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185/2002 Coll.

ACT

of 11 April 2002

On the Judicial Council of the Slovak Republic and on amendments of certain Acts

Article I

INTRODUCTORY PROVISION

§ 1

Scope of Regulation

This Act shall regulate the further jurisdiction of the Judicial Council of the Slovak Republic (hereinafter referred to as „Judicial Council“) and details on the means of appointing its members, organization and relationship to judicial administration bodies and bodies of judges' self-administration.

THE JUDICIAL COUNCIL

§ 2

Seat of the Judicial Council

The seat of the Judicial Council shall be in Bratislava.

§ 3

Composition of the Judicial Council

- (1) Judicial Council shall consist of 18 members. These shall include the President of the Judicial Council and its other members.
- (2) A member of the Judicial Council established by the National Council of the Slovak Republic (hereinafter referred to as „National Council“), the President of the Slovak Republic (hereinafter referred to as „President“), the Government of the Slovak Republic (hereinafter referred to as „Government“) may only be a

person who is of integrity, has university education in law and at least 15 years of professional practice.

- (3) For the purposes of this Act, university education in law of a member of the Judicial Council shall be proved by
- a) a diploma issued by the university pursuant to a special Act¹, following successful completion of an MA course at the law faculty of a university in the Slovak Republic,
 - b) a document of university study issued by a foreign university officially recognised by a law faculty of a university in the Slovak Republic, or
 - c) document of university study issued by a university seated in a country with which the Slovak Republic has concluded an international treaty on mutual recognition of equivalency of education documents.
- (4) For the purposes of this Act, a person of integrity shall be understood as a person who has not been lawfully sentenced for an intentional criminal act, even in case when the conviction for the intentional criminal act has been expunged, or who is treated as if he/she had not been convicted of such crime under special regulation.^{1a} This shall be proved by an extract from the Criminal Register not older than three months.^{1b}
- (5) The office of the Judicial Council Member is incompatible with the office of the president or the vice-president of the Supreme Audit Office of the Slovak Republic, office of prosecutor, member of the Police Force of the Slovak Republic and member of the Slovak Information Service.

§ 4

Further jurisdiction of the Judicial Council

- (1) The further authority of the Judicial Council² pursuant to this Act implies:
- 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-President of the Judicial Council,
 - e) to coordinate the activities of Councils of Judges established pursuant to special regulation³
 - 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 to the National Council and to the Government.
 - h) to elect specified number of members of the Board of the Judicial Academy under special regulation^{2a}
- (2) The Judicial Council, after agreement with the Minister of Justice of the Slovak Republic, shall also:
- a) approve principles of judicial ethics,
 - b) approve principles governing work in a domestic environment
 - c) determine the scope of education of judges
- (3) Other competencies of the Judicial Council shall be laid down by a special Act.⁴
- (4) The Councils of Judges shall provide cooperation to the Judicial Council in the performance of its jurisdiction. Councils of Judges shall at request provide documents and information to the Judicial Council, which are necessary for the decision making of the Judicial Council. If a Judicial Council Member asks the Council of Judges to attend its meeting, the Council of Judges is obliged to comply with the request.

§ 5

Vice President of the Judicial Council

- (1) The Judicial Council shall elect from among its members a Vice President of the Judicial Council. Every member of the Judicial Council can nominate a candidate for the Vice President of the Judicial Council.
- (2) Unless the President of the Judicial Council^{4a} is not appointed or during 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.
- (3) The duties of the President of the Judicial Council and Vice President of the Judicial Council during their absence shall be performed by the member of the Judicial Council oldest in age.
- (4) The Vice President of the Judicial Council can be recalled by the Judicial Council on a proposal of at least 3 members of the Judicial Council.

Meetings of the Judicial Council

§ 6

- (1) The President of the Judicial Council shall convene and lead the meetings of the Judicial Council. The Judicial Council shall adopt resolutions only at the meeting of the Judicial Council. agenda

- (2) The agenda of the Judicial Council shall be proposed by the President of the Judicial Council. Every member of the Judicial Council is entitled to propose a change or amendment to the agenda of the Judicial Council meeting. If at least three members suggest a change or amendment to the agenda, the President of the Judicial Council shall put this proposal on the agenda of the Judicial Council meeting.
- (3) Agenda of the Judicial Council meeting shall be approved by the Judicial Council.
- (4) The President of the Judicial Council shall convene meetings of the Judicial Council in case of necessity, at least once in three months, or provided that at least one third of Council members request in writing that such meeting be held.
- (5) If the President of the Judicial Council fails, within 15 days, to convene a meeting of Judicial Council petitioned by one third of the members of the Judicial Council, the meeting of the Judicial Council shall begin, at the seat of the Supreme Court of the Slovak Republic (hereinafter referred to as "the Supreme Court") on the 30th day following the delivery of the request at 1 p.m., even without its convocation. If the 30th day is Saturday, Sunday or a holiday, the day of the Judicial Council meeting shall be the following working day.
- (6) The Judicial Council shall always decide by a resolution. For the adoption of a resolution of the Judicial Council, the consent of an absolute majority of all its members shall be required.
- (7) The Judicial Council member, who is a candidate in election, shall not have right to vote in this election, if there is at least one other candidate applying for the same office, who is not a member of the Judicial Council.
- (8) Voting of the Judicial Council shall always be public. The member of the Judicial Council, who does not agree with the resolution of the Judicial Council, has right for that his dissenting opinion shall be joined to the decision of the Judicial Council. This opinion shall be published in the same manner as the resolution of the Judicial Council.
- (9) The President of the Judicial Council shall be obliged to send one copy of the resolution of the Judicial Council on the proposal of the Judicial Council for the appointment of a judge, removal of a judge, assignment of a judge or transfer of a judge, to the Minister of Justice within three days since the matter was decided by the Judicial Council.
- (10) The audio recording and the minutes shall be made of each meeting of the Judicial Council; while - besides the attendance, the agenda of the Judicial Council meeting and content of the adopted resolutions, the following shall also be obvious from the record: the content, the course of the deliberations and the result of voting on particular points of the agenda of the Judicial Council meeting.
- (11) The President of the Judicial Council shall ensure publication of information on the activity of the Judicial Council at the website of the Judicial Council. On the website of the Judicial Council, the following shall be made public: date of the Judicial Council meeting, draft agenda of the Judicial Council meeting and the documents that are to be discussed by the Judicial Council pursuant to the draft

agenda of the meeting – no later than 15 days prior to the date of the Judicial Council meeting; materials added at the Judicial Council meeting under § 6 Para 2 shall be published within the same deadline as the adopted resolutions of the Judicial Council. Furthermore, the following shall be made public at the website of the Judicial Council: adopted resolution of the Judicial Council, minutes of voting, minutes of the Judicial Council meeting and the audio record of the Judicial Council meeting. The adopted resolution shall be made public within 24 hours since being adopted by the Judicial Council. The minutes of voting, the minutes of the Judicial Council meeting and the audio record of the Judicial Council meeting shall be made public together with the adopted resolutions of the Judicial Council.

§ 7

- (1) Meeting of the Judicial Council shall always be public. President of the Judicial Council is obliged to create conditions for participation of the public at the Judicial Council meetings. If greater interest of the public in the meeting of the Judicial Council can be expected, the President of the Judicial Council is obliged to convene the Judicial Council meeting in an appropriate room taking into account the anticipated interest and possibilities.
- (2) If it concerns a convocation according to § 4, paragraph 1, letters a), e) and g), and § 2, President of the Judicial Council shall give the floor to the Minister of Justice, whenever he/she asks for it.

§ 8

- (1) Performance of the office of a Judicial Council member shall not entitle its member to remuneration.
- (2) A member of the Judicial Council shall be entitled to reimbursement of expenses connected with activity in the Judicial Council, as laid down by special regulation⁵.

§9

Office of the Judicial Council

- (1) The tasks connected with the professional, organisational, personnel, administrative and technical securing of activities of the Judicial Council shall be carried out by the Office of the Judicial Council.
- (2) The Office of the Judicial Council shall be supervised and represented by the Head of the Office of the Judicial Council. The Head of the Office of the Judicial Council shall be appointed and recalled by the President of the Judicial Council, to whom the Head of Office is accountable for the activity of Office.

- (3) The Office of the Judicial Council is a budgetary organisation linked to the State Budget through the Budgetary Chapter - *The Supreme Court of the Slovak Republic*.
- (4) Tasks of the Office of the Judicial Council shall be carried out by civil servants^{5a} and employees.^{5b}
- (5) Details on the organization and activities of the Office of Judicial Council, status of civil servants and employees of the Office of the Judicial Council shall be set forth in the Organizational Order. The Organizational Order shall be issued by the Head of the Office of Judicial Council after being approved by the Judicial Council.

PROCESS OF APPOINTING MEMBERS OF THE JUDICIAL COUNCIL

Election of members of Judicial Council by judges

Voting right

§ 10

- (1) The elections of Judicial Council members shall be conducted by secret ballot based on their general, equal and direct voting right.
- (2) All judges performing the office of a judge as of the election date shall have the right to elect the Judicial Council members.
- (3) Limitation of the right to vote under paragraph 2 shall be a constraint of personal freedom for reasons of protection of public health pursuant to special regulation.⁶
- (4) The Chairman of a respective Council of Judges shall secure a list of judges of the given district. Objections regarding entries into the list of judges shall be decided by the Chief Election Commission.

§ 11

- (1) Any judge performing the office of judge as of the election date shall have the right to be elected as a member of the Judicial Council.
- (2) Nominations of a candidate in the Judicial Council (hereinafter referred to as "nomination of a candidate") may be submitted by the Council of Judges, by a professional organization of judges, or by a minimum of ten judges. (hereinafter referred to as "nominating body").

§ 11a

Effectiveness suspended since 23 March 2012

§12

Election bodies

- (1) For the election of members of the Judicial Council there shall be established:
 - a) A Chief Election Commission,
 - b) Election Commission for the Supreme Court of the Slovak Republic, Election Commission for circuits of regional courts and election commission for the Special Criminal Court (hereinafter referred to as "Election Commission").
- (2) A candidate as a member of the Judicial Council may not be a member of the Chief Election Commission or of an Election Commission.
- (3) Members of the Chief Election Commission shall be representatives of Councils of Judges of the Supreme Court of the Slovak Republic and the Special Criminal Court, while always one shall be from members of the board of presidents of the Council of Judges for every board. Councils of Judges and the boards of presidents of Councils of Judges shall elect its representatives in the Chief Election Commission no later than 15 days from the date of announcement of elections. Members of the Chief Election Commission shall choose its Chairman by election; if the Chairman cannot be chosen by election, he shall be chosen by a draw; the draw shall be supervised by the Head of Office of the Judicial Council.
- (4) The constituting meeting of the Chief Election Commission shall be convened by the President of the Judicial Council 30 days before the day of conducting the election at the latest.
- (5) An Election Commission shall have five members and its members shall be elected by an assembly of judges (§ 17 para 2) directly before the beginning of voting. Members of the Election Commission shall choose its Chairman by election; if the Chairman cannot be chosen by election, he shall be chosen by a draw; the draw shall be supervised by the Head of Office of the Judicial Council.
- (6) The Chief Election Commission and Election Commissions shall be competent to hold deliberations if a greater than half majority of all members are present. The consent of a greater than half majority of present members shall be necessary for the validity of its decision. In the case of an equality of votes, the motion shall be regarded as rejected.

Nomination of candidates

§13

- (1) The nomination of a candidate shall be delivered to the President of the Judicial Council. The President of the Judicial Council, at the latest 30 days before elections, shall deliver all delivered nominations of candidates to the Chairman of the Chief Election Commission.
- (2) If a nomination of a candidate comes from a Council of Judges, the nomination must be accompanied with the record of the resolution from its meeting, in which it must be clear that the nomination was approved in a set manner. If the nomination of a candidate comes from a professional interest organization of judges, the nomination must be accompanied with a document of registration and a record of the resolution from the meeting of the relevant body. If the nomination of a candidate comes from at least ten judges, the nomination must be accompanied by a record containing the names, surnames, identification numbers and signatures of the judges who are presenting the nomination.
- (3) The nomination of a candidate shall contain the name, surname, academic title, identification number, date of appointment to the position of judge and place of performing the office of a judge who is a candidate for a member. The nomination may also include justification focusing on data of the professional work of the nominated candidate.
- (4) The personally signed declaration of a candidate that he agrees with his/her candidacy shall also be added to the nomination proposal.
- (5) In an annex to the nomination of a candidate the nominating body shall state its proxy (representative) and his deputy, and include their name, surname and permanent address. Neither the proxy nor his deputy may be a candidate. The nominator shall be bound by the actions of his proxy in electoral matters. The nominator shall inform the Chief Election Commission of the appearance of the deputy in place of the proxy.

§ 14

- (1) The Chief Election Commission shall review the presented nominations of candidates no later than 15 days prior to the election date. If the Chief Election Commission discovers that a presented nomination of a candidate does not fulfill the requirements pursuant to this Act, it shall inform the proxy of the nominator without undue delay, with the statement of the period in which the nomination of a candidate shall be completed or corrected. The nomination of a candidate which was not completed or corrected within the given period shall be disregarded. The Chief Election Commission shall confirm the reception of a nomination of a candidate to the proxy of a nominator.
- (2) The Chief Election Commission, after reviewing the nominations of candidates, shall prepare a list of candidates with names and surnames of all

candidates who have fulfilled the conditions pursuant to this Act appearing in alphabetical order, along with a statement of their place of performing the office of a judge and the date of their latest appointment to the position of judge. The Chairman of the Chief Election Commission and the two members oldest in age shall sign such a prepared list of candidates.

- (3) The Chairman of the Chief Election Commission shall ensure the publication of the list of candidates in all courts 10 days prior to the conducting of elections at the latest.

§ 15

Withdrawal of candidate nomination and resignation of candidacy

- (1) The nominating body may in writing withdraw a nomination of a candidate up to five days prior to the beginning of an election.
- (2) A candidate may in writing resign his/her candidacy at any time prior to the election.
- (3) The withdrawal of a nomination of a candidate and resignation of candidacy may not be reversed. The withdrawal of a nomination of a candidate and resignation of candidacy shall be delivered to the Chairman of the Chief Election Commission who shall ensure its publication in an appropriate manner.

§16

Ballot papers

- (1) The Chief Election Commission shall ensure the preparation and distribution of ballot papers in the amount necessary for the proper running of the election up to three days prior to the date of the conducting of an election.
- (2) On the ballot paper there shall be stated in alphabetical order the nominated candidates from the candidates' list (§ 14) along with their assigned order number; candidates whose nomination as a candidate has been withdrawn (§ 15, paragraphs 1), or who have resigned their candidacy (§ 15, paragraphs 2) shall be excluded.
- (3) The Chief Election Commission shall mark the ballot papers with a stamp and the signature of the Chairman of the Chief Election Commission.
- (4) The Chief Election Commission, through its members in the districts of the appropriate Councils of Judges, shall ensure the delivery of ballot papers to the Chairmen of the relevant Election Commissions.
- (5) A judge shall receive the ballot paper on the day and at the place of conducting the elections.

§ 17

Day, time and place of conducting elections

- (1) The day, time and place of conducting the elections shall be announced by the President of the Judicial Council no later than 60 days prior to their conduct, and simultaneously he shall announce the number of members of the Judicial Council to be elected in the voting. The date of conducting the elections must be at the latest 30 days prior to the expiry of the term of office of a member of the Judicial Council or at the latest 75 days after the vacation of office by a member of the Judicial Council.
- (2) Voting shall take place at the meetings of judges in the districts of individual election commissions /§ 12 para 1b)/ on the same day and at the same time.
- (3) The place for conducting the election of judges shall be determined no later than 15 days prior to the day of conducting the elections by:
 - a) the President of the Council of Judges of the Supreme Court of the Slovak Republic for the assembly of judges of the Supreme Court of the Slovak Republic
 - b) the President of the Council of Judges of the Special Criminal Court for the assembly of judges of the Special Criminal Court
 - c) the President of the Council of Judges of the regional court for the assembly of judges of this court's circuit

§18

Voting

- (1) The distribution of ballot papers to judges, the course of the election and ascertaining the result of the voting shall be organized and managed by the Election Commission (§ 12). Acceptance of the ballot paper shall be confirmed by a judge by his written signature.
- (2) Voting shall take the form of circling the order number of the candidate for whom the judge is casting his vote in the special space reserved for this purpose on the ballot paper, and depositing the ballot paper in the ballot box. A judge shall be allowed to vote at a maximum for such a number of candidates as there are members of the Judicial Council necessary to elect (§ 17, paragraphs 1).

§19

Ascertaining and announcing results of voting

- (1) Only members of the Election Commission and of the Chief Election Commission shall have the right to be present in the room where the Election Commission is counting votes.

- (2) After the completion of voting, the Chairman of the Election Commission shall have unused ballot papers stamped, then open the ballot box.
- (3) The Election Commission shall remove the ballot papers and compare their number with the confirmation of accepted ballot papers, then exclude invalid ballot papers and count the number of votes given to individual candidates.
- (4) As invalid shall be considered the ballot paper which is not on the prescribed form (§ 16), contains larger number of circled candidates (§ 17) or on which a judge has not circled any candidate.
- (5) In case of doubt about the validity of a ballot paper, the Election Commission shall decide on its final validity.

§ 20

Minutes of the conduct and results of voting

- (1) The Election Commission shall prepare in two copies the minutes of the conduct and results of the voting which shall be signed by all members of the Election Commission. If some member of the Election Commission does not sign the minutes on the conduct and results of the elections, he/she shall state the reasons for which he did not sign it.
- (2) The minutes on the conduct and results of the voting shall imply :
 - a) total number of judges of the district of the respective Election Commission who have the right to vote (§ 10, paragraphs 2 and 3),
 - b) number of judges of the district of the respective Election Commission who accepted the ballot papers,
 - c) number of ballot papers delivered,
 - d) number of valid ballot papers,
 - e) number of invalid ballot papers,
 - f) number of votes given to individual candidates.
- (3) The Election Commission shall deliver the minutes on the conduct and results of the voting together with election documentation to the representative of the Chief Election Commission and one copy of the minutes on the conduct and results of the voting to the Chairman of the respective Council of Judges (§ 17 para 3). He/she shall ensure the immediate publication of the results of the election in the district of the Council of Judges in an appropriate manner.

§ 21

Ascertaining the results of elections

- (1) The Chief Election Commission, after reviewing the minutes on the conduct and results of the voting from all Election Commissions, shall count the number of all judges recorded in the list and the number of ballot papers cast.
- (2) The Chief Election Commission shall count the number of valid votes cast for individual candidates in the districts of all Election Commissions, then prepare the order of candidates according to the number of votes received.
- (3) In cases of an equality of the number of votes cast for individual candidates, the candidate with longer performance of the office of judge shall receive the higher order.

§ 22

Minutes of the Election Results

- (1) The following shall be stated in the minutes of the election results:
 - a) the total number of judges who have the right to vote (§ 10, paragraphs 2 and 3),
 - b) the number of judges who accepted ballot papers,
 - c) the number of ballot papers delivered,
 - d) the number of valid ballot papers,
 - e) the number of invalid ballot papers,
 - f) the number of votes given to individual candidates.
- (2) In the minutes on the results of elections there shall also be stated the name, surname, academic title, identification number and place of performance of the office of a judge who was elected as a member of the Judicial Council. In case of declaring the elections for filling the positions of several members of the Judicial Council, the order of the candidates shall also be stated (§ 21, paragraphs 2 and 3).
- (3) The minutes of the results of the elections shall be signed by all members of the Chief Election Commission. If some member of the Chief Election Commission does not sign the minutes on the results of the elections, he/she shall state the reasons for which he did not sign it.
- (4) After having signed the record on the results of the elections, the Chairman of the Chief Election Commission shall publish the results of the elections.

§ 23

- (1) The number of elected candidates shall equal the number of unoccupied positions of members of the Judicial Council to be elected by judges. The candidates who received the greatest number of votes shall be elected as members of the Judicial Council.
- (2) The Chief Election Commission shall issue to an elected member of the Judicial Council a certificate of his election as a member of the Judicial Council. In the certificate there shall be stated the name, surname, academic title, identification number and a place of performing the office of judge elected by judges as a member of the Judicial Council.
- (3) The Chairman of the Chief Election Commission shall without delay notify the President of the Judicial Council, the President of the National Council of the Slovak Republic and the President and Prime Minister of the Slovak Republic on the data pursuant to paragraph 2.

APPOINTMENT OF OTHER MEMBERS OF THE JUDICIAL COUNCIL

§ 24

Election of members of the Judicial Council by the National Council

(1) The National Council of the Slovak Republic shall elect members of the Judicial Council pursuant to a special regulation. ⁷

(2) The President of the National Council of the Slovak Republic shall inform the President of the Judicial Council on the name, surname, academic title, identification number, and permanent address of a member of the Judicial Council elected by the National Council within 60 days from the cessation of the mandate of member of the Judicial Council elected by the National Council. The President of the National Council of the Slovak Republic shall also inform the President and the Prime Minister of the Slovak Republic of these facts.

§ 25

Appointment of Members of the Judicial Council by the President and the Government

(1) The President shall communicate to the President of the Judicial Council the name, surname, academic title, identification number, and permanent address

of a member of the Judicial Council appointed by the President after the cessation of the mandate of member of the Judicial Council appointed by the President.

- (2) The Prime Minister shall notify the President of the Judicial Council of the name, surname, academic title, identification number and permanent address of a member of the Judicial Council appointed by the Government within 60 days from the cessation of the mandate of member of the Judicial Council appointed by the Government.

Cessation of Mandate

§ 26

A Judicial Council Member's mandate shall cease on

- a) elapsing of the term of office of the member of the Judicial Council,
- b) resignation from the Judicial Council Member's office,
- c) recall from the office of the Judicial Council member
- d) the death of the member of the Judicial Council,
- e) cessation of the office of judge, provided that he/she was elected a member of the Judiciary Council by his/her peers
- f) cessation of the office of the President of the Supreme Court of the Slovak Republic,
- g) failure to remove the reasons of incompatibility of the Judicial Council Member's office under § 3 paragraph 5
- h) if the member of the Judicial Council can no longer be regarded as a person of integrity.

(2) A member of the Judicial Council shall notify on his/her resignation from the office of the Judicial Council member to the President of the Judicial Council in writing.

(3) The office of the Judicial Council member, who fails to remove the reasons of incompatibility under § 3 para 5 until 30 days of their occurrence, shall expire with the expiry of this deadline.

§ 27

- (1) The provisions of § 10 to 23 shall be applied adequately to recall a member of the Judicial Council elected by judges, unless this Act stipulates otherwise.
- (2) A motion to recall a member of the Judicial Council elected by judges may be submitted by a minimum of three Councils of Judges (§ 17, para 3), three boards of presidents of Council of Judges or at least by one fourth of judges having the right to vote.
- (3) Recall of a member of the Judicial Council elected by judges shall be valid provided that his recall is supported by a simple majority of all judges (§ 10, paragraphs 2).
- (4) The provision of § 24 shall be applied adequately to recall a member of the Judicial Council elected by the National Council and provision of § 25 shall be applied adequately to recall the 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 FUNCTIONS WITHIN THE SCOPE OF THE JUDIICAL COUNCIL

Procedure for the appointment to the office of the President of the Supreme Court of the Slovak Republic and the Vice President of the Supreme Court of the Slovak Republic

§ 27a

- (1) Motion to appoint the President of the Supreme Court of the Slovak Republic (hereinafter only “the President of the Supreme Court) or the Vice President of the Supreme Court of the Slovak Republic (hereinafter only “the Vice President of the Supreme Court) shall be submitted by the Judicial Council without any delay to the President based on the results of the election performed by the Council; the election shall be performed at the public meeting of the Judicial Council.
- (2) Candidates for the President and Vice President of the Supreme Court shall be proposed to the Judicial Council by the Judicial Council Member, Council of Judges, professional organization of judges, plenum of judges of the Supreme Court

of the Slovak Republic, judge of the Supreme Court of the Slovak Republic and Minister of Judges of the Slovak Republic (hereinafter only “nominating body”).

(3) Date and time of election shall be declared by the President of the Judicial Council no later than 45 days before the election. President of the Judicial Council shall notify all nominating bodies on the declaration of election with a call to present candidates for the President or Vice President of the Supreme Court within a period which may not be less than 15 days since the delivery of the notification on the declaration of election.

(4) A nomination for the President or the Vice President of the Supreme Court shall contain name, surname, academic title of the candidate, date of appointment to the judicial office and date of assignment or transfer of judge to the Supreme Court of the Slovak Republic. The nomination shall be accompanied by a personally signed declaration of a candidate that he agrees with his/her candidacy.

(5) A nomination for the President or the Vice President of the Supreme Court shall be delivered to the President of the Judicial Council; nominations delivered to the Judicial Council President after the deadline under para 3 and nominations which does not have all particulars, prescribed by this Act, shall be disregarded.

(6) President of the Judicial Council shall ensure delivering the list of candidates for the President or Vice President of the Supreme Court to the members of the Judicial Council no later than 15 days before the date of election.

(7) A nomination for the President or Vice President of the Supreme Court can be withdrawn before the beginning of the election. Candidate for the President or Vice President of the Supreme Court can resign from his candidacy before the beginning of the election.

§ 27b

(1) Candidates for the President or the Vice President of the Supreme Court shall have a right to attend the session of the Judicial Council, at which the election of President or Vice President of the Supreme Court is to be carried out. President of the Judicial Council shall ensure that the invitation for the Judicial Council meeting would be delivered to the candidates no later than 7 days before the date of election.

(2) The Judicial Council shall provide the same conditions to all candidates for the President or Vice President of the Supreme Court to present themselves and their view on discharging the office of the President or the Vice President of the Supreme Court.

§ 27c

(1) The minutes on the conduct and results of the election shall be elaborated, while it shall imply in particular:

- a) total number of members of the Judicial Council with a right to vote
- b) number of votes of members of the Judicial Council given to the individual candidates
- c) order of candidates based on the number of obtained votes of the Judicial Council members

(2) Results of election shall be announced at the meeting of the Judicial Council, at which the election of President or Vice President of the Supreme Court was carried out.

(3) If no candidate for President or Vice President of the Supreme Court receives in the elections an absolute majority of votes of all members of the Judicial Council and there were more than 2 candidates in the election, a repeated election shall be held at the same meeting of the Judicial Council. The repeated election shall be attended by those candidates, who received the highest and the second highest number of votes in the elections.

(4) If no candidate for President or Vice President of the Supreme Court receives in the elections, in the case referred to in paragraph 3 in repeated elections, an absolute majority of votes of all members of the Judicial Council, new elections shall be held.

(5) Repealed since 23/12/2008.

§ 27d

New elections

- (1) If even in the repeated elections no candidate for President or Vice President of the Supreme Court was elected, new elections shall be carried out at the meeting of the Judicial Council no later than 120 days since the repeated elections.
- (2) The new elections shall not be attended by the candidates, who were already under the vote in the previous elections.
- (3) New elections shall be proceeded appropriately under § 27a and 27c.

§ 27e

Further elections

- (1) If even in the new elections no candidate for President or Vice President of the Supreme Court was elected, further elections shall be declared by the Judicial Council so that it would be carried out by 120 days, even repeatedly until a candidate is elected.
- (2) The candidates, who were under the vote in the first elections, can apply to be elected in further elections (§27a para 2). Candidates, who were under the vote in the directly preceding elections, shall be excluded from the further elections.
- (3) Further elections shall be proceeded appropriately under § 27a and 27c.

§ 27f

Motion to recall the President or the Vice President of the Supreme Court

- (1) Motion to recall the President or the Vice President of the Supreme Court shall be submitted by the Judicial Council to the President based on the grounds stipulated in Article 147 of the Constitution of the Slovak Republic.
- (2) The Judicial Council shall decide on this motion no later than 15 days since finding the ground.

§27g

Other personnel nominations within the scope of the Judicial Council

(1) Nomination for election of a candidate for a judge, who should act on behalf of the Slovak Republic at the international judicial bodies, can be submitted to the Judicial Council by:

- a) Member of the Judicial Council
- b) Minister of Justice of the Slovak Republic
- c) professional organisation of judges
- d) other professional legal organisation⁸

(2) As a candidate for a judge, who should act on behalf of the Slovak Republic at the international judicial bodies may be proposed a person, who:

- a) acquired law education by completion of an MA course at the law faculty of a university in the Slovak Republic, or possesses a recognised⁹ or nostrified document of law education obtained by completion of studies of the same level at a foreign university,¹⁰
- b) is of integrity; is provably an important personality in the field of law and his/her moral qualities give a guarantee that he will dully discharge his/her office.
- c) has a permanent residence within the territory of the Slovak Republic,
- d) has full legal capacity and health conditions which allows him/her to discharge the judicial office¹¹
- e) passed the judicial professional exam, prosecutor's exam, bar exam or notary exam and at least 5 years of legal practise.

(3) Nomination for a judge, who should act on behalf of the Slovak Republic at a international judicial body, shall be submitted to the Judicial Council. The nomination shall contain the following:

- a) name, surname, academic title of a candidate, date of birth, professional CV documenting fulfilment of conditions under para 2, date and signature of the nominating body,
- b) document proving that the candidate passed the professional judicial exam, prosecutor's exam, bar exam or notary exam and that he/she has at least 5 years of legal practise,
- c) written consent of the candidate to the candidacy
- d) in case of nomination under para 1 c) and d) also a document proving that the nomination was discussed within the relevant bodies.

Nominations, which do not meet all prerequisites, stipulated by this Act, shall be disregarded.

(4) Provisions of § 6 para 7, §27a para 3 and §27b – §27e shall be applied mutatis mutandis within the election of a candidate for a judge, who should act on behalf of the Slovak Republic at the international judicial body.

(5) Within the nominations pursuant to paragraph 1 and 2, the Judicial Council can hear the candidates before taking its decision. The nomination shall be approved, provided that the absolute majority of all members of the Judicial Council voted for it in the secret ballot. Provisions of §27c para 3 and §27d shall be applied mutatis mutandis in case of repeated and new voting on nominations.

§ 27h

Interaction of the courts and public authorities with the Judicial Council

(1) The courts and public authorities are obliged to provide the Judicial Council with interaction within exercising its jurisdiction; they are especially obliged to provide the Judicial Council with documents and information required by the Judicial Council for its decision-making needs.

(2) In connection with exercising the jurisdiction of the Judicial Council, there are Council members entrusted, who are authorised to carry out actions necessary to establish the facts and preserve evidence inevitable for the decision-making of the Judicial Council; the Judicial Council is particularly entitled to inspect a file of a

public authority or a court file and to make extracts, abstracts and copies out of them.

(3) In exercising the jurisdiction in relation to the authority of the Judicial Council to initiate disciplinary proceedings against a judge, the Judicial Council is entitled to require an opinion from a judge under disciplinary responsibility on disciplinary offense and on matters related to the disciplinary offense.

(4) Members of the Judicial Council are obliged to maintain confidentiality of information they learned in the exercise of the authorities of the Judicial Council under paragraphs 1 and 2.

§ 27i

(1) Member of the Judicial Council has right to the adequate time to be ensured in order to get prepared for the Judicial Council session and for preparation of materials for the Council's deliberation.

TRANSITIONAL AND FINAL PROVISIONS

§ 28

(1) Members of the first Judicial Council elected by the National Council shall be announced by the Chairman of the National Council of the Slovak Republic to the President of the Judicial Council no later than 75 days from the date this Act entered into force.

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

(3) Members of the first Judicial Council appointed by the Government shall be announced by the Prime Minister of the Slovak Republic to the President of the Judicial Council no later than 75 days from the date this Act entered into force.

(4) Date of elections of members of the first Judicial Council elected by judges shall be announced by the President of the Judicial Council so that the elections would be held within 75 days from the date this Act entered into force. Members of the first Judicial Council elected by judges shall be announced by the Chief Election Commission to the President of the Judicial Council immediately after the minutes on the election results was drawn.

(5) The first session of the Judicial Council under this Act shall be convened by the President of the Judicial Council within 30 days since all its members were appointed.

§ 29

Transitional provision to the regulation in force since 1 November 2003

(1) Member of the Judicial Council elected to the office before entry into force of this Act does not have to prove integrity pursuant to this Act.

§ 30

Effect suspended since 23 March 2012

¹ Act No. 1 131/2002 Coll. on Universities as amended.

^{1a} Criminal Code as amended.

^{1b} Act No. 330/2007 Coll. on Criminal Records as amended.

² Article 141a para 4 letter g) of the Constitution of the Slovak Republic.

³ §45 of Act No. 757/2004 Coll. on Courts as amended.

^{2a} § 6 para 1 of Act No. 548/2003 Coll. on the Judicial Academy as amended.

⁴ E.g. the Act No. 385/2000 Coll. on Judges and Lay Judges as amended.

^{4a} Article 141a para 1 of the Constitution of the Slovak Republic.

⁵ Act No. 283/2002 Coll. on Travel Expenses as amended.

^{5a} Act No. 312/2001 Coll. on Civil Service as amended

^{5b} Act No. 552/2003 Coll. on Public Service as amended.

Act No. 553/2003 Coll. on Remuneration of Public Service Employees as amended.

⁶§51 of Act No. 355/2007 Coll. on Protection, Support and Development of Public Health as amended.

⁷ Act on the National Council of the Slovak Republic no. 350/1996 Coll. on Rules of Procedure of the National Council of the Slovak Republic as amended

⁸ § 66 and § 67 of the Act No. 586/2003 Coll. on Advocacy as amended and Act. No 455/1991 Coll. on Trade Licensing as amended.

§ 29 of Act of the Slovak National Council No. 323/1992 Coll. on Notaries and Notary Activities (Notary Rules) as amended

⁹ § 106 of Act No. 131/2002 Coll. on Universities as amended

¹⁰ Act No. 131/2002 on Universities as amended

¹¹ Act No. 355/2007 Coll. as amended by the Act. 140/2008 Coll.