions**

(1) Before deciding on the merits, the President of the Constitutional Court may request the opinion of the President of the Supreme Court and the opinion of the Prosecutor General.

(2) The President of the Constitutional Court may also request the opinion of the President of the Supreme Court and the opinion of the Prosecutor General. The President of the Constitutional Court may also request the opinion of the Public Defender of Rights, the opinion of other public authorities, the opinion of professional lawyers' organizations, the opinion of scientific institutions active in the field of law, the opinion of prominent experts or the opinion of legal entities concerned by the motion.

(3) Anyone from whom the President of the Constitutional Court has requested an opinion under paragraphs 1 and 2 shall be obliged to provide that opinion.

(4) Representatives of the professional public may also submit opinions on the motion on commencement of proceedings even without having been requested to do so; however, the Constitutional Court is not obliged to take them into account.

### **Decision**

## **§ 98**

The Constitutional Court shall decide on the motion for commencement of proceedings on the conformity of the international treaty within six months from its delivery.

## **§ 99**

(1) If the Constitutional Court concludes that the international treaty is in line with the Constitution or the constitutional law, it shall declare in a finding that the international treaty is in line with the Constitution or the constitutional law.

(2) If the Constitutional Court concludes that the international treaty is not in line with the Constitution or the constitutional law, it shall declare the incompatibility in a finding in which it shall specify the provisions of the Constitution or of the constitutional law with which the international treaty is incompatible.

## **§ 100**

(1) The operative part, reasoning and instruction on the legal effects of the finding of the Constitutional Court in proceedings on the conformity of international treaties shall be promulgated in the Collection of Laws together with any separate opinions. The Plenum of the Constitutional Court shall decide which part of the reasoning of the finding, from which the legal opinion of the Constitutional Court and the reasons leading to it must be clear, shall be promulgated in the Collection of Laws.

(2) The finding of the Constitutional Court becomes final from the day of its promulgation in the Collection of Laws.

### **§ 101**

If the Constitutional Court decides that an international treaty is not in line with the Constitution or a constitutional law, the treaty cannot be ratified.

## **CHAPTER FOUR**

### **PROCEEDINGS ON THE SUBJECT MATTER OF A REFERENDUM**

#### **§ 102**

##### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings under Art. 1251b of the Constitution on the conformity of the subject matter of a referendum to be called on the basis of a citizens' petition or a resolution of the National Council with the Constitution or a constitutional law may be filed to the Constitutional Court by the President of the Republic if, before calling the referendum, he/she has doubts regarding the conformity of its subject matter with the Constitution or a constitutional law.

#### **§ 103**

##### **Motion for commencement of proceedings**

The motion for commencement of proceedings on the conformity of the subject matter of a referendum must contain in addition to the general requirements specified in § 43:

- a) the subject matter of the referendum,
- b) the legal basis for the calling of the referendum,
- c) the reasons which led the petitioner to doubt the conformity of the subject matter of the referendum with the Constitution or a constitutional law,
- d) the specification of the provisions of the Constitution or the constitutional law with which the subject matter of the referendum violates in the opinion of the petitioner.

#### **§ 104**

##### **Parties to proceedings**

The parties to proceedings shall be the President of the Republic and the National Council. If the referendum is to be called on the basis of a citizens' petition, the parties shall be the petition committee and the President of the Republic.

#### **§ 105**

##### **Requesting opinions**

(1) Before deciding on the merits, the President of the Constitutional Court shall request the opinion of the National Council and if the referendum is to be called on the basis of a citizens' petition, then also the opinion of the petition committee.

(2) Anyone from whom the President of the Constitutional Court has requested an opinion under paragraph 1 shall be obliged to provide that opinion.

(3) Representatives of the professional public may also submit opinions on the motion on commencement of proceedings even without having been requested to do so; however, the Constitutional Court is not obliged to take them into account.

## **Decision**

### **§ 106**

The Constitutional Court shall decide on the motion for commencement of proceedings on the conformity of the subject matter of a referendum within 60 days from its delivery.

### **§ 107**

(1) If the Constitutional Court concludes that the subject matter of the referendum is in line with the Constitution or the constitutional law, it shall declare this conformity in a finding.

(2) If the Constitutional Court concludes that the subject matter of the referendum is not in line with the Constitution or the constitutional law, it shall declare this incompatibility in a finding in which it shall specify the provisions of the Constitution or the constitutional law violated by the subject matter of the referendum.

### **§ 108**

(1) The operative part, reasoning and instruction on the legal effects of the finding of the Constitutional Court in proceedings on the conformity of the subject matter of a referendum shall be promulgated in the Collection of Laws together with any separate opinions. The Plenum of the Constitutional Court shall decide which part of the reasoning of the finding, from which the legal opinion of the Constitutional Court and the reasons leading to it must be clear, shall be promulgated in the Collection of Laws.

(2) The finding of the Constitutional Court becomes final from the day of its promulgation in the Collection of Laws.

### **§ 109**

If the Constitutional Court concludes that the subject matter of a referendum is incompatible with the Constitution or a constitutional law, the referendum may not be called.

## **CHAPTER FIVE**

### **JURISDICTION DISPUTES**

#### **Title One**

#### **Jurisdiction disputes between central state administration authorities**

### **§ 110**

#### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings on jurisdiction disputes between central state administration authorities under Art. 126 par. 1 of the Constitution may be filed by a central state administration authority which claims that it has the jurisdiction to decide a given case

and by a central state administration authority which denies having any jurisdiction in a given case.

### **§ 111**

#### **Motion for commencement of proceedings**

A motion for commencement of proceedings on jurisdiction disputes must contain in addition to the general requirements specified in § 43:

- a) the factual and legal basis of the dispute,
- b) the reasons which led the petitioner to claim that it has the jurisdiction to decide the given case or to claim that it lacks this jurisdiction,
- c) written documents relating to the matter which are available to the petitioner.

### **§ 112**

#### **Parties to proceedings**

The parties to proceedings shall be the petitioner and any other central state administration authorities concerned by the jurisdiction dispute.

### **§ 113**

#### **Withdrawal of the motion for commencement of proceedings**

The petitioner may withdraw the motion for commencement of proceedings on jurisdiction disputes between central state administration authorities which has been admitted for further proceedings only with the consent of the Constitutional Court. If the petitioner withdraws its motion for commencement of proceedings and the Constitutional Court accepts the withdrawal, it shall stay the proceedings in a ruling.

### **Decision**

### **§ 114**

If another state authority is competent to decide the jurisdiction dispute, the Constitutional Court shall issue a ruling not admitting the motion due to the Constitutional Court's lacking the jurisdiction to examine it.

### **§ 115**

(1) The Constitutional Court shall decide in a finding which one of the central state administration authorities concerned has the jurisdiction to decide.

(2) If a central state administration authority has issued a decision on the matter over which there is a jurisdiction dispute and the Constitutional Court considers that the jurisdiction belongs to another central state administration authority, the Constitutional Court shall annul the said decision in its finding.

(3) If a central state administration authority has issued a decision on the matter over which there is a jurisdiction dispute and has denied having jurisdiction over the matter and the Constitutional Court considers that the authority does have the jurisdiction, the Constitutional Court shall annul the said decision in its finding.

## **Title Two**

### **Disputes over auditorial powers of the Supreme Audit Office**

#### **§ 116**

##### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings on disputes over auditorial powers of the Supreme Audit Office under Art. 126 par. 2 of the Constitution may be filed by the Supreme Audit Office, if its auditorial powers in the specific case are challenged by an aggrieved entity, as well as by the aggrieved entity if it challenges the auditorial powers of the Supreme Audit Office in that specific case.

#### **§ 117**

##### **Motion for commencement of proceedings**

A motion for commencement of proceedings on disputes over auditorial powers of the Supreme Audit Office must contain in addition to the general requirements specified in § 43:

- a) the factual and legal basis of the dispute,
- b) the reasons which led the petitioner to claim that the Supreme Audit Office has jurisdiction over the given matter or to claim that it lacks this jurisdiction,
- c) written documents relating to the matter which are available to the petitioner.

#### **§ 118**

##### **Parties to proceedings**

The parties to proceedings are the Supreme Audit Office and those directly affected by the challenged auditorial power of the Supreme Audit Office.

#### **§ 119**

##### **Withdrawal of the motion for commencement of proceedings**

The petitioner may withdraw the motion for commencement of proceedings on disputes over auditorial powers of the Supreme Audit Office only with the consent of the Constitutional Court. If the petitioner withdraws its motion for commencement of proceedings and the Constitutional Court accepts the withdrawal, it shall stay the proceedings in a ruling.

### **Decision**

#### **§ 120**

The Constitutional Court shall decide in a finding whether in the disputed case the Supreme Audit Office has the auditorial power.

#### **§ 121**

In the time period from the filing of the motion for commencement of proceedings on disputes over auditorial powers of the Supreme Audit Office until the decision of the Constitutional Court under these proceedings, the Supreme Audit Office may not perform an audit in the



specific case concerned by the dispute over auditorial powers of the Supreme Audit Office; if the Supreme Audit Office has already begun an audit, it may not continue with it.

## **CHAPTER SIX PROCEEDINGS ON COMPLAINTS BY INDIVIDUALS AND LEGAL ENTITIES**

### **§ 122**

#### **Locus standi to file a constitutional complaint**

A constitutional complaint may be filed by a person (hereinafter “complainant”) who claims that his/her fundamental rights and freedoms have been violated by a final decision, measure or other intervention.

### **§ 123**

#### **Constitutional complaint**

(1) A constitutional complaint must contain in addition to the general requirements specified in § 43:

- a) the specification of the entity which in the complainant’s opinion has violated his/her rights,
- b) the specification of the final decision, measure or other intervention by which the complainant’s fundamental rights and freedoms have been violated,
- c) the specification of the fundamental rights and freedoms which the complainant claims have been violated,
- d) the specific factual and legal reasons for which the complainant claims violation of his/her fundamental rights and freedoms.

(2) If the complainant is seeking just satisfaction, he/she shall specify the requested amount and the reasons for seeking it in his/her constitutional complaint.

(3) The complainant is obliged to attach to his/her constitutional complaint a copy of the final decision or measure or evidence of other intervention which he/she claims has violated his/her fundamental rights and freedoms.

### **§ 124**

#### **Time limit for filing constitutional complaints**

A constitutional complaint may be filed within two months from the day on which the decision became final, the communication of the measure or the notification on other intervention. With regard to measures and other interventions, this time limit shall run from the day on which the complainant could have gained knowledge of the measure or the other intervention. If the decision becomes final by being announced or communicated and if at the same time pursuant to separate regulations a written copy thereof is to be delivered, the time limit shall run from the day of the delivery of that written copy to the complainant; if the decision is to be delivered to his/her legal representative, the time limit shall run from the day of the delivery of that written copy to the legal representative. If an extraordinary legal remedy has been filed in the case, the time limit for filing the constitutional complaint against

the decision challenged by the extraordinary legal remedy shall run from the day of the delivery of the decision on the extraordinary remedy.

### **Parties to proceedings and intervening persons**

#### **§ 125**

The parties to proceedings shall be the complainant and the public authority against which the constitutional complaint is directed.

#### **§ 126**

If the Constitutional Court admits a constitutional complaint for further proceedings after preliminary deliberation (§ 56 par. 5), it shall notify thereof any intervening persons. The intervening persons have the right to express their opinion on the constitutional complaint within the time limit fixed by the Constitutional Court.

#### **§ 127**

##### **Withdrawal of the constitutional complaint**

If the complainant withdraws his/her constitutional complaint, the Constitutional Court shall stay the proceedings on it with a ruling.

#### **§ 128**

The filing of a constitutional complaint does not have suspensive effect.

### **Suspension of enforceability and interim measures**

#### **§ 129**

The Constitutional Court may on the complainant's motion suspend the enforceability of the challenged final decision, measure or other intervention if the legal consequences of the challenged final decision, measure or intervention pose a threat of serious harm and the suspension of enforceability is not against the public interest.

#### **§ 130**

The Constitutional Court may on the complainant's motion issue an interim measure if this is not contrary to the public interest and if the enforcement of the challenged decision, measure or other intervention would entail greater harm than any harm which might be caused to other persons; it shall mainly order the public authority which, according to the complainant's claim, has violated the latter's fundamental rights and freedoms to temporarily abstain from enforcing the final decision, measure or other intervention and it shall order any third persons to temporarily abstain from exercising the rights granted to them by the final decision, measure or other intervention.

#### **§ 131**

**(1)** The suspension of enforceability and interim measures shall cease at the latest when the decision of the Constitutional Court on the merits becomes final, unless the Constitutional Court decides on their earlier annulment.

**(2)** The Constitutional Court may annul the suspension of enforceability and interim measures even without any motion if it transpires during the proceedings that the reasons for which they were ordered have ceased to exist or never existed.

## **Decision-making**

### **§ 132**

**(1)** If a different court has the power to decide on the protection of fundamental rights and freedoms of the complainant in the given case, the Constitutional Court shall pass a ruling and decide in it not to admit the constitutional complaint on the grounds that it lacks jurisdiction to examine it.

**(2)** A constitutional complaint shall be inadmissible if the complainant has failed to exhaust the legal remedies made available by law for the protection of his/her fundamental rights and freedoms.

**(3)** The Constitutional Court shall not refuse the admission of a constitutional complaint on the grounds of its inadmissibility if the complainant proves that reasons worthy of special consideration exist as to why he/she has failed to exhaust the legal remedies made available by law for the protection of his/her fundamental rights and freedoms.

### **§ 133**

**(1)** If the Constitutional Court upholds the constitutional complaint, it shall state in its finding which fundamental rights and freedoms have been violated and which provisions of the Constitution, constitutional law or international treaty have been violated and by which final decision, measure or other intervention.

**(2)** The Constitutional Court shall annul the decision or measure which led to the violation of the complainant's fundamental rights and freedoms. The Constitutional Court shall also annul the intervention which led to the violation of the complainant's fundamental rights and freedoms, provided that the nature of the intervention so allows.

**(3)** If the Constitutional Court upholds the constitutional complaint, it may:

**a)** order that the case be acted upon by the entity which has violated the complainant's fundamental rights and freedoms by their inactivity,

**b)** remit the case for further proceedings,

**c)** forbid further violation of the complainant's fundamental rights and freedoms,

**d)** order the entity which has violated the complainant's fundamental rights and freedoms to restore the conditions which existed before the violation,

**e)** award the complainant just financial satisfaction, if he/she has so requested.

### **§ 134**

**(1)** If the Constitutional Court annuls a final decision, measure or other intervention and remits the case for further proceedings, the entity which issued the decision, decided on the

measure or carried out the intervention is under obligation to re-examine the case and decide anew. They shall be bound by the legal opinion of the Constitutional Court in these proceedings or procedure.

(2) The entity which issued the decision, decided on the measure or carried out the intervention shall be bound by the legal opinion of the Constitutional Court according to § 133 par. 3 lit. a) to d); this decision of the Constitutional Court shall be enforceable from the moment of its being served.

## **§ 135**

### **Just financial satisfaction**

(1) If the Constitutional Court awards the complainant just financial satisfaction, the public authority which violated the complainant's fundamental rights and freedoms shall be obliged to pay the just financial satisfaction awarded to the complainant within two months from when the decision of the Constitutional Court becomes final.

(2) If the entity which was ordered to pay to the complainant just financial satisfaction fails to pay the just financial satisfaction awarded to the complainant in the time limit specified in the first paragraph, the just financial satisfaction awarded by the Constitutional Court shall increase by 5 % for every year or part of a year of delay, until its payment.

## **CHAPTER SEVEN**

### **PROCEEDINGS ON COMPLAINTS OF LOCAL SELF-GOVERNMENT BODIES**

## **§ 136**

### **Locus standi to file a complaint in local self-government matters**

(1) A complaint against unconstitutional or unlawful decisions or other unconstitutional or unlawful interference in local self-government matters under Art. 127a of the Constitution (hereinafter "complaint regarding local self-government matters") may be filed by a local self-government body which claims that there has been interference in local self-government matters.

(2) For the purposes of this law, local self-government matters shall mean mainly the powers and authority of the municipality and self-governing region, as well as the principles of self-government.

## **§ 137**

### **Complaint in local self-government matters**

(1) A complaint in local self-government matters shall contain in addition to the general requirements specified in § 43:

a) the specification of the local self-government matter in which there has been interference in the opinion of the local self-government body which has filed the complaint in local self-government matters,

b) the specification of the entity which, according to the opinion of the local self-government body which filed the complaint in local self-government matters, interfered with local self-government matters,

c) the specification of the final decision or other interference which, according to the opinion of the local self-government body which filed the complaint in local self-government matters, interfered with local self-government matters.

(2) The public authority which has filed a complaint in self-government matters shall attach to the complaint a copy of the final decision or evidence of other intervention which allegedly interfered with the matter of self-government.

## **§ 138**

### **Time limit for filing a complaint in local self-government matters**

A complaint in local self-government matters may be filed within two months from the contested decision becoming final or from the notification of other interference with local self-government matters. This time limit shall run from the day on which the local self-government body could have learned about this interference. If an extraordinary remedy has been filed, the time limit for filing a complaint in local self-government matters against the decision challenged by the extraordinary remedy shall run from the delivery of the decision on the extraordinary remedy.

### **Parties to proceedings and intervening persons**

## **§ 139**

The parties to proceedings shall be the complainant and the public authority against which the complaint in local self-government matters has been filed.

## **§ 140**

If the Constitutional Court admits a complaint in local self-government matters for further proceedings after preliminary deliberation (§ 56 par. 5) and the nature of the case demands it, it may notify of the complaint persons who are or were a party in the proceedings before a public authority in which the final decision has been passed or other unconstitutional or unlawful intervention carried out which was supposed to interfere with local self-government, provided that this person's status might be directly affected. These persons have the right to express their opinion on the complaint within time limit fixed by the Constitutional Court.

## **§ 141**

### **Withdrawal of a complaint in local self-government matters**

If the local self-government body withdraws its complaint in local self-government matters, the Constitutional Court shall stay the proceedings in a ruling.

### **Decision-making**

## **§ 142**

(1) If a different court is competent to decide on the protection against the contested decision or the other interference with local self-government matters, the Constitutional Court shall pass a ruling and decide in it not to admit the complaint in matters of local self-government on the grounds that it lacks jurisdiction to examine it.

(2) The complaint in local self-government matters shall be inadmissible if the local self-government body which filed the complaint has failed to exhaust the legal remedies provided by the law as protection against the contested decision or the other interference with local self-government matters.

(3) The Constitutional Court shall not refuse to admit the complaint in local self-government matters as inadmissible if the local self-government body which filed the complaint in local self-government matters proves that reasons worthy of special consideration exist as to why he/she has failed to exhaust the legal remedies made available by law for the protection against the contested decision or other interference in local self-government matters.

### **§ 143**

(1) If the Constitutional Court accommodates the complaint in local self-government matters, it shall state in its finding where the interference in local self-government matters lies and which provisions of the Constitution, constitutional law or international treaty have been violated and by which final decision or intervention.

(2) If the interference in local self-government matters was committed by a decision, the Constitutional Court shall annul that decision. If need be, the Constitutional Court may decide to remit the case for further proceedings.

(3) If the Constitutional Court annuls the final decision and remits the case for further proceedings, the entity which issued that decision shall be obliged to re-examine the case and decide it anew. It shall be bound by the Constitutional Court's legal opinion in these proceedings.

(4) If there has been some other interference in local self-government matters, the Constitutional Court shall order that all violations of the Constitution, constitutional law or law be discontinued and, if possible, that conditions before the violation be restored. The public authority on which this obligation is imposed shall be bound by the decision of the Constitutional Court.

### **§ 144**

The provisions of § 128 to 131 shall apply appropriately to proceedings on complaints of local self-government bodies.

## **CHAPTER EIGHT PROCEEDINGS ON INTERPRETATION OF THE CONSTITUTION AND CONSTITUTIONAL LAWS**

### **§ 145**

The Constitutional Court shall only issue interpretations of the Constitution and constitutional laws if the matter is disputed.

#### **§ 146**

##### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings under Art. 128 of the Constitution on interpretation of the Constitution or constitutional law may be filed by:

- a) at least one fifth of members of the National Council,
- b) the President of the Republic
- c) the Government,
- d) a court in connection with a case under its examination,
- e) the Prosecutor General.

#### **§ 147**

##### **Motion for commencement of proceedings**

A motion for commencement of proceedings shall contain in addition to the general requirements specified in § 43 the specification of:

- a) which part or provision of the Constitution or which constitutional law and which of its parts and provisions the Constitutional Court is to interpret,
- b) for what reasons the matter is disputed,
- c) which public authority in the opinion of the petitioner interprets the Constitution or the constitutional law incorrectly.

#### **§ 148**

##### **Parties to proceedings**

The parties to proceedings shall be in addition to the petitioner any other public authority which according to the petitioner's claim interprets the Constitution or constitutional law incorrectly.

#### **§ 149**

##### **Withdrawal of the motion for commencement of proceedings**

The petitioner may withdraw the motion for commencement of proceedings on interpretation of the Constitution or constitutional laws only with the Constitutional Court's consent. If the petitioner withdraws the motion for commencement of proceedings and the Constitutional Court accepts it, it shall stay the proceedings in a ruling.

#### **§ 150**

##### **Promulgation of the finding**

(1) The operative part, reasoning and instruction on the legal effects of the finding of the Constitutional Court in proceedings on interpretation of the Constitution or constitutional laws shall be promulgated in the Collection of Laws together with any separate opinions. The Plenum of the Constitutional Court shall decide which part of the reasoning of the finding,

from which the legal opinion of the Constitutional Court and the reasons leading to it must be clear, shall be promulgated in the Collection of Laws.

(2) The finding of the Constitutional Court becomes final and generally binding from the day of its promulgation in the Collection of Laws.

## **CHAPTER NINE**

### **PROCEEDINGS ON COMPLAINTS AGAINST DECISIONS VERIFYING THE MANDATE OF A MEMBER OF THE NATIONAL COUNCIL**

#### **§ 151**

##### **Locus standi to file a complaint**

A complaint under Art. 129 par. 1 of the Constitution may be filed by a member of the National Council who challenges the verification of the mandate of another member and by any person who claims that his/her National Council member mandate should be verified.

#### **§ 152**

##### **Complaint**

A complaint under Art. 129 par. 1 of the Constitution must contain the general requirements specified for motions on commencement of proceedings in § 43. The resolution of the National Council on the verification of mandate shall be annexed to the complaint under Art. 129 par. 1 of the Constitution.

#### **§ 153**

##### **Time limit for filing a complaint**

A complaint under Art. 129 par. 1 of the Constitution may be filed within ten days from the passing of a resolution of the National Council on the verification of mandate of member of the National Council.

#### **§ 154**

##### **Parties to proceedings**

The parties to proceedings shall be the complainant and the National Council. If another member's mandate is contested in the complaint under Art. 129 par. 1 of the Constitution, the affected member of the National Council shall also be a party to the proceedings.

#### **§ 155**

##### **Decision**

The Constitutional Court shall reject the complaint under Art. 129 par. 1 of the Constitution if the National Council's resolution is factually correct, otherwise it shall annul the resolution and remit the case to the National Council for further proceedings. The National Council shall be bound by the Constitutional Court's legal opinion in these proceedings.



## CHAPTER TEN PROCEEDINGS ON ELECTORAL MATTERS

### § 156

The purpose of the proceedings on electoral matters is to remedy the unconstitutionality or unlawfulness of any contested election and thus to ensure free competition of political forces.

### § 157

#### **Locus standi to file motion for commencement of proceedings**

(1) A motion for commencement of proceedings under Art. 129 par. 2 of the Constitution on the constitutionality and lawfulness of presidential elections may be filed by:

- a) a presidential candidate who was not elected but gained at least 5 % of the valid votes,
- b) a group of at least 15 members of the National Council who had submitted a valid proposal of a candidate for the office of the President of the Republic,
- c) the Prosecutor General,
- d) a petition committee representing a group of citizens who had submitted a valid proposal of a candidate for the office of the President of the Republic.

(2) A motion for commencement of proceedings under Art. 129 par. 2 of the Constitution on the constitutionality and lawfulness of elections to the National Council and the European Parliament may be filed by a political party or political movement or their coalition who had submitted a valid list of candidates in accordance with separate regulation.

(3) A motion for commencement of proceedings under Art. 129 par. 2 of the Constitution on the constitutionality and lawfulness of elections to territorial self-government bodies may be filed by:

- a) a candidate for office in a territorial self-government body who was not elected but gained at least 10 % of the valid votes,
- b) a political party or political movement or their coalition who had submitted a valid list of candidates in accordance with separate regulation,
- c) 10 % of the enfranchised voters of the respective electoral constituency.

### § 158

#### **Motion for commencement of proceedings**

A motion for commencement of proceedings on electoral matters must contain in addition to the general requirements specified in § 43:

- a) a statement by the petitioner as to whether he/she challenges the elections within the whole territory of the Slovak Republic or just in a particular constituency; the candidate specified in § 157 par. 3 lit. a) may solely challenge the election within the constituency in which he/she was a candidate,
- b) details and evidence proving that he/she is the petitioner entitled under § 157, except for the Prosecutor General,

- c) a statement by the petitioner as to whether he/she challenges the unconstitutionality or unlawfulness of the election or both, along with specification of the legal regulations and their provisions which in his/her opinion have been violated,
- d) the reasons for which he/she challenges the unconstitutionality or unlawfulness of the election, along with specification of evidence,
- e) proposal for a decision by the Constitutional Court based on § 163 par. 1 lit. a), b) or c).

## **§ 159**

### **Time limit for filing a motion for commencement of proceedings**

A motion for commencement of proceedings on electoral matters must be filed within ten days from the announcement of the election results.

## **§ 160**

### **Parties to proceedings**

(1) The parties to proceedings shall be the petitioner and in proceedings concerning the constitutionality or lawfulness of elections

a) of the President of the Republic, also the candidate who was elected in the challenged election,

b) to the National Council or the European Parliament, also the political parties or political movements or their coalition which in the challenged election gained representation in the National Council or European Parliament,

c) to territorial self-government bodies,

1. also the political parties or political movements or their coalition which in the challenged election gained representation in in the municipal council, the city ward council, the city or town council, or the council of the self-governing region and the elected candidates without political affiliation, if the proceedings concern elections to a municipal council, city ward council, city or town council or council of a self-governing region,

2. also the mayor of the municipality, city ward, city or town, or the president of the self-governing region elected in the challenged election, if the proceedings concern elections of the mayor of a municipality, city ward, city or town, or the president of a self-governing region.

(2) The petitioner and the parties specified in par. 1 lit. c) shall be parties to proceedings if the proceedings concern elections

a) to a municipal council, city ward council, city or town council, as well as of the mayor of a municipality or city or town,

b) to the council of a self-governing region as well as of the president of the self-governing region.

## **§ 161**

### **Evidence taking**

(1) The Constitutional Court shall request all the electoral documentation if necessary and take all the necessary actions to achieve the purpose of the proceedings. If the Constitutional

Court opens sealed electoral documentation, it shall allow the parties to proceedings and the chairperson of the respective electoral committee to be present at the opening.

(2) The record from the opening of the sealed electoral documentation shall be made and signed by all persons present, which must include the judge-rapporteur.

(3) The Constitutional Court shall reseal the electoral documentation after performing all the necessary tasks.

(4) The judge-rapporteur may interview witnesses. The parties to proceedings, their representatives and authorised employees of the Chancellery of the Constitutional Court may be present during the interview.

## **Decision**

### **§ 162**

The Constitutional Court shall decide on the motion for commencement of proceedings under Art. 129 par. 2 of the Constitution on the constitutionality and lawfulness of elections within 90 days from the delivery of the motion.

### **§ 163**

(1) The Constitutional Court may

a) declare the election invalid,

b) annul the challenged electoral result,

c) annul the decision of the electoral committee and declare elected the person who genuinely has been elected,

d) reject the motion for commencement of proceedings.

(2) The finding of the Constitutional Court according to par. 1 shall be delivered to the parties to proceedings, National Council, Ministry of the Interior of the Slovak Republic (hereinafter “the Ministry of the Interior”); in the case of elections to the European Parliament, it shall also be delivered to the European Parliament; in the case of elections to territorial self-government bodies, it shall also be delivered to the respective territorial self-government body.

(3) The finding of the Constitutional Court according to par. 1 shall become final and enforceable upon delivery to the National Council.

(4) The finding of the Constitutional Court according to par. 1 shall be binding for all public authorities and persons which it concerns. The public authorities concerned are under obligation to immediately ensure its enforcement.

## **CHAPTER ELEVEN**

### **PROCEEDINGS ON COMPLAINTS AGAINST THE RESULT OF A REFERENDUM**

### **§ 164**

#### **Locus standi to file a complaint**

A complaint against the result of a referendum under Art. 129 par. 3 of the Constitution may be filed by:

a) at least one fifth of members of the National Council,

- b) the President of the Republic,
- c) the Government,
- d) the Prosecutor General,
- e) the petition committee representing at least 350 000 citizens upon whose petition the President of the Republic had called the referendum.

## **§ 165**

### **Time limit for filing a complaint**

A complaint against the result of a referendum may be filed within ten days from the announcement of the results of the referendum.

## **§ 166**

### **Evidence taking**

(1) The Constitutional Court shall request any documents on the voting, if need be, and it shall take all the necessary actions for the examination of constitutionality and legality of the referendum process. If the Constitutional Court opens a sealed documentation on the voting, it shall allow the petitioner and the chairperson of the respective petition committee to be present at the opening.

(2) Record from the opening of the sealed documentation shall be made and signed by all persons present, which must include the judge-rapporteur.

(3) The Constitutional Court shall reseal the documentation after performing all the necessary tasks.

### **Decision-making**

## **§ 167**

(1) The Constitutional Court shall decide on the complaint against the result of the referendum under Art. 129 par. 3 of the Constitution within 60 days from the delivery of the complaint.

(2) If the Constitutional Court finds that the violation of the Constitution or law might have affected the result of the referendum, it shall declare the referendum invalid.

(3) If the Constitutional Court finds that the genuine result of the referendum was a different one, it shall annul the record of the State Committee for Elections and Review of Political Parties' Funding on the result of the referendum and announce the revised result of the referendum.

(4) If the Constitutional Court does not find any circumstances described in paragraphs 2 or 3, it shall reject the complaint.

## **§ 168**

(1) The Constitutional Court's finding shall be delivered to the petitioner.

(2) The operative part, reasoning and instruction on the legal effects of the finding of the Constitutional Court in proceedings on complaints against the result of referendum shall be promulgated in the Collection of Laws and via the Press Agency of the Slovak Republic

(hereinafter “the Press Agency”) together with any separate opinions. The Plenum of the Constitutional Court shall decide which part of the reasoning of the finding, from which the legal opinion of the Constitutional Court and the reasons leading to it must be clear, shall be promulgated in the Collection of Laws.

(3) The finding of the Constitutional Court shall be final from the day of its promulgation in the Collection of Laws.

## **CHAPTER TWELVE**

### **PROCEEDINGS ON COMPLAINTS AGAINST THE RESULT OF PUBLIC VOTING**

#### **§ 169**

##### **Locus standi for filing a complaint**

A complaint against the result of public voting may be filed by:

- a) the President of the Republic concerned by the public voting on his/her recall,
- b) at least one fifth of members of the National Council.

#### **§ 170**

##### **Time limit for filing a complaint**

A complaint against the result of public voting may be filed within ten days from the announcement of that result.

#### **§ 171**

##### **Parties to proceedings**

The parties to proceedings shall be the petitioner, the President of the Republic concerned by the public voting on his/her recall, unless he/she is the complainant, and the National Council.

#### **§ 172**

##### **Evidence taking**

(1) The Constitutional Court shall request any documents on the public voting, if need be, and it shall take all the necessary actions for the examination of constitutionality and legality of the voting process. If the Constitutional Court opens a sealed documentation on the voting, it shall allow the parties and the chairperson of the respective electoral committee to be present at the opening.

(2) The record from the opening of the sealed documentation shall be made and signed by all persons present, which must include the judge-rapporteur.

(3) The Constitutional Court shall reseal the documentation after performing all the necessary tasks.

##### **Decision**

#### **§ 173**

The Constitutional Court shall decide on the complaint against the result of the public voting within 30 days from its delivery.

#### **§ 174**

(1) If the Constitutional Court finds that the violation of the Constitution or law might have affected the result of the public voting, it shall declare that voting invalid.

(2) If the Constitutional Court finds that the genuine result of the public voting was a different one, it shall annul the record of the central voting committee and announce the genuine result of the voting.

(3) If the Constitutional Court does not find any circumstances described in paragraphs 2 or 3, it shall reject the complaint.

#### **§ 175**

(1) The Constitutional Court's finding shall be delivered to the parties.

(2) The operative part, reasoning and instruction on the legal effects of the finding of the Constitutional Court in proceedings on complaints against the result of referendum shall be promulgated in the Collection of Laws and via the Press Agency together with any separate opinions. The Plenum of the Constitutional Court shall decide which part of the reasoning of the finding, from which the legal opinion of the Constitutional Court and the reasons leading to it must be clear, shall be promulgated in the Collection of Laws.

(3) The Constitutional Court's finding shall become final from the day of its promulgation in the Collection of Laws.

### **CHAPTER THIRTEEN**

#### **PROCEEDINGS ON VACANCY IN THE OFFICE OF THE PRESIDENT OF THE REPUBLIC**

#### **§ 176**

##### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings under Art. 105 par. 2 of the Constitution on vacancy in the office of the President of the Republic may be filed by:

- a) at least one fifth of members of the National Council,
- b) the Government,
- c) the Prosecutor General.

#### **§ 177**

##### **Parties to proceedings**

The parties to proceedings shall be the petitioner and the President of the Republic.

#### **§ 178**

##### **Evidence taking**

The Constitutional Court may request any documents it considers necessary for the decision on whether the President of the Republic has ceased to be able to carry out his/her office. The Constitutional Court shall have the right to access the medical records of the President of the Republic whose vacancy is sought by the motion.

## **§ 179**

### **Decision**

(1) The operative part, reasoning and instruction on the legal effects of the finding of the Constitutional Court in proceedings on vacancy in the office of the President of the Republic shall be promulgated in the Collection of Laws and via the Press Agency together with any separate opinions. The Plenum of the Constitutional Court shall decide which part of the reasoning of the finding, from which the legal opinion of the Constitutional Court and the reasons leading to it must be clear, shall be promulgated in the Collection of Laws.

(2) The Constitutional Court's finding shall become final from the day of its promulgation in the Collection of Laws.

(3) If the Constitutional Court decides that the office of the President of the Republic becomes vacant, his/her term of office shall end on the day of the promulgation of the finding in the Collection of Laws.

## **CHAPTER FOURTEEN**

### **PROCEEDINGS ON REVIEW OF DECISION DISSOLVING OR SUSPENDING A POLITICAL PARTY OR POLITICAL MOVEMENT**

## **§ 180**

### **Locus standi to file a motion for commencement of proceedings**

A motion for review of decision on dissolution or suspension of a political party or political movement under Art. 129 par. 4 of the Constitution may be filed by the dissolved or suspended political party and by the Prosecutor General.

## **§ 181**

### **Motion for commencement of proceedings**

A motion for commencement of proceedings has suspensive effect; the Constitutional Court shall immediately inform the Ministry of Interior of delivery of any such motion.

## **§ 182**

### **Parties to proceedings**

The parties to proceedings shall be the public authority which decided on the dissolution or suspension of the political party or political movement in the last instance, the dissolved or suspended political party or political movement, and the Prosecutor General.

## **§ 183**

### **Decision-making**

The provisions of Part Five Chapter Six of this law shall apply accordingly to proceedings on the dissolution or suspension of a political party or political movement.

## **§ 184**

### **Delivery**

The decision of the Constitutional Court shall be delivered to the parties and the Ministry of Interior.

## **CHAPTER FIFTEEN**

### **PROCEEDINGS ON IMPEACHMENT OF THE PRESIDENT OF THE REPUBLIC**

#### **§ 185**

##### **Locus standi to file an impeachment**

An impeachment against the President of the Republic for wilful violation of the Constitution or high treason under Art. 129 par. 5 of the Constitution may be filed by the National Council.

#### **§ 186**

##### **Parties to proceedings**

The parties to proceedings under Art. 129 par. 5 of the Constitution shall be the National Council and the President of the Republic.

##### **Decision-making**

#### **§ 187**

##### **Application of provisions of separate regulations**

(1) When deciding on the National Council's impeachment filed against the President of the Republic for high treason, the Constitutional Court is bound by the Criminal Code only insofar as regards the assessment of whether the constitutive elements of the crime of high treason as defined in § 311 of the Criminal Code have been fulfilled.

(2) The provisions of the Criminal Code shall apply accordingly to proceedings on impeachment of the President of the Republic.

#### **§ 188**

If the Constitutional Court's judgment contains conviction, this leads according to Art. 107 of the Constitution to the loss of the office of President of the Republic as well as the loss of eligibility for this office.

## **CHAPTER SIXTEEN**

### **PROCEEDINGS ON THE CONFORMITY OF DECISIONS DECLARING STATE OF EMERGENCY OR STATE OF ALARM**

#### **§ 189**

##### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings under Art. 129 par. 6 of the Constitution on the conformity of decisions declaring state of emergency or state of alarm and of other decisions referring to them with the Constitution and constitutional laws may be filed by:

- a)** at least one fifth of members of the National Council,
- b)** the President of the Republic,



- c) the Government,
- d) the Prosecutor General.

### **§ 190**

A motion for commencement of proceedings under Art. 129 par. 6 of the Constitution on the conformity of decisions declaring state of emergency or state of alarm and of other decisions referring to them with the Constitution and constitutional laws may be directed against:

- a) a decision declaring state of emergency,
- b) a decision prolonging state of emergency,
- c) a decision declaring state of alarm,
- d) decisions referring to decisions specified in letters a), b) and c).

### **Motion for commencement of proceedings**

### **§ 191**

The motion for commencement of proceedings must be directed against the public authority which issued the contested decision.

### **§ 192**

(1) The motion for commencement of proceedings must contain in addition to the general requirements specified in § 43:

- a) the specification of the contested decision,
- b) the reasons for which the petitioner considers the contested decision to be contrary to the Constitution or a constitutional law.

(2) The petitioner shall, if possible, annex an original copy of the contested decision or specify how and when they learned about the decision.

### **§ 193**

#### **Time limit for filing a motion for commencement of proceedings**

A motion for commencement of proceedings shall be filed within five days from

- a) the declaration of state of emergency or state of alarm, if a decision declaring state of emergency or state of alarm is being contested,
- b) the prolongation of state of emergency, if a decision prolonging state of emergency is being contested,
- c) the declaration or communication of a contested decision which refers to the decision declaring state of emergency or state of alarm,
- d) the declaration or communication of a contested decision which refers to the decision prolonging state of emergency or state of alarm.

### **§ 194**

#### **Parties to proceedings**

The parties to proceedings shall be the petitioner and the public authority which issued the contested decision. If the petitioner is not the Government, the latter shall have the status of intervening person.

## **Decision**

### **§ 195**

The Constitutional Court shall decide within ten days from the delivery of the motion for commencement of proceedings.

### **§ 196**

(1) If the Constitutional Court concludes that the contested decision is in line with the Constitution or the constitutional law, it shall declare the decision's conformity in its finding.

(2) If the Constitutional Court concludes that the contested decision is not in line with the Constitution or the constitutional law, it shall declare this non-conformity in its finding, in which it shall specify the provisions of the Constitution or the constitutional law which the contested decision violates and annul the contested decision.

### **§ 197**

(1) The decision shall be delivered to the parties and to the Speaker of the National Council.

(2) The operative part and information on any annexed separate opinions shall be announced via the Press Agency.

## **CHAPTER SEVENTEEN PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL COUNCIL RESOLUTIONS**

### **§ 198**

#### **Locus standi to file a complaint**

A complaint under Art. 129 par. 7 of the Constitution against a decision of the Judicial Council under Art. 154d par. 2 of the Constitution may be filed:

**a)** a judge who according to the Judicial Council's resolution does not meet the requirements of judicial fitness which ensure that he/she will function properly as a judge (hereinafter "judicial fitness requirements"),

**b)** the Ministers of Justice of the Slovak Republic, if the Judicial Council decided that the judge meets the judicial fitness requirements despite the fact that materials supplied by the National Security Office did not justify such conclusion.

### **§ 199**

#### **Complaint**

A complaint against a resolution of the Judicial Council must contain in addition to the general requirements specified in § 43 the specification of the contested Judicial Council resolution.

## **§ 200**

The filing of a complaint against a resolution of the Judicial Council under § 198 lit. a) has suspensive effect.

## **§ 201**

### **Time limit for filing the complaint**

A complaint against a resolution of the Judicial Council may be filed by the complainant within 30 days from the delivery of the contested resolution of the Judicial Council.

## **§ 202**

### **Parties to proceedings**

The parties to proceedings shall be the judge affected by the contested resolution of the Judicial Council and the Judicial Council; the Minister of Justice of the Slovak Republic shall be a party to the proceedings if they have been initiated on his/her motion.

## **§ 203**

### **Withdrawal of the complaint**

If the complainant withdraws the complaint, the Constitutional Court shall stay the proceedings on it. The Constitutional Court shall immediately send a notification of the withdrawal to the remaining parties.

## **§ 204**

### **Requesting opinions**

(1) Before deciding on the merits, the President of the Constitutional Court shall request the opinion of the Judicial Council, to which the latter is obliged to annex the materials of the National Security Office, the contested resolution of the Judicial Council, the record from the voting at the Judicial Council and the audio recording of the session of the Judicial Council.

(2) The President of the Constitutional Court shall also request the opinion of the Head of the National Security Office.

(3) The Constitutional Court shall allow the parties to proceedings to express their opinion on the findings which follow from the materials specified in the first paragraph in such way so that there is not interference in the rights of any third parties and that the information source is not compromised. If the Constitutional Court so requests, the National Security Office shall be obliged to allow the Constitutional Court to inspect any documents which served as background papers for the materials submitted for deciding on the requirements of judicial fitness.

## **§ 205**

### **Decision**

If the Constitutional Court accommodates the complaint, it shall annul the resolution of the Judicial Council and remit the case to the Judicial Council for further proceedings, otherwise it shall reject the complaint and uphold the resolution of the Judicial Council. If the

Constitutional Court remits the case to the Judicial Council for further proceedings, the latter shall be bound by the legal opinion of the Constitutional Court.

## **CHAPTER EIGHTEEN PROCEEDINGS ON THE CONFORMITY OF NATIONAL COUNCIL RESOLUTIONS ANNULLING AMNESTIES AND INDIVIDUAL PARDONS**

### **§ 206**

The Constitutional Court shall commence proceedings under Art. 129a of the Constitution without any motion; the proceedings shall commence on the day of the promulgation of the National Council resolution adopted under Art. 86 lit. i) in the Collection of Laws.

### **Parties to proceedings and intervening persons**

### **§ 207**

The sole party to proceeding shall be the National Council.

### **§ 208**

(1) The Government, represented by the Ministry of Justice, shall have the status of an intervening person, if the proceedings concern a resolution annulling an amnesty.

(2) The President of the Republic shall have the status of an intervening person, if the proceedings concern a resolution annulling an individual pardon.

### **§ 209**

#### **Requesting opinions**

Before deciding on the merits, the President of the Constitutional Court shall request:

- a) the opinion of the National Council and record from the debate which took place at its session dedicated to the resolution adopted by the National Council under Art. 86 lit. i) of the Constitution,
- b) the opinion of the President of the Republic, and
- c) the opinion of the Government; the Ministry of Justice shall submit the opinion on behalf of the Government.

### **Decision**

### **§ 210**

The Plenum of the Constitutional Court shall decide on the merits in a finding. The finding shall be delivered to the National Council, and to the Government, if it concerned an amnesty, or to the President of the Republic, if it concerns an individual pardon. The President of the Constitutional Court may decide that the finding shall also be delivered to other persons.

### **§ 211**

The Constitutional Court shall decide on the conformity of the National Council resolution annulling an amnesty or an individual pardon or their part within 60 days from the commencement of proceedings; if the Constitutional Court fails to pass a decision within this time limit or if it fails to decide by a majority of all Constitutional Court judges, the proceedings shall be stayed.

#### **§ 212**

The decision of the Constitutional Court which stays the proceedings or dismisses the case (§ 8 par. 5) entails the preclusion of *res iudicata*, which precludes any further review of the National Council resolution annulling an amnesty or an individual pardon by the Constitutional Court.

#### **§ 213**

The provisions contained in § 74 to 93 shall apply accordingly to the proceedings on the conformity of National Council resolutions adopted under Art. 86 lit. i) of the Constitution.

### **CHAPTER NINETEEN**

#### **REOPENING OF PROCEEDINGS BEFORE THE CONSTITUTIONAL COURT**

#### **§ 214**

Final decisions of the Constitutional Court may be challenged subject to conditions specified in this law by way of a motion for reopening of proceedings before the Constitutional Court if there is a decision of a body of an international organisation which obliges the Slovak Republic to re-examine in the proceedings before the Constitutional Court an already issued decision of the Constitutional Court. The provision contained in § 55 lit. c) shall not apply in this case.

#### **§ 215**

##### **Locus standi to file a motion for reopening of proceedings**

A motion for reopening of proceedings before the Constitutional Court may be filed by those who were a party to proceedings before the Constitutional Court in a case specified in § 214 and the body of an international organisation decided in their favour.

#### **§ 216**

##### **Motion for reopening of proceedings**

A motion for reopening of proceedings before the Constitutional Court under Art. 133 of the Constitution must contain in addition to the general requirements specified for motions for commencement of proceedings in § 43 the specification of:

- a) the decision of the Constitutional Court which is being challenged,
- b) the decision of the body of international organisation, on which it is based.

#### **§ 217**

##### **Time limit for filing a motion for reopening of proceedings**

A motion for reopening of proceedings before the Constitutional Court may be filed within six months from the day on which the decision of the body of international organisation became final or from when the motion for reopening of proceedings could have been filed.

## **§ 218**

### **Parties to proceedings**

The parties to proceedings on the motion for reopening of proceedings shall be the petitioner and further parties of the proceedings the reopening of which is sought.

### **Decision-making**

## **§ 219**

(1) The decision on the motion for reopening of proceedings challenging a decision of the Plenum of the Constitutional Court shall be passed by the Plenum of the Constitutional Court.

(2) The decision on the motion for reopening of proceedings challenging a decision of a Senate of the Constitutional Court shall be passed by another Senate of the Constitutional Court.

## **§ 220**

(1) If the Constitutional Court finds that no obligation to re-examine the contested decision of the Constitutional Court follows from the decision of the body of international organisation, it shall pass a ruling not admitting the motion for reopening of proceedings due to its being manifestly unfounded.

(2) If the Constitutional Court finds that the decision of the body of international organisation entails the obligation to re-examine the contested decision of the Constitutional Court, it shall pass a finding allowing the reopening of proceedings and annulling the contested decision of the Constitutional Court. The Constitutional Court may also annul other decisions of the Constitutional Court issued in the original proceedings if this follows from the legal opinion expressed in the decision of the body of international organisation and is necessary for achieving the purpose of the reopening of the proceedings.

(3) If the Constitutional Court on the basis of the motion for reopening of proceedings allows the proceedings to be reopened, it shall re-examine the original motion for commencement of proceedings in accordance with the provisions of this law, applying at the same time the legal opinion expressed in the decision of the body of international organisation.

## **CHAPTER TWENTY**

### **THE POWERS OF THE CONSTITUTIONAL COURT IN DISCIPLINARY MATTERS AND MATTERS RELATED TO IMMUNITIES**

#### **Title One**

#### **Disciplinary matters**

## **§ 221**

### **Locus standi to file a motion for commencement of disciplinary proceedings**

A motion for commencement of disciplinary proceedings under Art. 136 par. 3 of the Constitution against the President of the Supreme Court, the Vice-President of the Supreme Court or the Prosecutor General may be filed by:

- a) at least three fifths of members of the National Council,
- b) the President of the Republic.

### **§ 222**

#### **Time limit for filing a motion for commencement of disciplinary proceedings**

A motion for commencement of disciplinary proceedings may be filed within six months from the day on which the petitioner gained knowledge of facts which in his/her opinion suggest that the person against whom the motion for commencement of disciplinary proceedings has been filed has committed a disciplinary offence, and no later than within two years from the conduct of the person against whom the motion for commencement of disciplinary proceedings has been filed which led the petitioner to file the motion on commencement of disciplinary proceedings.

### **Decision-making**

### **§ 223**

#### **Application of provisions of separate regulations**

(1) The provisions of the separate regulation on disciplinary liability of judges which regulates the scope of disciplinary liability of judges, disciplinary offences, disciplinary measures, extinction of the disciplinary responsibility of judges, suspension of disciplinary proceedings and decisions of disciplinary boards shall apply accordingly to the disciplinary liability of the President of the Supreme Court and the Vice-President of the Supreme Court.

(2) The provisions of the separate regulation on disciplinary liability of prosecutors which regulates the scope of disciplinary liability, disciplinary offences, disciplinary measures and the way of imposing them, inadmissibility of disciplinary proceedings, deciding without oral hearing, suspension of disciplinary proceedings and decisions of disciplinary boards shall apply accordingly to the disciplinary proceedings against the Prosecutor General.

### **§ 224**

The Constitutional Court shall decide on the motion for commencement of disciplinary proceedings with a ruling.

### **§ 225**

The ruling of the Constitutional Court shall become final on the day on which the Constitutional Court decides on the motion for commencement of disciplinary proceedings. The written version of the ruling of the Constitutional Court must be immediately served on the affected person.

## **Title Two**

## **Consent with remand in custody**

### **§ 226**

- (1) The Prosecutor General may request the consent with the remanding in custody of a judge.
- (2) The remand in custody of the Prosecutor General may be requested by the President of the Republic at the Constitutional Court on the basis of a motion of the competent prosecutor.
- (3) The investigation file shall be annexed to the request specified in the first paragraph.

### **§ 227**

The President of the Constitutional Court shall immediately convoke the Plenum of the Constitutional Court on the basis of a request defined in § 226; the Plenum shall examine and decide the case and allow the person affected by the request to express their opinion.

### **§ 228**

The Constitutional Court shall decide on the request defined in § 226 with a ruling.

### **§ 229**

The ruling of the Constitutional Court on the request defined in § 226 shall become final on the day on which the Constitutional Court decided on it. The written version of the ruling of the Constitutional Court must be immediately served on the person affected.

## **CHAPTER TWENTY-ONE**

### **PROCEEDINGS ON THE INVALIDITY OF LEGAL REGULATION**

### **§ 230**

Laws and other legal regulations issued in the Czech and Slovak Federal Republic which are contrary to the Constitution shall lose effect from the day of the promulgation of the Constitutional Court's finding in the Collection of Laws; they become invalid on the ninetieth day after the promulgation of the Constitutional Court's finding in the Collection of Laws.

### **§ 231**

#### **Locus standi to file a motion for commencement of proceedings**

A motion for commencement of proceedings under Art. 152 par. 2 and 3 of the Constitution on the invalidity of legal regulations may be filed by:

- a) at least one fifth of members of the National Council,
- b) the President of the Republic,
- c) the Government,
- d) a court in connection with a case under examination,
- e) the Prosecutor General,
- f) the Public Defender of Rights, if further application of the legal regulation could threaten fundamental rights and freedoms.

### **§ 232**



### **Parties to proceedings**

The parties to proceedings shall be the petitioner and the public authority which has the power to amend or annul the contested legal regulation.

### **§ 233**

#### **Decision-making**

The provisions of Part Five Title Two of this law shall apply accordingly to the proceedings on invalidity of legal regulations.

## **CHAPTER TWENTY-TWO**

## **EXAMINATION OF DECISIONS ON THE PROTECTION OF THE PUBLIC INTEREST AND PREVENTION OF CONFLICTS OF INTEREST**

### **Title One**

#### **Examination of decisions on the protection of the public interest**

### **§ 234**

(1) The Constitutional Court shall examine whether the decision of the public authority having the jurisdiction to decide on the protection of the public interest and prevention of conflicts of interests (hereinafter “the public authority involved”) is in line with the Constitution and relevant legal regulations concerning the protection of the public interest and prevention of conflicts of interests.

(2) The Constitutional Court shall only take into consideration those irregularities committed by the public authority involved which entailed violation of the petitioner’s fundamental rights and freedoms.

### **§ 235**

#### **Locus standi to file a motion for examination of decision**

A motion for examination of decision under § 234 may be filed by a public official affected by the decision of the public authority involved.

### **§ 236**

#### **Motion for examination of decision**

(1) The contested decision of the public authority involved shall be annexed to the motion for examination of decision.

(2) The filing of a motion for examination of decision on the protection of the public interest and prevention of conflicts of interests has suspensive effect.

### **§ 237**

#### **Parties to proceedings**

The parties to proceedings shall be the petitioner and the public authority involved.

#### **Decision-making**

### **§ 238**

The Constitutional Court shall decide on the motion under § 234 within 60 days from its delivery at a non-public session.

### **§ 239**

**(1)** The Constitutional Court shall uphold the decision of the public authority involved with a ruling if it finds that the decision is in line with the Constitution and the relevant legal regulation on the protection of the public interest and prevention of conflicts of interests.

**(2)** The Constitutional Court shall annul the decision of the public authority involved with a finding and remit the case for further proceedings if it finds that:

**a)** the decision is contrary to the Constitution or the relevant legal regulation on the protection of the public interest and prevention of conflicts of interests,

**b)** the decision is unexaminable, or

**c)** the public authority involved carried out fact finding insufficiently or incorrectly.

**(3)** If the Constitutional Court annuls the decision of the public authority involved and remits the case for further proceedings, the public authority shall be bound by the legal opinion of the Constitutional Court.

### **§ 240**

The decision of the Constitutional Court shall not be subject to legal remedies. This shall not apply if an international treaty binding for the Slovak Republic establishes the possibility for the public official to seize a body of international organisation of a request to re-examine the decision declaring loss of mandate or public office; if the public official seizes this body of international organisation of a request to re-examine the decision declaring loss of mandate or public office, the loss of mandate or public office shall become final and enforceable only after being upheld by the body of international organisation.

## **Title Two**

### **Examination of decisions on measures for imposing order**

#### **§ 241**

**(1)** Any entity whom the public authority involved has imposed a fine for non-fulfilment of their legal duty relating to the protection of the public interest and prevention of conflicts of interests may file at the Constitutional Court a motion for examination of the decision imposing the fine within 15 days from the service of that decision.

**(2)** The filing of the motion for examination of the decision of the public authority involved imposing the fine has suspensive effect.

**(3)** If the Constitutional Court finds that the motion is unfounded, it shall reject it with a ruling.

**(4)** If the Constitutional Court finds after examining the motion that it is well-founded, it shall annul with a ruling the decision of the public authority involved imposing the fine. If the fine amount was imposed contrary to the Constitution and the relevant legal regulation, the

Constitutional Court shall also remit the case to the public authority involved for further proceedings.

(5) The Constitutional Court shall decide on the motion for examination of the decision of the public authority imposing the fine within 60 days from the service of the motion.

(6) The decision of the Constitutional Court shall not be subject to legal remedies. If the Constitutional Court annuls the decision of the public authority and remits the case for further proceedings, the public authority shall be bound by the legal opinion of the Constitutional Court.

## **PART SIX**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### **Common provisions**

##### **§ 242**

Assemblies are prohibited within 100 meters of the buildings of the Constitutional Court and the places where the Constitutional Court's hearings take place.

##### **§ 243**

(1) Detail on the organisation of the Constitutional Court and on proceeding before it shall be regulated in the Rules of Administration and Procedure of the Constitutional Court, which the Plenum of the Constitutional Court shall adopt and which shall be promulgated in the Collection of Laws.

(2) The Plenum of the Constitutional Court shall adopt the work schedule of the Constitutional Court and decide on any amendments. The work schedule shall contain mainly the composition of the Senates of the Constitutional Court and information on who shall be the presiding judges and who the other members shall be, the jurisdiction of the respective Senates of the Constitutional Court in examining cases, the jurisdiction of the respective Senates of the Constitutional Court in deciding on the recusal of a judge of the Constitutional Court, the method of temporary representation of the presiding judges and other members of the Senates of the Constitutional Court who are recused or absent, the method of random allocation of cases in the Plenum and Senates of the Constitutional Court, and the determination of the days on which the Plenum and Senates of the Constitutional Court shall sit. The work schedule of the Constitutional Court and its amendments shall be published at the website of the Constitutional Court.

##### **§ 244**

For the purposes of this law, second-degree higher education in law shall be understood to mean second-degree higher education in the field of study law acquired at a higher education school in the Slovak Republic or a recognised document certifying second-level higher education in law issued by a foreign higher education school; if the higher education has been acquired in the first degree followed by the second degree, it is required that both degrees are in the field of study law.

## **§ 245**

The budget of the Chancellery of the Constitutional Court shall constitute a separate chapter in the state budget of the Slovak Republic.

## **Transitional provisions**

### **§ 246**

(1) Unless stipulated hereinafter otherwise, this law shall also apply to proceedings commenced until 28 February 2019.

(2) The legal effects of all acts performed in the respective proceedings until 28 February 2019 shall remain in force.

(3) The provisions of this law shall apply to time limits which did not expire before the entry into force of this law; however, if the preceding law specified a longer time limit, the time limit shall expire at that later time.

### **§ 247**

(1) Unless the Plenum of the Constitutional Court decides otherwise, the Rules of Administration and Procedure of the Constitutional Court issued on the basis of the law effective until 28 February 2019 shall remain in force to the extent to which they do not contradict this law until the Plenum of the Constitutional Court adopts new Rules of Administration and Procedure of the Constitutional Court according to this law.

(2) Unless the Plenum of the Constitutional Court decides otherwise, the work schedule of the Constitutional Court issued on the basis of the law effective until 28 February 2019 shall remain in force to the extent to which it does not contradict this law until the Plenum of the Constitutional Court adopts new work schedule of the Constitutional Court according to this law.

### **§ 248**

The Constitutional Court shall decide not to admit a constitutional complaint if it has decided on the case in proceedings on constitutional complaints, proceedings on initiatives or proceedings on complaints according to the law effective until 28 February 2019.

### **§ 249**

(1) The Chancellery of the Constitutional Court established according to the law effective until 14 November 2018 shall be considered as the Chancellery of the Constitutional Court established according to this law.

(2) The state employment relationships and employment relationship of the employees of the Chancellery of the Constitutional Court established on the basis of regulations effective until 14 November 2018 shall remain in force.

### **§ 250**

- (1)** The employment relationship of the judge of the Constitutional Court shall from 1 March 2019 constitute a special legal relationship to the State under § 21 par. 1.
- (2)** The provisions of § 26 shall also apply to Constitutional Court judges who carried out the office of Constitutional Court judge until 28 February 2019 as well as to his/her surviving relatives.
- (3)** From 1 March 2019, pension for surviving relatives shall be understood as allowance for surviving relatives.