



ÚSTAVNÝ SÚD
SLOVENSKEJ REPUBLIKY

YEARBOOK 2020





CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

CONTENT

INTRODUCTION

Introduction by the President	2
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PLENUM

Plenum of the Constitutional Court of the Slovak Republic	6
---	---

DECISIONS

Decision-making activity of the Constitutional Court of the Slovak Republic	14
I. Decisions on the compliance of laws with the Constitution of the Slovak Republic	14
II. Decisions on elections to the National Council	18
III. Decisions in presidential elections	19
IV. Decisions on constitutionality of the state of emergency	20
V. Decisions on constitutional complaints	21

STATISTICS

Statistical data on the decision-making activity	23
---	----

ACTIVITIES

The protocol and international activities of the Constitutional Court of the Slovak Republic in 2020	25
--	----

NEWS

Providing information and relationship with the media	32
Providing information	32
Relationship with the media	32

STRUCTURE

The organizational structure of the Chancellery of the Constitutional Court of the Slovak Republic	35
--	----

WE INTRODUCE

Let us introduce ourselves	39
I. Judicial Advisors and Analysts in the Chancellery of the Constitutional Court of the Slovak Republic	39
II. Liaison Officers of the Venice Commission	40

FINANCE

Budget of the Chancellery of the Constitutional Court of the Slovak Republic	41
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PHOTO GALLERY

44

CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

FOREWORD BY THE PRESIDENT

JUDr. Ivan Fiačan, PhD.



Dear readers,

The year 2020 was a challenging time for all of us. In connection with the pandemic we sensitively perceived the fragility of health and interpersonal relationships. We witnessed new ways of communicating values, searching for innovative approaches to deal with hitherto unknown situations in various areas of society and life. We experienced a number of changes that have had a significant impact on our private and professional lives.

Even at the Constitutional Court of the Slovak Republic, the year 2020 was marked by our response to the pandemic situation, as well as socially and media-watched decisions.

In 2020, the Judges of the Constitutional Court adopted decisions with which so far no Plenum of the Constitutional Court of the Slovak Republic has had to deal to such an extent. These were mainly decisions on the consent to the detention of judges (PL. ÚS 4/2020, PL. ÚS 6/2020, PL. ÚS 20/2020, PL. ÚS 26/2020, PL. ÚS 30/2020), which were transparently communicated at briefings and through press releases after each Plenary Session.

In addition to the above-mentioned decisions by the Plenum of the Constitutional Court, the Constitutional Court also decided on other socially and media-monitored cases, several of which were of all-society impact, such as:

- in an electoral case concerning the constitutionality and legality of elections to the European Parliament,
- on an election petition concerning the election of the President of the Slovak Republic,
- in a case concerning the right to vote of Slovak citizens resident abroad,
- on the Jozef Miloslav Hurban state award and the Alexander Dubček state award.

One of the most watched decisions was that of the Constitutional Court concerning the declaration of state of emergency (PL. ÚS 22/2020), as the decision was made in a matter that had not so far been decided in the modern history of the Slovak Republic.

Other very important decisions included:

- PL. ÚS 13/2020 - Law on Electronic Communications (data collection of telecommunications operations),
- PL. ÚS 16/2018 - Law on Monetary Contributions for Compensation of Severe Disability,
- PL. ÚS 9/2018 - Law on Social Insurance (so-called minimum pensions),
- PL. ÚS 14/2020 - Law on Health Care Providers, Health Care Workers, Professional Organizations in Healthcare (so-called immunity from distraint of healthcare providers)
- PL. ÚS 18/2017 - Law on Nonrecurring Emergency Measures in the Preparation of Certain Motorway and Road Constructions for Motor Vehicles,
- PL. ÚS 27/2020 - Law no. 355/2007 Coll. on Protection, Support and Development of Public Health (right to compensation for damage and loss of profit due to implementation of anti-epidemic measures).

With regard to the occurrence of COVID-19 disease and the subsequent pandemic situation within the Slovak Republic, the Constitutional Court also dealt with constitutional complaints from natural and legal persons concerning the measures adopted in connection with the spread of this disease. As at 31 December 2020, the Constitutional Court registered 68 such complaints, 14 of which had been shelved because their content showed that they were not motions to initiate proceedings. One submission was suspended due to the withdrawal of the motion to initiate proceedings, and in 28 cases the Constitutional Court rejected the constitutional complaint by a resolution. The Constitutional Court did not take into account one submission, as it was filed in electronic form without authorization and the complainant did not subsequently file the application in paper form or in electronic form authorized under the e-Government Law. As at 31 December 2020, 24 of 68 submissions had not been discussed. The total number of submissions in the Constitutional Court in 2020, compared to the year 2019, increased by almost 600 motions and complaints (in total there were 2,963). Despite the significant increase in the number of submissions, the number of processed submissions increased significantly: in 2020 the number of processed submissions was 1,276 higher than in 2019 (a total of 2,857 processed submissions). In 2020 nine more submissions were processed than in 2019 in which the Plenum of the Constitutional Court was competent to decide. There were 1,596 pending submissions during that period, of which 30 were not processed in which the Plenum of the Constitutional Court was competent to decide.

It is also necessary to mention the resignation of a Judge of the Constitutional Court, Mojmír Mamojka, who held office until 31 May 2020. The Plenum of the Constitutional Court of the Slovak Republic subsequently worked in incomplete composition for four months from June to September 2020. The Plenum of the Constitutional Court became complete again on 30 September 2020, when Robert Šorl was appointed Judge of the Constitutional Court.

In addition to their decision-making, the Judges of the Constitutional Court of the Slovak Republic participated in expert meetings and discussions in which they actively communicated with representatives of the Ministry for Justice of the Slovak Republic and expressed their learned opinions on the changes in legislation and the judiciary of the Slovak Republic. In particular, they expressed their positive appreciation of the changes concerning the abolition of the institution of so-called procedural rejection of the motion to initiate proceedings and the establishment of the Supreme Administrative Court of the Slovak Republic, which will take over some of the competences of the Constitutional Court, and closely watched the Ministry's planned changes, especially the amendments to the Constitution of the Slovak Republic. The well-founded changes to the Constitution brought about by objective circumstances were perceived as necessary to maintain its viability, but at the same time they pointed out that the Constitution contributes to the stability of our legal order, and frequent changes to its text do not contribute to its functionality. They opined that it was very important that the constitutional body always, in advance and after proper social discussion, thoroughly assessed the justification of any possible change in the Constitution. The Constitutional Court of the Slovak Republic, through its leading figures and its judges, stated in several forums that it welcomed those constitutional changes which would strengthen the rule of law and increase the credibility of the judiciary.

The year 2020 was also exceptional in terms of international activities and protocol events and although several activities were cancelled, rescheduled or held online, some were still successfully organized according to the original plans.

In January 2020, the representatives of the Constitutional Court attended the formal sitting of the European Court of Human Rights in Strasbourg on the occasion of celebrations of the 70th anniversary of the Convention for the Protection of Human Rights and Fundamental Freedoms. For the first time in history, a delegation from the Constitutional Court visited the Constitutional Council of France, the State Council of France, the Ministry for Justice of France, the Court of Cassation of France and the National School for the Judiciary (February 2020, Paris). In July, I met the President of the Constitutional Court of Austria, Christoph Grabenwarter, and the President of the Constitutional Court of Hungary, Tamás Sulyok, and among other topics we discussed the specifics of decision-making during the COVID-19 pandemic and the current situation in the European constitutional judiciary.

Within the framework of our international activities and cooperation, representatives of the Constitutional Court are in regular online contact with representatives of the European Commission for Democracy through Law (Venice Commission) and they also communicate online with colleagues within the Judicial Network of the European Union and the Superior Courts Network, of which the Constitutional Court is a member. In 2020, the international specialist conference known as "Constitutional Days" which the Constitutional Court regularly organizes every year, was canceled due to the pandemic. Nevertheless, the Proceedings from this ninth edition of the conference, entitled "Reflections on changes in the constitutional regulation of the judiciary and their implications for the decision-making activity of the Constitutional Court of the Slovak Republic" was ultimately published, presenting the contributions submitted by the participants who expressed an interest in their publication.

Every year, the Constitutional Court also organizes an open day for the gener-

al public, especially pupils of elementary schools and high school students. In 2020, due to the pandemic, it took on virtual form: a VR tour of the premises of the Constitutional Court and a film prepared in cooperation with the Art School on Bernolák Street in Košice were uploaded on the website of the Constitutional Court. This event focuses on raising public awareness, in particular among young people, of the Constitutional Court, its position in the judiciary and its decision-making, and it caught the attention of the public even in its virtual form.

Regarding future plans, our ambition is to make the Constitutional Court of the Slovak Republic a modern and open European constitutional court, a credible and independent judicial body protecting constitutionality, a defender of human rights and fundamental freedoms respected by the public authorities, parties to proceedings and the general public. We would like to move the Court forward in terms of its organisation and its decision-making as well. Further development of digitisation of proceedings is planned, such as access to electronic court files also for the parties to proceedings and their legal representatives, further development and implementation of e-submissions, e-complaints, e-forms, ensuring connection with general courts for better communication and overall modernization of the information system of the Constitutional Court of the Slovak Republic. Such changes could have the effect of reducing the average length of proceedings before the Constitutional Court of the Slovak Republic and could increase the convenience of providing information to the general public, in particular parties to the proceedings before the Constitutional Court and their legal representatives. The goal in the decision-making process is to increase the number of processed submissions, unification of case law, improving the reasoning of decisions by the Constitutional Court of the Slovak Republic, and structuring decisions so that they are clear and comprehensible to the parties to proceedings and the general public.

Communication with the public regarding decision-making is well set up, and we will continue to be transparent and open through press releases and press briefings after the plenary sessions of the Constitutional Court of the Slovak Republic.

I believe that the “Yearbook 2020” will familiarize the professional and lay public with the facts concerning the decision-making and organizational activities of the Constitutional Court of the Slovak Republic, as well as the circumstances of the Chancellery of the Constitutional Court of the Slovak Republic in the particular period. At the same time the yearbook is an expression of gratitude and recognition to the judges of the Constitutional Court and their decision-making activities and to all employees of the Chancellery of the Constitutional Court, the performance of their tasks and the creation of appropriate conditions for the decision-making activity of the judges of the Constitutional Court.



JUDR. IVAN FIAČAN, PHD.

President of the Constitutional Court of the Slovak Republic

PLENUM OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC



JUDR. IVAN FIAČAN, PHD.

President of the Constitutional Court of the Slovak Republic
b. 1969

He graduated at the Faculty of Law of Comenius University in Bratislava in 1991. From 1993 until 1995 he undertook external postgraduate study at the Faculty of Law of Comenius University in Bratislava and then from 2001 – 2002 at the Faculty of Law of the University of Trnava in the field of theory of state and law. He defended his dissertation thesis in the field of theory of state and law on the topic of “Status of Judicial Power in the System of Power Distribution” at the Faculty of Law of the University of Trnava in 2002 and was awarded the academic degree “PhD.”.

From 1992 until 1995 he worked as a candidate-judge at the District Court of Liptovský Mikuláš. From 1995, after passing the professional judicial examination, he worked there as a judge, and from 1996 he was the Vice-President of that Court.

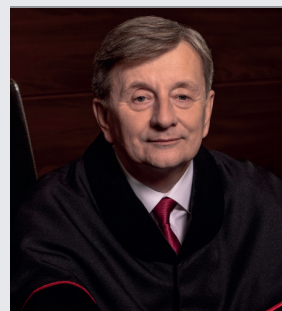
After being enrolled as a member the Slovak Bar Association in

1998, he worked as a lawyer based in Liptovský Mikuláš until he was appointed as a judge of the Constitutional Court of the Slovak Republic. As a lawyer, he was mainly involved in commercial, civil, labor and bankruptcy law. He was a member of the Legislative Group of the Slovak Bar Association for Constitutional Law (2003 – 2004), Working Group of the Slovak Bar Association (2010 – 2015), member of the Board of the Slovak Bar Association (2010 – 2017) and member of the Slovak Bar Association Review Committee (2017 – 2019). From 2007 he was a member of the Examination Board of the Slovak Bar Association for the Bar Examination.

He is a co-author of the Commentary on the Law on the Constitutional Court of the Slovak Republic (Bratislava: C. H. Beck, 2020), the Commentary on the Law on Advocacy (Bratislava: C. H. Beck, 2013) and the Commentary on the Decree on Remuneration and Compensation of Attorneys for Provision of Legal Services (Bratislava: C. H. Beck, 2015).

Since 2019, he has been a member of the Research Board at the Faculty of Law of the University of Pavol Jozef Šafárik in Košice.

He was appointed Judge and President of the Constitutional Court of the Slovak Republic on 17th April 2019.



JUDR. ĽUBOŠ SZIGETI

Vice-President of the Constitutional Court of the Slovak Republic
b. 1959

He graduated at the Faculty of Law of Comenius University in Bratislava and after passing the titular examination he was awarded the academic degree JUDr. in 1983.

From 1982 until 1985 he worked as a candidate-judge at the Regional Court of Bratislava. After passing the professional judicial examinations he was appointed as judge at the District Court of Galanta, where he worked as a judge-alone and then as Presiding Judge of a Senate until he was appointed as a Judge of the Constitutional Court of the Slovak Republic. In 1988, while working at the Ministry for Justice of the Slovak Republic, he passed the second attestation examination with the result “passed with distinction”. From 1990 until 1993 he was assigned three times for the temporary exercise of the office of judge at the Regional Court in Bratislava, where he worked in civil-law chambers. In 1994, he was appointed Vice President of the District Court of Galanta, then in 2000 as its President, holding that post until 2007.

From 2002 until 2007 he was also a member of the Judicial Council

of the Slovak Republic.

In addition to his practice as a judge, he was active in the commissions for the recodification of the Civil Code and the Civil Procedure Code (1995 – 1996) and in the commission for preparation of Law No. 747/2004 Coll. on Financial Market Supervision.

As an ordinary court judge he attended several study visits and courses: a course for negotiation trainers organized by the Association of Judges of Slovakia and the Kingdom of the Netherlands (1995); a course for candidate-judges and judges organized by the Ministry for Justice of the Slovak Republic (1998), a study stay in the United States of America for familiarization with the Texas, Colorado, Washington, New York and Washington DC judicial systems (2003), a study stay in Greece to become familiar with the judicial system (2004), and an official trip to Luxembourg to the Court of Justice of the European Union (2007).

He has actively participated as lecturer and tutor in the training of candidate-judges and as a member of several selection committees for appointing the judges of the district courts and regional courts and more recently also for appointing the President of the Judicial Council of the Slovak Republic.

From 2007 until 2008 he was temporarily appointed a judge at the Supreme Court of the Slovak Republic in the Administrative Division. In 2012, he was re-appointed President of the District Court of Galanta. In 2014, he was appointed a member of the Research Board of Janko Jesenský Faculty of Law, Danubius University.

He was appointed Judge and Vice President of the Constitutional Court of the Slovak Republic on 17th April 2019.



JUDR. JANA BARICOVÁ

Judge of the Constitutional Court of the Slovak Republic
From 1st March 2019 – 17th April 2019 Acting President of the
Constitutional Court of the Slovak Republic
b. 1953

She studied at the Faculty of Law of Masaryk University in Brno from 1973 until 1976 and at the Law Faculty of Comenius University in Bratislava from 1977 until 1978. In 1981 she was awarded the title of *juris utriusque doctor*.

From 1978 until 1981 she worked as a candidate-judge at the Regional Court in Bratislava. From 1981 until 1985 she was a judge at the District Court for Bratislava-Environs and from 1985 until 1990 she worked there in the position of Vice President. From 1990 she was a judge at the Regional Court of Bratislava and from 1993 also

the Presiding Judge of one of its Senates. From 1997 until 2004 she worked as the Vice President responsible for the civil section at the Regional Court of Bratislava and from 1999 also for the administrative section.

In 2005 she became a judge of the Supreme Court of the Slovak Republic and a member of its Administrative Division. From 2007 she was the Presiding Judge of an Administrative Division senate, and from 2008 until 2014 she acted as Deputy Presiding Judge of the Administrative Division at the Supreme Court of the Slovak Republic.

In 1986 she completed a study stay focusing on courts and the administration of courts in the USA and the Federal Republic of Germany. She then attended several specialized courses, seminars and study stays in the field of the protection of human rights and fundamental freedoms and European Union law (e.g. Trier 1993 and 1995, Edinburgh 1997, Hertogenbosch 1998, Cambridge 1998, Stockholm 1998, Copenhagen 1998, Vienna 2002, Brussels between 1992 and 2003) and the course "Training of Judges by Judges in Community Law" in Prague in 2001 and 2002 and seminars at the Court of Justice of the European Union in Luxembourg in 2007, 2009, 2011, 2014. In 2008 she completed her internship at the Constitutional Court of the Slovak Republic as legal advisor to the President of this Court. Since 1991 she has held the position of lecturer and tutor for all types of legal professions in the branches of civil procedural law, international private and procedural law, European Union law, family law and administrative law.

From 1993 until 2004 she also worked in various legislative commissions (Code of Civil Procedure, Law on Judges and Lay Judges, Law on Ordinary Courts, Family Law and Law on Social Assistance, Law on Social-Legal Protection and Social Guardianship), and in 2001 – 2003 she worked as coordinator for the Slovak Republic on the subproject of internal review of courts (Twinning). As part of this project, she organized seminars for judges and managers, and she drafted a bill and developed a methodological manual. In 2012 – 2016, she was an ad hoc judge of the European Court of Human Rights. From 2012 until 2018, as Vice-Chair of the Commission for the Recodification of Civil Procedural Law, she participated in the preparation of new civil procedural codes. Since 2015, she has been a member of the Commission for Recodification of Private Law.

Since 2005 she has been a part-time member of the Pedagogical Board of the Judicial Academy of the Slovak Republic, and since 2011 she has been a member of the Commission for titular examinations at the Department of Administrative Law and Environmental Law of the Faculty of Law at Comenius University in Bratislava. From 2007 until 2015 she was an external member of the teaching staff at the Pan-European University of Law in the subject of civil procedural law. In addition to the above, she provided training for judges and other staff for Asylum Justice (2002 – 2003) and carried out seminars on family law for the Úsmev ako dar Foundation (2003 – 2004).

From 2004 until 2008 she represented the Slovak Republic in the European Judicial Network, focusing on civil and commercial matters. From 2012 until 2019 she represented the Slovak Republic in

the European Commission for Democracy through Law (the Venice Commission) as a substitute member, and since 2019 she has been a full member.

She is the author or co-author of the Commentary on the Law on the Constitutional Court of the Slovak Republic (C. H. Beck, 2020), Commentary on the Administrative Judicial Code (C. H. Beck, 2018), Commentary on the Code of Civil Procedure (C. H. Beck, 2009 and 2012), Commentary on the Decree on attorneys' fees and compensation for the provision of legal services (attorneys' tariff) published by C. H. Beck in 2015, Great Commentary on the Civil Code (C. H. Beck, 2015), Great Commentary on the Civil Contentious Proceedings Code (C. H. Beck, 2016), co-author and head author of the Great Commentary on the Administrative Procedure Code (C. H. Beck, 2017), and of textbooks on Civil Procedural Law published by Eurokódex (2010, 2013 and 2014). She publishes in professional journals and is also the author of dozens of articles in national and foreign magazines. She regularly participates in domestic and foreign conferences.

She has been awarded various prizes for her publishing activity: SR 1st place at the Karlovy Vary Days of Law for the – Civil Procedural Law Commentary (2018); Author's award for the Civil Contentious Proceedings Code Commentary (2017); Author's award for the Code of Civil Procedure Commentary (2015).

She speaks Czech, English, German and Russian languages.

She was appointed a Judge of the Constitutional Court of the Slovak Republic on 10th July 2014.

From 1st March 2019 to 17th April 2019 she was Acting President of the Constitutional Court of the Slovak Republic.



JUDR. JANA LAŠŠÁKOVÁ

Judge of the Constitutional Court of the Slovak Republic
b. 1952

She graduated at the Faculty of Law of Comenius University in Bratislava in 1976 and subsequently passed the titular examination in the field of civil procedural law.

From 1976 until 1993 she worked in the corporate law sphere as a member and later as the head of the legal department in a state company.

She participated in the preparation of the law on commercial lawyers, and after its approval in the National Council of the Slovak Republic, in March 1991 she was appointed by the Minister of Jus-

tice of the Slovak Republic to the Temporary Committee of Commercial Lawyers. She was added to the list of commercial lawyers in June 1991, but she began her practice as a commercial lawyer in April 1993. After the merger of the Chamber of Commercial Lawyers with the Bar Association she became an attorney in 2004. In December 2007 she quit the legal profession due to greater political responsibilities.

During her practice of law she was a member of the Presidency of the Chamber of Commercial Lawyers, its examination board and also as a member of the Permanent Arbitration Court of the Chamber of Commercial Lawyers. From 2011 until 2017 she was a member of the examination board of the Slovak Bar Association. As a commercial lawyer she gave lectures focusing on labor and commercial law for professionals in the legal and economic sectors.

She is co-author of the Commentary on the Law on the Constitutional Court of the Slovak Republic (C. H. Beck, 2020).

In 2002, she was elected a member of the National Council of the Slovak Republic, where she served for nearly five terms. She was Chair of the Committee for the Review of Decisions by the National Security Authority, Vice Chair of the Mandate and Immunity Committee, the Constitutional and Legal Affairs Committee and from 2012 until 2016 she was Vice President of the National Council of the Slovak Republic. Her mandate as Member of the National Council of the Slovak Republic expired on 13th December 2017.

She was appointed a Judge of the Constitutional Court of the Slovak Republic on 14th December 2017.



JUDR. MIROSLAV DURIŠ, PHD.

Judge of the Constitutional Court of the Slovak Republic
b. 1966

He graduated at the Faculty of Law of Comenius University in Bratislava in 1988. In 1989, after passing the titular examinations at the Department of Criminal Law of the Faculty of Law of Pavol Jozef Šafárik in Košice, he was awarded the title of juris utriusque doctor. In 2009, at the Healthcare and Social Work University of St. Elisabeth in Bratislava he defended the dissertation entitled "Probation and mediation as one of the forms of social work in the judiciary" and was awarded the PhD degree.

From 1988, he worked at the Regional Prosecutor's Office of Banská Bystrica as a candidate-prosecutor to be enlisted in the Dis-

trict Prosecutor's Office of Liptovský Mikuláš, and two years later at the Regional Court of Banská Bystrica as a candidate-judge at the District Court of Liptovský Mikuláš.

After passing the judicial examinations in 1990, his full status as a judge was confirmed by the National Council of the Slovak Republic. Until 1995 he served as a judge and presiding judge of a senate for criminal cases at the District Court of Liptovský Mikuláš and from 1994 as Vice President responsible for the Criminal Section of the District Court of Liptovský Mikuláš.

In 1995, he was appointed as a notary in Liptovský Hrádok, under the jurisdiction of the District Court of Liptovský Mikuláš, later transferring to the main notary office in Liptovský Mikuláš, where he worked until he was appointed a Judge of the Constitutional Court of the Slovak Republic. In 2005, 2008, 2011 and 2014, he was elected (four times in a row for the three-year term of office) to the Presidium of the Chamber of Notaries of the Slovak Republic by the Conference of Notaries of the Slovak Republic. He was its member from 2005 until he resigned after he was appointed as a Judge of the Constitutional Court. In 2007 he was elected President of the Presidium of the Chamber of Notaries of the Slovak Republic, and held the post until 2011.

From 2007 until 2011, as the President of the Chamber of Notaries of the Slovak Republic, he represented the Slovak notarial profession in the Council of the Notariats of the European Union (CNUE) residing in Brussels, which brings together 22 European notariats based on Latin civil law, as well as at the meetings of the member notariats of the International Union of Notaries (UIN), which brings together 87 notariats of so-called Latin type throughout the world.

In 2009, he held a one-year seat as a member of the Executive Board at the Council of European Union Notariats based in Brussels. Simultaneously, he also held the one-year seat of President of the Initiative of Central European Notariats in 2009.

From 2006 he worked as an external lecturer at the Healthcare and Social Work University of St. Elisabeth in Bratislava on study subjects covering the introduction to legal disciplines, civil and administrative law, European and constitutional law.

In 2006, he was nominated by the Presidium of the Chamber of Notaries of the Slovak Republic as a candidate for the position of Judge of the Constitutional Court of the Slovak Republic (he was not elected as a candidate by the National Council of the Slovak Republic). Again in 2014, he was nominated as a candidate for the position of Judge of the Constitutional Court of the Slovak Republic by the Presidium of the Chamber of Notaries of the Slovak Republic.

He is a co-author of the Commentary on the Law on the Constitutional Court of the Slovak Republic (C. H. Beck, 2020).

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 14th December 2017.



DOC. JUDR. PETER MOLNÁR, PHD.

Judge of the Constitutional Court of the Slovak Republic
b. 1974

He graduated at the Faculty of Law of Pavol Jozef Šafárik University in Košice in 1997. Three years later he was awarded the title of *juris utriusque doctor*.

From 1997 until 2000 he worked as a distraint officer's clerk and subsequently as a candidate-distraint officer. He passed the professional examination for certified distraint officers in 1999. He worked as a certified distraint officer from 2001 until he was appointed a Judge of the Constitutional Court of the Slovak Republic. Since 2000 he has lectured and performed academic activities in the Department of Civil Law at the Faculty of Law of Pavol Jozef Šafárik University in Košice, where from 2006 until 2009 he undertook his doctoral studies and was awarded the PhD degree. In 2016, after a successful habilitation, he was awarded the research and pedagogical title of Associate Professor in Civil Law (Docent). He is co-guarantor for this field of study and a member of the Committee for Doctoral Study in the area of Law at UPJŠ in Košice. As an external member of the pedagogical staff at the Judicial Academy of the Slovak Republic, he has been involved in the training of current and future judges and prosecutors since 2010. From 2010 until 2012 he was President of the Slovak Chamber of Distraint Officers.

He was a member of the Legislative Commission of the Slovak Chamber of Distraint Officers (2001 – 2005), the Disciplinary Board of the Slovak Chamber of Distraint Officers (2005 – 2007), the Presidium of the Slovak Chamber of Distraint Officers (2007 – 2019), representative of the Slovak Chamber of Distraint Officers in the European Judicial Network (EJN) for civil and commercial matters (since 2010), member of the Permanent Council of the International Organization of Certified Distraint Officers (UIHJ) in Paris (2010 – 2012), and member of the Research Council at the Faculty of Law of Comenius University in Bratislava (2011 – 2014) and of the Research Council at the Faculty of Law of Pavol Jozef Šafárik University in Košice (since 2019).

He participated in work on the amendment to the Code of Distraint Procedure (2009 – 2016), the recodification of the Code of Civil Procedure (2012 – 2015), the amendment to the Notarial Procedure Code (2012), the amendment to the Arbitration Law (2012) and the Voluntary Auction Law (2013). He is author and co-author of several books, university textbooks, academic works

and contributions published in domestic and foreign journals and collections. He is a co-author of the Commentary on the Law on the Constitutional Court of the Slovak Republic (C. H. Beck, 2020). Since August 2019 he has been a substitute member of the European Commission for Democracy through Law (Venice Commission) (Slovak Republic).

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 17th April 2019.



JUDR. LIBOR DUĽA

Judge of the Constitutional Court of the Slovak Republic
b. 1966

He graduated at the Faculty of Law of the University of Pavol Jozef Šafárik in Košice in 1988 and after passing the titular examination he was awarded the title of iuris utriusque doctor in 1989.

Immediately after finishing his studies he started his legal practice as a candidate-judge at the Regional Court of Košice.

He was appointed a judge in 1992 and served at the Municipal Court of Košice and the District Court of Košice I, as Presiding Judge of a Senate, as Presiding Judge of the Criminal Law Division and as Vice President of the District Court of Košice I.

In 2009 he became a judge at the Regional Court of Košice, where he had already been assigned a two-year temporary assignment as a judge.

During 2008 and 2009 he completed a judicial internship at the Ministry for Justice of the Slovak Republic, during which he was entrusted with management of the Criminal Law and Prison Legislation Department and then subsequently entrusted with management of the Legislation Section.

On 1st July 2010, he became a Judge of the Supreme Court of the Slovak Republic, and from 2014 also Presiding Judge of the Senate of this Court.

On 29th September 2015, he was elected by the Judges and served as Presiding Judge of the Criminal Law Division of the Supreme Court of the Slovak Republic until his appointment as a Judge of the Constitutional Court of the Slovak Republic.

During this period he was also the Head of the Review Department of the Supreme Court of the Slovak Republic (review of the current state of the judiciary in the courts of the Slovak Republic). He has devoted himself to criminal justice throughout the entire period of his judicial duties. He played a significant role in the cre-

ation of the predominant part of the current case law of the Supreme Court of the Slovak Republic in this area, especially during the his office as a Presiding Judge of the Criminal Law Division. He has also collaborated on the drafting of legislative amendments.

He is an external member of the Pedagogical Board of the Judicial Academy of the Slovak Republic, where he also gives lectures and is the Chairman of the Examinations Committee of the Judicial Academy of the Slovak Republic. He is also a member of the Examinations Board of the Slovak Bar Association.

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 10th October 2019.



JUDR. PETER STRAKA

Judge of the Constitutional Court of the Slovak Republic
b. 1967

He graduated at the Faculty of Law of the University of Pavol Jozef Šafárik in Košice in 1989. In 1990 he became a candidate-judge at the Regional Court of Košice and after passing the judicial examination he became a judge at the District Court of Prešov in 1993. He worked at the Regional Court of Prešov after its establishment in 1997 and from 2015 he served as Presiding Judge of the Civil Law Division.

In the period from 2006 until 2010 he worked as an intern in the Legislative Section of the Ministry for Justice of the Slovak Republic. He participated in work on several amendments to private law regulations, especially in the preparation of the new Civil Code in the Codification Commission under the leadership of Professor Lazar.

From 2012 until 2017 he was a member of the Judicial Council of the Slovak Republic.

In particular, he devoted himself to the legal aspects of equal treatment in Slovakian conditions, discrimination, the institution of non-material harm, and participated in research projects in this field. The protection of the weaker party (consumers, employees, discriminated persons) resonates in his publishing activity. He is a co-author of a commentary on voluntary auctions. He was also an external lecturer at the Judicial Academy. Outside the judiciary, he has focused on giving lectures for the Department of Economics at the Institute of Banking Education.

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 10th October 2019.



JUDR. LADISLAV DUDITŠ

Judge of the Constitutional Court of the Slovak Republic
b. 1968

He graduated at the Faculty of Law of University of Pavol Jozef Šafárik in Košice in 1990, in 2001 he was awarded the degree *iuris utriusque doctor* at the University of Matej Bel in Banská Bystrica. In 1991 he became candidate-judge at the Regional Court of Košice. In 1993, after he successfully passed the professional judicial examination, he was appointed as a judge at the District Court of Košice I, then from 1997 until 2007 at the District Court of Košice II, where he also worked in the position of Vice President of the court, and from 2008 until 2019 he worked as a judge at the Regional Court of Košice.

From 2007 until 2008 he undertook a judge's internship at the Ministry for Justice of the Slovak Republic, where he was in charge of the civil law section.

He was the national representative of the Slovak Republic in the Joint Supervisory Authority for EUROJUST in The Hague (2004-2007), as liaison officer for the European Judicial Network in civil and commercial matters at the European Commission in Brussels (2004-2010), and from 2007 he represented the Slovak Republic in the European Commission for the Efficiency of Justice (CEPEJ) at the Council of Europe in Strasbourg. In 2016 he became an ad hoc judge at the European Court of Human Rights.

Since 2003 he has actively cooperated with the Civil Law Department at the Faculty of Law of Pavol Jozef Šafárik University in Košice, and since 2010 he has been an external member of the Pedagogical Board of the Judicial Academy of the Slovak Republic. In his lectures, he focuses primarily on civil procedural law, dis-traint law, substantive civil law and labor law.

He was a member of the Commission for Recodification of Civil Procedural Law (2012-2015). He has undertaken several study visits abroad (Spain, Germany, Luxembourg, Canada, USA, Denmark, Great Britain). He has published several articles in domestic journals. He was one of the authors of the 2nd and 3rd editions of the Commentary on the Voluntary Auction Law (C.H. Beck, 2013, 2018), the Great Commentary on the Civil Disputes Code (C.H. Beck, 2016) and the Great Commentary on the Administrative Court Code (C.H. Beck, 2018), and he is a co-author of the Commentary on the Law on the Constitutional Court of the Slovak Republic (C. H. Beck, 2020). He was appointed a Judge of the Constitutional Court of the Slovak Republic on 10th October 2019.



JUDR. RASTISLAV KAŠŠÁK, PHD.

Judge of the Constitutional Court of the Slovak Republic
b. 1977

He graduated at the Faculty of Law of Comenius University in Bratislava in 2001, and in 2005 following a successful titular examination, he was awarded the title of *iuris utriusque doctor*.

From 2001 until 2005 he worked as a trainee lawyer in the CONSULTA commercial law firm. He passed the bar examination in 2005 and from that year until his appointment as a judge of the Constitutional Court he worked as an attorney (from 2005 until 2006 he was suspended from advocacy due to his position as a lawyer in the ANATEMA partnership).

From 2006 until 2009 he worked as an internal doctoral student at the Department of Administrative and Environmental Law at the Faculty of Law of Comenius University in Bratislava, where he was awarded the PhD degree in the field of administrative law. From 2008 until 2011 he worked there as a university teacher and researcher.

From 2008 he worked as a university teacher at the Faculty of Law of the Pan-European University. From 2012 until 2014 he was Head of the Department of Administrative Law, Financial Law and Environmental Law in the Institute of Public Law at the Faculty of Law of the Pan-European University. He is also member of the titular examinations committee and a member of the Research Council of the Faculty of Law of the Pan-European University. From 2016 until 2021 he was Chairman of the Disciplinary Board of the Faculty of Law of the Pan-European University.

From 2007 until 2013 he was a substitute member and a member of the Disciplinary Board of the Slovak Bar Association, from 2010 until 2013 he chaired the 7th Disciplinary Panel of the Slovak Bar Association, and from 2017 until his appointment as a judge of the Constitutional Court he was substitute member and then ad hoc Chair and member of the Disciplinary Panels. In 2017 he also became a member of the Slovak Bar Association Working Group for Public Law.

From 2012 until 2014, he was a student ombudsman for university students in the Slovak Republic. In the years 2013 – 2016 he worked as assistant for legislation of the Member of the National Council of the Slovak Republic Alojz Hlina.

In 2014 he was appointed by the Minister for Justice of the Slovak Republic as a member of the Disciplinary Panel of the Slovak Chamber of Dstraint Officers.

On 11th May 2016, he was appointed a member of the Legislative Council of the Government of the Slovak Republic (where he worked until he was appointed as Judge of the Constitutional Court) by the Government of the Slovak Republic. On 10th July 2017 he was also invited to join the State Commission for Elections and Control of Political Party Financing.

Since 2016, he has been a member of the Board of Editors of the Central and Eastern European Legal Studies journal, published by the European Public Law Organization.

He is an author and reviewer of several professional publications, research studies and specialized articles dealing mainly with the issues of administrative law, European administrative law, cadastral law and land law.

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 10th October 2019.



DOC. JUDR. MARTIN VERNARSKÝ, PHD.

Judge of the Constitutional Court of the Slovak Republic
b. 1977

He graduated at the Faculty of Law of the University of Pavol Jozef Šafárik in Košice in 2000 and in 2001, after passing the titular examination he was awarded the title of iuris utriusque doctor.

In 2000, he began working as a university teacher at the Faculty of Public Administration of the University of Pavol Jozef Šafárik in Košice. In the pedagogical and research spheres he focuses on selected branches of public law, especially administrative law and financial law.

In 2005, he was awarded the PhD degree in the field of administrative law at the Faculty of Law of Comenius University in Bratislava, where he was also appointed to the position of Associate Professor (docent) in 2015 after successful habilitation in the same field. From 2001 to 2014 he was a member of the Academic Senate of the University of Pavol Jozef Šafárik in Košice, and in the years 2002 – 2010 and 2013 – 2014 he was a member of the Academic Senate of the Faculty of Public Administration of the University of Pavol Jozef Šafárik in Košice. In 2014 – 2015 he held the office of Dean of the Faculty of Public Administration of the University of Pavol Jozef Šafárik in Košice. He is a member of the Research Council of the Faculty of Public Administration of the University of Pavol Jozef Šafárik in Košice (since 2006), the Research Council of the University of Pavol Jozef Šafárik in Košice (since 2019), the PhD

Study Committee in Commercial and Financial Law at the Faculty of Law of the University of Pavol Jozef Šafárik in Košice (since 2011) and the PhD Study Committee in Public Policy and Public Administration at the Faculty of Public Administration of the University of Pavol Jozef Šafárik in Košice (since 2015).

He worked as an external advisor to the Constitutional Court of the Slovak Republic until 2019.

He has been invited as a lecturer on training courses for judges of the Administrative Divisions of Regional Courts and the Supreme Court of the Slovak Republic (2008, 2011 and 2016).

He is the author or co-author of several monographs and university textbooks, and he has contributed to foreign and domestic legal research journals and collective volumes. He is a co-author of the Commentary on the Law on the Constitutional Court of the Slovak Republic (C. H. Beck, 2020).

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 10th October 2019.



JUDR. MILOŠ MAĎAR, PHD., LL.M.

sudca Ústavného súdu Slovenskej republiky
*1978

He graduated at the Faculty of Law of the University of Matej Bel in Banská Bystrica in 2002, where, one year later, after passing the titular examination he was awarded the title of iuris utriusque doctor.

After successfully completing his doctoral studies at the Faculty of Law of the University of Trnava in 2010, he was awarded the PhD degree, and in 2013, after completing his studies at Nottingham Trent University, he was awarded the degree of Master of Laws (LLM).

Since 2002 he has worked at the Faculty of Law of Matej Bel University in Banská Bystrica as a member of the Department of Criminal Law, Criminology, Criminalistics and Forensic Disciplines, where he participates in the teaching of substantive criminal law and procedural criminal law. In 2018 he was elected a member of the Academic Senate for the Faculty of Law of Matej Bel University in Banská Bystrica. He is also a member of the Academic Senate and a member of the Research Council of the Faculty of Law of Matej Bel University in Banská Bystrica. He was a member of the research team for the project named "Integration and Unification of European Union Law in the Field of Criminal Law" supported

by the Scientific Grant Agency (VEGA) of the Ministry for Education, Science, Research and Sports of the Slovak Republic and the Slovak Academy of Sciences, and currently he is a member of the research team working on the VEGA project “Establishment of Mutual Recognition of Judicial Decisions in Criminal Matters into the Legal Order of the Slovak Republic”.

In 2005 he passed the bar exams with honors, and on 1st January 2006 he was registered in the list of members of the Slovak Bar Association, currently with suspended activity. During his legal practice he focused mainly on issues of criminal and commercial law. In 2017, at the Bar Conference, he was elected a member of the Review Commission of the Slovak Bar Association, and subsequently he was elected a member of the Education Board of the Slovak Bar Association and a member of the Working Group on Criminal Law by the Presidency of the Slovak Bar Association. In 2018 he became National Trainer in the DERAD project (Anti-Radicalization through Law) and the TRAINING AID project (Mobile Assistance Teams for Detection and Prevention of Violent Radicalism Escalation) for the Slovak Republic. In 2019 he participated in a conference on foreign labor mobility at Istanbul University in Turkey.

He is the author or co-author of several dozen research and professional papers in domestic and foreign journals or volumes, university textbooks and monographs.

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 10th October 2019.



JUDR. ROBERT ŠORL, PHD.

Judge of the Constitutional Court of the Slovak Republic
b. 1976

In 1994 he began studying two degree courses at Comenius University in Bratislava. However, he left the course of history and German language at the Faculty of Arts and continued only to study law at the Faculty of Law. He graduated in 1999.

Subsequently, he worked as a lecturer and research assistant in the Department of Legal History of the Faculty of Law of Comenius University in Bratislava. In 2000, he worked as an articulated clerk for several attorneys in Bratislava. In November 2000, as part of his study of legal history, he passed his titular examination on the topic “Sources of Civil Law in the Period of the First Czechoslovak Republic”. In 2005 he successfully defended his doctoral thesis

on the topic “Development of Private Law in Slovakia in the years 1848 – 1950” and he was awarded the PhD degree. In 2005, he passed the bar examination with excellent evaluation and after taking the oath of attorney he was registered in the list of attorneys on 1st August 2006.

Shortly afterwards, after completing a selection procedure, he became a judge of the District Court of Prievidza in January 2007. At this court, he was appointed Presiding Judge of the Joint Civil Law Senate in September 2009. He held this post until March 2012, when he was appointed President of the District Court of Prievidza. As a judge, he decided on civil, commercial, distraint and family matters. In addition, he was also assigned criminal cases as a pre-trial judge.

In addition to his work at the court he participated in the activities of the Commission for Recodification of the Civil Procedure Code. In 2018, he became an external member of the teaching staff at the Judicial Academy of the Slovak Republic. In his lectures he focuses on issues of civil law and the effectiveness of judicial decision-making. In June 2019, the Faculty of Law of Trnava University in Trnava awarded him a commemorative medal for research cooperation.

Throughout his professional career he has published mainly studies in legal history, civil substantive or procedural law. Recently, he has commented extensively on reform issues in the Slovak judiciary. In addition, he was co-author of the Commentaries on the Commercial Code and the Civil Procedure Code.

He was appointed a Judge of the Constitutional Court of the Slovak Republic on 30th September 2020.

DECISION-MAKING ACTIVITY OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

I. DECISIONS ON THE COMPLIANCE OF LAWS WITH THE CONSTITUTION OF THE SLOVAK REPUBLIC

PL. ÚS 4/2018 OF 12 FEBRUARY 2020 – STATE DECORATIONS

The subject of the Constitutional Court's review was the Law entitling the President of the National Council of the Slovak Republic to present the Jozef Miloslav Hurban state award and the Government of the Slovak Republic to present the Alexander Dubček state award. The review focused on the question whether this Law was in accordance with the Constitution, according to which state decorations can be presented only by the President of the Slovak Republic, unless he/she decides to authorize another state body. The Constitutional Court also examined the alleged insufficiencies concerning the adoption of the challenged Law, namely that it had supposedly been adopted without a proper explanatory memorandum.

The constitutional notion of decoration

Firstly, the Constitutional Court determined whether according to the Constitution state awards could be considered as decorations bestowed by the President of the Slovak Republic.

On the basis of a comparison of decorations and state awards, the Constitutional Court concluded that state awards are not decorations, but a different, special type of public recognition that may be granted by other state bodies.

In terms of differences, decorations and state awards have had different historical development, and their legislation is still significantly different to this day. The main difference is that only the President of the State can bestow decorations on behalf of the Slovak Republic, while state awards under the contested law are given on the initiative of the President of the National Council of the Slovak Republic or the Government of the Slovak Republic. As a result, decorations have higher honorary status than state awards. In addition, decorations incorporate the right to wear a visible sign, i.e. insignia, and unlike state awards, there is no monetary component associated with decorations.

In its assessment, the Constitutional Court thus came to the conclusion that the adoption of the challenged law did not violate the Constitution, i.e. there was no interference with the President's right to bestow decorations.

The alleged inadequacies in the adoption of the Law

The Constitutional Court stated that, although the explanatory memorandum to the Law was relatively brief, its content corresponded to the requirements laid down by law. The objections were therefore unfounded in this part. In addition, the Constitutional Court added that, although it has jurisdiction to declare a law unconstitutional also due to inadequacies in its adoption, a missing or incomplete explanatory memorandum could justify such a decision only in exceptional cases.

Conclusion

The Constitutional Court rejected the motion.

PL. ÚS 16/2018 OF 2 APRIL 2020 – COMPENSATION FOR SEVERE DISABILITY

The proceedings in this case were initiated on the basis of a motion from the Public Defender of Rights, who objected that the provisions of the Law on severe disability benefits (Law No. 447/2008) violated the constitutional principles of equality in dignity and non-discrimination, i.e. unequal treatment due to age. Pursuant to these provisions, it was possible to provide personal assistance benefit at the earliest from the age of 6 and at the same time it was not possible to claim this benefit after the age of 65. Similarly, financial support for purchasing a motor vehicle could be granted only if a person with severe disability applied for this benefit no later than the end of the calendar year in which they reached the age of 65. According to the mover, the regulation in question was also in conflict with international treaties on the rights of individ-

uals with disabilities.

The principles of equality and prohibition of unequal treatment due to age

In accordance with the arguments of the Constitutional Court, the challenged provisions concerned the right to assistance in disability, which results from international conventions binding the Slovak Republic.

It was therefore necessary to examine whether there was in fact discrimination due to age, i. e. whether the individuals concerned were, in addition to age, in the same or comparable situation as those to whom the benefit in question had been granted. The Constitutional Court stated that the aim of the benefit was to support social inclusion along with active participation of the disabled person. In this respect, the situation of severely disabled people up to the age of 6 and after the age of 65 was comparable to the situation of other severely disabled individuals.

The Constitutional Court therefore concluded that the challenged legal regulations treated certain groups of people differently due to their age.

Subsequently, the Constitutional Court considered that the above-mentioned interference with rights could only pursue the aim of saving budget funds, which in the present case could not be considered constitutional. The state must guarantee equal treatment of individuals placed in the same or comparable situations.

Conclusion

The Constitutional Court ruled that the challenged statutory provisions were in violation of the Constitution.

PL. ÚS 19/2017 OF 8 JULY 2020 – ELECTRICITY BILL PAYMENTS

A group of members of the National Council challenged the provisions of a decree issued by the Office for Regulation of Network Industries (hereinafter “ORNI”) which regulated the obligation to pay for system services and system operation as part of electricity bill payments. According to the movers, this obligation had been introduced without any backing in law, thereby violating the Constitution, according to which obligations can only be imposed by law or on the basis of law. The movers further objected that the people making these payments had no possibility to challenge the amount of these payments before a court, which violated the constitutional right to judicial protection.

Lack of legal basis for issuing the decree

The Constitutional Court stated that after the commencement

of proceedings in this case, laws regulating payments for system services and system operation had been adopted, including the definition of their nature and content, which made this objection unfounded.

No possibility to challenge these payments

The Constitutional Court emphasized that the challenged provisions did not in any way concern the method of determining the disputed payments, while the decisions of ORNI on payment amounts are not subject to judicial review. The part of the motion concerning judicial protection was therefore unfounded.

Conclusions

The Constitutional Court rejected the motion.

PL. ÚS 18/2017 OF 4 NOVEMBER 2020 – EXPROPRIATION OF LAND FOR THE CONSTRUCTION OF MOTORWAYS AND ROADS

The Constitutional Court examined provisions of the Law regulating nonrecurring auxiliary measures related to the construction of motorways and roads (Law No. 669/2007). According to the movers, parts of the law regulating so-called temporary possession, as well as provisions under which an action against a decision on temporary possession or expropriation may not have suspensory effect on the enforceability of those decisions, were unconstitutional. The movers argued that the challenged provisions did not respect the constitutionally guaranteed right to protection of property.

Temporary possession

Temporary possession enables the construction of motorways on land that has not yet been expropriated, even on the basis of a non-final decision on temporary possession.

The Constitutional Court pointed out that, in accordance with the law, public interest must be already proven when deciding on temporary possession and not only in expropriation proceedings. Although it is possible to start construction work on the land before the temporary possession decision comes into effect, from that time-point onwards the owners are entitled to compensation for the use of their property and thus for the restriction of their property rights. At the same time, it is possible to perform only those types of construction work which allow restoration into conditions prior to the decision on temporary possession. Nor does the decision in any way determine the outcome of the expropriation proceedings.

In view of the above, temporary possession is a constitutionally acceptable restriction of property rights.

Judicial protection

The Constitutional Court stressed that, in cases of temporary possession or expropriation decisions, the right to judicial protection would only be safeguarded if the court itself could decide on reasons to suspend enforceability of the contested decisions. The challenged legislation excluded this possibility and was therefore in violation of the Constitution.

Conclusions

The Constitutional Court allowed the motion in the part which concerned the judicial protection of owners of land being expropriated.

PL. ÚS 9/2018 OF 4 NOVEMBER 2020 – MINIMUM RETIREMENT PENSION

Pursuant to a motion by a group of members of the National Council, the Constitutional Court assessed the provisions of the Social Security Law (No. 461/2003.) According to the challenged provisions, the minimum retirement pension was only granted to pensioners in the “first pillar” (i.e. state) social benefits scheme. For pensioners in the “second pillar” (i.e. private) social benefits scheme this minimum amount was not guaranteed; in contrast, it was reduced according to their contributions to this scheme. The movers complained that this regulation was in violation of the Constitution because the right to a minimum amount of retirement pension should be equally granted to everyone entitled to draw a retirement pension.

Right to adequate material security in old age

In its Article 39(1), the Constitution enshrines the right to adequate material security in old age, which is exercisable only within legal limitations, since these “second generation” rights depend on the resources of the state. The legislator therefore has a relatively wide margin of appreciation in determining the scope of these rights, but this margin is not unlimited. The legislator must respect (a) the principle of equality [Art. 12(1) of the Constitution]; (b) the prohibition of discrimination (unequal treatment), inter alia due to “different status” [Art. 12(2) of the Constitution]; and (c) the prohibition of harming others for exercising their rights [Art. 12(4) of the Constitution].

The Constitutional Court based its review on the argument that the goal of the minimum retirement pension is to prevent pensioners suffering from material need, i.e. to protect human dignity. This is closely related to the constitutional principle of equality, because all people are equal in human dignity. The Constitutional Court concluded therefore that the right to minimum retirement pension is part of the constitutional right to social security, which

must be ensured to the same extent for all pensioners.

However, the regulation of the minimum retirement pension under the contested legislation did not respect this principle in relation to pensioners with different status following from their decision to advantage of the legally given opportunity to make contributions in the private scheme. Consequently, the prohibition of unequal treatment due to different status and the prohibition of harming others for exercising their rights were violated.

Conclusion

The Constitutional Court established that the challenged legislation was in violation of the Constitution.

PL. ÚS 14/2020 OF 4 NOVEMBER 2020 – IMMUNITY FROM DISTRRAINT

The Prosecutor General of the Slovak Republic lodged a motion to review the provisions of the Law on Health Care (No. 578/2004). These provisions granted immunity from distraint (forced exercise of a judicial decision) to property of healthcare organizations established by the state, municipalities or self-governing regions, as well as to funds in bank accounts of these organizations and funds reserved for providing healthcare. This immunity should have lasted until 31 December 2020.

The mover considered this unconstitutional, as the contested legislation favoured the above-mentioned organizations over other, private healthcare providers and jeopardized the right to property and the right to judicial protection of individuals who could not lay their claims in distraint proceedings. In addition, according to the mover, these provisions were retroactive, that is to say they covered rights which accrued before their adoption.

The principle of equality and the right to property

The Constitutional Court found that the legislation in question infringed the principle of equality [Article 12(2) of the Constitution] and also the right to property [Article 20(1) of the Constitution] because it prevented distraint proceedings against a certain group of organizations, thus making it more difficult for people having claims against these organisations to exercise their property rights.

On the basis of the above, the Constitutional Court examined whether this interference was in accordance with the Constitution. The legislation in question pursued a legitimate aim, which was to protect human health and life, and was capable of achieving that aim. However, it affected only public, not private, entities. In addition, the legislation was not necessary for the aim intended, since it granted immunity to any property of the public organi-

zations concerned, including property which was not used directly for the provision of healthcare.

In view of the above, the Constitutional Court concluded that the legislator could have interfered with the principle of equality and the right to property in a less serious manner, and therefore the examined legislation was unconstitutional in the sense of being disproportional.

The right to judicial protection and retroactive effect

The legal regulation also interfered with the right to judicial protection [Article 46(1) of the Constitution], which includes the possibility of recovering a claim through distraint proceedings. The creditors of the organizations concerned did not have this possibility. The interference was not in accordance with the Constitution for the same reasons as mentioned above, i.e. they were disproportional. The Constitutional Court also concluded that this legal regulation was retroactive, which was contrary to the rule of law [Article 1(1) of the Constitution].

Conclusion

The Constitutional Court allowed the Prosecutor General's motion and ruled that the legislation was in violation of the Constitution.

PL. ÚS 6/2019 OF 18 NOVEMBER 2020 – CHANGE OF HEAT SUPPLIER

Proceedings were initiated on the basis of a motion from a group of National Council members, who argued that the Law on Thermal Energy (No. 657/2004) favours existing heat suppliers who submit a binding opinion in administrative proceedings which may prioritize their interests and prevent the termination of the existing heat supply and thus the start of heat supply from new suppliers. According to the movers, this was in conflict with the constitutional freedom to conduct business and the market economy principle, and at the same time interfered with the protection of the rights of participants in administrative proceedings.

Interference with the freedom to conduct business and the market economy principle

The freedom to conduct business, together with other economic, social and cultural rights and freedoms, depends to a large extent on the potential of society and is exercised within limits set by laws implementing the relevant constitutional articles. It is therefore a so-called 'second generation' freedom, where the legislature has a wider, but not unlimited, margin of appreciation, since it cannot restrict the very essence of that freedom, that is to say, deny it completely. Considering interference with this freedom, the Constitutional Court examines whether the interference pur-

sues a legitimate aim and whether it is reasonable for achieving that aim.

The Constitutional Court agreed that the challenged legal regulation was an interference with the freedom to conduct business within the meaning of Art. 35 of the Constitution, the essential idea of which is the freedom of entrepreneurs to enter the market. In this case this freedom was limited by the mandatory binding opinion of the current heat supplier, which was an obstruction but not a complete denial of the freedom to conduct business in the thermal energy industry. On the other hand, the binding nature of the opinion, within the meaning of the contested legislation, was not absolute, and a party to the administrative proceedings could obtain a modification of that opinion by raising objections.

The above-mentioned restriction of the freedom to conduct business was intended to secure the continuity of heat supply, which is a legitimate aim in compliance with the Constitution. The restriction was proportionate to that aim, as the current supplier would give a binding opinion only in precisely defined cases of interference with the protection zone of the heating system operated by the supplier or direct interference with the equipment forming such a system.

The Constitutional Court concluded that the interference with the freedom to conduct business was in accordance with the Constitution and did not violate the market economy principle either.

Rights of parties to administrative proceedings

In relation to the argument that the disputed legal regulations restricted the rights of parties to administrative proceedings, the Constitutional Court stated that customers have the right to be participants in administrative proceedings with all safeguards. These safeguards also include the right to object to the binding opinion of the current heat supplier, as mentioned above, objections which are then decided by the superior administrative body. According to the Constitutional Court, the procedural rights of the participants in administrative proceedings were not limited, i. e. there was no violation of their constitutionally guaranteed right to judicial and other legal protection.

Conclusion

The Constitutional Court dismissed the motion.

PL. ÚS 23/2019 OF 9 DECEMBER 2020 – INTERNATIONAL CHILD ABDUCTIONS

A group of National Council members challenged the provisions of the Civil Non-contentious Code, according to which it was possible to file a motion to reopen proceedings in matters concerning the return of minors abroad if one of the parents illegally transferred

them to the Slovak Republic (international child abductions).

The movers argued that the purpose of proceedings on international child abductions was to decide in which country the child's current place of residence was, and where the parental rights should therefore be decided. These proceedings should be speedy. However, if there was a possibility to reopen the proceedings, i. e. the possibility to re-examine a case which had already been lawfully decided, it was contrary to the requirement of speedy proceedings. According to the movers, the principle of legal certainty and the rights of children and parents founded in the Constitution and international treaties were violated.

Reopening of proceedings in proceedings on international child abductions

In assessing the challenged legislation, the Constitutional Court pointed out that the reopening of proceedings was an appropriate tool for eliminating errors which might be found by international courts, especially the European Court of Human Rights, after proceedings before national courts.

Although the reopening of proceedings is an interference with a final decision and thus with the principle of legal certainty, that principle is not absolute and must give way to the need to provide protection to the parties if the case needs to be re-examined for possible infringement of their rights.

The reopening of proceedings could be contrary to the requirement of speediness, but this requirement would only apply in exceptional situations, with the relevant international treaties also providing for the lengthening of proceedings in such cases. At the same time, the provisions on reopening proceedings guarantee that this remedy is not misused to unjustifiably prolong them, since the renewing of a closed case must be preceded by a specific decision on whether to reopen the proceedings at all.

The Constitutional Court also commented on the nature of the decision in proceedings on international abductions, which is not only of a preliminary nature, but is a decision concerning the rights of the participants in the proceedings, where the possibility of reopening the proceedings is admissible.

According to the Constitutional Court, the possibility of filing a motion for reopening of proceedings is not a means by which it would be possible to influence the assessment of the child's current place of residence and thus influence which court should decide on the rights of parents and children. The possible prolongation of the child's stay in the Slovak Republic as a result of the reopening of the proceedings was not in itself decisive in this matter.

Conclusion

The Constitutional Court rejected the motion.

II. DECISIONS ON ELECTIONS TO THE NATIONAL COUNCIL

PL. ÚS 10/2020 OF 29 APRIL 2020 – THE SIGNIFICANCE OF DISPUTED ELECTORAL INSUFFICIENCIES

In its motion to commence proceedings, the political party Vlast requested that the Constitutional Court declare the elections to the National Council held on 29 February 2020 invalid. It argued that a total of 99 votes had not been counted in its favour.

Review of the constitutionality of elections

In the reasoning for its decision, the Constitutional Court referred to its previous decisions establishing that the decision of voters as holders of power may be changed by the Constitutional Court only in exceptional cases. In the review, it was necessary firstly to take into account the impact that the alleged violations of the Constitution or the law could have on the election results. The invalidity of an election may only result from such breach of laws which could affect the final result of the election. Not every objection to the conduct of the election is thus liable to cast doubt on the validity of the election.

In this case, the Constitutional Court found that according to the results of the election, the political party Vlast received 84,507 votes cast and to exceed the threshold of five percent, and thus obtain seats in the National Council, the party would have needed another 59,569 votes. For that reason, since the mover claimed the loss of less than one hundred uncounted votes, even if they had been confirmed, they would not have affected the outcome of the elections. The mover therefore did not submit such facts which would be capable of casting doubt on the validity of the elections.

Conclusion

The Constitutional Court rejected the motion as manifestly ill-founded.

PL. ÚS 11/2020 OF 29 APRIL 2020 – REASONS CAPABLE OF CHALLENGING THE VALIDITY OF ELECTIONS

The political parties Progresívne Slovensko and Spolu-občianska

demokracia, an electoral coalition, challenged the validity of the elections to the National Council held on 29 February 2020. They argued that a) in at least 631 voting districts a total of 872 preferential votes had not been counted in favour of their candidates; (b) in at least 189 cases, the right to postal voting from abroad had been violated; (c) in some voting districts the number of invalid votes was well above the national average, indicating incorrect counting of the ballots in those districts; d) in the same districts the number of received and undelivered ballots was higher than the national average, while the election results of their coalition were also lower than the average, and in some of those voting districts they did not officially win any casted votes, and the total number of such undelivered ballots and uncounted votes was 1,457, whereas the coalition had lacked only 926 votes to obtain seats in the National Council; and e) their coalition was discriminated against because according to the law a coalition of two or three parties was required to exceed a threshold of seven percent of votes cast, while parties which enlisted candidates from other political parties were subject to a threshold of just five percent.

Preferential votes

The Constitutional Court emphasized that even if the preferential votes for the candidates of the coalition had been counted, this would not have had any effect on the overall number of votes for the coalition. The review of validity of votes for a political party or coalition is based on other considerations than the assessment of preferential votes. Even if the preferential votes are not indicated on a ballot paper, the latter could still be a valid vote for a political party or coalition.

The Constitutional Court recalled its case law, according to which the invalidity of an election may only result from such breach of laws which could affect the final result of the election. However, the allegations of uncounted preferential votes did not affect the assessment of the number of ballots cast, nor the ultimate outcome of the elections, and therefore they could not call into question the validity of the elections.

Violation of the right to postal voting

The alleged violation of electoral rules could not have affected the election results, because the coalition lacked 926 votes to obtain seats in the National Council, so even a possible violation of the right to vote by mail from abroad in 189 cases would not have affected the results, nor the validity of the elections.

Number of invalid votes

As the motion did not contain any specific facts indicating violation of electoral regulations, the allegations of the movers were not capable of questioning the validity of the elections, because the statistics alone do not show whether the elections are in accordance with the Constitution and relevant laws.

Number of undelivered ballots

The Constitutional Court stated again that the statistical data alone are not sufficient to question the validity of the elections.

Discrimination

The Constitutional Court pointed out that the legal regulation clearly allows for a list of candidates of a political party or coalition to include members of other political parties or persons who are not members of any political party.

The law also clearly sets different thresholds for political parties and coalitions to become entitled to representation in the National Council.

For these reasons no violation of electoral regulations was found. The question of whether the regulations themselves are in accordance with the Constitution can only be resolved in proceedings on compliance of legal regulations with the Constitution.

Conclusion

The Constitutional Court rejected the motion as manifestly ill-founded.

III. DECISIONS IN PRESIDENTIAL ELECTIONS

PL. ÚS 16/2019 OF 2 APRIL 2020 – SUPPORT OF CANDIDATES IN THE PRESIDENTIAL ELECTIONS

One of the unsuccessful candidates challenged the constitutionality and legality of both rounds of the election of the President of the Slovak Republic, which were held on 16 March 2019 and 30 March 2020 respectively. He argued that the elected candidate was directly supported by another candidate who dropped out, allowing her to use his poster space, thus circumventing the statutory spending limit on electoral campaign. He also challenged the unusually high number of ballot papers issued allowing citizens to vote outside the place of their permanent residence.

Support by another candidate

The Constitutional Court stated that the relevant laws do not in any way limit the possibility of withdrawing candidates to support other candidates, whereby this support may also take the direct form of a recommendation to the electorate to vote for a specific candidate.

In the present case, the regulations on election campaign expenses were not violated either, because, as the Constitutional Court

emphasized, their main purpose is to ensure fairness and transparency in campaign funding. The Constitutional Court requested the opinion of the Ministry for Internal Affairs, whose task is to supervise the observance of the electoral campaign funding regulations, and no violations of the law were found. In connection with the use of poster space, the Constitutional Court found that the elected candidate duly reimbursed the costs of their use. It was not possible to talk about circumventing the law in the present case either, as the two candidates were initially opponents, so no agreement on such action was demonstrated.

Ballot papers

The Constitutional Court pointed out that even the mover himself did not make any specific allegations indicating that too many ballot papers had been misused. This did not follow from the statements of the State Electoral Commission and the Ministry for Internal Affairs either. The mere number of issued ballot papers is not capable of distorting the course of the elections.

Conclusion

The Constitutional Court rejected the motion as manifestly ill-founded.

IV. DECISIONS ON CONSTITUTIONALITY OF THE STATE OF EMERGENCY

PL. ÚS 22/2020 OF 14 OCTOBER 2020 – DECLARATION OF A STATE OF EMERGENCY

The Constitutional Court accepted a motion from the Prosecutor General and a motion from a group of members of the National Council for joint proceedings. The Prosecutor General and the MNCs challenged the resolution of the Government of the Slovak Republic of 30 September 2020 on the declaration of a state of emergency, suspecting a conflict with the Constitutional Law on State Security in Time of War, Martial Law, State of Emergency and Extraordinary State (Constitutional Law No. 227/2002). The Prosecutor General also challenged a government decree of the same date which was issued in connection with the declared state of emergency to address the second wave of the Covid-19 pandemic.

With regard to the declaration of a state of emergency, the reasoning behind the motions was that: a) the reasons for adopting the resolution were not stated and there were no written grounds supporting its adoption; b) the resolution did not define the precise territory to which the state of emergency applied, because the wording “on the affected territory of the Slovak Republic”

did not specify the precise areas affected; c) the scope of the resolution was vague, because it did not state the purpose of the state of emergency, or more precisely it did not contain any specific restrictions of rights; and d) the reasons provided by the above-mentioned Constitutional Law for the declaration of a state of emergency were absent.

The unconstitutionality of the challenged government decree was related to the resolution on the state of emergency, because according to the Prosecutor General, the government could not adopt a decree restricting specific constitutional rights on the basis of an ambiguous resolution on the state of emergency.

Flaws in the adoption of the resolution on the state of emergency

The Constitutional Court stated that the resolution on the declaration of a state of emergency was adopted on following an oral proposal by the Prime Minister, which is not ruled out in the legal order. At the same time, the discussion prior to the resolution showed that the cause was the situation associated with the Covid-19 pandemic, while the effects of this resolution on people's constitutionally-guaranteed rights were also considered.

Vague specification of the territory

In the opinion of the Constitutional Court, the wording defining the territory to which the state of emergency applied was specific enough, and it was obvious that the affected territory was the entire Slovak Republic.

Vague scope of the resolution

With regard to the extent of the state of emergency, the Constitutional Court pointed out that the relevant constitutional law does not explicitly require the reason for the state of emergency to be defined in the resolution, although such definition would be in the interests of legal certainty. While the contested resolution did not explicitly state the purpose of the state of emergency, it was possible to ascertain that purpose from the circumstances of its issuance, i.e. resolving the situation associated with the Covid-19 pandemic.

The relevant legislation also did not require the resolution to specify the constitutional rights which were restricted during the state of emergency. The government may also implement such restrictions following the adoption of a resolution on a state of emergency.

Although there are stricter criminal penalties for offences committed during the state of emergency, the Constitutional Court drew attention to the then prepared and currently valid and effective amendment to the Criminal Code, according to which the stricter criminal penalties should apply only to criminal offences

committed in connection with the emergency. In accordance with the Constitution, it would also be possible to apply this provision retroactively to criminal offences committed before its adoption, since this would be more beneficial for the offenders. It is up to the general courts to decide in such matters.

Reasons for the state of emergency

The Constitutional Court stated that the government had declared a state of emergency due to the second wave of the Covid-19 pandemic, which was in conformity with the Constitutional Law on State Security and sufficient for the purposes of reviewing the constitutionality of the challenged resolution.

Government decree

Since the challenged resolution on the declaration of a state of emergency was in accordance with the Constitution, it was a qualified basis for the adoption of the related decree in the manner prescribed by the Constitutional Law on State Security.

Conclusion

The Constitutional Court decided that the challenged resolution and decree of the government were in accordance with the Constitutional Law on State Security.

V. DECISIONS ON CONSTITUTIONAL COMPLAINTS

II. ÚS 337/2019 OF 26 MAY 2020 – BURDEN OF PROOF AND NON-PECUNIARY DAMAGE

The complainants challenged the decisions of general courts by which they dismissed their action for damages pursuant to the death of their relative. According to the complainants, this death was caused by inadequate healthcare, as supported by documentary evidence submitted by them. However, the general courts rejected the action pointing out that the complainants had not given their consent for an autopsy in the first place and subsequently the cause of death had not been sufficiently established.

In addition, the applicants objected that the general courts had not evaluated the damage caused by the death of their relative significant enough to provide financial compensation.

Burden of proof

The Constitutional Court found that the complainants had submitted a public document in the proceedings before the general courts, in which a heart attack had been established as the cause

of death. Nevertheless, the courts concluded that the cause of death had not been determined because no autopsy had been performed. However, in accordance with the relevant provisions regulating evidence in civil proceedings, the facts set out in a public document are to be deemed correct, unless the contrary is proved. The complainants could not be found at fault because an autopsy was not performed if they had other evidence of the cause of death.

In addition, two expert opinions were submitted which agreed that the healthcare provided to the complainants' relative was inadequate, and they suggested or at least did not rule out the possibility that it may have contributed to the death. The courts also did not properly address the further evidence submitted by the applicants concerning the cause of their mother's death. The general courts violated the legal rules applicable to evidence.

Damage assessment

The Constitutional Court noted that the first applicant, the daughter of the deceased, did not have to prove her incurring of damage in any particular way and this damage had to be assessed as significant, because the importance of the applicant's relationship with her mother was not questioned.

In relation to the second complainant, the brother of the deceased, it was necessary to consider sensitively whether financial compensation was necessary in order to balance the interference with his rights.

Conclusion

The Constitutional Court granted the constitutional complaint and returned the case to the general courts for further proceedings.

I. ÚS 431/2019 OF 26 MAY 2020 – PROCEDURAL PROTECTION OF FUNDAMENTAL HUMAN RIGHTS

The complainant alleged that her constitutional rights had been violated by an unreasonably long investigation into her criminal complaint. The investigation concerned the abuse of the complainant by a close person, and at the time of the decision of the Constitutional Court almost five years had passed since the filing of the criminal complaint.

The right to have a case heard without undue delay

The Constitutional Court stated that the right to trial without undue delay in criminal proceedings could not be exercised by the complainant until the moment when she claimed damages in the same proceedings. However, the complainant had not claimed damages until much later after the commencement of the crim-

inal proceedings, and it was only sixteen months before the decision of the Constitutional Court, during which time the law-enforcement agencies did not violate her right to be have her case heard without undue delay.

Violation of the right to respect for private life and the right to judicial and other legal protection

The Constitutional Court started out from decision-making activity of the European Court of Human Rights, according to which abuse is a violation of physical integrity and thus a violation of the right to respect for privacy. This right, like other fundamental human rights, has its procedural aspect, which is reflected in the obligation of state authorities to investigate suspicions of their violation. At the same time, investigations into fundamental rights infringements must be effective, that is to say, they must also be sufficiently speedy. After reviewing the entire investigation, the Constitutional Court found that the activities of the law-enforcement agencies had not been effective, especially with regard to the court-appointed expert. Overall, the investigation was disproportionately long, in breach of the complainant's right to respect for her privacy.

The complainant's right to judicial and other legal protection was also violated for the same reasons.

Violation of the right to an effective remedy

The complainant's right to an effective remedy for the violation of her rights in the present case was not affected, as the remedy in her case was the constitutional complaint itself, which had been decided by the Constitutional Court.

Conclusion

The Constitutional Court granted the complaint in the part regarding the violation of the right to privacy and the right to judicial and other legal protection.

III. ÚS 264/2020 OF 24 NOVEMBER 2020 – RIGHT TO ACCESS TO COURT

In this case, the complainant argued that he had been denied the right to access to court because, after the commencement of proceedings, the general court appointed a guardian for him who was inactive in the case and, as a result, his motion was refused. When the complainant later lodged an appeal against the outcome of the proceedings, the courts acted directly with him, although the complainant claimed that he had not been capable to act independently before the court.

Appointing a guardian

The Constitutional Court found that the district court had appointed a guardian for the complainant on the grounds that he had failed to be served with court documents and that his whereabouts were unknown. The guardian was an employee of the court and did not respond in any way to the court's request to complete the complainant's motion. Consequently, this motion was rejected.

In this part of its decision, the Constitutional Court emphasized that the purpose of appointing a guardian is to protect the rights of a party, which the general courts violated by appointing a court employee, failing to consider the possibility of appointing a family member. The complainant's guardian was completely inactive, thus interfering with the very essence of his right to judicial protection.

Acting directly with the complainant

The complainant lodged an appeal against the decision rejecting his motion, and at the same time sought legal aid because he suffered from a psychiatric illness, as a result of which he was not capable to act before the court. However, despite this request, the complainant was not granted assistance in the proceedings and his appeals were unsuccessful.

The Constitutional Court found, that the complainant had not been formally restricted in his legal capacity by a court decision, but this did not mean that he was capable to act independently before the court in his case. The courts should therefore have paid necessary attention to the complainant's mental health and examined whether the preconditions for assistance in court proceedings had been met.

However, the general courts failed to do so when they did not provide him with any assistance merely because he was not restricted in his legal capacity by a court decision, as seen above. As a result, the complainant's right to judicial protection was not effectively exercised and his right to judicial protection was violated.

Conclusion

The Constitutional Court granted the complaint, found a violation of the complainant's rights and returned the case to the general courts.

STATISTICAL DATA

ON THE DECISION- MAKING ACTIVITY

NUMBER OF SUBMISSIONS DELIVERED TO THE CONSTITUTIONAL COURT IN 2020

2 963

PLENUM	27
Proceedings on conformity of legal regulations under Art. 125 of the Constitution	12
Proceedings on electoral matters under Art. 129(2) of the Constitution	8
Proceedings on conformity of the declaration of state of alarm or state of emergency under Art. 129(6) of the Constitution	2
Proceedings to authorise the remand in custody of a judge and the Prosecutor General under Article 136(3) of the Constitution	5
CHAMBER	2 936

NUMBER OF SUBMISSIONS PROCESSED BY THE CONSTITUTIONAL COURT IN 2020

2 855

PLENUM	35
Proceedings on conformity of legal regulations under Art. 125 of the Constitution	19
Proceedings on electoral matters under Art. 129(2) of the Constitution	10
Proceedings on conformity of the declaration of state of alarm or state of emergency under Art. 129(6) of the Constitution	1
Proceedings to authorise the remand in custody of a judge and the Prosecutor General under Article 136(3) of the Constitution	5
CHAMBER	2 820

PENDING

1 598

SUMMARY OVERVIEW

Submissions	Plenum	Chamber	Altogether
Pending submissions as of 31 st December 2019	39	1 451	1 490
Delivered in 2020	27	2 936	2 963
Decided in 2020	35	2 820	2 855
Pending submissions as of 31 st December 2020	31	1 567	1 598

LONGEST PENDING SUBMISSIONS AS OF 31ST DECEMBER 2020CHAMBER
– OF 2016

1

PLENUM
– OF 2017

4

LIST OF PENDING SUBMISSIONS AS OF 31ST DECEMBER 2020 (YEARS 2016 – 2020)

Year	Pending submissions – Plenum	Pending submissions – Chamber	Altogether
2016	-	1	1
2017	4	8	12
2018	7	28	35
2019	10	245	255
2020	10	1285	1 295
ALTOGETHER	31	1 567	1 598

THE PROTOCOL AND INTERNATIONAL ACTIVITIES OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

in 2020

The protocol and international activities of the Constitutional Court are an important part of the agenda of the President of the Constitutional Court of the Slovak Republic and play an important representative and diplomatic role in the field of building "public relations". The initially rich program for 2020 was significantly marked by the COVID 19 virus pandemic, as a result of which the foreign and protocol activities of the President and Judges of the Constitutional Court of the Slovak Republic were considerably limited. The unfavorable epidemiological situation made it impossible to travel and caused the cancellation of most planned trips, including bilateral visits and conferences, which were then limited to short official visits to the liaison office of the Constitutional Court of the Slovak Republic in Bratislava. Many conferences were held online, which was a technological specialty and required supplementation with technical equipment. The activities of the Department for Foreign Relations and Protocol of the Constitutional Court became concentrated on the preparation of translations of foreign case law used in the decision-making activity of the Plenum, with emphasis on the translation of judgments, factsheets and case-law guides of the ECtHR and the opinions of the Venice Commission. In August 2020, the Constitutional Court became a member of the Superior Courts Network / Supreme Court Network (SCN), whose role is to mediate dialogue and exchange of information between the European Court of Human Rights and the highest national courts, in particular ECtHR decisions, which reinforced the need for translation of documents to support the Constitutional Court's decision-making activity.

On January 31, 2020, the President and the Vice-President of the Constitutional Court attended a formal session of the European Court of Human Rights in Strasbourg, which included a seminar entitled "European Convention on Human Rights: a 70-year-old living document", in which on the occasion of the celebrations of 70 years of existence of the Convention attention was paid to topics such as gender equality, environment and science and technology in the case law of the European Court of Human Rights.

On February 25, 2020, in the context of the forthcoming parliamentary elections, the President of the Constitutional Court Ivan Fiačan met some members of the Organization for Security and Cooperation in Europe, specifically the Head of Mission and former Ambassador Jillian Stirk from Canada and Legal Analyst of the Mission Kahramon Sanginov. At the meeting they paid attention to the decision-making activity of the Constitutional Court concerning electoral matters and compliance with legislation governing the conditions for the exercise of the right to vote, the election campaign and the activities of political parties from the point of view of the Constitution of the Slovak Republic.

On February 17 – 19, 2020, the President of the Constitutional Court Ivan Fiačan and Judges Miroslav Duriš, Ladislav Duditš and Miloš Maďar participated in a working visit to Paris in order to establish cooperation with the Constitutional Council of France. In addition to scheduled meetings with the President of the Constitutional Council of the French Republic Laurent Fabius and the



*The President of the Constitutional Court
of the Slovak Republic Ivan Fiačan
at a formal session of the European Court of
Human Rights in Strasbourg*



*Head of the OSCE Mission to Slovakia
Jillian Stirk*

The Judges of the Constitutional Court of the Slovak Republic at a working meeting with the Vice-President of the Council of State of the French Republic Bruno Lasserre



Vice-President of the Council of State Bruno Lasser, which were the main items of the agenda, the delegation visited the Ministry for Justice of the French Republic, the Court of Cassation and the National School for the Judiciary. This visit should be considered as the most important undertaking by representatives of the Constitutional Court abroad in its existence to date.

On March 10, 2020, the President of the Constitutional Court Ivan Fiačan and the Vice-President Ľuboš Szígeti were invited by the President of the Constitutional Court of the Czech Republic Pavel Rychetský to participate in the ceremony which took place at the Czech Constitutional Court on the occasion of the centenary of the adoption of the Constitution of Czechoslovakia. The Constitution of Czechoslovakia entered into force on March 6, 1920 and from the political and legal points of view is one of the most important documents of our modern age history.

In February 2020, elections to the Slovak National Council took place and a new government was formed. On March 21, the President of the Constitutional Court accepted the invitation of the President of the Slovak Republic Zuzana Čaputová and took part in the ceremonial appointment of the members of the new government of the Slovak Republic, which took place in the Great Hall of the Presidential Palace in Bratislava.

On June 15 in Bratislava, at the premises of the Supreme Court of the Slovak Republic, the President of the Constitutional Court Ivan Fiačan and the Vice-President of the Constitutional Court Ľuboš Szígeti had a meeting with the President of the Supreme Court of the Slovak Republic Ján Šikuta. The main topics of discussion were

the decision-making activities of both institutions, deepening of mutual cooperation, issues of judicial efficiency, European integration and the membership of both institutions in international structures.

On July 14, the President of the Constitutional Court Ivan Fiačan and the President of the Supreme Court of the Slovak Republic Ján Šikuta met to discuss the current legislative changes in the judicial field. The Presidents agreed that the two institutions would also work closely on translations in order to strengthen the efficiency and systematic nature of translation work, sharing and centralizing translated documents and mutual information on ongoing translations into Slovak of material from the European Court of Human Rights (judgments, factsheets, case-law guides). Their agreement on cooperation resulted in the signing of a Memorandum of mutual cooperation on September 21 in Košice.

On July 15, 2020 the President of the Constitutional Court Ivan Fiačan had a meeting with the President of the Constitutional Court of Austria Christoph Grabenwarter and the President of the Constitutional Court of Hungary Tamás Sulyok at a working lunch in Hainburg. The meeting was held at the invitation of the President of the Austrian Constitutional Court with the aim of bringing together the Presidents of these three European Constitutional Courts, who have been in intensive cooperation for many years due to their close geographical proximity. The topics of their discussions were the decision-making activities of the constitutional courts, the specifics of decision-making during the COVID-19 pandemic and the current situation in the European judiciary.



Bruno Lasserre, the Vice-President of the Council of State of the French Republic and the President of the Constitutional Court of the Slovak Republic Ivan Fiačan

On October 30, 2020, the President of the Constitutional Court Ivan Fiačan attended a ceremony in the Presidential Palace at which the President of the Slovak Republic Zuzana Čaputová, appointed Robert Šorl as a new Judge of the Constitutional Court.

On November 9, the President of the Constitutional Court Ivan Fiačan had a meeting in the liaison office of the Constitutional Court in Bratislava with Barbara Wolf, the Ambassador of the Federal Republic of Germany in the Slovak Republic. One of the topics of their conversation was the judicial reform, the election of the Prosecutor General and the role of the Judicial Council in Slovakia. Another subject of discussion was the further cooperation of the Constitutional Court of the Slovak Republic with the Federal Constitutional Court of Germany, which was renewed after ten years in December 2019.

The President of the Constitutional Court of the Slovak Republic Ivan Fiačan at a ceremony in Brno on the occasion of the 100th anniversary of the Constitution of Czechoslovakia

The President of the Constitutional Court of Austria Christoph Grabenwarter and the President of the Constitutional Court of the Slovak Republic Ivan Fiačan



The President of the Slovak Republic Zuzana Čaputová appointing Robert Šorl as a Judge of the Constitutional Court



The Ambassador of the Federal Republic of Germany in the Slovak Republic Barbara Wolf and the President of the Constitutional Court of the Slovak Republic Ivan Fiačan



The President of the Supreme Court of the Slovak Republic Ján Šikuta and the President of the Constitutional Court of the Slovak Republic Ivan Fiačan



TRANSLATIONS IN 2020

European Court of Human Rights (ECHR)

1.	Factsheet - Surveillance in the workplace
2.	Factsheet – Legal Professional Privilege
3.	Factsheet – Use of force in the policing of demonstrations
4.	Factsheet – Limitation on use of restrictions on rights
5.	Guide to Article 4 of the European Convention on Human Rights – Prohibition of slavery and forced labour
6.	Guide to Article 5 of the European Convention on Human Rights – Right to liberty and security
7.	Guide to Article 7 of the European Convention on Human Rights – No punishment without law
8.	Guide to Article 15 of the European Convention on Human Rights – Derogation in time of emergency
9.	Guide to Article 17 of the European Convention on Human Rights – Prohibition of abuse of rights
10.	Guide to Article 3 of the Protocol to the European Convention on Human Rights – Right to free elections
11.	ECtHR judgement – Chessa vs France

Documents of the European Union

1.	States of emergency in response to the coronavirus crisis: Situation in certain member states I
2.	States of emergency in response to the coronavirus crisis: Situation in certain member states II
3.	States of emergency in response to the coronavirus crisis: Situation in certain member states III

Venice Commission

1.	Republic of Moldova – Amicus Curiae Brief on the liability of Constitutional Court Judges, adopted by the Venice Commission at its 121st Plenary session (Venice, December 6 – 7, 2019) CDL – AD (2019)028
2.	Opinion on the legal framework in Ukraine governing the Supreme Court and judicial self-governing bodies, adopted by the Venice Commission at its 121st Plenary session (Venice, December 6 – 7, 2019) CDL – AD (2019)027
3.	Interim report on the measures taken in the EU member states as a result of the COVID-19 crisis and their impact on democracy, the rule of law and fundamental rights CDL (2020)018
4.	Opinion on three legal questions in the context of draft constitutional amendments concerning the mandate of the judges of the Constitutional Court (Armenia) CDL – AD (2020)016 adopted by the Venice Commission at its 123rd Plenary session (Venice, June 19 – 20, 2020)
5.	Compilation of Venice Commission opinions and reports on states of emergency CDL – PI (2020)003

THE CONSTITUTIONAL COURT - VISITING AND VISITED

January 30 – 31	Strasbourg	Attendance of the President of the Constitutional Court of the Slovak Republic Ivan Fiačan and Vice-President Ľuboš Szígeti at the Opening Ceremony of the Judicial Year of the European Court of Human Rights and the colloquium on “The European Convention on Human Rights – living instrument at 70”
February 17 – 19	Paris	A delegation from the Constitutional Court of the Slovak Republic led by the President Ivan Fiačan participated in a working visit to Paris, during which they visited the Constitutional Council of France, the State Council of France, the Ministry of Justice of France, the Court of Cassation of France and the National School for the Judiciary
February 25	Košice	Members of the Organization for Security and Co-operation in Europe visited the Constitutional Court of the Slovak Republic
March 10	Brno	The President of the Constitutional Court of the Slovak Republic Ivan Fiačan and the Vice-President Ľuboš Szígeti attended a ceremonial assembly at the Constitutional Court of the Czech Republic on the occasion of the 100 th anniversary of the Constitution of the Czechoslovak Republic
June 15	Bratislava	The President of the Constitutional Court of the Slovak Republic Ivan Fiačan and the Vice-President Ľuboš Szígeti had a meeting with the President of the Supreme Court of the Slovak Republic Ján Šikuta
July 15	Hainburg	The President of the Constitutional Court of the Slovak Republic Ivan Fiačan had a meeting with the President of the Constitutional Court of Austria Christoph Grabenwarter and the President of the Constitutional Court of Hungary Tamás Sulyok
September 21	Košice	The President of the Constitutional Court of the Slovak Republic Ivan Fiačan and the President of the Supreme Court of the Slovak Republic Ján Šikuta signed a Memorandum of Understanding
September 30	Bratislava	The President of the Slovak Republic Zuzana Čaputová appointed Robert Šorl as a new Judge of the Constitutional Court of the Slovak Republic
November 9	Bratislava	The President of the Constitutional Court of the Slovak Republic Ivan Fiačan received the Ambassador of the Federal Republic of Germany to the Slovak Republic Barbara Wolf

PROVIDING INFORMATION AND RELATIONSHIP WITH THE MEDIA

PROVIDING INFORMATION

In 2020 the Constitutional Court of the Slovak Republic provided information concerning its organization and decision-making activities to the extent required by Law no. 211/2000 on free access to information as amended (hereinafter the "Freedom of Information Law"). In 2020 it registered 236 requests under this law, which was six requests more than in 2019. The requests are usually divided into several parts and cover rather diverse topics, so the actual amount of information provided is significantly higher.

902 requests were processed outside the above-mentioned law, which included informing the parties to proceedings and their legal representatives, communication with courts, law enforcement agencies, legal aid centers and administrative authorities, and various other requests which did not fall under the Freedom of Information Law. In 2020 there were 162 more such requests than in 2019.

On its website (www.ustavnysud.sk), in the "Requests and Decisions Retrieval - Compulsorily published motions and complaints retrieval" section, in accordance with § 5 of the Freedom of Information Law, the Constitutional Court published received motions to initiate proceedings pursuant to Articles 125 to 126 and Articles 127a to 129 of the Constitution of the Slovak Republic ("the Constitution").

The final decisions of the Constitutional Court terminating proceedings and the decisions on temporary measures and suspension of enforceability of contested final decisions, measures or other inter-

ventions were published in accordance with Section 70 para. 2 of the Law on the Constitutional Court, within 15 days from the date of entry into force on the website of the Constitutional Court in the Request and Decisions Retrieval – Requests Retrieval section.

The 2019 Collection of Findings and Rulings of the Constitutional Court of the Slovak Republic was published on the website of the Constitutional Court at the end of May 2020 and also published in book form at the end of August 2020. It can be found on the website of the Constitutional Court in the Decision-making Activity section.

For the sake of transparency in informing the general public about the decision-making activities of the Constitutional Court, press releases from the sessions of the Plenum and the Senates of the Constitutional Court are regularly published. Press releases from the sessions of the Plenum of the Constitutional Court are published on the main page of the website of the Constitutional Court in the "Current information" section, and usually on the day of the session of the Plenum of the Constitutional Court. Press releases from the sessions of the Senates of the Constitutional Court are published in the "Media - Press releases from the Senates" section, usually within five days after the meeting of the relevant Senate.

The Constitutional Court also regularly publishes statistical reviews, in particular statistical reviews of decisions in which it has ruled on violation of complainants' fundamental right to have their case heard without undue delay pursuant to Art. 48 par. 2 of the Constitution, and their right to have their case heard within a reasonable time according to Art. 6 par. 1 of the Convention; review of decisions in which it has found violations of complainants' fundamental rights to judicial and other legal protection pursuant to Art. 46 par. 1 of the Constitution, and the right to a fair trial pursuant to Art. 6 par. 1 of the Convention; and review of decisions in which it has found violations of the funda-

mental right to personal freedom under Art. 17 of the Constitution, and the right to freedom and security pursuant to Art. 5 of the Convention.

Significant protocol events, official visits, work meetings, conferences, seminars and professional discussions are also presented in the form of press releases.

In 2020 the Constitutional Court issued 25 Plenary press releases, 162 Senate press releases, 13 press releases with statistical reviews and 20 other press releases. A total of 220 press releases were issued in 2020, which was 46 more than in 2019.

RELATIONSHIP WITH THE MEDIA

In 2020, the media paid particular attention to the decision-making activities of the Constitutional Court. The most closely watched were decisions concerning the detention of judges (operation Búrka, judge K.K., operation Plevel, operation Víchrica) and the decision of the Constitutional Court concerning the declaration of a state of emergency (file no. PL ÚS 22/2020). These decisions were exceptional in terms of their social significance and impact as well as their significance for the modern history of our state, and they were transparently communicated by the Constitutional Court through briefings attended by media representatives and through press releases.

The highly-publicized decisions of the Constitutional Court also included decisions on: the election case concerning the constitutionality and legality of elections to the European Parliament, election complaints concerning the election of the President of the Slovak Republic, the case concerning the right to vote abroad, the Jozef Miloslav Hurban State Award and Alexander Dubček State Award, and decisions concerning: the Law on Electronic Communications (data collection of telecommunication operation), the Law on

Cash Allowances for Compensation for Severe Disability, the Law on Social Insurance (so-called minimum pensions), the Law on Healthcare Providers, Healthcare Workers, Professional Organizations in Health Care (so-called immunity from dis-traint of health care providers), the Law on the Protection, Support and Develop-ment of Public Health (the right to com-pensation for damage and lost profits due to the implementation of anti-epidemic measures) as well as decisions of the Constitutional Court in cases concerning measures taken in connection with the spread of COVID-19 (constitutional com-plaints from natural persons and legal entities).

Statistical surveys of the cases brought before the Court, closed and pending cas-es in the Plenum and in the Senates of the Constitutional Court were also publicized, as well as surveys of decisions in which the Constitutional Court found violations of the complainants' rights and awarded them financial compensation, which are regularly published on the Constitutional Court's website.

In addition to the Court's decision-making activities, the media closely monitored the information on the filing or not filing of a motion to initiate disciplinary proceed-ings against a Judge of the Constitution-al Court, the need for completion of the Plenum after the resignation of the same Judge of the Constitutional Court (May – September 2020) and the appointment of a new Judge of the Constitutional Court on September 30, 2020.

Statements by the President and Judges of the Constitutional Court in connection with changes in the field of justice and the judiciary under the influence of decisions by the Government of the Slovak Repub-lic in 2020 (e.g. changes concerning the Constitution of the Slovak Republic, com-petence of the Constitutional Court of the Slovak Republic, presentation of the general court system reform, issues of credibility among the judiciary) as well as domestic and international activities of the President and Judges of the Constitutional Court were also promoted in the media.

In 2020 the Constitutional Court and its decision-making activities were men-tioned a total of 4,116 times in the media, (in 2019, when the term of office of most Judges of the Constitutional Court ended and the Plenum was completed, it was more often – 7,318 times), 3717 times on web portals, 168 times in the daily press, 109 times on television (most often on TA3: 27 times, on RTVS Jednotka: 31 times, on TV Markíza: 32 times), 42 times on the radio (for example Rádio Slovensko: 29 times, Rádio Lumen: 6 times) and 80 times in magazines. The President of the Constitutional Court Ivan Fiačan was men-tioned a total of 1,354 times in the media (in 2019, when he took office, it was more frequent – 3,078 times): 1,029 times on web portals, 122 times in the daily press, 111 times on television (TA3: 31 times, RTVS Jednotka: 25 times, TV Markíza: 30, TV JOJ 23 times, RTVS Dvojka: 2 times), 81 times on the radio (Rádio Slovensko: 41 times, Rádio Lumen: 13 times, Rádio Express: 14 times, Rádio Košice: 1 time, Regina Západ: 4 times, Rádio_FM: 4 times, Fun Rádio: 4 times – with the interesting feature of relatively frequent occurrence





in the commercial radio sector), and 11 times in magazines.

The Constitutional Court also communicates with the public via social networks, specifically via Facebook www.facebook.com/ustavnysud.sk. It publishes selected information there on decision-making activities, protocol events and interesting facts about its activities in relation to the public, e.g. information on the Open Day of the Constitutional Court, which the Constitutional Court organizes every year, usually in the autumn (it was held in virtual mode due to the COVID-19 pandemic in 2020), and on competitions for pupils and students of elementary and high schools in order to raise young people's awareness of the Constitutional Court, its powers and its position in the judiciary. In 2020, the Facebook profile of the Constitutional Court was followed by 54% of women and 46% of men, most of them in the 25 – 34 age range, in Slovakia (mostly Bratislava and Košice), the Czech Republic, the United Kingdom, Austria, Poland,

Germany, Ukraine, Hungary and Switzerland. The greatest interest on Facebook was stimulated by the meeting between the Ambassador of the Federal Republic of Germany with the President of the Constitutional Court of the Slovak Republic on November 9, 2020 (849 views) and the reasons for the Constitutional Court's decision in the case under file number PL ÚS 13/2020 on the Law on Electronic Communications (data collection by telecommunications operators in connection with the COVID-19 pandemic – 686 views).

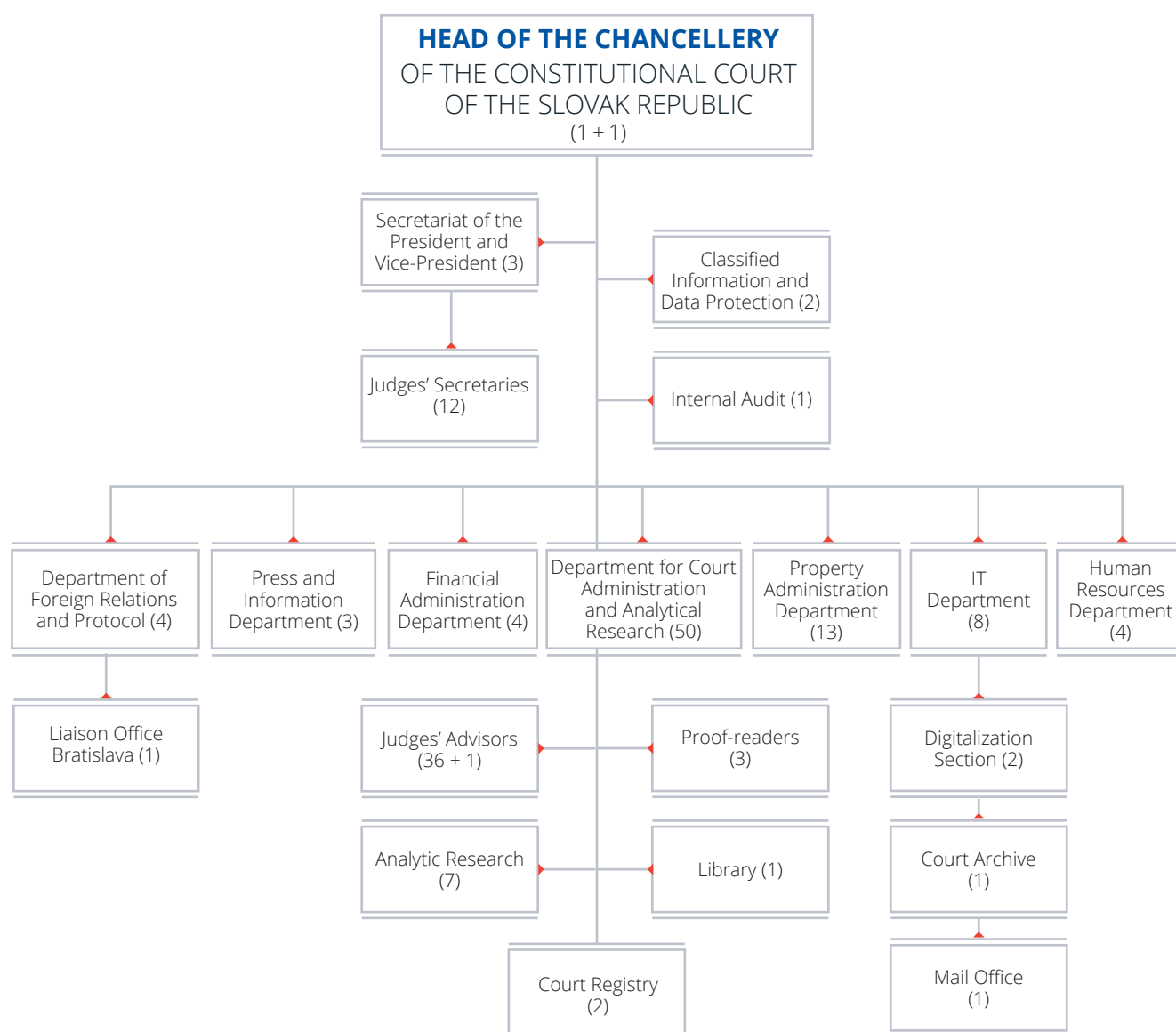
The relations between the Constitutional Court and the public and the media are regulated in the Rules of Procedure and Administration of the Constitutional Court of the Slovak Republic. According to § 8 sec. 1 of these Rules, relations with the public and media are covered mainly a) by providing information according to the Freedom of Information Law no. 167/2008 on periodicals and agency news as amended; b) by publishing information on the website of the Constitutional

Court; and (c) by enabling participation of the public and the media in oral proceedings, if they are open to the public. A special organizational division of the Chancellery of the Constitutional Court, the Press and Information Department, is in charge of public relations. The spokesperson of the Constitutional Court provides general communication with the media, otherwise it is done by the President of the Constitutional Court, the President of the relevant Senate or a Judge authorized by him/her, usually the Judge-Rapporteur (§ 8 sec. 2 of the Rules of Procedure and Administration of the Constitutional Court).

All press releases from the Plenary Sessions of the Constitutional Court are regularly sent to the media, as well as all other press releases published on the main page of the Constitutional Court's website in the Current Information section, and answers to all their questions are sent to them regularly and promptly (usually within 24 hours).

THE ORGANIZATIONAL STRUCTURE OF THE CHANCELLERY OF THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

The organizational structure of the Chancellery of the Constitutional Court of the Slovak Republic ("the Chancellery") is approved for 107 employees (of which 91 are state service employees and 17 are public service employees). The organizational change implemented in 2020 involved an increase of one state service position in the IT Department and at the same time termination of one position of public service employee (Mail Office). Another change concerned a change in salary class (change in the most demanding activity) in the Financial Administration Department from 7th class to 5th class.



The approved limit on the number of employees of the Chancellery of the Constitutional Court for 2020, i.e. 120 persons (13 judges of the Constitutional Court, 16 public service employees and 91 state service employees) was not exceeded. The average registered number of employees recalculated for 2020 was 116.4.

SELECTION PROCESS

In 2020 the Chancellery of the Constitutional Court conducted nine selection procedures, consisting of three external selection procedures, four internal restricted selection procedures and two internal extensive selection procedures, of which six were successful and three were unsuccessful.

EDUCATION AND TRAINING

In 2020 the Chancellery of the Constitutional Court enabled its state service employees to participate in all types of competence-based training, a total of approximately 40 training activities.

State service employees participated in training activities organized by providers of courses approved for state service employees. At the same time the Chancellery of the Constitutional Court provided the state service employees with English language lessons and French language consultations.

In total, the Chancellery of the Constitutional Court spent a total of EUR 11,277.80 on training courses of its employees, consisting of EUR 7,480.80 on 38 state service training courses, EUR 447.00 on four public service training courses, and EUR 3,360.00 on two joint state and public service training courses.

In 2020, the employees of the Department for Court Administration and Analytical Research participated in these training courses:

Current issues in civil procedure, mentoring and costs; a course run by the Judicial Academy on the current case law of the ECtHR regarding civil law aspects; an educational event organized by Občan civic association focusing on democracy and accountability, anti-discrimination lawsuits in proceedings before the courts of the Slovak Republic, GDPR, and crisis communication; English language lessons and a training course for an ethics consultant.

AUDIT/SERVICE REGULATIONS

In 2020 an audit was carried out by the Supreme Audit Office of the Slovak Republic. The audit did not reveal any deficiencies related to the activities of the Human Resources Department.

In 2020 the Human Resources Department prepared:

Instructions

- Coronavirus related instructions 5/2020, 4/2020, 3/2020
- Instruction 1/2020 regulating the taking of leave

Directives

- Directive no. 1/2020 on the Code of Ethics of the Chancellery of the Constitutional Court of the Slovak Republic. The basic principles governing this Code of Ethics are: political neutrality, impartiality, public interest, dignity and respect in interpersonal relations and professionalism.

Guidelines

- Guideline for concluding agreements on work performed outside of specific employment contracts.

Service Regulations

- Service Regulation No. 1/2020 on the adjustment of salary scales of state service employees of the Chancellery of the Constitutional Court of the Slovak Republic.
- Service Regulation Nos. 4/2020 and 7/2020 specifying the number of state service positions and public service positions in the Chancellery of the Constitutional Court of the Slovak Republic.

Contracts / agreements

- Contracts for the performance of judges' external advisor activities as at 31 December 2020: 41 contracts.
- Work agreements outside of permanent employment status for 2020: 12 agreements.

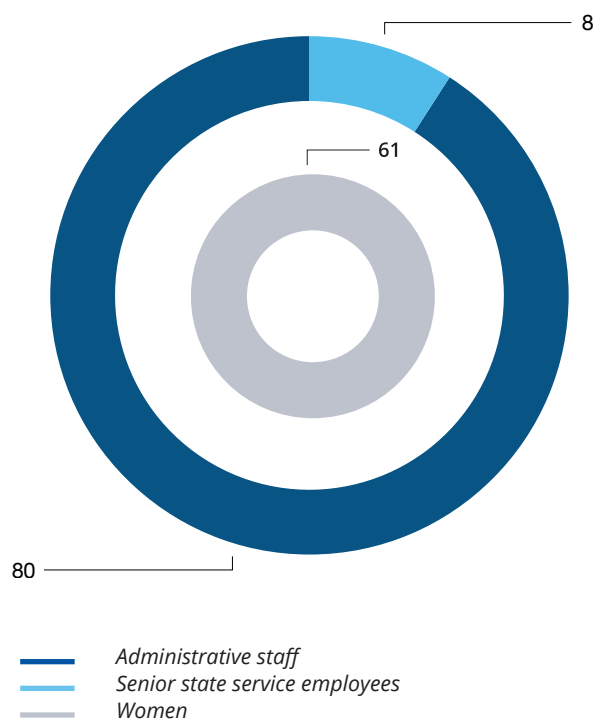
Contracts

- Contract Amendment No.1 on provision of services – English language teaching (September 4, 2020)
- Internship Contract with the University of Pavol Jozef Šafárik for the academic year 2020/2021 (September 18, 2021)
- Collective Agreement for 2021 (December 16, 2020)

DATA ON STATE SERVICE EMPLOYEES (STATISTICS)

**CURRENT NUMBER
OF STATE SERVICE
EMPLOYEES**

88 of which:



1. STATE SERVICE POSITIONS OCCUPIED IN 2020

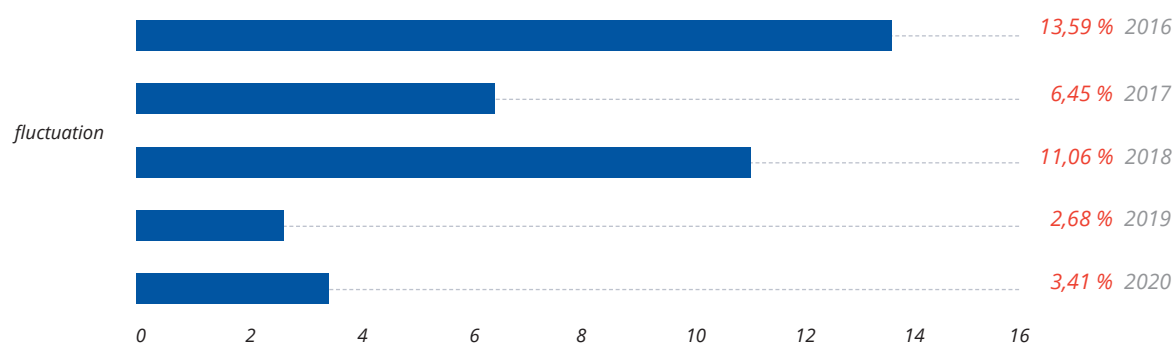
Number of occupied positions	State service employees	Senior state service employees	Total
filled by internal selection procedure	6	-	6
filled by external selection procedure	3	-	3

2. NUMBER OF COMPLAINTS ABOUT THE COURSE AND RESULT OF SELECTION PROCEDURES IN 2020

0

3. TERMINATION OF STATE SERVICE POSITIONS DURING THE TRIAL PERIOD IN 2020

0

4. FLUCTUATION IN THE GIVEN YEAR IN %¹

5. WAYS OF TERMINATING STATE SERVICE EMPLOYMENT IN 2020

TOTAL NUMBER OF STATE SERVICE POSITIONS TERMINATED

3

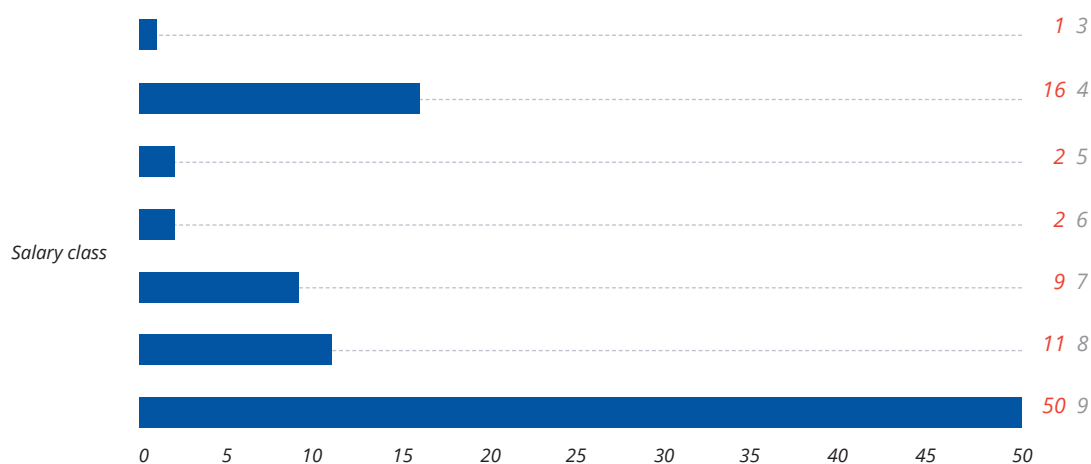
BY AGREEMENT
(of which one by transfer)

3

6. FINANCIAL UPTAKE ON EDUCATION OF STATE SERVICE EMPLOYEES IN 2020²PLAN 18 000 €³ / 5 966 €⁴

REALITY 11 277,80 = 1,89

7. NUMBER OF STATE EMPLOYEES IN INDIVIDUAL SALARY CLASSES AS AT 31 DECEMBER 2020

¹ Number of terminated state service positions/average number of state employees in the given year x 100,² % according to section 162 para.15 of State Service Law, 3 planned budget, 4 need according to the Section 162 para.15 of State Service Law

LET US INTRODUCE OURSELVES

I. JUDICIAL ADVISORS AND ANALYSTS IN THE CHANCELLERY OF THE CONSTITUTIONAL COURT

The quality and strength of institutions can be examined or assessed using various criteria and methodologies. It would be possible to discuss for a relatively long time what criteria or factors are relevant for such an assessment. In the case of the Constitutional Court, however, it can be said with certainty that these include, above all, the quality of its decisions, which is decisive for the fulfillment of its mission of protecting constitutionality. At the same time, this quality needs to be maintained in an environment of growing dynamics and complexity of social processes, producing, among other effects, also the fact that the Constitutional Court must address many new challenges in its decision-making activity, as at the same time it is confronted with the growing number of cases which must be decided on. These trends affected the activities of the Constitutional Court during 2020 as well. The way the Court dealt with them is documented to some extent in the sections of this publication devoted to statis-

tics and the selection of the decision-making activities of the Constitutional Court for 2020. At this point (in this section), however, we would like to introduce to the reader the people who, through their work and efforts, and in addition to the Judges of the Constitutional Court, contribute to the fulfillment of its mission.

Judicial advisors and analysts play a key role in this regard. Their basic mission is to provide assistance to the Judges of the Constitutional Court in discussing and deciding individual cases. Judicial advisors are among the closest collaborators with the Judges of the Constitutional Court. Their main task is to analyze the cases that have been assigned to each judge-rapporteur, to prepare the documents for decision-making and, in particular, to prepare draft decisions in these cases according to the instructions of the judge-rapporteur.

The President of the Constitutional Court, the President of each Senate of the Constitutional Court and the Judge-Rapporteur may at the same time entrust a judicial advisor with the performance of individual procedural acts in proceedings which are otherwise undertaken by the

Judges of the Constitutional Court. As part of the examination of the fulfillment of procedural conditions for proceedings, these may be, for example, calls for the elimination of shortcomings in terms of the statutory requirements for motions to initiate proceedings. Judicial advisors also invite the parties, interested parties or other entities which, in view of the circumstances of the case, are needed to comment on the case or on relevant procedural issues. At the same time, they ensure the request of files or documents related to each case, or other files necessary for the decision-making of the Constitutional Court.

Analysts working in the Department for Court Administration and Analytical Research of the Chancellery of the Constitutional Court are, so to speak, “the eyes and ears of the Constitutional Court”. Their main task is to prepare expert documents, opinions and analyses necessary for the decision-making activities of the Constitutional Court, especially in more complex cases, as well as for legal problems which arise in the decision-making activities of the Constitutional Court. In this context, they also monitor and analyze the deci-

sion-making activity of the Plenum of the Constitutional Court and the Senates of the Constitutional Court, they monitor the case law of the European Court of Human Rights, the Court of Justice and the constitutional bodies (or supreme judicial bodies) of other countries, and they search for legal information and provide other documents to support the decision-making activity of the Constitutional Court.

Since the cases heard by the Constitutional Court concern relatively complex constitutional issues, extending into all areas of so-called sub-constitutional or “simple” law, and regarding the fact that at the same time in many cases the Slovak legal order intersects with international law or the law of the European Union, the work of a judicial advisor and analyst at the Constitutional Court places high demands on them in terms of professionalism, qualification and hard work.

In this respect, the work of judicial advisors and analysts is one of the essential factors influencing the quality of the Constitutional Court’s decision-making, its institutional strength and its fundamental contribution to its ability to meet the challenges associated with fulfilling its mission.

Moreover, thanks also go to the external judicial advisors with whom the Judges of the Constitutional Court and members of the Chancellery of the Constitutional Court cooperate.

II. LIAISON OFFICERS OF THE VENICE COMMISSION

The cooperation of the Constitutional Court with the European Commission for Democracy through Law (Venice Commission) is particularly important. In 2020 Constitutional Court Judge Jana Baricová was a member of the Venice Commission as a representative of the Slovak Republic, who if necessary was replaced by Constitutional Court Judge Peter Molnár. The member and substitute member, as well as the Head of the Department of Foreign

Relations and Protocol, regularly attend plenary sessions in Venice. The result of their active work within the Venice Commission lies in informing the professional community and the lay public about the activities of the Venice Commission, which is supported by the translations of the opinions of the Venice Commission produced by the Department of Foreign Relations and Protocol and published on the Constitutional Court’s website. The Liaison Officers of the Constitutional Court also work closely with the Venice Commission. Their competences include answering questions from the Member States within the so-called Venice Forum, thus making a significant contribution to the international professional constitutional debate. The topics of the questions concern constitutional order and its aspects, as well as various other areas of law, and serve for the needs of comparison in connection with specific proceedings before the foreign courts which issue the questions. Three times a year the Liaison Officers usually produce abbreviated versions in English of the most important decisions of the Constitutional Court, particularly those which are of comparative importance, for publication in the CODICES database, which the constitutional courts of the world regularly draw on in their decision-making activities. In addition, they provide English translations of all amendments to the Constitution of the Slovak Republic and Law no. 314/2018 on

the Constitutional Court of the Slovak Republic as amended (Constitutional Court Law), which are also regularly updated in the mentioned database. Every year, the Venice Commission organizes a so-called mini-conference for members of the Venice Commission and liaison officers, which was to take place in Zagreb in 2020 at the invitation of the Constitutional Court of the Republic of Croatia, but was canceled due to the unfavorable epidemiological situation.

JUDICIAL NETWORK OF THE EU

The Constitutional Court has been a member of the Judicial Network of the European Union since 2018, which aims to share and centralize information and documents useful for the application, spread and study of Union law as interpreted and applied not only by the Court of Justice of the European Union but also by national courts, and also to promote mutual knowledge and understanding of the legal systems of the Member States in terms of comparative law, which may make it easier to take account of the legal traditions of each of them. In 2020, two new working groups were set up within the Judicial Network to share and centralize information and documents in the field of legal research and legal terminology. The Constitutional Court appointed correspondents for both newly-established working groups from among its employees.



BUDGET OF THE CHANCELLERY OF THE CONSTITUTIONAL COURT

The Constitutional Court, as an independent judicial body for the protection of constitutionality, carries out its activities in accordance with the Constitutional Court Law. The Chancellery of the Constitutional Court has an individual chapter in the state budget and is the legal entity responsible for performing tasks related to the organization, staff, financial, administrative and technical support of the activities of the Constitutional Court.

EVALUATION OF THE FULFILMENT OF MANDATORY BUDGET INDICATORS

The budget of the Chancellery chapter for 2020 was approved by Law no. 468/2019 on the state budget for 2020 ("Law on the State Budget for 2020").

Incomes

The approved budget of incomes for 2020 with a total amount of **12 100 €** (made up of income with source code 111 with a total amount of 12 000 € and income with source code 72e with a total amount of 100 €) was adjusted through a budgetary measure to the final amount of **5 345,48 €** based on underflow of income with resource code 111 with an amount of 6 754.52 €, and consisted of:

- 1.1** source code 111 (mandatory indicator) with a total amount of **5 245,48 €**;
- 1.2** source code 72e with a total amount of **100 €** [income under § 17 (4) of Law no. 523/2004 on budgetary rules of public administration as amended ("Law no. 523/2004")];
- 1.3** source code 1311 was not budgeted;
- 1.4** source code 111 (excluding the mandatory indicator).

Achieved income in 2020 with a total amount of **13 088,50 €** consisted of:

- 2.1** source code 111 with a total amount of **5 245,48 €** repre-

senting 100% of the modified budget;

2.2 source code 72e with a total amount of **3 735,97 €** (income under §17(4) of Law no. 523/2004) representing 100% of the approved budget;

2.3 source code 1311 with a total amount of **1 448,45 €**;

2.4 source code 111 with a total amount of **2 658,60 €**.

Classification of income was as follows:

2.1.1 Source code 111

Income from rent of accommodation to Judges and employees in the residential building of the Chancellery at 110 Hlavná Street in Košice with a total amount of **5 245,48 €** was budgeted and its amount was definitive;

2.2.1 Source code 72e

Income from indemnity received with a total amount of **3 735,97 €** and its amount was not definitive;

2.3.1 Source code 1311

Income with a total amount of **1 448,45 €** consisting of income from meal vouchers deducted from payroll in 12/2019 and rent of accommodation and furnishing; its amount was not definitive;

2.4.1 Source code 111 (excluding the mandatory indicator)

Income with a total amount of **2 658,60 €** consisting of income from meal vouchers purchased in 2019, occasional accommodation and back payment for services related to accommodation in 2019, from gas bill credit and car insurance, from compensation of employees and from a postage claim.

Expenditure

The approved expenditure budget with an amount of 6 119 733 € was increased by 436 128,24 € through 20 budgetary measures during 2020 to a **total amount of 6 555 861,24 €**; the budget for common expenditure increased by 314 377,64 € from 5 901 733,00 € to the amount of **6 216 044,64 €**, of which salaries, wages, emoluments and other allowances were adjusted by 155 669, 50 € from the originally-approved budget of 3 491 526,00 € to the new total of 3 647 195,50 €; the approved budget of 218 000,00 € for capital expenditure was increased by 121 816,60 € to the amount of **339 816,60 €**. The total expenditure in 2020 amounted to **6 517 168,86 €**, which represented 99.41% of the adjusted budget of **6 555 861,24 €** for 2020.

Classification of expenditure was as follows:

Main category 600 common expenditure

In 2020 the common expenditure amounted to a total of **6 180 296,61 €**, which represented 99.42 % of the adjusted budget for 2020 with the amount of **6 216 044,64 €**.

- 610 Salaries, wages, emoluments and other allowances

In 2020 this expenditure with a total amount of **3 646 773,42 €** included salaries, personal bonuses and other allowances for the Judges of the Constitutional Court and the Head of the Chancellery, and salaries and bonuses of employees of the Chancellery, representing 99,99 % of the adjusted budget with the amount of **3 647 195,50 €**.

The mandatory indicator in the category 610 Salaries, wages, emoluments and other allowances determined in the chapter of mandatory indicators established by the Law on the State Budget for 2020, including budgetary measures, was complied with.

By means of Annex no.1 to Resolution no. 500 of 14 October 2019, the Government of the Slovak Republic approved the limit of 120 persons employed by the Chancellery in 2020 (13 Judges of the Constitutional Court, 16 public-service employees and 91 state-service employees). During 2020, the binding staff indicator was increased by two budgetary measures to 127 persons (13 Judges of the Constitutional Court, 16 public-service employees and 98 state-service employees).

- Category 620 Insurance and contributions to insurance companies

The total expenditure in this category in the monitored period amounted to **1 064 303,97 €**, which represented 98,61 % of the adjusted budget with the amount of **1 079 257,66 €**.

- Category 630 Goods and services

The total expenditure in this category in the monitored period amounted to **1 051 903,83 €**, which represented 98,25 % of the adjusted budget with the amount of **1 070 685,68 €**.

The expenditure included: domestic and foreign official trips; electricity and gas supplies; water and sewerage; postal services; communication infrastructure and telecommunications services; access to and use of the SANET computer network; acquisition of interior equipment, operational machinery and apparatus (office machines, electrical appliances, tools, other machinery and

equipment); supply of everyday materials (office supplies, paper, cleaning and hygiene supplies, printed forms, wreaths); books, magazines and newspapers; work clothes, footwear and working aids; groceries; representation expenses, including material gifts and flowers for domestic and foreign delegations; acquisition of software, computers and telecommunications equipment; fuel, lubricants, oils and special fluids; servicing, maintenance and repair of cars; insurance; cards, stamps and related fees; shipping fees; maintenance of interior equipment, operating machinery, devices and apparatus; technology and tools (office machines, electrical appliances, boiler-room apparatus and boilers); maintenance of other special devices; repairs and maintenance of administrative buildings including winter maintenance of courtyards and side-walks, painting of buildings, repairs to facades and lawn-mowing in the courtyard; maintenance and annual support for comprehensive financial software, attendance records and Confluence software, Cosmotron library software and use of the ASPI electronic legal information system, CH Beck commentaries, the EPI electronic legal information system and others on contract basis; maintenance of IT and telecommunications equipment; maintenance and year-round support for hardware in accordance with valid SLAs; year-round support for the new information system focusing on providing electronic services and digitization of buildings, to ensure smooth operation of the system in accordance with valid SLAs; post-office boxes; rental of art works; rental of parking spaces; rental of smart TV boxes; rental of library software; training courses, conferences and seminars; promotional material and expenses related to "Open Door Day"; general services (printing services, reproduction and binding work, rodent control, washing, monitoring, photo services, interpreting and translation activities, external teaching, revision and inspection of equipment, craftsmen's services, gardening and houseplant services, advertising and other services); special services (activities of external court advisers, costs of legal assistance, consultancy, fire protection and safety, assessments, recreation, preventive spa stays for Judges, travel allowances for witnesses, compensation of wages and salaries for witnesses, bank charges, handling fees and other charges); meals; insurance of movable and immovable property; contributions to the collective fund; differences in exchange rate; bonuses for personnel not in direct employment; fines and penalties; property tax; local charges for municipal waste and concession fees; payments for representation consisting of expenses for accommodation, meals, interpreting and cultural programs for foreign and domestic official visits.

- Category 640 Standard transfers

Expenditure amounted to **417 315,39 €**, which represented 99,62 % of the adjusted budget with the amount of **418 905,80 €**.

This expenditure consisted of expenses for severance pay (three monthly salaries for Judges of the Constitutional Court), insurance sickness benefits and payments of pension bonuses for perfor-

mance of the office of Judge of the Constitutional Court under the Constitutional Court Law.

Main category 700 capital expenditures

The total expenditure amounted to **336 872,25 €**, which represented 99,13 % of the adjusted budget with the amount of **339 816,60 €**.

This expenditure consisted of: acquisition of passenger motor vehicles; drafting of project documentation for installation of air conditioning units in building B3, installation of air conditioning units in building B1 and B3, roof tank and water distribution in building B3, extension and modernization of camera system, "RON" attendance system, extension of the financial information system with a new MIS module, backup hardware with software and virtualization of hardware and software.

The Chancellery transferred 2019 and 2020 unspent funds with a total amount of **330 178,00 €** to the 2021 budget, reserved for the installation of air conditioning units in building B2, purchase of a passenger motor vehicle and thermal insulation of building B1.



CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

PHOTO GALLERY



*Liaison Office of the Chancellery
of the Constitutional Court in
Bratislava*



*Offices of the President of
the Constitutional Court*

*The Constitutional Court of the
Slovak Republic in Košice, façade
of the building,
seen from Hlavná (Main) Street*



*Courtyard of the
Constitutional Court*



Independence Hall





Courtroom



Reception Lounge

*The Constitution
of the Slovak Republic*



*Interior of the
Constitutional Court*



*Library of the
Constitutional Court*







IMPRINT

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