

## **Slovakia/Súdna rada Slovenskej republiky**

### **Словакия/Съдебен съвет на Република Словакия**

#### **1. To which of the three classic branches of government does the respective Council belong**

The Council belongs to the judicial power.

#### **2. Duration of the mandate of the members of the respective Council**

Duration of the mandate of the members of the respective Council is five years.

#### **3. Powers, Functions, Services, Mission of the respective Council**

The Constitution of the Slovak Republic states that under the authority of the Judicial Council falls:

- a) to present to the President of the Slovak Republic proposals for candidates for appointment as judges, and proposals for recall of judges,
- b) to decide on the assignment or transfer of judges,
- c) to present to the President of the Slovak Republic proposals for appointment of the Chief Justice of the Slovak Republic and the Deputy Chief Justice of the Slovak Republic, and proposals for their recall,
- d) to present to the Government of the Slovak Republic proposals of candidates for judges who should act for the Slovak Republic in international judicial bodies,
- e) to elect and recall members of disciplinary senates and elect and recall chairmen of disciplinary senates,
- f) to comment on a proposal for the budget of courts of the Slovak Republic during the preparation of the proposal for the state budget,
- g) other activities if laid down by a law.

Act on the Judicial Council of the Slovak Republic and on amendments of certain Acts states that under further authority of the Judicial Council pursuant to this Act belong:

- a) to discuss reports on the drawing of budgetary funds of courts,
- b) to approve statutes of the Judicial Council and rules of procedure of the Judicial Council,
- c) to approve the organizational order of the Office of the Judicial Council of the Slovak Republic (hereinafter referred to as " Office of the Judicial Council"),
- d) to elect the vice-Chairman of the Judicial Council,
- e) to coordinate the activities of Councils of Judges established pursuant to special regulation,
- f) to express an opinion on proposals of generally binding legal regulations setting out the organization of the judiciary, proceedings before courts and the status of judges,
- g) to express an opinion on proposals of conceptual documents concerning the judiciary presented for discussion by the National Council and by the Government,

- h) to elect a specified number of board members of the Judicial Academy under a special regulation.

The Judicial Council, after agreement with the Minister of Justice of the Slovak republic, shall also:

- a) approve principles for selection procedures for the filling of vacant positions for judges, the functional advancement of judges on courts of higher degree, and appointment to higher judicial functions,
- b) approve principles for the evaluation of judges,
- c) approve principles for selection procedures for the position of chairman of a district court, chairman of a regional court, chairman of Specialized criminal court, vice-chairman of a district court and vice-chairman of a regional court,
- d) approve principles of judicial ethics,
- e) approve principles governing work in a domestic environment,
- f) determine the subject matter to be included in judges' education.

#### **4. Criteria for nomination and appointment of the members of the respective Council**

The Judicial Council consists of 18 members:

- a) The Chairman of the Judicial Council of the Slovak Republic is the Chief Justice of the Slovak Republic.
- b) eight judges, who are elected and recalled by judges of the Slovak Republic,
- c) three members who are appointed and recalled by the National Council of the Slovak Republic,
- d) three members who are appointed and recalled by the President of the Slovak Republic,
- e) three members who are appointed and recalled by the Government of the Slovak Republic.

As a member of the Judicial Council of the Slovak Republic according to letters c) to e) may be appointed person who is of impeccable character and has university education in law and at least 15 years of professional practice.

#### **5. Composition of the respective Council:**

- How many magistrates and non-magistrates  
Magistrates: 13  
Non-magistrates: 5
- How many judges, prosecutors, etc.  
Judges: 13  
University teachers / Judicial Academy President: 4  
Advocates: 1

#### **6. Staff:**

- Number: 14

- Qualification: Higher education	9
Secondary education	4
Secondary education without graduation	1 (occupational driver)

## **7. Structure**

Judicial Council consists of 18 members – one Chairman of the Judicial Council, one Vice – Chairman (elected from among its members) and 16 other members.

The tasks connected with organizational, personnel, administrative and technical securing of the Judicial Council shall be carried out by the Office of the Judicial Council. The head of the Office of Judicial Council is appointed by the Chairman of the Judicial Council.

## **8. What different commissions do you have as part of the respective Council**

We do not have different commissions as a part of the respective Council.

## **9. Important historical events: creation of the respective Council, further changes in its structure, functions, etc.**

The Judicial Council as judicial legitimacy authority is constituted by the Constitution of the Slovak Republic. The role of the Judicial Council is, inter alia, to present to the President of the Slovak Republic proposals for candidates for appointment as judges, who after appointment made by the President, perform the judiciary in the Slovak Republic.

The Judicial Council is also important to ensure consistent separation of judicial power from the other two powers, to strengthen the independence of the judiciary and judicial independence, and it was also created in the interests of the Slovak Republic to join the European Union.

## **10. Present and future important projects and events of the respective Council**

The Judicial Council of the Slovak Republic participates in two ENCJ projects in 2011/2012.

Standards – Mutual confidence in the judiciary of the various European countries will be increased by knowledge of the minimum standards applied by each country as regards, among other possible topics, selection or appointment of judges and/or prosecutors (admission into the judiciary), judicial training (initial and continuing) and judicial ethics.

Requests for Co-operation – A project to examine the methods by which the ENCJ can respond to requests for co-operation by Members and Observers and Councils of potential Candidate Member States and to consider the appropriate limits of that co-operation.

The Council participated in one ENCJ project in 2010.

To promote the development of independent Councils for the Judiciary – Collection of all relevant information (including soft information) on the Councils for the judiciary (composition, competences, etc.), regular updating.

## **11. How is the independence of the respective Council guaranteed**

The independence of the Judicial Council is guaranteed by the Constitution of the Slovak Republic. Further guarantee is that according to the article 84 of the Constitution, for adoption and amendment of the Constitution the consent of a three-fifths majority of all Members shall be required. Constitutional changes are not common in the Slovak Republic.

## **12. Budget of the judiciary:**

- What is the amount of the budget for 2011

Judiciary budget is one of the chapters of the budget of the Ministry of Justice. Binding estimate of revenue is set at € 2 666 841. Expenses are set at € 141 903 221.

- How is it divided for the different allocations

It is divided to capital expenditure and current expenditure.

- Who manages the budget

The budget manages the Ministry of Justice.

## **13. Present composition of the Council:**

- Start/end of the mandate
- The Chairman of the Judicial Council of the Slovak Republic is the Chief Justice of the Slovak Republic;
- eight judges, who are elected and recalled by judges of the Slovak Republic – June 2007 – June 2012;
- three members who are appointed and recalled by the National Council of the Slovak Republic – May 2007 – May 2012;
- three members who are appointed and recalled by the President of the Slovak Republic – October 2007 – October 2012;
- three members who are appointed and recalled by the Government of the Slovak Republic – January 2011 – January 2016;