

**185/2002 Coll.**

**ACT**

of 11th of April 2002

**on Judicial Council of the Slovak Republic and on change and supplementation of certain acts**

National Council of the Slovak Republic has resolved to adopt the following Act:

Article. I

**INTRODUCTORY PROVISION**

Section 1

**Subject matter of the regulation**

This Act regulates further jurisdiction of the Judicial Council of the Slovak Republic (hereinafter only as "Judicial Council") and the details on the manner of appointing the President of the Judicial Council, Vice-President of the Judicial Council and its members, on the organisation and on the relations to the bodies of judicial administration and to the bodies of judicial self-administration.

**JUDICIAL COUNCIL**

Section 2

**Seat of the Judicial Council**

The seat of the Judicial Council is Bratislava.

Section 3

**Composition of the Judicial Council**

(1) Judicial Council has 18 members. They are the President of the Judicial Council and its additional members.

(2) A member of the Judicial Council appointed by the National Council of the Slovak Republic (hereinafter only as "National Council"), President of the Slovak Republic (hereinafter only as "President") and the Government of the Slovak Republic (hereinafter only as "Government") may only be a person that is irreproachable, has university education of the field of law and a minimum of 15 years of professional experience. National Council, President and the Government shall appoint a person as a member of the Judicial Council, that is not a judge.

(3) Legal education of a member of the Judicial Council for the purposes of this Act is demonstrated in the following manner:

a) by a diploma issued by a university pursuant to special legislation after graduation of master's study at faculty of law of a university within the Slovak Republic,

b) by a document on university study issued by a foreign university that is validated by faculty of law of a university within the Slovak Republic, or

c) by a document on study issued by a foreign university, with whom the Slovak Republic concluded an international contract on mutual recognition of equal documents on education.

(4) A person that is irreproachable for the purposes of this Act is not considered a natural person that was definitively sentenced for a deliberate criminal offence, and that applies even in case such sentence for a deliberate criminal offence has been expunged, or if such person is viewed as never having been sentenced for such criminal offence pursuant to special legislation. Irreproachability is demonstrated by copy of criminal record.<sup>1b)</sup> For the purpose of demonstrating irreproachability pursuant to this Act the natural person shall provide that data required to request a copy of criminal record.<sup>1c)</sup> The data pursuant to the third sentence shall be delivered by an authorised person without delay in electronic format through electronic communication to the Office of the Prosecutor General of the Slovak Republic to request an issue of a copy of criminal record.

(5) The office of a member of the Judicial Council is incompatible with the office of the President of the Supreme Audit Office of the Slovak Republic or Vice/President of the Supreme Audit Office of the Slovak Republic, prosecutor, officer of the Police force of the Slovak Republic and a member of the Slovak Information Service.

### Section 3a

#### **Ensuring public scrutiny of the judiciary**

In exercising its powers under Article 141a(5)(a) of the Constitution of the Slovak Republic (hereinafter only as "the Constitution"), the Judicial Council

(a) shall participate, to the extent provided by law, in the management and administration of the courts of the Slovak Republic,

(b) shall evaluate reports on the results of the internal review of the courts, analyse the causes of the deficiencies found and propose measures for their elimination,

(c) adopt measures to strengthen public confidence in the judiciary,

(d) ensure the participation of its members in the sessions of the plenary of the Supreme Court of the Slovak Republic (hereinafter only as "Supreme Court") and the plenary of the Supreme Administrative Court of the Slovak Republic (hereinafter only as "Supreme Administrative Court") and in the selection commissions pursuant to a special regulation,

(e) perform other tasks laid down by law.

### Section 3b

#### **Competence in the context of the examination of the prerequisites for judicial competence and the financial situation of judges**

In exercising its powers under Article 141b of the Constitution, the Judicial Council

(a) act on matters concerning the written declaration of the judge and the judge's declaration of assets and on matters concerning the judge's assets,

(b) enforce measures aimed at the permanent fulfilment of the prerequisites of judicial

competence which guarantee that the judge will perform their duties properly (hereinafter only as "prerequisites of judicial competence"),

(c) supervise the fulfilment of the prerequisites of judicial competence,

(d) verify the fulfilment of the prerequisites of judicial fitness by candidates for the office of judge,

(e) adopt opinions pursuant to this Act,

(f) exercise the power of suggestion in matters of disciplinary responsibility of judges.

### Section 3c

The Judicial Council shall prepare and publish on its website, on or before March 30 of each year, a report on the exercise of its jurisdiction pursuant to Sections 3a and 3b for the preceding calendar year and shall inform the public in other appropriate forms.

### Section 4

#### **Additional powers of the Judicial Council**

(1) Additional powers of the Judicial Council under this Act include

(a) to consider reports on the disbursement of the budgets of the courts,

(b) to approve the statute of the Judicial Council and the rules of procedure of the Judicial Council,

(c) to submit to the Minister of Justice of the Slovak Republic (hereinafter only as "Minister of Justice") proposals for the adoption of generally binding legislation regulating the organisation of the judiciary, proceedings before the courts and the status of judges,

d) to elect the Vice-President of the Judicial Council,

(e) to coordinate the activities of the Judicial Councils established pursuant to special regulation,

(f) to take opinions on draft general binding legislation governing the organisation of the judiciary, proceedings before courts and the status of judges,

(g) to take opinions on draft conceptual documents relating to the judiciary which are submitted to deliberations of the National Council and the Government,

(h) to elect a specified number of members of the Board of the Judicial Academy pursuant to special regulation,

(i) to participate in the development of human resources in the judiciary,

(j) to decide on the temporary suspension of a judge if special regulation so stipulates,

(k) repealed as of 1.7.2024.

(2) The Judicial Council, after agreement with the Minister of Justice, shall further

(a) approve the principles of the selection procedure for appointment to a senior judicial office,

(b) approve the principles for the authorisation of work at home,

(c) determine the content of judicial education and the preparatory training of candidates for judicial office.

(3) Additional powers of the Judicial Council shall be established by special act.

(4) Repealed as of 1.1.2021.

### **President of the Judicial Council**

#### Section 4a

(1) A nomination of a candidate for the election of the President of the Judicial Council may be made by at least three members of the Judicial Council. The nomination shall be accompanied by a declaration signed by the candidate in their own handwriting that they agree with their candidacy.

(2) Minutes shall be drawn up of the proceedings and results of the election of the President of the Judicial Council, stating in particular

(a) the total number of members of the Judicial Council who were entitled to vote,

(b) the number of votes cast by members of the Judicial Council for each candidate,

(c) the ranking of the candidates according to the number of votes obtained by the members of the Judicial Council.

(3) The results of the election shall be declared at the meeting of the Judicial Council at which the election of the President of the Judicial Council was conducted.

(4) If no candidate for the office of President of the Judicial Council obtains a simple majority of the votes of all the members of the Judicial Council and more than two candidates participated in the election, a repeated election shall be held at the same meeting of the Judicial Council. The two candidates who obtained the highest number of votes in the election shall take part in the repeated election.

(5) If no candidate for the office of President of the Judicial Council receives a simple majority of the votes of all the members of the Judicial Council in an election, in the case referred to in paragraph (4) in a repeated election, a new election shall be held on the day after the repeated election.

#### Section 4b

(1) The office of President of the Judicial Council shall cease

(a) upon expiration of the term of office of a member of the Judicial Council,

(b) by resignation of the office of President or a member of the Judicial Council,

(c) by removal of the President or a member of the Judicial Council,

(d) by death,

(e) by failure to remove the grounds of incompatibility for the office of President of the Judicial Council under Article 141a(3) of the Constitution, or

(f) if the President of the Judicial Council can no longer be considered irreproachable.

(2) The President of the Judicial Council shall give notice in writing of resignation of the office to the Vice-President of the Judicial Council or, if there is no Vice-President, to the most senior member of the Judicial Council. The office of the President of the Judicial Council shall cease on the day following the date of receipt of the notice under the first sentence.

(3) A motion for the removal of the President of the Judicial Council may be made by at least five members of the Judicial Council. The Judicial Council may remove the President of the Judicial Council if

(a) the credibility of the judiciary or the reputation of the judiciary may be seriously jeopardised by their continuance in office,

(b) his state of health prevents him for a prolonged period, but not less than three months, from properly discharging the duties of his office; or

(c) they repeatedly fail to fulfil their duties.

## Section 5

### **Vice-President of the Judicial Council**

(1) The Judicial Council shall elect a Vice-President of the Judicial Council from among its members. Any member of the Judicial Council may propose a candidate for the Vice-Presidency of the Judicial Council.

(2) If the President of the Judicial Council is not elected and in the absence of the President of the Judicial Council, the Vice-President of the Judicial Council shall perform the duties of the President of the Judicial Council. The President of the Judicial Council may also in other cases authorise the Vice-President of the Judicial Council to represent him within the scope of his rights and duties.

(3) In the absence of the President of the Judicial Council and the Vice-President of the Judicial Council and if the office of the President of the Judicial Council and the office of the Vice-President of the Judicial Council are vacant, the most senior member of the Judicial Council shall perform their duties.

(4) Sections 4a and 4b shall apply to the election, removal and termination of the office of Vice-President of the Judicial Council. A motion for the removal of the Vice-President of the Judicial Council may be made separately by the President of the Judicial Council.

### **Meeting of the Judicial Council**

## Section 6

(1) A meeting of the Judicial Council shall be convened and presided over by the President of the Judicial Council. Unless it is an exercise of the powers of the Judicial

Council under Article 141a(5)(a) to (j) of the Constitution or pursuant to Section 4(1)(h), Section 4(1)(b), Section 4(1)(c), Section 4(1)(d) or Section 4(1)(e), Section 4(1)(f), Section 4(1)(g) or Section 4(1)(h) of the Constitution 2 and the election and removal of the President of the Judicial Council and the Vice-President of the Judicial Council, the President of the Judicial Council may, in urgent cases, request the members of the Judicial Council to decide on a draft resolution outside a meeting of the Judicial Council; if at least three members of the Judicial Council comment on or disagree with the draft resolution, the draft resolution must be decided on at a meeting of the Judicial Council. Meetings of the Judicial Council may, in times of emergency or state of emergency, be conducted by means of technical equipment of video and audio transmission; the audio recording of the meeting of the Judicial Council shall be made available to any person after the end of the meeting.

(2) The agenda of the Judicial Council shall be proposed by the President of the Judicial Council. Any member of the Judicial Council shall be entitled to propose an amendment or addition to the agenda of a meeting of the Judicial Council. If at least three members of the Judicial Council propose an amendment or addition to the agenda, the President of the Judicial Council shall include the proposal in the agenda of the meeting of the Judicial Council.

(3) The agenda of the meeting of the Judicial Council shall be approved by the Judicial Council.

(4) President of the Judicial Council shall convene a meeting of the Judicial Council as necessary, but at least once a month, or if at least one-third of the members of the Judicial Council request in writing that a meeting be convened.

(5) If the President of the Judicial Council does not convene a meeting of the Judicial Council within 15 days, which meeting is favoured by one-third of the members of the Judicial Council, such meeting of the Judicial Council shall commence at the seat of the Judicial Council even without convening it at 1 PM on the thirtieth day after the receipt of the request. If the thirtieth day falls on a Saturday, Sunday or public holiday, the day of the meeting of the Judicial Council shall be the next following working day.

(6) The Judicial Council shall always decide by resolution. A resolution of the Judicial Council shall require the consent of a majority of all its members.

(7) A member of the Judicial Council who is a candidate in an election shall not be entitled to vote at that election if at least one other candidate who is not a member of the Judicial Council is seeking election to the same office. A member of the Judicial Council who is a judge shall also not be entitled to vote if the Judicial Council is deciding on the judicial eligibility requirements for that member of the Judicial Council.

(8) The voting of the Judicial Council shall be public.

(9) President of the Judicial Council shall send one copy of the resolution of the Judicial Council on the proposal of the Judicial Council for the appointment of a judge, the removal of a judge, the assignment of a judge or the transfer of a judge to the Minister of Justice within three days from the date on which the Judicial Council has decided on the matter.

(10) An audio recording and minutes shall be made of each meeting of the Judicial Council, which shall show, in addition to the attendance, the agenda of the meeting of the Judicial Council and the content of the resolutions adopted, the content, the proceedings and the result of the voting on the individual items on the agenda of the meeting of the Judicial Council.

(11) The President of the Judicial Council shall ensure that information on the activities of the Judicial Council is published on the website of the Judicial Council. The date of the meeting of the Judicial Council, the draft agenda of the meeting of the Judicial Council and the papers which, according to the draft agenda, are to be discussed by the Judicial Council shall be published on the website of the Judicial Council at least 15 days prior to the date of the meeting of the Judicial Council; the papers added at the meeting of the Judicial Council pursuant to Section 6(2) shall be published within the same time limit as the adopted resolution of the Judicial Council. The adopted resolution of the Judicial Council, the minutes of the vote, the minutes of the meeting of the Judicial Council and the audio recording of the meeting of the Judicial Council shall further be published on the website of the Judicial Council. The adopted resolution of the Judicial Council shall be published within 24 hours of its adoption by the Judicial Council. The minutes of the vote, the minutes of the meeting of the Judicial Council and the sound recording of the meeting of the Judicial Council shall be published at the same time as the adopted resolutions of the Judicial Council.

(12) Any member of the Judicial Council shall have the right to have their opinion expressed during a meeting of the Judicial Council appended to a resolution of the Judicial Council; this opinion shall be published in the same manner as the resolution of the Judicial Council.

## Section 7

(1) Meetings of the Judicial Council shall be public. President of the Judicial Council shall be obliged to create conditions for public participation in the meetings of the Judicial Council. If the public can be expected to show a greater interest in a meeting of the Judicial Council, the President of the Judicial Council shall be obliged to convene a meeting of the Judicial Council in a suitable room, taking into account both the extent of the anticipated interest and the capacities available.

(2) Where the matter to be deliberated is pursuant to Section 4(1)(a), (e) to (g) and (2), the President of the Judicial Council shall, whenever requested to do so, give the floor to the Minister of Justice. Where the matter is a hearing on temporary suspension of a judge, the President of the Judicial Council shall, whenever so requested, grant the floor to the person who brought the motion for the temporary suspension of the judge and to the judge concerned.

(3) President of the Judicial Council may exclude from the room in which the Judicial Council is meeting or deny access to that room to persons who are disrupting the orderly conduct of a meeting of the Judicial Council or who there is reasonable concern that they may disrupt the orderly conduct of a meeting of the Judicial Council.

## Section 8

(1) President of the Judicial Council shall be entitled to a salary, an allowance and a flat rate compensation for the performance of their duties pursuant to a special regulation. The President of the Judicial Council shall be entitled to the free use of a suitably furnished apartment during the performance of their duties only if they reside outside the seat of the Judicial Council. He shall be entitled to reimbursement for foreign travel in connection with the performance of his duties at the same rate as a member of the Government. He shall have the right to use an official motor vehicle free of charge during the performance of his duties and the right to the establishment and free use of a subscription telephone service.

(2) A member of the Judicial Council who is not a judge shall be entitled to a monthly remuneration in the amount of 1.5 times the average nominal monthly wage of an employee

in the national economy of the Slovak Republic for the preceding calendar year, rounded up to the nearest euro, as from the first day of the month in which they assumed the office of a member of the Judicial Council. A member of the Judicial Council shall not be entitled to remuneration if they are elected President of the Judicial Council or Vice-President of the Judicial Council. A member of the Judicial Council who is a judge shall have a modified judicial workload according to a special regulation.

(3) A member of the Judicial Council shall be entitled to reimbursement of expenses related to their activities on the Judicial Council pursuant to a special regulation.

(4) A member of the Judicial Council shall be entitled to technical means necessary for the performance of their duties to the extent and under the conditions laid down by resolution of the Judicial Council; they shall remain with them after the expiry of their term of office.

(5) The costs associated with the performance of the functions of a member of the Judicial Council who is not a judge shall be paid from the budget chapter of the Office of the Judicial Council of the Slovak Republic.

## Section 9

### **Office of the Judicial Council**

(1) Tasks related to the professional, organisational, personnel, administrative and technical support of the Judicial Council shall be performed by the Office of the Judicial Council of the Slovak Republic (hereinafter only as "Office of the Judicial Council").

(2) The Office of the Judicial Council shall be managed by and act on behalf of the Head of the Office of the Judicial Council. The Head of the Office of the Judicial Council shall be appointed and dismissed by the President of the Judicial Council, to whom they shall be accountable for the activities of the Office of the Judicial Council.

(3) The Office of the Judicial Council shall be a budgetary organisation.

(4) The functions of the Office of the Judicial Council shall be performed by civil servants and employees.

(5) Details of the organisation and activities of the Office of the Judicial Council, the status of civil servants and employees of the Office of the Judicial Council shall be regulated by the Rules of Organisation. The Rules of Organisation shall be issued by the Head of the Office of the Judicial Council.

## **THE MANNER OF APPOINTMENT OF MEMBERS OF THE JUDICIAL COUNCIL**

### **Election of members of the Judicial Council by judges**

#### **Voting right**

## Section 10

(1) The election of the members of the Judicial Council by the judges shall be by universal, equal and direct suffrage by secret ballot.

(2) The right to elect a member of the Judicial Council under Article 141a(2)(a) of the Constitution shall be vested in the judges of the Supreme Court and the judges of the

Supreme Administrative Court who, on the date of the election, hold office as a judge. The right to elect a member of the Judicial Council under Article 141a(2)(b) of the Constitution shall be held by the judges of the District Court, the Regional Court or the Specialised Criminal Court who, on the date of the election, hold office as a judge in the relevant electoral district.

(3) An obstacle to the exercise of the right to vote under paragraph (2) shall be a restriction of personal liberty for reasons of protection of public health pursuant to a special regulation.

(4) The list of judges referred to in the first sentence of paragraph (2) shall be provided by the President of the Judicial Council of the Supreme Court and the President of the Judicial Council of the Supreme Administrative Court, and the list of judges referred to in the second sentence of paragraph (2) shall be provided for the relevant electoral district by the chairpersons of the court councils of regional courts in cooperation with the chairpersons of the court councils in that electoral district. The chief electoral commission shall decide on objections to entry on the list of judges.

## Section 11

(1) Any Judge of the Supreme Court or Judge of the Supreme Administrative Court who, on the date of the election, holds office as a judge may be elected as a member of the Judicial Council pursuant to Article 141a(2)(a) of the Constitution. Any judge of a district court, regional court or Specialised Criminal Court who, on the date of the election, holds office as a judge in that electoral district may be elected as a member of the Judicial Council under Article 141a(2)(b) of the Constitution in the electoral district concerned.

(2) A candidate for membership of the Judicial Council may be nominated (hereinafter only as "nomination of a candidate") by

(a) Judicial Council of the Supreme Court or the Judicial Council of the Supreme Administrative Court, in the case of an election of a member of the Judicial Council under Article 141a(2)(a) of the Constitution,

(b) Court council of a district court, court council of a regional court or the court council of the Specialised Criminal Court, for the electoral district in which it is established, where the election is held for a member of the Judicial Council under Article 141a(2)(b) of the Constitution,

(c) professional organisation of judges,

(d) at least ten judges holding judicial office in the same electoral district for that electoral district, if the election is held for a member of the Judicial Council under Article 141a(2)(b) of the Constitution, or

(e) by no less than ten judges of the Supreme Court or the Supreme Administrative Court where the election is held for a member of the Judicial Council under Article 141a(2)(a) of the Constitution (hereinafter only as "the petitioner").

## Section 11a

### **Electoral districts**

(1) The following electoral districts shall be created for the election of members of the Judicial Council under Article 141a(2)(b) of the Constitution:

(a) Western Slovak electoral district, which shall be a four-member electoral district consisting of the electoral districts of the regional court in Bratislava, regional court in Trnava, regional court in Nitra and regional court in Trenčín,

(b) Central Slovak electoral district, which is a two-mandate electoral district and which comprises the electoral districts of regional court in Banská Bystrica and regional court in Žilina,

(c) Eastern Slovak electoral district, which is a two-mandate electoral district and consists of the electoral districts of regional court in Košice and regional court in Prešov.

(2) The judges of the Specialised Criminal Court shall be included in the electoral district referred to in paragraph 1(a).

## Section 12

### **Electoral bodies**

(1) For the election of members of the Judicial Council there shall be established

(a) Chief electoral commission,

(b) electoral commission for the Supreme Court and the Supreme Administrative Court,

(c) electoral commissions for constituencies pursuant to Section 11a.

(2) A candidate for membership of the Judicial Council may not be a member of the chief electoral commission or the electoral commission.

(3) The members of the chief electoral commission shall be representatives of the court councils of the Supreme Court, the Supreme Administrative Court and the Specialised Criminal Court, in each case one of the members for each court council, and representatives of the colleges of the chief justices of the court councils, in each case one of the members of the college of court council chairmen for each college. The court councils and the colleges of court council chairmen shall elect their representatives on the chief electoral commission within 15 days of the date of the announcement of the elections. The members of the chief electoral commission shall elect the chairman of the chief electoral commission from among themselves; if the chairman cannot be determined by election, he shall be chosen by lot; the oldest member of the chief electoral commission shall preside over the drawing of lots.

(4) The inaugural meeting of the chief electoral commission shall be convened by the President of the Judicial Council not later than 30 days before the date of the election.

(5) The electoral commission shall be composed of five members and its members shall be elected by the assembly of judges (Section 17(2)) immediately prior to the commencement of the election. The members of the electoral commission shall elect from among themselves a chairman of the electoral commission; if the chairman cannot be determined by election, he shall be determined by lot; the oldest member of the electoral commission shall preside over the drawing of lots.

(6) The chief electoral commission and the electoral commission shall have quorum if an absolute majority of all its members are present. The consent of a majority of the members present shall be required for the validity of its decision. In the event of a tie, the motion shall be deemed to have been rejected.

## **Nominating candidates**

### **Section 13**

(1) The nomination of a candidate shall be delivered to the President of the Judicial Council. The President of the Judicial Council shall, within 30 days prior to the date of the election, assign all nominations received to the President of the chief electoral commission.

(2) Where a nomination of a candidate is made by the court council, the court council shall attach to the nomination of the candidate an extract of the resolution of its meeting, which shall show that the nomination has been approved in the prescribed manner. Where the nomination of a candidate is made by a judicial professional organisation, the nomination of the candidate shall be accompanied by proof of registration and an extract of the resolution of the meeting of the relevant body. If the nomination is submitted by at least ten judges, the nomination shall be accompanied by a list containing the name, surname, birth name and signature of the judges submitting the nomination.

(3) The nomination of a candidate shall include the name, surname, academic title of the candidate, the candidate's birth number, the date of appointment as a judge, and the place of execution of the office of the judge who is a candidate for membership. The nomination of a candidate for membership of the Judicial Council under Article 141a(2)(b) of the Constitution shall also include an indication of the electoral district in which the candidate is to stand for election. The motion may also contain a statement of reasons, focusing in particular on the professional experience of the proposed candidate.

(4) The nomination of a candidate shall be accompanied by a declaration signed by the candidate in their own hand that they agree to stand as a candidate.

(5) In an annex to nomination of a candidate, the petitioner shall designate their proxy and their alternate and indicate their name, surname and permanent address. Neither the proxy nor the alternate may be a candidate. The petitioner shall be bound by the acts of his proxy in electoral matters. The petitioner shall notify the chief electoral commission of the substitution of a proxy.

### **Section 14**

(1) The nomination of candidates shall be examined by the chief electoral commission not later than 15 days before the day of the election. If the chief electoral commission finds that the nomination of a candidate submitted does not comply with the requirements under this Act, it shall immediately notify the proxy of the petitioner to that effect, specifying the time limit within which the petitioner shall complete or correct the nomination of a candidate. A nomination of a candidate which has not been completed or corrected within the time limit shall not be taken into account. The submission of the nomination of a candidate shall be acknowledged by the chief electoral commission to the agent of the petitioner.

(2) The chief electoral commission shall, after scrutinising the nominations of candidates, draw up a list of candidates for the election of a member of the Judicial Council under Article 141a(2)(a) of the Constitution and a list of candidates for the election of members of the Judicial Council under Article 141a(2)(b) of the Constitution for each electoral district. The list of candidates shall include, in alphabetical order, the surnames and names of the candidates who meet the conditions under this Act, indicating their place of execution of their judicial office and the date of their last appointment as a judge. The lists of candidates thus drawn up shall be signed by the chairman of the chief electoral commission

and by the other two oldest members of the commission.

(3) The chairman of the chief electoral commission shall arrange for the lists of candidates to be published in all courts not later than ten days prior to the election date.

#### Section 15

##### **Withdrawal of nomination of a candidate and resignation of candidature**

(1) The petitioner may withdraw his nomination in writing within five days prior to the commencement of the election.

(2) A candidate may withdraw his nomination in writing prior to the commencement of the election.

(3) The withdrawal of nomination of a candidate and the resignation of candidature may not be withdrawn. The withdrawal of nomination of a candidate and the resignation of candidature shall be delivered to the chairman of the chief electoral commission, who shall ensure that it is published in an appropriate manner.

#### Section 16

##### **Voting ballots**

(1) The chief electoral commission shall, not later than three days prior to the election day, arrange for the production and distribution of voting ballots in the number necessary for proper conduct of the election.

(2) The voting ballot shall list in alphabetical order the candidates nominated from the list of candidates (Section 14), including their assigned serial number; candidates whose nomination has been withdrawn (Section 15(1)) or who have resigned their candidature (Section 15(2)) shall be excluded.

(3) The voting ballots shall be stamped by the chief electoral commission and signed by the chairman of the chief electoral commission.

(4) The chief electoral commission, through its members from the electoral districts of the respective court councils, shall arrange for the delivery of the voting ballots to the chairpersons of the respective electoral commissions.

(5) A judge shall receive the voting ballot on the day and at the place of the election.

#### Section 17

##### **Day, time and place of the election**

(1) The day and time of the election shall be announced by the President of the Judicial Council not later than 60 days prior to the date of the election and shall at the same time announce whether the election is held for a member of the Judicial Council under Article 141a(2)(a) or (b) of the Constitution; in the case of an election under Article 141a(2)(b) of the Constitution, he shall also announce the electoral district or districts in which the election of a member of the Judicial Council by the judges is to be held and the number of members of the Judicial Council to be elected in the electoral district concerned. The date of the election shall be not later than 30 days prior to the expiration of the term of office of a member of the Judicial Council or not later than 75 days after the vacancy of the office of a member of the

Judicial Council.

(2) Elections shall be held at judicial assemblies. In the case of the election of a member of the Judicial Council under Article 141a(2)(a) of the Constitution, the assembly of judges shall consist of the judges of the Supreme Court and the judges of the Supreme Administrative Court. In the case of the election of members of the Judicial Council under Article 141a(2)(b) of the Constitution, the assembly of judges in an electoral district shall consist of the judges of that electoral district. Where elections of members of the Judicial Council are held on the same day under Article 141a(2)(a) and (b) of the Constitution or where elections of members of the Judicial Council are held on the same day in two or more constituencies, they shall be held at the same time.

(3) The venue of the judicial assembly shall be fixed not later than 15 days prior to the date of the election

(a) the President of the Judicial Council of the Supreme Court of the Slovak Republic in agreement with the President of the Judicial Council of the Supreme Administrative Court of the Slovak Republic for the assembly of the judges of the Supreme Court of the Slovak Republic and the judges of the Supreme Administrative Court of the Slovak Republic,

(b) the President of the Judicial Council of the Specialised Criminal Court for the Assembly of Judges of the Specialised Criminal Court,

(c) the chairman of the court council of a Regional Court for the assembly of judges of the circuit of that court.

(d) repealed as of 1.7.2017

## Section 18

### **Voting**

(1) The issue of voting ballots to judges, the conduct of the election and the determination of the results of the vote shall be organised and managed by the electoral commission (Section 12). The receipt of the voting ballot shall be acknowledged by the judge by their handwritten signature.

(2) Voting shall be carried out by circling the serial number of the candidate to whom the judge is casting their vote in a specially designated area for the filling out the voting ballots and by placing the ballot in the ballot box. In the case of the election of members of the Judicial Council under Article 141a(2)(b) of the Constitution, the judge shall be entitled to vote for no more than the number of candidates required to be elected in the electoral district concerned.

## Section 19

### **Determination and announcement of voting results**

(1) Only members of the electoral commission and the chief electoral commission shall have the right to be present in the room where the electoral commission is counting the votes.

(2) Upon conclusion of the voting, the chairman of the electoral commission shall have the unclaimed voting ballots sealed and the ballot box opened.

(3) The electoral commission shall collect the voting ballots and compare the number of voting ballots with the receipt of voting ballots, then exclude the invalid voting ballots and count the number of votes cast for each candidate.

(4) A voting ballot which is not on the prescribed form (Section 16), which contains a greater number of circled candidates (Section 17(1)) or on which the judge has not marked by circling even one candidate is invalid.

(5) If there is any doubt as to the validity of a voting ballot, the electoral commission shall make a final decision.

## Section 20

### **Minutes of the voting procedure and results**

(1) The electoral commission shall draw up minutes in duplicate of the conduct and results of the voting, which shall be signed by all members of the electoral commission. If any member of the electoral commission does not sign the minutes of the conduct and results of the poll, the reasons for not signing them shall be stated.

(2) The minutes of the conduct and results of the ballot shall state

(a) the total number of judges of the electoral district of the electoral commission concerned who are entitled to vote (Section 10(2) and (3)),

(b) the number of judges of the electoral district of the electoral commission concerned who have received their voting ballots,

(c) the number of voting ballots cast,

(d) the number of valid voting ballots,

(e) the number of invalid voting ballots,

(f) the number of votes cast for each candidate.

(3) The electoral commission shall hand over the minutes of the conduct and results of the ballot together with the election documentation to the deputy chief electoral officer and shall hand over one copy of the minutes of the conduct and results of the ballot to the chairman of the relevant court council (Section 17(3)). The latter shall ensure that the results of the poll are published without delay in the judicial council electoral district in an appropriate manner.

## Section 21

### **Determination of election results**

(1) The chief electoral commission shall, after receiving the records of the proceedings and results of the poll from all electoral commissions, tally the number of all judges on the lists and the number of voting ballots issued.

(2) The chief electoral commission shall tally the number of valid votes cast for each candidate in each electoral district and shall rank the candidates for those electoral districts according to the number of votes received; it shall separately rank the candidates for membership of the Judicial Council pursuant to Article 141a(2)(a) of the Constitution.

(3) In the event of equality of votes cast for individual candidates, the candidate with the longest length of service as a judge shall be given the higher ranking; in the event of equality of length of service as a judge, the candidate determined by lot shall be given the higher ranking; the drawing of lots shall be carried out by the chairman of the chief electoral commission.

## Section 22

### **Minutes of the election result**

(1) The record of the result of the election shall state

- (a) the total number of judges eligible to vote (Section 10(2) and (3)),
- (b) the number of judges who have received voting ballots,
- (c) the number of voting ballots cast,
- (d) the number of valid voting ballots,
- (e) the number of invalid voting ballots,
- (f) the number of votes cast for each candidate.

(2) The record of the result of the election shall also state the name, surname, academic title, birth number and place of office of the judge who was elected as a member of the Judicial Council. In the case of an election of members of the Judicial Council under Article 141a(2)(b) of the Constitution, where an election is called to fill the seats of more than one member of the Judicial Council, the order of the candidates shall also be stated in the minutes.

(3) The minutes of the result of the election shall be signed by all the members of the chief electoral commission. If any member of the chief electoral commission does not sign the minutes of the result of the election, the reasons for not signing them shall be stated in the minutes of the chief electoral commission.

(4) Upon signing the minutes of the election result, the chairman of the chief electoral commission shall publish the election results.

## Section 23

(1) In the case of the election of a member of the Judicial Council under Article 141a(2)(a) of the Constitution, the candidate who obtained the highest number of votes shall be elected. In the case of the election of a member of the Judicial Council under Article 141a(2)(b) of the Constitution, the number of candidates elected shall be equal to the number of vacancies in the offices of members of the Judicial Council to be elected by the judges in the electoral district concerned; the candidates who obtained the highest number of votes shall be elected as members of the Judicial Council.

(2) The chief electoral commission shall issue to the elected member of the Judicial Council a certificate of his election as a member of the Judicial Council. The certificate shall state the name, surname, academic title, birth number, place of judicial office, whether he is a member of the Judicial Council pursuant to Article 2(1)(b) of the Constitution and whether he is a member of the Judicial Council pursuant to Article 2(1) of the Constitution. 141a(2)(a) or (b) of the Constitution and, if he is a member of the Judicial Council under Article

141a(2)(b) of the Constitution, the electoral district in which he was elected by the judges as a member of the Judicial Council.

(3) The chairman of the chief electoral commission shall without delay communicate the data referred to in paragraph (2) to the President of the Judicial Council, the Speaker of the National Council of the Slovak Republic, the President and the Prime Minister of the Slovak Republic.

## **APPOINTING ADDITIONAL MEMBERS OF THE JUDICIAL COUNCIL**

### **Section 24**

#### **Election of members of the Judicial Council by the National Council**

(1) The National Council shall elect the members of the Judicial Council pursuant to a special regulation.

(2) The Speaker of the National Council of the Slovak Republic shall notify the President of the Judicial Council of the name, surname, academic title, birth number and permanent residence of a member of the Judicial Council elected by the National Council within 60 days after the termination of the office of a member of the Judicial Council elected by the National Council. The Speaker of the National Council of the Slovak Republic shall also communicate these data to the President and the Prime Minister of the Slovak Republic.

### **Section 25**

#### **Appointment of members of the Judicial Council by the President and the Government**

(1) The President shall notify the President of the Judicial Council of the name, surname, academic title, birth number and permanent residence of a member of the Judicial Council appointed by the President upon the termination of the office of a member of the Judicial Council appointed by the President.

(2) The Prime Minister of the Slovak Republic shall notify the President of the Judicial Council of the name, surname, academic title, birth number and permanent residence of a member of the Judicial Council appointed by the Government within 60 days after the termination of the office of a member of the Judicial Council appointed by the Government.

## **Termination of office of a member of the Judicial Council**

### **Section 26**

(1) The office of a member of the Judicial Council shall cease upon the expiry of the term of office of the member of the Judicial Council. Before the expiry of the term of office, the office of a member of the Judicial Council shall cease

(a) by transfer of a member of the Judicial Council who is a judge

1. to a lower instance court, if the member of the Judicial Council is a member of the Judicial Council pursuant to Article 141a(2)(a) of the Constitution,
2. to a court outside the electoral district for which the member of the Judicial Council was elected under Article 141a(2)(b) of the Constitution,

(b) by resignation as a member of the Judicial Council,

(c) by removal of a member of the Judicial Council,

- (d) by death of a member of the Judicial Council or the date on which he is declared dead,
- (e) by ceasing to hold office as a member of the Judicial Council if elected by the judges,
- (f) suspension of the execution of the office of judge if the judges elected them as a member of the Judicial Council; this shall not apply if the suspension of the execution of the office of judge of the President of the Judicial Council or of the Vice-President of the Judicial Council is in question,
- (g) failure to remove the grounds of incompatibility of a member of the Judicial Council pursuant to Section 3(5),
- (h) loss of irreproachability,
- (i) appointment to the office of judge in the case of a member of the Judicial Council under Article 141a(2)(c), (d) or (e) of the Constitution.

(2) A member of the Judicial Council shall give notice in writing to the President of the Judicial Council of their resignation as a member of the Judicial Council. The office of a member of the Judicial Council shall cease on the day after the date of service of the notice on the President of the Judicial Council.

(3) A member of the Judicial Council who fails to remove the grounds of incompatibility of the office of a member of the Judicial Council pursuant to Section 3(5) within 30 days from the date of their occurrence shall cease to hold office as a member of the Judicial Council on the expiry of that period.

#### Section 27

(1) The provisions of Sections 10 to 23 shall apply appropriately to the removal of a member of the Judicial Council elected by the judges, except as otherwise provided in this Act.

(2) A petition for the removal of a member of the Judicial Council elected by the judges may be made by

- (a) simple majority of the court councils in the relevant electoral district,
- (b) not less than a quarter of the judges eligible to vote in the relevant electoral district; or
- (c) by not less than a quarter of the judges entitled to elect a member of the Judicial Council under Article 141bis(2)(a) of the Constitution.

(3) The removal of a member of the Judicial Council under Article 141a(2)(a) of the Constitution shall be valid if a simple majority of the judges entitled to elect that member of the Judicial Council vote in favour of their removal. The removal of a member of the Judicial Council under Article 141a(2)(b) of the Constitution shall be valid if a simple majority of all the judges entitled to vote in the relevant electoral district vote in favour of their removal.

(4) Section 24 shall apply appropriately to the removal of a member of the Judicial Council elected by the National Council and section 25 shall apply appropriately to the removal of a member of the Judicial Council appointed by the President or the Government.

### **ELECTION AND REMOVAL OF THE PRESIDENT OF THE SUPREME COURT OF THE**

**SLOVAK REPUBLIC AND THE VICE-PRESIDENT OF THE SUPREME COURT OF THE  
SLOVAK REPUBLIC AND APPOINTMENT TO OTHER POSITIONS WITHIN THE  
COMPETENCE OF THE JUDICIAL COUNCIL**

**Procedure for appointment to the office of President of the Supreme Court, President  
of the Supreme Administrative Court, Vice-President of the Supreme Court  
and Vice-President of the Supreme Administrative Court**

Section 27a

(1) A motion for appointment of the President of the Supreme Court, President of the Supreme Administrative Court, the Vice-President of the Supreme Court and Vice-President of the Supreme Administrative Court shall be submitted by the Judicial Council to the President without delay on the basis of the results of an election held by it; the election shall be held at a public meeting of the Judicial Council.

(2) The petitioner of candidates for the office referred to in paragraph (1) may be a member of the Judicial Council, the court council, a professional organisation of judges or the Minister of Justice. If the office of the President of the Supreme Court or the office of the Vice-President of the Supreme Court are concerned, the petitioner may also be the plenary of the Supreme Court or a judge of the Supreme Court. If the office of President of the Supreme Administrative Court or the office of Vice-President of the Supreme Administrative Court are concerned, the petitioner may also be the plenary of the Supreme Administrative Court or a judge of the Supreme Administrative Court.

(3) The date and time of the election shall be announced by the President of the Judicial Council not later than 45 days prior to the election. The President of the Judicial Council shall give notice of the announcement of the election to all petitioners inviting them to submit candidates for the office referred to in paragraph (1) within a period which shall not be less than 15 days from the date of receipt of the notice of the announcement of the election.

(4) The nomination of a candidate for the office referred to in paragraph (1) shall include the name, surname, academic title of the candidate, the date of appointment to the office of judge and the date of the assignment or transfer of the judge to the Supreme Court or to the Supreme Administrative Court. The motion shall be accompanied by a declaration signed by the candidate in their own handwriting that they accept the candidature.

(5) The nomination of a candidate for the office referred to in paragraph (1) shall be delivered to the President of the Judicial Council; motions delivered to the President of the Judicial Council after the expiry of the time limit referred to in paragraph (3) and motions which do not have all the particulars stipulated by this Act shall not be taken into account.

(6) The President of the Judicial Council shall ensure that the list of candidates for the office referred to in paragraph (1) is delivered to the members of the Judicial Council not later than 15 days prior to the election date.

(7) A nomination of a candidate for an office under paragraph (1) may be withdrawn in writing prior to the commencement of the election. A candidate for an office referred to in paragraph 1 may withdraw his candidature in writing before the commencement of the election. The withdrawal of the nomination of a candidate and the renunciation of candidature shall be effective upon delivery to the President of the Judicial Council.

## Section 27b

(1) Candidates for an office pursuant to Section 27a(1) shall have the right to attend the meeting of the court council at which the election is held. The President of the Judicial Council shall arrange for the delivery of an invitation to candidates to attend a meeting of the Judicial Council not later than seven days prior to the date of the election.

(2) The Judicial Council shall create equal opportunity for all candidates for office pursuant to Section 27a(1) to present their person and their vision of serving in office pursuant to Section 27a(1). During the presentation of a candidate at a meeting of the Judicial Council, the other nominated candidates shall not be present.

## Section 27c

(1) Minutes of the conduct and results of the election shall be drawn up, stating in particular

(a) the total number of members of the Judicial Council who were entitled to vote,

(b) the number of votes of the members of the Judicial Council cast for each candidate,

(c) the ranking of the candidates according to the number of votes obtained by the members of the Judicial Council.

(2) The election results shall be declared at the Judicial Council meeting at which the election was held.

(3) If no candidate for an office referred to in section 27a(1) obtains a simple majority of the votes of all the members of the Judicial Council and more than two candidates participated in the election, a repeated election shall be held at the same meeting of the Judicial Council. The candidates who obtained the highest number of votes and the second highest number of votes in the election shall take part in the repeated election.

(4) If none of the candidates for the office referred to in section 27a(1) obtains a simple majority of the votes of all the members of the Judicial Council in the election or in the repeated election referred to in paragraph (3), a new election shall be held.

## Section 27d

### **New election**

(1) If even in a repeated election a candidate is not elected for an office pursuant to Section 27(a)(1), a new election shall be held within 120 days at a meeting of the Judicial Council.

(2) Candidates who have already been voted for in a previous election may not participate in the new election.

(3) In the case of a new election, the procedure pursuant to Sections 27a to 27c shall be followed appropriately.

## Section 27e

### **Additional election**

(1) If even in the new election a candidate has not been elected for the office referred to in Section 27a(1), the President of the Judicial Council shall call an additional election so that it may be held within 120 days, including repeatedly, until a candidate has been elected.

(2) In the additional election, candidates who were voted for in the first election (Section 27a(2)) may also stand for election. Candidates who were voted for in the immediately preceding election are excluded from the additional election.

(3) For the additional election, the procedure pursuant to Sections 27a to 27c shall apply appropriately.

#### Section 27f

#### **Motion for recall**

(1) The Judicial Council shall submit to the President a motion for recall of the President of the Supreme Court, the President of the Supreme Administrative Court, the Vice-President of the Supreme Court or the Vice-President of the Supreme Administrative Court on the grounds referred to in Article 147 of the Constitution.

(2) The Judicial Council shall decide on the motion under paragraph (1) within 15 days of the discovery of the reason.

#### Section 27fa

#### **Filling vacancies of judges in district courts and vacancies of visiting judges**

(1) The Minister of Justice shall promptly notify the President of the Judicial Council in writing of the designation of vacancies of judges in district courts or vacancies of visiting judges, and shall publish the notification of the designation of vacancies of judges on the website of the Ministry.

(2) If there is a judicial vacancy and a visiting judge vacancy in the circuit of a regional court, the Court President shall, in writing, invite the candidate for judicial office to consent to appointment as a judge and to assignment to the district court vacancy or visiting judge vacancy; the Court President shall specify in the invitation the number of visiting judge vacancies. If there are vacancies in two or more district courts and a visiting judge vacancy in the circuit of a regional court, the Court President shall invite in writing the candidate for judicial office to consent to appointment as a judge and to assignment to one of the district courts affected by the invitation of the Court President or to the visiting judge vacancy; the President of the Judicial Council shall include in the invitation a list of all the district courts in which vacancies are to be filled and the number of vacancies for visiting judges.

(3) If only a visiting judge vacancy is being filled in the circuit of a regional court, the court council chairman shall, in writing, invite the judicial candidate to consent to appointment as a judge and to assignment to the visiting judge vacancy. If the circuit of a regional court is filled only by a vacancy in the district court or by vacancies in two or more district courts, the invitation under paragraph 2 shall not include the number of vacancies for visiting judges and the President of the Judicial Council shall invite the judicial candidate to consent to the assignment to the vacancy in the district court.

(4) The President of the Judicial Council shall proceed pursuant to paragraphs (2) and (3) by first inviting the candidate for the office of judge who is listed first in the relevant database, followed by other candidates for the office of judge until all judicial vacancies and visiting judge vacancies have been filled.

(5) The President of the Judicial Council, upon notification by the Minister of Justice pursuant to paragraph (1), shall invite in writing to the next meeting of the Judicial Council candidates for the office of judge who meet the prerequisites for judicial competence, who have undergone preparatory training and have given their consent pursuant to paragraph (2) or paragraph (3), so that the Judicial Council may decide on the submission of a motion for appointment as judge and fill the vacancies pursuant to paragraph (1).

(6) If a candidate for the office of judge does not grant consent pursuant to paragraph (2) or paragraph (3) of the second sentence even for the second time, they shall be removed from the database of candidates for the office of judge; this shall not apply if the candidate for the office of judge is a candidate for the office of judge from the database of candidates for the office of judge for another circuit of the regional court. A judicial candidate shall also be removed from the database if a majority of the members of the Judicial Council do not vote in favour of the proposal for their appointment and assignment. The removal of a judicial candidate pursuant to the first and second sentences shall be notified without delay by the President of the Judicial Council to the Minister for Justice.

#### Section 27g

#### **Other personnel proposals within the competence of the Judicial Council**

(1) A proposal for the election of a candidate for a judge to serve on behalf of the Slovak Republic in international judicial bodies may be submitted to the Judicial Council by

- (a) a member of the Judicial Council,
- (b) the Minister of Justice,
- (c) a professional organisation of judges,
- (d) another professional legal organisation.

(2) A candidate for a judge to serve on behalf of the Slovak Republic in international judicial bodies may be nominated by a citizen who

- (a) has obtained a law degree by completing a master's degree at a law faculty of a university in the Slovak Republic or has a recognised or validated proof of having obtained a law degree by completing studies of the same level at a university abroad,
- (b) is irreproachable, has proven to be a prominent personality in the field of law and their moral qualities provide a guarantee that they will duly perform the function of a judge,
- (c) has permanent residence in the territory of the Slovak Republic,
- (d) has full legal capacity and is medically fit to perform the functions of a judge,
- (e) has practised law for at least five years.

(3) A motion for a candidate for a judge to serve on behalf of the Slovak Republic in an international judicial body shall be submitted to the Judicial Council. The motion shall include

- (a) the name, surname, academic title of the candidate, date of birth, professional curriculum vitae of the candidate demonstrating fulfilment of the conditions under paragraph 2, date and

signature of the petitioner,

(b) proof that the candidate has practised law for at least five years,

(c) the particulars necessary for requesting an extract from the criminal record,

(d) written consent of the candidate to stand as a candidate,

(e) in the case of a motion under paragraph 1(c) and (d), proof that the motion has been discussed in the relevant bodies.

Motions which do not comply with all the requirements laid down in this Act shall not be taken into consideration.

(4) The provisions of Section 6(7), Section 27a(3) and Sections 27b to 27e shall apply appropriately to the election of a candidate for judge to serve on behalf of the Slovak Republic in an international judicial body.

(5) In the case of proposals pursuant to paragraphs (1) and (2), the Judicial Council may hear the candidates before making its decision. The motion shall be approved if a majority of all members of the Judicial Council vote in favour of it. The provisions of Section 27c(3) and Section 27d shall apply appropriately to repeated votes and new votes on motions.

#### **Deciding on the prerequisites for judicial competence**

Section 27ga

**Repealed) as of 23.2.2019 \*)**

#### **Exercise of jurisdiction in the context of verification of the prerequisites for judicial competence and the financial situation of judges**

Section 27h

#### **Proceedings in matters of judge's written declaration and a judge's declaration of assets**

(1) If a judge fails to file a timely written declaration or declaration of assets, the President of the Judicial Council shall call upon the judge to comply with this obligation additionally within 30 days.

(2) The Judicial Council shall examine the completeness of the written declaration and the declaration of assets and, if necessary, shall invite the judge to clarify or complete them to the extent necessary within 30 days.

(3) If the judge fails to comply with any of the obligations referred to in paragraphs (1) and (2), the President of the Judicial Council shall initiate disciplinary proceedings.

Section 27ha

#### **Proceedings relating to the judge's assets**

(1) The Judicial Council shall examine the completeness of the asset declarations of judges. For this purpose, the Judicial Council shall establish from among its members a three-member review committee (hereinafter only as "Judicial Council Commission"), the

members of which shall always include at least one member of the Judicial Council elected by the judges and at least one member of the Judicial Council who is not a judge; the chairman of Judicial Council Commission shall be appointed by the Judicial Council.

(2) If, on the basis of the review of the asset declaration, the Judicial Council Commission finds that a judge has property in excess of their income in the aggregate by at least 5,000 euros, or acquires a reasonable doubt as to the honesty of the origin of the assets themselves, the judge shall be obliged to prove the origin of the property on the basis of a request from the Judicial Council Commission. The Judicial Council Commission shall inform all members of the Judicial Council of its findings.

(3) The Judicial Council Commission shall have power, for the purposes of paragraph (2), to call upon a judge to

(a) produce a certificate of a personal income tax return filed or a document proving the income of the judge or the acquisition of assets and its value,

(b) prove the origin of the sources from which he acquired the assets mentioned in the assets declaration,

(c) prove the origin of the sources of the assets mentioned in the affidavit or other similar declaration,

(d) clarify the asset situation and the origin of the sources of the assets of their adult child, as well as of minor child and the spouse living in the household with them, even if the spouses have concluded an agreement on the reduction or extension of the statutory extent of the community of assets or on the administration of the community assets, or if their community of assets has been dissolved by the court during the marriage,

(e) clarified the origin of the gifts and the origin of any inherited assets.

(4) The Judicial Council Commission shall appoint a reasonable period of time, which shall not exceed 60 days, for the judge to comply with the obligations under paragraphs (2) and (3). Compliance with the obligations under paragraphs (2) and (3) shall be demonstrated to the Judicial Council Commission. The Judicial Council Commission shall itself procure the documents relevant for the exercise of its competence.

(5) If the Judicial Council Commission does not consider the fulfilment of the obligations under paragraphs 2 and 3 to be sufficient and has reasonable doubts as to the honesty of the origin of the judge assets, the reliability of the facts proven by the judge concerning the origin of the assets or the honesty of the origin of the assets themselves, it shall orally question the judge. If necessary for the full clarification of the matter, the Judicial Council Commission may also hear other persons orally, in particular persons close to the judge. In doing so, the Judicial Council Commission shall take care to preserve the right to privacy and the protection of the personal data of the persons questioned. The oral hearing shall not be public.

(6) If it is necessary for the full clarification of the matter and for the removal of doubts as to the non-receipt of unauthorised payments, the Judicial Council Commission may, after the oral hearing of the judge, request the Office of the Judicial Council to provide information on the existence of bank accounts and on the transactions in these accounts held in the name of the judge. For this purpose, the Office of the Judicial Council shall establish an organisational unit within its organisational structure, the staff of which must hold a valid security clearance certificate at level IV for the classification level "Top Secret". The Office of the Judicial Council shall request the above information in accordance with procedure

pursuant to special regulation. After obtaining the information, the Office of the Judicial Council shall provide the Judicial Council Commission with a list of the bank accounts referred to in the first sentence and information on transactions on those accounts exceeding 266 EUR individually, for the preceding 60 months, but no more than for the period of the judge's term of office.

(7) The Judicial Council Commission shall give the judge the opportunity to comment in writing on the information ascertained on the bank accounts referred to in paragraph 6 and on the transactions on these accounts and on the doubts of the Judicial Council. If necessary, the Judicial Council Commission may repeatedly interview the judge orally; the provisions of Section 27ha(5), third sentence and fourth sentence shall apply appropriately.

(8) If the judge fails to prove in a credible manner the honesty of the origin of the asset increment or the honesty of the origin of the asset itself, the President of the Judicial Council shall file a motion for the initiation of disciplinary proceedings. The President of the Judicial Council shall initiate disciplinary proceedings on the basis of an opinion of the Judicial Council on the incapacity of the judge to prove in a credible manner the honesty of the origin of the asset increment or the honesty of the origin of the asset itself, adopted in the form of a resolution on the proposal of the commission which has examined the completeness of the judge asset declaration.

#### Section 27hb

#### **Supervision over the judge meeting the prerequisites of judicial competence relating to business, asset or financial relationships with persons in the organised crime environment**

(1) If this Act so stipulates, or if a motion for disciplinary proceedings has been filed against a judge for the judge's failure to establish in a credible manner the honesty of the source of assets or the honesty of the source of the assets themselves and the Judicial Council Commission has reasonable doubt as to the judge's compliance with the presumptions of judicial competence relating to the parties to business, assets or financial relationships with persons from an organised crime environment, the Judicial Council Commission shall be entitled to verify that the judge does not have business, asset or financial relationships with persons from an organised crime environment.

(2) For the purposes of paragraph (1), the Judicial Council Commission shall request from the relevant State authority's statements and information relating to the judge's business, assets or financial relations with persons with an organised crime environment which are available to the State authorities. The statements and information referred to in the first sentence shall be provided only on condition that their provision does not jeopardise the performance of the specific task of the intelligence service or the disclosure of its sources, means, the identity of its members or persons acting for its benefit, or international intelligence cooperation.

(3) The Judicial Council Commission shall, in exercising its competence under paragraph (1), be obliged to obtain for itself other documents relevant to the exercise of its competence.

(4) The Judicial Council Commission shall itself evaluate the statements and information provided by the requested State authorities pursuant to paragraph (2) and the supporting documents pursuant to paragraph (3) and shall not be bound by them.

(5) The Judicial Council Commission shall allow the judge to comment on the information reviewed pursuant to paragraph (4); information which is classified shall not be

provided to the judge. The Judicial Council Commission shall hear the judge orally for this purpose. In doing so, the Judicial Council Commission shall take care to preserve the right to privacy and the protection of personal data of the person being questioned. The oral hearing shall not be public.

(6) The Judicial Council shall, on the basis of the examination conducted by the Judicial Council Commission, the documents procured or requested by the Judicial Council Commission and the judge's statement, adopt an opinion by way of a resolution as to whether the judge has violated the obligation to fulfil the prerequisites of judicial competence relating to the involvement in business, asset or financial relations with persons from the organised crime environment. If the Judicial Council adopts the opinion that the judge has violated the obligation to comply with the prerequisites of judicial competence relating to the involvement of persons with a business, asset or financial relationship with persons from an organised crime environment, the President of the Judicial Council shall initiate disciplinary proceedings.

#### Section 27hc

### **Supervision in the selection procedure for the office of President of the Court and the transfer of a judge to another court**

(1) A selection commission pursuant to special regulation shall request the Judicial Council, after the completion of the selection procedure, to verify the financial circumstances of the successful candidates for the office of President of the Court and to supervise the fulfilment of the prerequisites for judicial competence. The Judicial Council shall proceed pursuant to Sections 27ha and 27hb. The Judicial Council shall inform the selection committee and the Minister of Justice of its findings and the opinions adopted. Rejection of a successful candidate for the office of Court President prior to appointment to the office of Court President shall not be grounds for termination of supervision under this Act.

(2) Judicial Council shall conduct a vetting of assets of a judge who is to be transferred to a higher court and shall supervise the fulfilment of the prerequisites for judicial competence. The Judicial Council shall proceed pursuant to Sections 27ha and 27hb. The Judicial Council shall inform the person who proposed the transfer of the judge of its findings and the opinions adopted. Withdrawal of a motion to transfer a judge, withdrawal of a judge's consent to a transfer, or withdrawal of a judge's request for a transfer shall not be grounds for termination of supervision under this Act.

#### Section 27hd

### **Supervision in the election of President and Vice-President of the Supreme Court and the President and Vice-President of the Supreme Administrative Court**

The Judicial Council shall, upon receipt of nominations of candidates for office pursuant to Section 27a, conduct a review of the financial circumstances of the candidates and shall supervise their compliance with the prerequisites of judicial competence. The Judicial Council shall proceed pursuant to Sections 27ha and 27hb. The Judicial Council shall inform the person who nominated the candidate of its findings and the opinions adopted. Withdrawal of a candidate's nomination or renunciation of candidacy shall not be grounds for termination of supervision under this section.

#### Section 27he

### **Special provisions on the supervision of the selection of judges of the Supreme Administrative Court**

(1) In the selection of judges of the Supreme Administrative Court by the Judicial Council pursuant to a special regulation, the Judicial Council shall conduct an examination of the financial circumstances of the candidates for the office of judge of the Supreme Administrative Court and shall supervise the fulfilment of the prerequisites for judicial competence. The Judicial Council shall proceed pursuant to Sections 27ha and 27hb.

(2) In the case of a candidate for the office of judge of the Supreme Administrative Court who, on the date of filing their candidacy for the office of judge of the Supreme Administrative Court, has not held the office of judge, the provisions of Sections 27ha and 27hb shall apply appropriately.

(3) In the case of a candidate for the office of judge of the Supreme Administrative Court who, on the date of filing of the candidature for the office of judge of the Supreme Administrative Court, was exercising the office of judge, the withdrawal of candidature shall not be a reason for the termination of the supervision pursuant to paragraph (1).

#### Section 27hf

#### **Verification of fulfilment of the prerequisites of judicial competence of a candidate for the office of judge**

The Judicial Council, when filling judicial vacancies and vacancies of visiting judges, shall verify the financial circumstances of candidates for judicial office and shall supervise the fulfilment of the prerequisites for judicial competence under this Act. The Judicial Council shall proceed pursuant to Sections 27ha and 27hb as appropriate.

#### Section 27hg

#### **Common provisions on supervision of the exercise of jurisdiction pursuant to Sections 27ha and 27hb**

(1) The Judicial Council shall also exercise its powers pursuant to Section 27ha or Section 27hb on the basis of

(a) a reasoned motion of the President of the Judicial Council, the Court President, or the Minister of Justice,

(b) a qualified motion of a natural person or a legal entity, if a majority of the members of the Judicial Council decides on the merits of the initiative.

(2) A qualified motion under paragraph (1)(b) shall contain the identification and signature of the person making such motion, it shall be clear which judge it concerns and a description of the facts justifying a reasonable doubt as to the truthfulness of the judge's declaration of assets or as to compliance with the obligation to meet the prerequisites of judicial competence. The Judicial Council shall not take into consideration any anonymous motions.

(3) In the case of a reasoned and qualified motion under paragraph (1) for the exercise of jurisdiction pursuant to Section 27hb, the Judicial Council shall be authorised to examine first the judge's financial circumstances in accordance with the procedure under this Act. For the subsequent exercise of jurisdiction pursuant to Section 27hb, the provisions of Section 27hb(1) shall not apply in such case.

## Section 27hh

### **Common provisions on the jurisdiction of the Judicial Council**

(1) Court councils provide assistance to the Judicial Council in the exercise of its jurisdiction. The court councils shall, upon request, provide the Judicial Council with documents and information which the Judicial Council needs for its decision-making. A member of the Judicial Council shall have the right to attend a meeting of the court council.

(2) Public authorities shall be obliged to provide the Judicial Council with assistance in the exercise of its jurisdiction to the extent that special regulations permit them to do so, in particular they shall be obliged to provide the Judicial Council, upon request, with statements and information in their possession which the Judicial Council needs for its decision-making; this shall not apply to intelligence services.

(3) Information requested by the Judicial Council for the purpose of exercising its jurisdiction from public authorities may not be used in the repeated exercise of the jurisdiction of the Judicial Council against the same person.

(4) After the Judicial Council has ceased to exercise its jurisdiction over a particular person, it shall ensure that the further handling of documents requested by the Judicial Council from public authorities does not interfere with the independence and impartiality of the court in its decision-making or unreasonably interfere with the right to privacy.

(5) In connection with the exercise of jurisdiction of the Judicial Council, the authorised members of the Judicial Council shall be entitled to carry out acts necessary to ascertain facts and secure evidence necessary for the decision of the Judicial Council; in particular, the Judicial Council shall be authorised to inspect registers, files of a public authority or a court file, including files in criminal proceedings, and to make excerpts, extracts and copies therefrom; this shall not apply to registers and files kept by public authorities performing tasks of protection of classified information or by the intelligence services. The provisions of the Code of Criminal Procedure shall not be affected by the first sentence before the semicolon.

(6) Except as otherwise provided in Section 27ha(8) and Section 27hb(5), in exercise of their jurisdiction related to the authority of the President of the Judicial Council to initiate disciplinary proceedings against a judge, the President of the Judicial Council shall be authorised to request an opinion from the judge responsible for the disciplinary offence on the disciplinary offence and on matters relating to the disciplinary offence. For this purpose, the President of the Judicial Council may request court file, including the files in criminal proceedings, and may take excerpts, extracts, copies thereof and request additional statements, provisions of the Code of Criminal Procedure shall not be affected.

(7) Law enforcement authority shall notify the Judicial Council without delay

(a) of commencement of any criminal proceedings which may relate to the exercise of jurisdiction of the Judicial Council (Section 3b, Sections 27h to 27hh and this section),

(b) of filing charges against a judge.

(8) Members of the Judicial Council are obliged to maintain secrecy with regard to facts which have come to their knowledge in the exercise of jurisdiction of the Judicial Council; the obligation to maintain secrecy shall continue even after they have ceased to hold office and may only be waived by the Judicial Council. The obligation of confidentiality shall not apply to the reporting of crime or other anti-social activity.

(9) The Judicial Council shall, for the purpose of exercising its jurisdiction, take appropriate technical measures and organisational measures to protect the privacy and personal data of the persons upon whom it acts.

#### Section 27hi

### **Making decision on opposing prosecution of a judge**

(1) The Judicial Council, upon a motion of a judge charged with the offence of perverting the law under Section 326a of Criminal Code, shall decide whether to oppose the prosecution of the judge for such offence; the Judicial Council shall justify its decision.

(2) The Judicial Council shall decide whether to oppose the prosecution of a judge in a closed session which may be attended only by members of the Judicial Council, the judge concerned, the judge's defence counsel and the public prosecutor; other persons may attend only with the consent of the Judicial Council.

(3) The Judicial Council shall decide on the judge's motion under paragraph (1) within 30 days of its receipt at a session of the Judicial Council, at which it shall give the judge, his defence counsel and the public prosecutor an opportunity to be heard.

(4) If the Judicial Council has decided not to oppose the prosecution of a judge under paragraph (1), a new proposal by the judge concerned in the same case shall be precluded.

#### Section 27i

A member of the Judicial Council shall have the right to be allowed adequate time to prepare for a meeting of the Judicial Council and to prepare documents for a meeting of the Judicial Council.

## **TRANSITIONAL AND FINAL PROVISIONS**

#### Section 28

(1) Members of the first Judicial Council elected by the National Council shall be notified by the Speaker of the National Council of the Slovak Republic to the President of the Judicial Council within 75 days of the entry into force of this Act.

(2) Members of the first Judicial Council appointed by the President shall be notified by the President to the President of the Judicial Council.

(3) Members of the first Judicial Council appointed by the Government shall be notified by the Prime Minister of the Slovak Republic to the President of the Judicial Council within 75 days of the entry into force of this Act.

(4) The date of election of members of the first Judicial Council elected by judges shall be notified by the President of the Judicial Council so that the election is held within 75 days of the entry into force of this Act. The members of the first Judicial Council elected by judges shall be notified by the chief electoral commission to the President of the Judicial Council without delay after the minutes of the election have been drafted.

(5) The first meeting of the Judicial Council pursuant to this Act shall be convened by the President of the Judicial Council within 30 days of the appointment of all members of the Judicial Council.

Section 29

**Transitional provision to the regulation effective from 1 November 2003**

A member of the Judicial Council elected to office before the entry into force of this Act need not prove their irreproachability under this Act.

Section 30

**Repealed as of 12.12.2015 \*\*)**

**Transitional provisions to the regulation effective from 1 September 2014**

Section 31

**Repealed as of 23.2.2019 \*)**

Section 32

**Transitional provisions to the regulation effective from 15 October 2019**

A judicial candidate included in the database of judicial candidates on 14 October 2019 who does not consent to their appointment as a judge and to their assignment to a vacant visiting judge seat shall not be removed from the database of judicial candidates.

Section 33

**Transitional provision**

(1) If, on the date of the entry into force of this Act, the period pursuant to Section 26(2) as in force before the entry into force of this Act has expired, the office of a member of the Judicial Council who has resigned as a member of the Judicial Council shall cease to exist on the day after the date of the entry into force of this Act.

(2) If, on the date of the entry into force of this Act, the period pursuant to Section 4(b)(2) as in force before the date of the entry into force of this Act expires, the office of the President of the Judicial Council who has resigned as President of the Judicial Council shall cease on the day after the date of the entry into force of this Act.

Section 34

**Transitional provisions to the regulation effective from 1 January 2021**

(1) Members of the Judicial Council who hold office as a member of the Judicial Council on the date of the entry into force of this Act shall be eligible to entitlements under this Act from the first day of the following month in which this Act enters into force.

(2) A judge elected by judges to be a member of the Judicial Council under regulations effective on or before 31 December 2020, and who was not serving as a judge of the Supreme Court on 31 December 2020, shall be deemed, as of 1 January 2021, to be a member of the Judicial Council elected in the electoral district in which he was serving as a judge on 31 December 2020.

(3) If, after 1 January 2021, the office of a member of the Judicial Council elected by judges under regulations effective on or before 31 December 2020 ceases and who, as of 31

December 2020, exercised the office of a judge at the Supreme Court, the election of a member of the Judicial Council by judges shall be announced for such electoral district from which a member of the Judicial Council is not elected or for which the requisite number of members of the Judicial Council are not elected; provided that if there are more than one such electoral district, the electoral district in which the election of a member of the Judicial Council by judges shall be announced shall be determined by drawing lots at a meeting of the Judicial Council.

(4) The election of a member of the Judicial Council pursuant to Article 141a(2)(a) of the Constitution as in force from 1 January 2021 shall be declared on the termination of the office of the last member of the Judicial Council elected by judges pursuant to regulations in force on or before 31 December 2020 who was holding office as a judge of the Supreme Court on 31 December 2020.

(5) The election of the first President of the Supreme Administrative Court shall be announced by the President of the Judicial Council by January 15, 2021.