ADMINISTRATIVE JUSTICE IN EUROPE

Report from the Slovak Republic

(Questionnaire)

Preliminary Questions

1. *Could you give the main dates in the evolution of the review of decisions and acts of Administrative authorities*?

The contemporary system of administrative justice in Slovakia builds on the historic tradition of Hungarian, and later Czechoslovak administrative justice.

The foundations of our administrative justice system were laid in the Austro-Hungarian Empire through the adoption of the Temporary Rules by the Judex Curial Conference of 1861, which placed emphasis on mining and tax law, thereby creating an unclear situation in the whole area of administrative law. Later on, on the basis of Act 26/1896, the Royal Administrative Court with central jurisdiction was created in Budapest for the whole of Hungary, which included Slovakia, and functioned until 1918. This court was created by the then Hungarian government according to the French model and in its final instance, it made it possible to file complaints against decisions from individual areas of state administration and municipal self-government within a very restricted and precisely defined scope. At lower levels, Hungarian police authorities were in charge of dispensing administrative justice.

In connection with the establishment of the Czechoslovak Republic, 1918 saw the establishment of the Supreme Administrative Court with national competence to make final judgments on administrative matters, which was created according to the Austrian tradition and functioned until 1938. A Special Competence Panel was created within the Supreme Administrative Court to resolve disputes between administrative and judicial authorities.

During World War II, Slovakia split from Czechoslovakia and the Supreme Administrative Court was created, which functioned between 1939 and 1945.

In 1949, the seat of the Supreme Administrative Court was moved to Bratislava; the Court operated from there until its cessation in 1952. The majority of functions of the Administrative Court were passed to the so-called prosecutor's supervision.

Between 1952 and 1989, there was only a very indistinct system of administrative justice in the Czechoslovak Socialist Republic dealing with matters concerning pension insurance schemes, admissibility of institutional care for the insane, determination of customs value of goods, and insignificant electoral law issues. This all took place within the framework of the general civil procedural code.

1989 brought about a revival of administrative justice in Czechoslovakia through a number of partial legislative changes, adoption of the Charter of Fundamental Rights and Freedoms in 1991 and supplementation of the Code of Civil Procedure with Part 5 concerning administrative justice and effective from 01.01.1992. General courts were placed in charge of administrative justice and an administrative division was created at the Supreme Court. No special system of administrative courts was created after the establishment of the sovereign Slovak Republic on 1 January 1993. This means that during the 15 years since 1992, the Administrative Division at the Supreme Court of the Slovak Republic, together with specialised panels at eight regional courts, has been in charge of administrative justice. No specialised administrative justice courts are envisaged in the near future in Slovakia, although deliberations on the creation of the Supreme Administrative Court do emerge from time to time.

2. *Does the review by the courts of administrative acts and actions aim to submit administrative authorities to law and protect individual rights, in other words to the rule of law? Alternatively, is it only a review of the good functioning of the administration?*

The Slovak administrative justice system represents judicial control of the exercise of the powers of public administration. This control clearly arises from the principle of the rule of law, which means that it concerns the proceedings of first instance or appellate public administration authorities, which have already exercised their authority *secundum et intra legem* and courts put under critical review not only the products of their activities, but also the activities as such, while the only and essential criterion is their lawfulness.

The essence of administrative justice in Slovakia is understood as the protection of the rights of individuals subjected to administrative proceedings in that any person who considers his rights infringed upon or violated can appeal to court as an independent authority and subsequently initiate proceedings where the administrative authority no longer has an authoritarian status, but is only a party to the proceedings defending its factual and legal conclusions with the same possibilities as the person whose rights the proceedings concern.

The basic scope of court review is limited to:

- review of the lawfulness of the administrative decision-making process directly or indirectly affecting the rights of an individual,

- review of the lawfulness of a decision issued by an administrative authority after it becomes effective or, in selected cases, before it becomes effective – then the court plays the role of an appellate authority,
- review of the lawfulness of public administration decisions with permanent effect on the rights of an individual, if this concerns only factual acts of public administration (i.e. acts outside the decision-making process) and, conversely,
- review of the omission to act by a public authority.

The area of administrative justice also covers special proceedings on electoral matters relating to

- proceedings in matters of electoral rolls and lists of persons entitled to vote in a referendum,
- proceedings in matters of registration of candidate lists,
- proceedings in matters of registration of candidate lists for elections to municipal self-government bodies,
- proceedings in matters of the acceptance of a proposal for a candidate for the office of the President of the Slovak Republic,
- proceedings in matters of registration of candidate lists for elections to regional self-government bodies,
- proceedings in matters of registration of political parties and political movements,
- proceedings to examine the lawfulness of resolutions of municipal or city councils or resolutions of the councils of self-governing regions,
- proceedings in matters of co-operation agreements between municipalities and territorial units or authorities of other states and membership in international associations, and
- assessment of the enforceability of decisions of foreign administrative authorities.

In addition, the Supreme Court of the Slovak Republic decides on the dissolution of a political party or movement and appeals against the dissolution of a civic association by the Ministry of the Interior of the Slovak Republic.

Even though the Code of Civil Procedure exempts from court review any

- decisions of administrative authorities of a preliminary nature and procedural decisions related to the conduct of proceedings,
- decisions issued exclusively on the basis of examination of a person's health or technical condition of an object, if these alone do not constitute a legal barrier to the performance of a profession, employment, or entrepreneurial or other economic activity,
- decisions on non-recognition or withdrawal of recognition of professional capability of legal entities or natural persons, if these alone do not constitute a legal barrier to the performance of a profession or employment, or

- decisions of administrative authorities exempted from review by special laws,

the court still has to examine those decisions of administrative authorities, which concern fundamental rights and freedoms.

3. *What is the definition of an administrative authority in your country? Does this definition include all public legal entities and private legal entities exercising public authority?*

The definition of administrative authority is provided in both Act No. 71/1967 Coll. on Administrative Proceedings and the Code of Civil Procedure. This term only takes into account those state administration authorities, territorial self-government authorities, professional interest organisations and other legal entities and natural persons authorised by law to decide on the rights and obligations of natural persons and legal entities in the area of public administration. The above suggests that only those authorities, including natural persons and legal entities, which have a direct prescriptive power, can be considered administrative authorities under Slovak law.

Nevertheless, there are many other authorities which do not have a direct prescriptive power, yet they can, by means of their factual acts, indirectly affect the rights and obligations of, for example, a builder, by not providing him with a required statement (a fire protection authority), approval (heritage protection authority) or inspection report (authorised electrician), by not providing him access to a public database (Cadastre Office) or failing to assign an identification number to the building (the municipal authority) and as a result make it impossible to complete a construction or other activity that is subject to approval by a public administration authority. Under Slovak law, these authorities are subject to court review.

There is also a special group of official persons in whom partial public authority is vested, such as roadworthiness inspectors, labour inspectors, notaries, court executors, expert witnesses, interpreters and translators.

We also have to mention a large group of public corporations exercising functions in the administration of public property, such as the State Treasury and Judicial Treasury, as well as the provision of public broadcasting, such as Slovak Television and Slovak Radio, or the administration of social security and healthcare, which is the role of the Social Insurance Agency and individual health insurance companies.

Lastly, we have to emphasise the important role of professional interest organisations, especially the various professional chambers (for instance, the chambers of attorneys-at-law, tax advisors, authorised civil engineers, etc.) exercising powers in the area of control of the activities of their members by means of disciplinary proceedings.

4. *Is there a classification of administrative acts in your country?*

Administrative acts in the Slovak Republic are clearly differentiated into acts of normative, individual and factual nature.

Normative administrative acts include all generally binding legal regulations governing the rights and obligations of individuals in public administration. This group comprises the Constitution, including constitutional laws, laws, governmental ordinances, including approximation ordinances, decrees, orders (applicable only to a smaller group of recipients) or measures, as well as generally binding regulations issued by self-government authorities and generally binding decrees issued by regional and local state administration offices.

Alternatively, individual administrative acts comprise any decisions establishing, modifying or abolishing rights and obligations of natural persons or legal entities or decisions that may directly affect the rights, law-protected interests or obligations of natural persons or legal entities.

All acts not falling under the first or second group of administrative acts are the so-called factual acts, which include legal or direct interventions, restrictions, instructions, enforcement action, statements, approvals, permits, opinions, and informative and other acts of administrative authorities.

Outside this group, there are also legally binding acts of the European Union and European Communities and international treaties governing public administration from the standpoint of international law.

I – WHO REVIEWS ADMINISTRATIVE ACTS?

A – COMPETENT BODIES

5. *Is the review of administrative acts undertaken by general bodies related to the administrative authorities, and similar to courts?*

Even though in some cases the appellate administrative authority reviews a first-instance administrative decision without a subsequent court review (only because the relevant party, for a variety of reasons, does not use the opportunity to appeal to court), the constitutional right (Article 46 (2) of the Constitution of the Slovak Republic) of anyone who claims to have been deprived of his rights by a decision of a public administration authority to appeal to the court for it to re-examine the lawfulness of that decision, unless otherwise specified by law, is applicable in general. The re-examination of decisions concerning fundamental rights and freedoms must not, however, be excluded from the court's authority.

6. *Could you describe the organization of the court system in your country, indicating which courts or tribunals are competent to hear disputes concerning acts of the administration? If possible, try to respect the pattern hereafter.*

The Slovak court system is based on a three-level system of general courts, integrated into which is a special two-level system of military courts with criminal jurisdiction and the Special Court with criminal jurisdiction of a regional court for the prosecution of especially serious crime and crimes of public officials.

This court system consists of 49 district courts (46 general and three special military courts), which, with the exception of military courts, have general jurisdiction over three areas (civil, commercial and criminal); ten regional courts (eight general, one military and one Special Court), which, with the exception of the military and Special courts have general jurisdiction over four areas (administrative, civil, commercial and criminal), and the Supreme Court of the Slovak Republic, which also has general jurisdiction over four areas (administrative, civil, commercial and criminal).

The Constitutional Court of the Slovak Republic stands outside of this court system.

As the above suggests, court review of decisions of administrative authorities (administrative justice) at the first-instance level is only conducted by specialised three-member panels at eight regional courts and, at the appellate level, only by 3-member panels of the Administrative Division of the Supreme Court. The Supreme Court of the Slovak Republic has the position of the Court of Cassation in the administrative justice system.

The current legislation makes it possible to lodge an extraordinary, second appeal (*dovolanie*) against decisions on pension matters. The second appeal is dealt with by a five-member panel of the Administrative Division of the Supreme Court of the Slovak Republic. Those judges of the Supreme Court who participated in the first appeal proceedings cannot participate in this process.

At the first-instance level, proceedings on all matters of administrative justice are dealt with by the Regional Court, with the exception of cases that are manifestly placed by law under the jurisdiction of the Supreme Court.

On the contrary, the Supreme Court of the Slovak Republic is the first-instance court for cases related to decisions of the Broadcasting and Retransmission Council, the National Security Authority and the National Bank of Slovakia, as well as in specific electoral matters and complaints against inactivity or interventions of a central state administration authority.

Judges in charge of administrative cases are appointed for this purpose annually, on the basis of the Court Assignment Docket. At regional courts, these judges conduct appeal proceedings as single judges or act on administrative complaints in three-member panels.

Judges of the Supreme Court deal with administrative cases either in partially specialised three-member panels, or in a large five-member panel.

The Constitutional Court of the Slovak Republic is in charge of ensuring compliance between Slovak legislation and the Constitution of the Slovak Republic. It is by no means part of the system of general courts and hence stands outside of this system. Its activities include not only the review of the constitutionality of normative administrative acts, but also control of adherence of general courts to the right to a fair trial. In addition, on several occasions, the Constitutional Court of the Slovak Republic annulled judgments of general courts (including those of the Supreme Court of the Slovak Republic) reasoning that it has authority to do so arising from the interpretation of the relevant provisions of the Constitution, which, however, is not received well by some general courts.

B – RULES GOVERNING COMPETENT BODIES

7. *If the review of administrative acts and action lies within the competence of the ordinary courts, is that competence delimited by texts (such as a Constitution, or parliamentary legislation) or by case-law?*

The competence of general courts to conduct court review of decisions of administrative authorities arises from Article 142 (1) of the Constitution of the Slovak Republic, as well as Part Five of the Code of Civil Procedure (namely §§ 244 to 250 zg). Equally, special laws, such as the act on municipalities, act on the association of citizens, the offences act and other legal regulations, lay down the competence of general courts to deal with appeals against decisions of administrative authorities.

Case-law doctrine, including the principle of court precedent, is not applied in Slovakia. In line with the principle of the rule of law, the Supreme Court of the Slovak Republic is responsible to individuals for the uniform interpretation of legislation (*iura novit curia*), which is ensured through the publication of fundamental judgments of the court or the court's positions on the uniform interpretation of laws in the event of inconsistent court decisions in cases of the same type (and with the same circumstances).

8. *If the review of administrative acts is carried out by administrative courts or tribunals are the existence, competence and duties of those courts or tribunals, governed by specific rules? Are such rules set out in texts or in the case-law?*

Since court review of decisions of administrative authorities is conducted by general courts, this question is not applicable.

C - INTERNAL ORGANIZATION AND COMPOSITION OF COMPETENT BODIES

9. *If judicial review is assumed by ordinary courts, describe their internal organization and specify if they comprise specialized chambers, and how these are composed.*

The organisation of work at regional courts is defined annually in the Regional Court Assignment Docket. It places judges of the regional court into divisions (administrative, civil, commercial and criminal). At some regional courts, the administrative division is not created due to a lack of judges specialised in administrative justice. A judge can be transferred from one division to another with consent of the judge and after consultation with the judge. In cases when the regional court hears appeals against decisions of administrative authorities that are not final, a judge who is a member of the administrative division of a regional court acts on his own (the so-called single judge). Alternatively, when the regional court hears complaints filed against final decisions of administrative authorities, these are dealt with by a three-member panel comprised solely of professional judges of the administrative division. With a view to the number of judges in administrative divisions (their number ranges between three to six at individual regional courts), there are insufficient conditions for specialisation of the judges or the panel.

At the Supreme Court of the Slovak Republic, the judges of the Administrative Division are placed in seven panels that will specialise in financial administration matters, social affairs, administrative affairs related to foreigners, competence disputes and general administrative justice in 2007. .

It has become a tradition that selected meetings of the Administrative Division of the Supreme Court are attended by some judges from administrative divisions of regional courts in order to facilitate the presentation of their positions and initiatives related to the operation of the Supreme Court of the Slovak Republic and vice versa.

10. *If judicial review is assumed by administrative courts, present their internal organization. Distinguish between the highest and the lower courts. Could you provide a chart or a diagram?*

Since court review of decisions of administrative authorities is conducted by general courts, this question is not applicable.

D – JUDGES

11. *Do the judges who review administrative acts belong to a specific category? Specify whether different categories of judges exist according to the various kinds of control of administrative authorities.*

Judges appointed to administrative divisions of regional courts or the Administrative Division of the Supreme Court of the Slovak Republic have the same status as other judges of general courts and enjoy no special benefits, have no special characteristics and do not form any specific category of judges.

In order to be able to perform their function, prior to appointment by the President of the Republic, they must establish that they meet the general requirements placed on any judge of the Slovak Republic, i.e. that they are Slovak nationals, have obtained legal education in the Slovak Republic, are of the appropriate age, have no criminal record, are physically fit and have passed special judicial examination.

Since judges in charge of administrative cases function at regional courts, naturally, they have been originally engaged in civil, commercial, or (very rarely) criminal cases at district courts.

12. *How are judges in charge of judicial review of administrative authorities recruited?*

Any judge of an administrative division shall meet the following requirements for election of judges prior to joining the judicial profession:

a) is aged at least 30 on the day of election,
b) has obtained legal education by graduating from a master's programme at the law faculty of a university in the Slovak Republic, or has a recognised or accredited document on obtaining legal education by graduating from a programme on an equal level at a foreign university,
c) has full legal capacity and is capable to hold the post of a judge as regards health,
d) has full integrity and his/her moral characteristics give a guarantee that he/she shall perform the post of a judge accurately,
e) has permanent residence in the Slovak Republic,
f) has passed special judicial examination, and

g) has successfully passed the judicial selection procedure.

Under the Act on Judges, bar examination, prosecutor examination, notary examination, or special examination of commercial lawyers is also considered as special judicial examination. With the approval of the Council of Judges of the Slovak Republic, the Slovak Minister of Justice may waive the requirement of special judicial examination for a person who is provably a specialist or other significant personality in the legal branch and has been active in the legal profession for a minimum of 20 years.

Despite this possibility, a law theory expert has yet to be selected for the post of a judge at a general court, because personalities from the field of theory are not inclined to undertake judicial examination and the selection procedure and it is very difficult to obtain exemptions. There are also justifiable concerns that they would lack adequate routines in the field of procedural law, which ultimately safeguard proper implementation of the right to a fair trial.

Since the system of career promotion dominates in Slovakia, the basic and natural requirement is that every judge begins his career at the lowest level of general justice – the district court. Nevertheless, district courts do not hear administrative cases; they deal with criminal, commercial and civil matters.

Before being recruited, a district judge showing interest in working as a judge in the field of administrative justice has to succeed in the selection procedure for the administrative division of the relevant regional court (including a demanding interview).

The concept of recruiting experts from practice, enabling lawyers with long-term specialisation in a certain field to be promoted directly to a regional court, has not been adopted either, because besides inadequate procedural routines, they would have a very narrow specialisation considering the scope of administrative justice cases dealt with at regional courts.

13. *What is the professional training of judges in general?*

Judges of administrative divisions have the general obligation to use opportunities for training throughout their career. In principle, this training is provided in four directions:

a) training organised by the Justice Academy,
b) self-study (using available library resources and periodicals or by participating in seminars),
c) training through internships at public administration authorities or other courts, and lastly
d) training of judges through the study of court files, including the exchange of experience within divisions or at meetings of administrative divisions with members of the academic community.

The Justice Academy provides training in a variety of areas on the basis of an approved training plan. The lecturers at the training activities are judges themselves or experts from the relevant sectors.

14. *How is their career structure organized?*

With respect to career promotion of judges, the Judicial Council of the Slovak Republic, being the highest authority of Slovak judicial self-government, adopted the "Principles of the Selection Procedure to Fill Vacant Judicial Positions, Career Promotion of Judges to Higher Courts and Appointment to the Highest Judicial Position" at the beginning of 2006, after consultation with the Minister of Justice.

These principles contain the basic criteria that judges from a lower court have to meet to be able to apply for the post of a judge at a higher court and pursue their career plans.

According to these criteria, in order to be promoted to a higher court, the judge has to attend a personal interview before a selection commission aimed at examining the applicant's verbal skills, personal characteristics, ability to implement law, incentives for the performance of the judicial function at a higher court, etc. In addition, the selection commission takes the applicant's language skills into account, his activities in the area of internships and seminars, as well as publication and lecturing activities.

15. *How is their professional mobility organized?*

Judges appointed to administrative divisions at regional courts are offered internships at the Administrative Division of the Supreme Court in order to acquire experience from the decision-making process of the Supreme Court. The duration of these internships is restricted by law in that they must not exceed the period of one year within the monitored period of three years. Judges are not allowed to take up positions in other public power authorities or public administration, except for the post of president of the court, vice-president of the court, or member of the court council or judicial council.

E – ROLE OF COMPETENT BODIES

16. *What are the different kinds of recourse against administrative acts and action in your country?*

An administrative decision can be challenged already in the process of administrative proceedings by way of: ordinary remedies (appeal, remonstrance, objections, protest, complaint etc.), or extraordinary remedies (re-opening of the case and review outside the appeal proceedings).

Court review of a decision of an administrative authority can be conducted on the basis of an appeal lodged during administrative proceedings, when proceedings at a first-instance administrative authority stopped without reaching a final decision (exceptional case), or it can be initiated in the usual manner, by filing an administrative complaint against the final decision of an administrative authority.

In the latter case, remedy can be claimed at court by filing an action. For filing an action, it is sufficient to exhaust ordinary remedies offered by the process of the administrative proceedings and be represented by a counsel, and the action must be filed within the two-month or other period for filing the action by an eligible person. Otherwise, the proceedings will be stopped.

If the action is justified, the court can cancel the challenged decision due to its unlawfulness or faults in the proceedings. The court cancels the challenged decision for unlawfulness even if it ascertains that the administrative authority overstepped or abused the limits of administrative consideration stipulated by law. It can also declare the nullity of the administrative decision. The court can desist from punishment or reduce or increase the penalty.

In further proceedings, the administrative authority is bound by the legal opinion expressed by the court in its judgment.

In the case of remedies filed against decisions of administrative authorities that are not final, the obligation to be represented by a counsel is not compulsory and the original two-month period is shortened to 30 days, with exceptions defined by law.

Since this is a cassation review of administrative decisions, the acting judge (or the three-member panel) can only cancel the challenged administrative act or reject the complaint (remedy). The court can also order compensation or pecuniary performance, or change the amount of a sanction (but not substitute it with a different, non-pecuniary type of sanction) only if the court is reviewing a decision of an administrative authority on a dispute or other legal matter arising from civil, labour, family or commercial relations or administrative sanctions (fines, penalties). In this case, the single judge (or panel) has full and complete appellate jurisdiction.

Proceedings on compensation for an unlawful decision or incorrect official procedure are a specific case when the degree of liability of a public power authority and the amount of financial compensation is decided by a district court in civil proceedings (i.e., this does not fall under administrative justice).

17. *Do mechanisms exist for the delivery of a preliminary ruling? (Apart from the procedure under Article 234 of the Treaty establishing the European Community)*

After the complaint or appeal is lodged, during the proceedings the court almost always has to determine whether all requirements specified by the relevant legal regulation for a legal review of the matter have been met (such as the existence of marriage between applicants for asylum, the question of citizenship or membership in an interest organisation). In this process, the acting court does not consult or request a position from the relevant authority – the court must always settle this preliminary question on its own.

The only exception is the assessment of compliance of a legal regulation forming the basis of a challenged decision with the Constitution of the Slovak Republic. This question can only be settled by the Constitutional Court of the Slovak Republic. Therefore, after suspending the proceedings, the preliminary question related to the constitutionality of the relevant legal regulation is submitted to the Constitutional Court for consideration.

The decision of the court (officially called a "finding") is binding for the general court.

18. *Does a competent body have only judicial functions or does it also have an advisory role vis-à-vis the executive or the legislature? In the affirmative, specify the various aspects of these consultative functions, and if they are exclusive to the body or the highest jurisdiction.*

In general, both the regional courts and the Slovak Supreme Court only play a judicial role and are in no case empowered to meet any advisory obligation toward the executive or legislature. Individual judges can be occasionally invited as experts to work on drafts of legal regulations (during their internship, in order to use their expertise) or engage in advisory activities, particularly at the Legislative Council of the Slovak Government.

The Supreme Court of the Slovak Republic as a whole has a special advisory role vis-à-vis lower courts in the context of the process of internal revision (see point 19).

19. *Where the body plays both a judicial and an advisory role, how are its respective duties organised?*

The only and special advisory role of the judiciary is the conduct of internal revision. This activity is directed at the internal workings of the judiciary and is aimed at:

a) learning about the results of work of regional courts and their judges, with a view to the personnel and technical conditions created and the workload of judges,

b) identifying the situation and analysing the causes for long-overdue cases and delays in proceedings, and examining
c) the compliance with procedural regulations, compliance of protocols and judgments with formal requirements, and adherence to the time-limits prescribed by law for proceedings and judgments,
d) the timely preparation and dispatch of court judgments,
e) the standard of the preparation and conduct of court proceedings, the effective use of hearing days and the reasons for adjourning proceedings,
f) the performance of court departments and offices, the standard of court documents,
g) the reviewability of the assignment of cases in accordance with the assignment docket,
h) the justifiability of changes in the assignment docket, and adherence to case management rules,
i) keeping up with the requirements for specialisation of judges,
j) the dignity of the conduct of judges, court officials and other court employees, as well as the dignity of the court environment,
k) the efficiency of the handling of complaints.

Based on the results of internal revisions, the Plenum of the Supreme Court of the Slovak Republic discusses and approves reports on the results of its examination activities, which are used as a basis for proposals for new or modification of existing regulations submitted to the Minister of Justice.

F – ALLOCATION OF DUTIES AND RELATIONSHIP BETWEEN COMPETENT BODIES

20. Do the highest appeal courts have an instrument or a procedure to ensure the harmonised and uniform application and interpretation of law?

Primarily the Plenum of the Supreme Court of the Slovak Republic adopts positions (of informative nature) on the basis of initiatives from individuals or lower-level courts on the harmonisation of the interpretation of laws and other generally binding legal regulations in issues related to different divisions or issues disputed between its divisions.

Another source of harmonisation of the decision-making practice are discussions of the Plenum of the Supreme Court of the Slovak Republic on reports on the application of laws and other generally binding legal regulations, which are used as a basis for proposals for new or modification of existing regulations submitted to the Minister of Justice.

One of the basic activities of the Supreme Court of the Slovak Republic is the harmonisation of the interpretation and application of laws and other generally binding legal

regulations through the publication of judgments of the Supreme Court of the Slovak Republic of fundamental importance and by taking positions on the harmonisation of interpretation of laws and other generally binding legal regulations. For this purpose

a) the relevant division of the Supreme Court collects final judgments delivered on a fundamental legal issue from presidents of lower-level courts and requests positions from individual judges of the relevant division of the Supreme Court on these judgments,

b) the Plenum of the Supreme Court or the relevant division of the Supreme Court adopts positions on the harmonisation of the interpretation of laws and other generally binding legal regulations if this is necessary in the interest of eliminating a lack of integrity in courts' decision-making practice, if the panel of the Supreme Court has diverted from the legal opinion contained in the judgment of another panel of the Supreme Court.

Prior to taking a position on the harmonisation of the interpretation of laws and other generally binding legal regulations, the President of the Supreme Court or the president of a division of the Supreme Court can request another division of the Supreme Court, the Prosecutor General, the Ministry of Justice of the Slovak Republic (hereinafter referred to as the "Ministry") or other public authorities or scientific institutions and universities for opinion.

In the interest of uniform interpretation and uniform application of legal regulations, the Supreme Court of the Slovak Republic publishes the Collection of Positions of the Supreme Court and Court Judgments of the Slovak Republic on administrative, as well as civil, criminal and commercial maters, which contains

a) the above positions of the court on the harmonisation of the interpretation of legal regulations, and

b) selected judgments of the Supreme Court or other courts.

The positions and selected judgments published in the Collection of Positions of the Supreme Court and Court Judgments of the Slovak Republic are also available on the court's website at www.nssr.gov.sk.

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Uniform application and interpretation of law are guaranteed by virtue of the fact that the administrative division of the Supreme Court of the Slovak Republic is essentially the only appeal court in the Slovak Republic competent to hear appeals against decisions of regional courts. Uniformity of the decision-making practice of judicial panels prior to issuing decisions on individual matters is ensured by the possibility of the joinder of cases, which are related as to the facts or which involve the same parties; the panel assigned such joint cases is the one that received the first action. Given the fact that the administrative division consists of seven three-member appeal panels, it is not possible to completely rule out divergent decisions. Should that happen, subsequent unification of final divergent decisions of individual panels is carried out at a meeting of the judges of the administrative division, applying the procedure set out in point 19. The administrative division monitors final decisions handed down by regional courts in respect of fundamental legal issues, and requests individual judges of the Supreme Court's administrative division to give their opinions on relevant issues. The Supreme Court publishes judicial decisions of fundamental importance and gives opinions on uniform interpretation of laws and other generally binding legal regulations. Published decisions have the character of persuasive rather than binding precedents.

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The formal procedural precondition for judicial review of the lawfulness of final decisions of administrative authorities is the exhaustion of regular remedies available to the applicant in the proceedings before administrative authorities. This is one of the basic principles of administrative justice. In case of proceedings related to the omission of the administrative authority to act or proceedings involving the protection against unlawful interference by a public administration authority, such formal procedural precondition is the exhaustion of the remedies provided for in separate legislation (the law on complaints).

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Applications may be filed by applicants who have the necessary standing. Applicants are natural persons or legal entities who claim that their rights have been infringed by a decision or action of an administrative authority in administrative proceedings. Applications may also be lodged by natural persons or legal entities claiming to have been wrongfully omitted from administrative proceedings. Notional characteristics of legal persons are also met by administrative authorities (state administration authorities, local or regional self-government bodies, professional interest associations) that had been a party to administrative proceedings before other administrative authorities, e.g. the proceedings in which they may have been imposed a sanction. In addition to the general definition of parties to the proceedings, the Code of Civil Procedure explicitly sets out the parties to the so-called special proceedings (e.g. proceedings on electoral matters). The standing to sue of a natural person or legal entity is a formal procedural precondition for lodging an application.

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The applicant must claim that his/her substantive or procedural rights have been infringed by a decision or action of an administrative authority that violated a specific generally binding legal regulation. The description of his/her claims constitutes the grounds for application; such grounds are binding for the court. In principle, applicants do not present new evidence; they merely point to the evidence that was taken or omitted in administrative proceedings; this

evidence is part of the administrative file. The proof of infringement of applicant's rights is a formal procedural precondition.

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As a rule, time-limits for lodging an application start running as from the day of service of the decision. The application must be lodged within two months of the service of the decision of the highest administrative authority, unless separate legislation provides otherwise. No exemption may be granted in respect of the expiry of the time-limit. Where an application is lodged by a person claiming not to have been served the decision of the administrative authority although he/she should have been included among the parties to the proceedings, the court verifies such claim and orders the administrative authority to serve the administrative decision. The court may apply this procedure only within the objective 3-year time-limit from the date of the decision. In matters of public interest, a prosecutor may lodge an application within two months from the date of the final decision on denying the prosecutor's protest, but no later than one year from the date of the final decision of the administrative authority. No time limits apply to applications lodged in respect of the omission of an administrative authority to act or the protection against unlawful interference by an administrative authority; such applications are deemed admissible for as long as the unlawful situation continues.

Ad 25

Applications seeking a review of the lawfulness of administrative decisions are lodged on the basis of the principle of general clause with negative enumeration, i.e. all decisions of administrative authorities are reviewable by court except for those that are explicitly excluded by law; the courts apply a restrictive interpretation of this principle. The latter decisions include a) preliminary decisions of administrative authorities and procedural decisions relating to the conduct of the proceedings, b) decisions that are based exclusively on the assessment of the health of persons or technical condition of objects, unless they *per se* represent a legal obstacle to carrying out a profession, employment or entrepreneurial or other economic activity, c) decisions on non-recognition or withdrawal of recognition of professional capability of legal or natural persons, unless they *per se* represent an obstacle to carrying out a profession or employment, d) decisions of administrative authorities whose review is excluded under separate legislation. The law does not exclude the review of "sensitive" matters. Courts also review decisions relating to confidential matters and access to classified information. The law also excludes from judicial review decisions granting deferment of tax or tax arrears payments.

Ad 26

No. Applications for review are not subject to any screening procedure. The judges see this fact as a gap in the legislation.

Ad 27

Applications may be lodged in writing, orally on record, electronically with guaranteed electronic signature as provided for under separate legislation, by telegraph or telefax. Telegraph applications must be supported by the application in writing or orally on record

within three days at the latest. Telefax applications must be supported by the provision of their original copies within three days at the latest, otherwise they are disregarded.

Ad 28

Technical prerequisites for keeping electronic files have not yet been created. Files are kept exclusively in a paper form. Although the law also provides for filing electronic applications (see point 27), this serves only for the timely lodging of applications. Written documents are used for all other purposes. There introduction of electronic communication between the court and the parties is being considered, in particular as regards the rectification of applications.

Ad 29

The fee for lodging applications seeking judicial review of the decisions of public administration authorities is SKK 2,000 (EUR 54). This fee is paid to the account of the court that has conducted the first-instance proceedings, or the court in respect of whose act the fee is charged. Fees not exceeding SKK 10,000 may be paid in the form of stamp duty. Fees are levied and collected in Slovak currency. No fee is charged for applications relating to the omission of an administrative authority to act or the protection against unlawful interference.

Ad 30

The applicant challenging a final administrative decision must be represented by a lawyer, unless he/she or his/her employee (member) acting on his/her behalf in court has legal background; this does not apply to cases that fall under substantive jurisdiction of district courts, or to judicial review of decisions or actions in matters related to health insurance, social security including sickness insurance, pension security, state social benefits, social assistance and unemployment insurance, active labour market policy and guarantee fund, provision of healthcare, misdemeanours, or asylum applications. There is no difference according to the seniority of court. There is no difference between the position in practice and the legal position.

Ad 31

No court fees are payable in case of socially sensitive proceedings whose range is relatively wide. Thus, an exemption from court fees is granted in matters involving health insurance, social security including sickness insurance, pension security, state social benefits, social assistance and unemployment insurance, active labour market policy and guarantee fund, and the provision of healthcare. Individual applications for exemption from court fees are therefore filed only sporadically. Administrative authorities against which the application is brought are not, even if successful, entitled to be awarded the costs of the proceedings. This means that the applicants in socially sensitive cases incur basically no costs of the proceedings. The court may appoint a lawyer to the applicant upon request, where this is necessary to protect the applicant’s interests. Cash expenses and lawyer’s fees are paid by the state.

Ad 32

No fine is imposed for abusive or unjustified applications.

B/ MAIN TRIAL

33. Main trial – oral hearing is governed by the principles of oral character of proceedings, immediacy and equality of arms between the parties to the proceedings. Legal representation of the applicant is mandatory save for the exceptions set out in the law. The hearing is public, every judgment is pronounced in public and, after its announcement, grounds of the judgments are given. The judicial review procedure has the elements of contentious litigation: the parties may submit evidence to the court and respond to oral or written rebuttals of the counterparty. Basic principles of the main trial are governed by the national legislation – the Code of Civil Procedure, the Constitution of the Slovak Republic, and the Convention for the Protection of Human Rights and Fundamental Freedoms.

34. Judges must act in an impartial manner, may not be members of a political party, and may not engage in entrepreneurial activities, i.e. may not be associates of any business entity. If a judge becomes aware of any fact of the proceedings that could be considered as a ground for his/her exclusion – such as his/her interest in the case, parties to the proceedings or their representatives (Section 14 (1) of the Code of Civil Procedure), he/she brings this fact forthwith to the attention of the president of the court who then assigns the case to another judge in conformity with the court assignment docket or submits the matter for decision by the superior court (Section 15 (1) of the Code of Civil Procedure).

Parties to the proceedings may also file a bias objection to a judge or the entire court. Such objections are decided by the superior court (Section 15 (2)).

A judge may be excluded from a case if there are reasonable grounds to doubt his/her impartiality because of his/her interest in the case, parties to the proceedings or their representatives.

35. In principle, the arguments as to the facts and points of law should be set out in the application and/or the legal remedy against the administrative decision. They also may be supplemented later on, but not after the time-limit for the submission of the application. The court does not consider objections or arguments brought up after the expiry of statutory time-limit (Section 250h of the Code of Civil Procedure). The same provisions govern the second-level judicial procedure – appeal proceedings. The concentration principle applies.

36. Besides the parties to the proceedings and their legal representatives, other persons who demonstrate that they have an interest in the outcome of the proceedings and/or on whom the court decision could impose a certain obligation can participate in the proceedings as secondary parties.

37. Section 35 (1) (b) of the Code of Civil Procedure provides that a prosecutor may instigate proceedings to review the lawfulness of an administrative decision in case of denial of the prosecutor's protest.
38. There is not.

39. The court may stop judicial proceedings by a resolution (Section 250d (3) of the Code of Civil Procedure) in case of withdrawal of the application, the applicant's failure to remove the deficiencies of application in accordance with court instructions where the deficiencies

prevent the decision on merits, in case of applications filed by persons without standing, in case of applications aimed against the decisions that are not reviewable by court, or in case the applicant is not represented (Section 250a of the Code of Civil Procedure). The death of the applicant does not always result in ending the proceedings.

40. To foster a rapid and objective decision, the court forwards essential and important pleadings and other submissions filed by the parties to other parties for information and comments. The court always forwards the application to the defendant for comments.

41. The responsibility for the provision of evidence lies with the parties to the proceedings, the applicant bearing the burden of proof. The court does not provide the evidence in lieu of the parties.

42. Hearings are always oral and, besides the parties, they are open to anybody. The court may order an *in camera* hearing in cases subject to non-disclosure under separate legislation. These cases are, however, exceptional. All first-instance hearings are public. The court may decide not to order a public hearing where this is consensually proposed or agreed to by the parties, and where this is not in conflict with the public interest. Public hearings before second-instance courts concerning pension security matters do not have to be public. However, the judgment must always be pronounced in public.

43. After the presentation of evidence and the conclusion of the hearing, the court/panel deliberates. Deliberations of the panel are attended only by its members and the court recorder. No one else may take part in the deliberations. The content of the deliberations and the results of the vote are recorded in the minutes and placed in a sealed envelope. The judicial procedure governing panel deliberations is set out by law (Section 37 of the Code of Civil Procedure). After the panel has deliberated, it takes a vote. The vote is chaired by the presiding judge of the panel. Junior judges vote before senior judges, and the last vote is cast by the presiding judge.

44. The court's decision on merits has the form of a judgment. The law sets out the cases where the court decides by a resolution. The decision is made out in writing and must bear the names of the court and of the judges hearing the case, the names of the parties and their representatives, the object of the proceedings, the operative part, the reasoning, legal remedy information, the date and place of issue, and the signature of the presiding judge of the panel. The reasoning contains the facts of the case, a concise summary of pleadings and objections of the parties, a summary presentation of evidence, description of legal acts on which the decision is based and the reflections underlying the decision, and concrete objections of the parties. As a rule, decisions on merits are quite detailed; in case of decisions concerning complex matters as to the facts or points of law, the court provides a more detailed reasoning than in factually or legally less complex matters. Resolutions of procedural nature may contain a more concise reasoning. The administrative division of the Supreme Court makes every effort to issue decisions that are clear and intelligible, especially for the parties.

45. Judges are independent in the performance of their office and they are bound by the Constitution, constitutional statutes, international treaties that are binding on the Slovak Republic, and by the laws in their decision-making. If a court believes that a generally binding legal regulation or a part or individual provision thereof, relevant for the case, is in conflict with the constitution, a constitutional statute, an international treaty or a law, it suspends the proceedings and initiates proceedings before the Constitutional Court. The court is also bound

by generally binding municipal regulations, and its decisions must also be in conformity with other legal regulations of lower legal force. If the court believes that these regulations are in conflict with a law or with a legal norm of higher legal force, it acts in conformity with the norm of higher legal force. Moreover, in practice, lower courts respect legal opinions of administrative panels of the Supreme Court, although the decisions of the latter do not constitute a formal source of law; the courts accept them only because they are convincing and contain a good justification for their legal conclusions. The courts also take account of the decisions of the European Court of Human Rights and respect them in their decision-making.

46. Administrative courts examine the grounds for applications or lawfulness of the decisions of public administration authorities in the proceedings on legal remedies against the decisions of public administration authorities. First-instance courts also examine, besides the grounds for applications, the nullity of legal acts and other questions or reasons for the annulment of challenged decisions. They respect the principle of material truth. Their decisions are based on administrative files; where a court deems the evidence insufficient, it may either order the administrative authority in question to take additional evidence, or it may take the evidence itself. The court is not concerned with the adequacy or purpose of the decision; however, it evaluates the evidence by applying the principle of discretion in the evaluation of evidence, taking care to keep the discretion within the limits of law, and respecting the principle of logical thinking and the content of files. Adequacy of sanctions for the violation of legal obligations (in particular of administrative sanctions) is also assessed. However, as a rule, the court applies the cassation principle, respecting the principle of the division of powers, and repeals the decisions which it finds unlawful. In the appeal procedure, the Supreme Court reviews the procedure and the decisions of regional courts within the scope of the appeal. In case of the decisions involving sanctions, the court may repeal the administrative decision and decide on merits.

47. The state pays the costs of the proceedings incurred by the taking of evidence; it has the right to charge the costs to the unsuccessful party, save where the latter is entitled to an exemption. The payment of the costs of the proceedings is governed by the principle according to which the successful party is entitled to be awarded the costs of the proceedings against the unsuccessful party. In social matters (pensions, sickness and social insurance, etc.) the state grants natural persons a fee exemption and administrative authorities have no right to be awarded the costs of the proceedings against unsuccessful parties. However, as a rule, the courts do not award the costs of the proceedings to administrative authorities even if they are successful.

48. Regional courts hear cases in three-member panels, composed of a presiding judge and two professional judges; single judges may decide only on matters involving pension, sickness or social insurance and asylum matters, in which regional courts act as first-instance judicial authorities . Panels of the administrative division of the Supreme Court have three members; five-member judicial panels hear appeals against decisions issued by panels of the administrative division of the Supreme Court and secondary appeals.

49. All members of the panel have an equal vote and each of them votes autonomously; junior judges cast their votes before senior judges, and the presiding judge is the last to vote. Members of the judicial panel casting a dissenting vote may give grounds for their vote in the minutes. In judgment on secondary appeals, judges may demand that their dissenting opinions be recorded in the written copy of the judgment. The judicial community is critical of this

procedure, which is not applied in practice, because it is considered to interfere with judicial independence.

50. Judgments are pronounced publicly and orally. Subsequently, they are drawn up in writing and serviced to the parties or their legal representatives. Decisions of a purely procedural nature are delivered to the parties in writing only if they end the proceedings or impose an obligation. Written decisions need to be serviced to the parties within 30 days of the decision.

51. The court's decision is final and cannot be reviewed if it concerns the same matter, the same legal grounds and the same parties. This prevents the matter from being heard by the court again as a *res judicata*. Nevertheless, this is not an absolute obstacle to the assessment of entitlements in administrative proceedings, because under certain circumstances an administrative authority can decide on the same matter again and contrarily (it can, for example, reconsider the degree of a person's social dependence on home care service, etc.). However, this new decision is not a *res judicata* in court proceedings. The court's decision is binding for the parties and state authorities.

52. The court cannot limit the effects of its judgments in time. A court judgment becomes enforceable on the day it becomes effective, unless the court has exceptionally allowed for postponement of its enforceability. A final court judgment can involve enforcement (execution).

53. The execution of a judicial decision is ensured by means of executors, on the basis of an application for execution under a special law, although administrative authorities usually respect final judgments and the implementation of these judgments does not need to be coerced. In the case that a decision of an administrative authority has been annulled, the administrative authority is bound by the legal opinion expressed in the judicial decision. The court can enforce the implementation of its judgment on the basis of a repeated proposal of the relevant party by means of a penalty of up to SKK 100 000, even repeatedly, only in cases when in proceedings against the omission of a public administration authority to act, the time-limit for the authority's a decision has not been met and the administrative authority continues to be inactive.

54. The strategy to reduce the time necessary to dispose of cases without unnecessary delays should take into account the workload of judges and enable them to only pay attention to decision-making activities without unnecessary paperwork. The number of judges in administrative justice is still insufficient, especial of we consider the problems with the complexity of administrative justice cases. Highly skilled administrative staff and judge assistants should help judges accelerate the proceedings. The personnel problems in this area still have not been successfully resolved, despite attempts at optimising the judiciary, which failed to bring the desired effects. The law does not define any time-limits for the disposal of cases, there is only the general principle that a matter has to be dealt with without unnecessary delays. It is disputable whether so many possibilities for appeal – at least two levels in proceedings at the administrative authority and two levels before administrative courts – are necessary. The diversity of extraordinary legal remedy in both administrative and court proceedings can make the law unenforceable. The principle that supported single-instance court proceedings when these are preceded by two-instance administrative proceedings and two-instance court proceedings when these are preceded by administrative proceedings at only a single instance appears to be practical and appropriate.

55. The majority of disputes begin at regional courts as first-instance courts on the basis of a complaint (filed against a final decision of an administrative authority) or an appeal (filed against a decision of administrative authorities that is not final). Administrative courts examine the justifiability of complaints and lawfulness of decisions of public administration authorities. The law specifies matters for which the Supreme Court is the first-instance court. Otherwise, it acts as an appeal court reviewing the judgment of the first-instance court to the extent of the grounds of the appeal, while appeal can be lodged only for reasons defined by law. Courts usually examine the points of law, although in social matters, they often also deal with the facts of the case. Complaints are either rejected or the challenged decision is annulled and returned to the administrative authority for further proceedings and a new decision. In the case of appeal proceedings, the decision can be affirmed or annulled and returned to the administrative authority for further proceedings. Administrative courts do not review decisions taken by the Head of State, the Parliament or the Government. Nevertheless, they do review decisions of ministries and individual ministers taken in the performance of their public administration duties. Proceedings in certain electoral matters and matters of political parties and movements also fall under administrative justice. The jurisdiction in these matters is divided between individual court levels and proceedings against the Head of State are under the jurisdiction of the Constitutional Court. Administrative courts also hear disputes of competence between public administration authorities or between public administration authorities and courts. Lastly, they hear complaints against unlawful interventions of public administration authorities and omission of an administrative authority to act and ensure judicial execution of decisions of foreign administrative authorities.

As a court of appeal, the Supreme Court can affirm the challenged judgment of the first-instance court when it is factually correct, modify it or return it for further proceedings and a new decision. Despite this, the court follows the cassation principle with respect to decisions of public administration authorities.

55/ The review of the lawfulness of decisions and action taken by administrative authorities falls under the jurisdiction of regional courts. Only very specific cases fall directly under the jurisdiction of the Supreme Court of the Slovak Republic; then the Supreme Court acts and decides in single-instance court review proceedings. The proceedings of administrative courts at both levels – regional courts as first-instance courts and the Supreme Court as an appeal court – on complaints against final decisions or appeals against decisions that are not final examine above all the lawfulness, i.e. the points of law of the case, as well as whether the findings of fact are sufficient and accurate. The law allows both regional and the Supreme courts to collect evidence. The Supreme Court collects evidence only in exceptional cases. Factual hearing is conducted orally both before the regional and Supreme courts. The principle of full jurisdiction is expressed in that regional courts deciding on the matter itself and the Supreme Court in appeal proceedings can alone deliver a judgment on damages, pecuniary performance or pecuniary sanction if they ascertain that the decision on the matter should have been different from that of the administrative authority; otherwise, the complaint is rejected or the challenged decision is annulled and the matter is returned to the administrative authority for further proceedings. The administrative justice system has jurisdiction over electoral matters and proceedings in matters of the registration of candidate lists; proceedings in matters of the acceptance of a proposal for a candidate for the office of the President of the Slovak Republic are under the jurisdiction of the Supreme Court; other electoral matters are acted upon and decided by regional courts. The Supreme Court also hears disputes between state administration (and self-government) authorities and courts.

56/ Regional courts decide in single-instance proceedings on applications for action against the omission of a public administration authority to act, applications for action against unlawful intervention of a public administration authority and on electoral matters; no remedy is available from these judgments. Neither does the law provide for the possibility of appeal against judgments of the Supreme Court, with the exception of pension matters, where an extraordinary remedy – the second appeal – is available for judgments of the Supreme Court on appeals. With certain restrictions, a regular remedy – appeal – from judgments of regional courts is possible and widely used; the law enables the Supreme Court to examine both the findings of fact and points of law in appeal proceedings. Remedy is not available for those judgments of regional courts where the decision of an administrative authority has been annulled because it was based on incorrect points of law and in cases when the findings of fact on which the administrative decision of the administrative authority was based is at variance with the content of the case files.

57/ The filing of a complaint (or appeal) does not on its own have suspensive effect. The complainant (appellant) may request interim relief. The panel hearing the request (the president of the panel) is the same as that for the main proceedings. Due to the nature of the procedural request, it is dealt with preferentially, without unnecessary delay and without public hearing. The relief is effective until the final disposal of the matter. It can be cancelled if the reasons for which it was issued cease to exist. The execution of a decision can be suspended at any stage of the court review proceedings, even in appeal proceedings before the Supreme Court. Matters of expropriation under a special law are heard by the first-instance court within three months of filing the application.

58/ The application for the suspension of the execution of a decision of an administrative authority is met by the court only if the immediate execution of the challenged decision poses the threat of serious damage. In the case of two-level proceedings before the administrative authority, the suspension of execution of the decision can be achieved at both levels. The application for the suspension of the execution of a decision is not charged. It can only be submitted together with a complaint (appeal).

59/ The court may decide not to order a public hearing where this is consensually proposed or agreed by the parties, and where it is not in conflict with the public interest, as well as in the case of appeals in pension matters; the judgment must always be pronounced in public. Cases can also be disposed of without ordering a hearing when the outcome of the proceedings is a resolution rather than a judgment (proceedings against the omission of a public administration authority to act, applications related to proceedings on protection against intervention of a public administration authority and electoral matters), as well as in cases when the outcome of proceedings is not a judgment on the merits, such as the suspension of proceedings due to faults of the complaint, late lodgement, lodgement by an ineligible person, against a decision that cannot be reviewed by court, failure to pay the court fees, etc.

60/ Disputes can also be settled by ending the proceedings in cases when the administrative authority whose decision is under court review delivers a new decision which fully satisfies the application. Court review proceedings can also be settled by ending the proceedings when the relevant party has, simultaneously with the court review, lodged an extraordinary appeal in administrative proceedings and has been successful.

61/ The Ombudsman does not have the authority to lodge complaints – he can only advise the complainant on the correct procedure. When the public defender of rights ascertains that a decision of a public administration authority is unlawful, he can forward the matter to the relevant prosecutor. Prosecutor has the power to initiate proceedings when so laid down by a special law and when the prosecutor's protest has not been met.

62/ Mediation is not used in administrative justice and the concept of negotiated settlement has not been introduced. Rectification can also be achieved by means of extraordinary legal remedy in administrative proceedings, if the subject of court review is the final decision of an administrative authority. Autoremedy can be used in administrative proceedings when the subject of court review is a decision of an administrative authority that is not final. The complainant can withdraw his complaint until the court delivers a judgment; this may include cases when a settlement was achieved between the parties – the first-instance court does not examine the reasons for withdrawal of complaints. If the complaint is withdrawn during appeal proceedings, after the first-instance court has delivered a judgment, the Supreme Court cannot accept withdrawal of complaint without consent of the other party.

63.
In 2004, the approved budget for the administration of justice was SKK 3.106 billion, of which SKK 1.51 billion was approved for salaries and other income. Due to the organisational structure of the judiciary, it is not possible to specifically identify the expenditure on administrative justice. The 2004 state budget of the Slovak Republic (budgeted expenditure) amounted to SKK 310.45 billion. The share of the judiciary in the budgeted expenditure was around 1%.

64.
The Slovak judiciary employs 1200 judges and 800 senior court official who are authorised by law to deliver decisions, with the exception of delivering judgments on the matter itself.

65.
There are only around 65 judges working full-time in the administrative field and other judges (10) also working in other fields (civil or commercial law).

66.
There are around 45 senior court officials in the administrative field. The majority of senior court officials have legal education. Judges do not have assistants in the sense that they would help them analyse court cases. This is partially the role of senior court officials.

67.
Court library resources have been developed over a long period of time and mostly focus on traditional judicial fields (civil and criminal law). The development of library resources for the field of administrative justice is gradually improving.

68.
Courts, including administrative panels of courts, have access to information technology.

69.
The system of internal information, including a complete collection of judgments, is under construction.

70.
2,471 cases were lodged with the administrative division of the Supreme Court in 2003, 2,672 cases in 2004, and 2,844 cases in 2005.
Regional courts registered 7,156 cases in 2003, 9,427 cases in 2004, and 14,580 cases in 2005. The rising number of cases was caused above all by the great number of disputes after the adoption of new social legislation.

71. The administrative division of the Supreme Court disposed of 1,910 cases in 2003, 1,869 cases in 2004, and 2,695 cases in 2005.
Regional courts disposed of 6,820 cases in 2003, 7,474 cases in 2004, and 10,950 cases in 2005.

72. In the middle of 2005, there were 1,317 cases lodged with the administrative division of the Supreme Court that had not been disposed of. At the moment, (as of 30.11.2006), this number is 1,434.
Regional courts had not disposed of 6,500 cases in the middle of 2005.

73. The length of proceedings at the administrative division of the Supreme Court is 6 to 12 months. At regional courts, in 2004 the average length of proceedings was 6.63 months in matters related to social security and 9.48 months in other administrative cases, in 2005 it was 5.94 months for social cases and 7.62 months for other administrative cases (for comparison, the average length of proceedings in civil matters in 2004 was 17.67 months). The total length of proceedings specified on the statistical sheet is divided by the number of statistically monitored cases that have been disposed of. The time specified in the statistical sheet is real time.

74.
In 2004, courts annulled 34% of decisions of public administration authorities challenged through a complaint.

75.
The volume of litigation per field is not specifically monitored. An inspection of the statistics on cases that have been disposed of reveals that social affairs (especially pension benefits) account for 50% of decided cases, restitution matters for 15%, tax and customs matters for 15% (this number is decreasing thanks to the introduction of a flat tax rate), construction, cadastre and environmental protection proceedings for 5%, matters related to the broadcasting of electronic media, telecommunications and competition for 5%, review of decisions of a variety of inspection authorities, such as sanctions imposed by the trade inspection, for 5%, and asylum and all other matters for 5% of the total number of cases that have been disposed of.

76.
After the adoption of Act No. 514/2003 Coll. on Liability for Damage Caused in the Exercise of Public Power, the concerns of public administration employees related to their liability for damage increased compared to the situation when this area was regulated by Act No. 58/1969 Coll. on State Liability for Damage. Among other things, this can be attributed to the not-always-competent commentaries in the media emphasising information about possible recourse without explaining the legal requirements for the establishment of liability. The amounts of damages awarded by the European Court for Human Rights in Strasbourg are also reported in a dramatic way, even though their amount is less than a tenth of a percent of the

state budget and the damage caused by omission to act or faulty judgments of courts are negligible compared to other types of damage – such as damage to national economy caused by inaccurate assessment of economic risk. We do not know of any research in the field.