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## Sigma Public Management Profiles No. 2

# Slovakia

OECD



**S**IGMA

**Support for Improvement in Governance and  
Management in Central and Eastern European Countries**

**PUBLIC MANAGEMENT PROFILES OF  
CENTRAL AND EASTERN EUROPEAN COUNTRIES:  
SLOVAKIA**

## **SLOVAKIA**

(AS OF SEPTEMBER 1999)

### **Political Background**

Slovakia was established as an independent, sovereign state on 1 January 1993. Since the dissolution of the Czech and Slovak Federal Republic, Slovakia has focused on the following activities: transforming a centrally controlled economy into a free market economy; the reform of public administration; passing constitutional laws and guarantees of fundamental human rights and freedoms; harmonising the legal system to be consistent with the norms of the European Union; emphasising economic, political, cultural, defensive and humanitarian co-operation with the European Union; and joining the European Union. The first parliamentary elections were held in September 1994.

The president of the Slovak Republic is Rudolf Schuster. The elections of the president were held on 15 May and 29 May 1999.

The prime minister of Slovakia is Mikuláš Dzurinda.

The most recent parliamentary elections were held in September 1998, for which 84.2 per cent of the electorate participated. On 30 October 1998, a new governing coalition in the National Council (150 deputies) was formed, composed of the following:

- Slovak Democratic Coalition: 42 MPs
- Party of Democratic Left: 23 MPs
- Party of Hungarian Coalition: 15 MPs
- Party of Civic Understanding: 13 MPs

### **1. The Constitutional Framework**

#### ***1.1. Constitutional Bases***

The Constitution of Slovakia was enacted by the National Council on 1 September 1992 and was published in the Official Gazette No. 420/1992, Collection of Laws (Col.).

Apart from the standard authorities typical in a parliamentary republic, the Slovak constitutional system includes the institutions of the Supreme Audit Office and the public prosecutor's office. In self-government matters, municipalities exercise independent power under territorial jurisdiction. Referenda may be held in matters of local and national importance. Fundamental rights and freedoms are constitutionally guaranteed and include the right of national minorities and ethnic groups to due process by law.

The Constitutional Court is an independent judicial body charged with safeguarding the constitutionality of laws, government decrees and other generally binding legal rules.

In 1998, the constitution was amended by a Constitutional Act No. 244/1998 Col. delegating certain powers of the president of the republic to the chairman of the National Council in the event that the office of the head of state is vacant. The Constitution of the Slovak Republic was amended by Constitutional Act No. 9/1999 Col. This amendment to the Constitution was related mainly to the status, powers, elections and public voting on deposing the president of the Slovak Republic.

The constitutional-legal system has also been “supplemented” with the Constitutional Act No. 119/1995 Col. concerning the prevention of conflict of interests in discharging functions of constitutional officials and senior state officials.

### ***1.2. Nature of the State***

Slovakia is a unitary state and a parliamentary republic. The constitution (in Article 1) characterises Slovakia as a “sovereign, democratic state governed by the rule of law, which is not bound by any ideology or religion”.

### ***1.3. Division of Power***

The state is characterised by a system of checks and balances, which is viewed as one of the most fundamental guarantees of democracy and the rule of law. Slovakia is a parliamentary republic in which the parliament plays a key role in relation to the executive and legislative branches. The composition of the government reflects the political representation in parliament. The government is collectively responsible, and the ministers are individually responsible, to parliament.

The National Council (the Slovak parliament) is the constitutional and legislative body of Slovakia. The National Council adopts the constitution, constitutional Acts and other laws;; makes decisions on basic domestic and foreign policy issues; debates the governmental policy proclaimed in the programme of the government; passes votes of confidence in the government; gives consent to those international treaties which require parliamentary legislation; approves the national budget; and elects judges.

The mandate of an MP disqualifies him or her from the offices of president, judge, public prosecutor, member of the police corps, member of prison or judicial guards, and career military officer. A member of the government cannot serve as an MP, but an MP who has been appointed a member of the government does not lose his mandate.

The president is the head of state. The president of the republic is elected by the citizens of the Slovak Republic in direct elections by secret ballot for five years. He/she appoints and may remove the prime minister, and on the proposal of the prime minister, may do so for other members of the government.

The president signs all laws. He/she may return an Act to the National Council of the Slovak Republic with his/her comments within a 15-day period after delivery of the approved Act. He may also initiate proceedings in the Constitutional Court. He may dissolve the National Council in the following situations: if the National Council has not approved the Government Programme within a six-month period after appointment of the Government of the Slovak Republic; if the National Council has not passed the resolution on the Government Bill combined with the vote of confidence; if the National Council was not able to pass resolutions for a time period longer than three months even though its session was not

interrupted and even though it was at that time repeatedly called for a meeting; or if the session of the National Council was interrupted for a time period longer than allowed by the Constitution. The president shall dissolve the National Council in the event that following public voting on deposing the president, he/she was not deposed.

The president may declare referenda based on petitions submitted to him by individuals or based on a decision of the parliament. The president of the republic may be deposed from his/her functions before the end of the electoral term by a public vote. A public vote on deposing the president of the republic is declared by the chairman of the National Council on the basis of a resolution of the National Council, approved by a three-fifths majority of its members.

The president of the republic may be prosecuted only for deliberate violation of the Constitution or treason.

The government is the supreme executive body. The government is responsible for the exercise of governmental powers to the National Council. The National Council may at any time pass a vote of no confidence in the government. If the National Council passes a vote of no confidence in the government or refuses a government motion for passing a vote of confidence, the president recalls the government. Not only the government as a whole but also each member of the government is responsible for fulfilling his or her duties to the National Council. The National Council may also pass a vote of no confidence in an individual member of the government, in which case the president will dismiss this member of the government.

Under current legislation (National Council Act No. 369/1990 Col.), local self-government is constituted by municipalities, which are territorial and administrative entities. Within limits set by law, local self-governments have their own budgets and assets.

Local self-government bodies (the municipal assembly and the mayor) are elected directly by the local population. There are, as yet, no constituted regional self-governing entities in Slovakia. (An Act on self-government of higher territorial units was brought forward to parliament in December 1997 and was discussed in the second reading.)

## **2. Legislative Authority**

### ***2.1. Electoral Rules***

The parliamentary electoral system is based on the principle of proportional representation (the Slovak National Council Election Act No. 80/1990 Col, as altered and amended). Parliamentary seats are distributed among political parties according to their share of the votes. Members of parliament are elected for four-year terms by secret ballot in free elections.

A political party or movement having at least 10 000 members may submit a list of candidates. If membership of a party is below the required number, a petition must be submitted with a number of signatures equivalent to the shortfall. The 10 000-member requirement, or substitution of missing members by individual signatures, does not apply to those political parties already represented in the National Council, based on the results of the last elections.

The Act altering and amending Act No. 80/1990 Col. on elections to the Slovak National Council was approved by the National Council on 24 August 1999 (No. 223/1999 Col.). According to this amendment, political parties may agree on submitting a common list of candidates and thus create a coalition. The provisions of this law concerning a political party shall be applied accordingly for a coalition. Fulfilment of the above-mentioned conditions (10 000 members, etc.) in the case of a coalition shall be ascertained in the same way as a candidate list submitted by a single political party. A basic condition for the MP mandate allocation is that a political party has to obtain at least 5 per cent of the total number of votes cast (in the case of a coalition consisting of two or three political parties it has to obtain at least 7 per cent, and in the case of a coalition consisting of at least four parties, 10 per cent).

## **2.2. *Main Powers of Parliament***

Under the constitution, legislative powers are vested in the 150 members of the National Council. The National Council votes on all laws, reviews changes or amendments to existing laws and approves international agreements which require parliamentary approval before ratification, as set forth by the Constitution. Qualified or majority rule is applied to voting on Bills and other measures. Here, a quorum is reached with a majority of members present. In matters of constitutional law, however, a three-fifths majority of all members is required.

Thirty days after nomination by the president, the government presents its programme to the National Council and asks for a vote of confidence. The National Council votes to elect the president of the republic, judges of courts of general jurisdiction, the president and vice-president of the supreme court, and the president and vice-president of the Supreme Audit Office.

Parliamentary supervision and control of the government and its individual members is a significant function through which the programme of governmental policies and activities is debated. The government is responsible to the National Council, which may take a vote of no confidence in the government as a whole, or in an individual member. In such cases, the president recalls the government or the minister. Should the prime minister be recalled, the whole government resigns.

## **2.3. *Internal Organisation***

The National Council is presided by the chairman, who signs laws, summons parliamentary sessions, announces parliamentary elections, takes the solemn vows of the president of the republic and the judges, opens meetings, directs debates and puts forth motions for the agenda. There are four deputy chairmen who may act in the chairman's absence. Together with the chairman, they organise and conduct the business of parliament.

The National Council has 18 committees, as follows:

- Constitutional and Legal
- Control of the Activity of the Military Intelligence
- Control of the Activity of the Slovak Information Service
- Culture and Media

- Defence and Security
- Economy, Privatisation and Business
- Education, Science, Youth and Sport
- Environment and Nature Protection
- European Integration
- Finance, Budget and Currency
- Health
- Human Rights and Nationalities
- International Affairs
- Land Economy
- Mandate and Immunity
- Public Administration
- Regulation of the Functions of State Officials
- Social Affairs and Housing

Debates in committees are generally public. Committee members are members of parliament. Procedural matters in parliamentary debates and committees are set forth by the Parliamentary Procedure Act. The tasks and internal procedures of the National Council have been defined by new rules of procedure effective since 1 January 1997 (Act No. 350/1996 Col.). Members have a constitutional right to legislative initiative. Apart from discussing matters in committees, members are organised in political parliamentary groups, called “clubs”. At least eight members are necessary to form a club.

#### **2.4. *The Legislative Process***

The National Council may pass constitutional Acts with the consent of three-fifths of its members; all other laws require consent by a majority vote of the members present. The quorum for the National Council is the presence of a majority of members. Acts must be consistent with the constitution and constitutional law. The government issues decrees and ministries issue regulations under explicit delegation granted by law. Apart from local government authorities, which may issue ordinances, no other body has authority to pass laws.

According to the constitution, Bills may be introduced by parliamentary committees, MPs and the government. A Bill is submitted to the chairman of the National Council in the required number of copies and in electronic format.

The explanatory report for a Bill must contain an evaluation of the current situation, especially from societal, economic and legal perspectives. The impact of a Bill on the national budget must be calculated, including staffing. The Bill's compliance with the constitution and its consistency with other laws and international agreements must be laid out. Compliance of a Bill with the law of the European Union must also be specified.

A Bill must be delivered to MPs at least 15 days before the parliamentary session when its first reading takes place. The chairman of the National Council must put a Bill on the agenda of the next session of the National Council, while respecting the above-mentioned 15-day period. In the first reading, a general

debate is held on the Bill. The National Council may pass a resolution to either return the Bill to its proponent for completion, or not to continue the debate thereon, or debate thereon in the second reading. Once the parliament has decided to debate on the Bill in the second reading, it shall assign that task to respective committees and establish a co-ordination and supervision committee (a lead committee). A Bill shall be invariably allocated to the constitutional-legal committee of the National Council. The National Council shall also determine a term to debate a Bill within those committees to which it has been allotted. This term must not be shorter than 30 days.

At the second reading, a Bill is discussed within established committees and at the session of the National Council. As a result of its discussion, the parliamentary committee prepares a written report for the National Council containing the committee's recommendation on whether the National Council should approve the Bill. The report will detail any alterations or amendments passed by the committee. These must be precisely formulated and well grounded. If the Bill has been discussed by a number of committees, they will produce a joint report, which is passed to the co-ordination and supervision committee. The co-ordination and supervision committee approves the joint report, adding its own opinion to that of the constituent committees, detailing any alterations and giving its final opinion on whether it recommends to the National Council to approve the Bill, return it to the proponent for completion, adjourn the debate, or discontinue the debate. The National Council may only debate on a Bill in the second reading after at least 48 hours have elapsed from the delivery of the joint report of the committees. Alterations and amendments to the Bill may only be presented at the National Council session if and when at least 15 MPs have agreed on them.

If there have been no alterations or amendments proposed in the second reading, a vote on a Bill as a whole is taken to a third reading. If any alterations or amendments have been approved in the second reading, the third reading generally takes place no sooner than the second day following their approval. The third reading is restricted only to those provisions to which altering or amending proposals have been approved in the second reading. An MP may only propose in the third reading a rectification of legislative-technical irregularities and grammatical errors. Other alterations and amendments targeted toward rectifying errors relating to those provisions to which changes have been approved in the second reading or a proposal for repeating the second reading may be submitted by at least 30 representatives. If no rectification, alterations or amendments have been approved in the third reading, a vote is taken on the Bill as a whole. If alterations or amendments have been approved, a vote on the co-ordination and supervision committee's proposal can be adjourned until such alterations and amendments have been distributed to the representatives in written format.

Under extraordinary circumstances, when fundamental human rights and freedoms or security may be put in jeopardy or with substantial impending economic damage to the state, the National Council may pass a resolution on a shortened legislative procedure.

In the previous electoral term (1994-1998), the National Council passed 313 Acts, four of which were constitutional Acts. In total, 454 draft Acts were submitted for approval. Out of 168 drafts submitted to the National Council by MPs, 55 were passed (33 per cent). In the previous term, 18 per cent of the 313 Acts passed were proposed by MPs.

As already provided, the government has the power to pass regulations for the implementation of laws within limits defined by law (Article 120, paragraph 1 of the Constitution). Ministries and other governmental bodies may, by law and within its limits, pass generally binding legal enactment (regulations, decrees, and measures) provided they are empowered to do so by law (Article 123 of the

Constitution). Governmental ordinances and by-laws of governmental bodies must be promulgated in a manner specified by law. Government regulations must be promulgated in the Collection of Laws.

The government has set up the legislative council of the government as its advisory body. The chairman of this council is the vice-prime minister.

### **3. The Central Executive**

#### **3.1. *Legal Bases of Executive Authority and Administration***

The Constitution is the core enactment to govern the position and activity of executive power. The Constitutional Court decides in jurisdictional disputes between central administrative authorities as well as in disputed decisions of central and local government authorities. In addition, it has a final say in interpreting the Constitution and constitutional laws, and reviews decisions ordering the dissolution or suspension of a political party or political movement (when such orders are not in agreement with constitutional or other laws). When the Constitutional Court determines a conflict of laws or their unconstitutionality, laws become fully or partly ineffective. The original legislative authority is then responsible for taking necessary measures to bring the rules into agreement with the Constitution or international instruments. Otherwise, they become invalid within six months after the Constitutional Court's decision.

The legal base of executive power is Act No. 427/1990 Col. on the organisation of ministries and other governmental bodies and Act No. 222/1996 Col. on the organisation of local state administration and altering and amending certain laws within the meaning of subsequent provisions.

Apart from the Constitution, the primary law dealing with local self-government is Act No. 369/1990 Col. on municipal organisation, as altered and amended.

It follows from the concept of the state governed by the rule of law, to which Slovakia professes (see Article 1 of the Constitution above) that "state authorities may act solely in conformity with the Constitution, within its limits and within its scope and governed by procedures determined by law" (Article 2, paragraph 2 of the constitution). In consequence, the competence of executive bodies is regulated in addition to the foregoing legal enactment in numerous laws regulating individual areas of public administration (e.g. Act No. 254/1993 Col. concerning territorial financial bodies, as altered and amended, Act No. 62/1995 Col. on the land registry and on the entry of titles and other rights to real estates, as altered and amended, Act No. 494/1991 Col. on state administration in waste management, as altered and amended, Act No. 134/1992 Col. on the state administration of air protection).

#### **3.2. *Composition and Powers of the Government (Council of Ministers)***

The government is the supreme executive body (Article 108 of the Constitution). The government consists of the prime minister, vice-prime ministers and ministers. The government decides collectively on Bills, and regulations, its policy and implementation, proposals regarding the national budget and national revenue balance, principal measures to be taken to implement social and economic policies, crucial issues in domestic and international affairs, requesting the passage of a confidence vote, granting amnesty in

matters of infringements, and the like. The government directs, unifies and supervises the activity of ministries and other governmental bodies.

### **3.3. *Division of Executive Power***

The prime minister directs the activity of the government, and convenes and presides over its meetings. Delineated areas of the activity of the government are co-ordinated by its vice-prime ministers, who also fulfil tasks entrusted to them by the government or the prime minister. Designated by the prime minister, the vice-prime minister acts as a proxy for the prime minister during his absence. As proxy the vice-prime minister convenes and presides over government meetings.

A minister as a government member makes contributions to policy-making and is held “co-responsible” for the overall activity of the government. He is responsible for the performance of the tasks entrusted and the activity of the ministry in his charge.

The minister is represented in his absence by the state secretary, except in constitutional duties such as attending sessions of the National Council. The minister may delegate his rights and obligations to the state secretary in some cases. State secretaries are appointed and recalled by the government upon the proposal of appropriate ministers. In cases that warrant it, the government may determine that two state secretaries are appointed to a ministry; the minister determines in which issues and in which order such state secretaries represent him. Tasks relating to professional, organisational and technical provisions of the ministry’s activities are performed by the ministry office, headed by a principal to be named and dismissed by the government on the proposal of the appropriate minister.

### **3.4. *The Office of the Government/Office of the Head of Government***

The Government Office has the central authority to supervise the performance of state administration tasks and the management of the financial means to carry them out, as well as to handle petitions, complaints, notices and suggestions. The government office also provides professional, organisational and technical support for the government and the prime minister. Employees of the government office are not politically appointed. They are regular employees to whom provisions of the labour code fully apply.

The head of the government office is appointed and recalled by the government. He manages, guides and controls the activities of the government office and acts on its behalf. In matters related to the professional, organisation and technical support for activities of the government and its bodies, the director of the government office works under the supervision of the prime minister. The director of the government office is accountable for the performance of this function to the government and to the prime minister. Other key executives are directors of sections and departments of the government office. Their powers, chief activities and responsibilities are defined in the Government Office Organisation Order. The director of the office has the power to appoint and recall his deputy, heads of professional units and directors of subordinate organisations, with the consent of the prime minister.

There is no special office of the prime minister. The prime minister is served by a secretariat, charged with duties similar to the office of the prime minister in some other countries. The secretariat is a division of the office of the government. Its staff includes economic advisors and employees of the Government Office who provide advisory and analytical service to the prime minister in specific economic areas. Their status is independent. Political support structures for the prime minister in the Government Office as well

as in other bodies of state administration are not institutionalised. They result from coalition agreements of respective political parties on the basis of election results.

In addition to government advisory bodies, the Government Office head is in charge of interministerial co-ordination and the preparation of government sessions, in co-operation with the director of the Government Agenda Department.

Government sessions take place on a weekly basis, normally on Wednesdays. Extraordinary sessions of the government are convened whenever it is necessary to ensure the fulfilment of a strategic task or to adopt a decision without delay. The agenda of government sessions is outlined each year by the plan of work of the government and by the plan of legislative tasks of the government. The Government Agenda Department of the Government Office prepares the draft agenda of individual government sessions. Members of the government and heads of other central bodies of state administration have the right to propose individual items to be included on the agenda.

As a rule, the agenda of government sessions is distributed to members of the government and heads of other central bodies of state administration five days before the session. Government sessions may be split into sections, for example a section for routine decisions that do not require discussion, a section for decisions that do require discussion, and sections devoted to general discussion or information.

Government members and heads of other central state administration bodies may present a method-related or legislative motion. The government presents such motions to the deputy prime minister in charge of the legislation so as to comply with the requirements of the legislative process and the subsequent review.

The procedure used in the drafting and presentation of individual motions and/or materials is laid down in the guidelines for the drafting and presentation of materials for government sessions. Materials presented must reflect the result of consultations with the ministries concerned and, where appropriate, with non-governmental entities, such as social partners and interest groups. Materials presented must contain an estimate of the financial implications, which must reflect prior discussion and agreement with the Ministry of Finance.

The Government Office supplies preliminary materials to be discussed at government sessions in advance to government members and, when necessary and applicable, also to the heads of other central bodies of state administration. To ensure that certain tasks are urgently carried out or in connection with certain materials of high significance, draft documents may be presented directly at the government session upon their preliminary inclusion in the agenda of the session concerned.

### **3.5. *Line Ministries***

As already stated above, central and local government bodies are established by law. Pursuant to Act No. 347/1990 Col. on the organisation of ministries and other governmental bodies, the following ministries are currently established:

- Administration and Privatisation of National Property
- Agriculture
- Construction and Public Works
- Culture

- Defence
- Economy
- Education
- Environment
- Finance
- Foreign Affairs
- Health
- Interior
- Justice
- Labour, Social Affairs and Family
- Transport, Post and Telecommunications

Under the same law, the government approves the statutes of ministries (as well as other governmental bodies) defining in more detail their tasks, the principles of their activity and their internal organisation. Under a statute approved by the government, individual ministers issue organisation orders specifying the ministry's organisation and job responsibilities for particular departments. Typically, ministries are internally divided into sections, subsections and departments.

### **3.6. *Interministerial Co-ordination***

The primary means of interministerial co-ordination are the rules of government procedure and the statutes of ministries, which delineate the relationships between them and highlight areas that need co-ordination.

The government sets up various committees and commissions to deal with specific issues. Commissions are usually standing bodies, for example, the Legislative Council of the Slovak Government. Committees, on the other hand, are *ad hoc* bodies established to deal with specific problems. As consultative and advisory bodies, these committees and commissions have no decision-making authority.

Before any material is put on the agenda of a session of the government, it is subject to an interministerial examination. Materials are also discussed within advisory bodies or individual ministries. The ministry concerned organises preparatory meetings. Such meetings and the formulation of expert opinions is a precondition for materials reaching the agenda of government sessions; alternatively, they are amended on the basis of comments put forward at such meetings or on the basis of opinions expressed by the government's advisory bodies.

Interministerial co-ordination is the particular responsibility of vice-prime ministers and advisory bodies to the government (see section 3.9).

### **3.7. *Central Non-Ministerial Bodies***

Central executive bodies are presided by a chairperson and responsible to the government. Under Act No. 347/1990 Col. on the organisation of ministries and other governmental bodies, as altered and amended, the following other governmental bodies pursue their duties:

- Administration of State Material Reserves
- Anti-Monopoly Office
- Labour Safety Office
- Nuclear Regulatory Authority
- Office for Standardisation, Metrology and Testing
- Office for the Strategy of Development of Society, Science and Technology
- Office of Geodesy, Cartography and Land Registry
- Office of Industrial Property
- Office of the Government
- Statistical Office

The activities of these central bodies of state administration are co-ordinated by vice-prime ministers, who are responsible for them to the government.

### **3.8. *Executive Budgeting Processes***

The cornerstone to regulate the process of budget preparation lies in Act No. 303/1995 Col. on budgetary rules, as altered and amended. Under this Act, the Ministry of Finance is entitled to manage and direct the work on developing a draft state budget and follow-up budgets for categories of budget and state funds. To this end, it issues support regulations, methodical guidance, classification of budget, a manual on budgeting for each budgetary year and guidance sheets for administrators of individual categories of budget. The business year is the same as the calendar year.

The budgetary process for the following year commences in January, with the evaluation of forecasts for the basic macroeconomic indicators processed by independent economic institutions. Based on their prognoses, key indicators, especially but not limited to, GDP growth, inflation, the rate of unemployment, which are initial points for establishing the amount of tax income and the estimate of a rise in spending for next business year, are determined. The elements of medium-term financial policy are updated priorities to be funded through public resources set for the next business year.

In the second half of February, information for the government is prepared, which contains initial basic indicators, estimates of risks in meeting the budget of the current year, anticipated adjustments to legislation that might impact on the performance of the budget and the level of necessary expenditures for the new budgetary year. The Ministry of Finance issues by May a methodological manual on the following year's budgeting. This covers information on the method of compiling, submitting and processing through an electronic program, effective classification of budget for a given year and a set of binding budgetary forms.

The Ministry of Finance then presents a document establishing expenditure limits for individual categories of budget to the government and the budget committee. Slovakia has 45 categories of budget (budgets of ministries, other public bodies and the eight regional offices) and 12 state funds. Ministries and other categories of budget co-operate in the development of this document. There are also proposals for contingent credit guarantees or considerations on the issue of government bonds or the acceptance of a government loan while complying with the deficit lowering principle in the document. Part thereof are also financial relations of the central government to the self-government of municipalities and towns,

most notably the amount of share taxes, purpose-bound and non-purpose-bound transfers from the state budget to self-governing budgets. The establishment of these relations is the subject of negotiations between the Ministry of Finance and representatives of the association of towns and municipalities.

On the government's approval of this document (usually May or June), the Minister of Finance produces guidance sheets on individual categories of budget, announcing budget limits and deadlines (usually July to August) for submitting a draft category of budget within these limits to the Ministry of Finance. In this phase of preparations, the Ministry of Finance re-assesses macroeconomic indicators, tax income estimates, the performance of the current budget, current budget performance risk (expected or actual); priorities set by the financial policy are provided through the budget. At the same time many negotiations are held with category representatives on the problems faced in compiling their budgets. A special approach is applied to budget categories of the eight regional offices (local state administration bodies), where there are consultations for individual areas (culture, education, health care, and social affairs) attended by appropriate ministries.

In October, the Ministry of Finance prepares a draft state budget. Now negotiations on definite limits (appropriations of funds) between the finance minister and administrators for individual budget categories are in full swing and the results thereof are reflected in the draft budget. In the event that no agreement is reached at this level, they are presented to the government for discussion and relevant committees of the National Council are informed.

After the draft budget is modified and approved by the government, the government submits a draft Bill on the state budget by 15 November (the term is fixed by law) to the National Council. Following the passage of the law on the state budget in parliament (in December as a rule), the allocation of expenditure across individual categories is effected in January.

### **3.9. *Advisory and Consultative Arrangements***

According to Act No. 347/1990 Col. on the organisation of ministries and other governmental bodies, the government has the power to set up advisory and co-ordination bodies, namely councils, committees, and commissions for certain areas of activity. The government approves the statutes of these advisory and co-ordination bodies, laying out their composition and their main tasks and activities.

At present, there are the following advisory bodies to the government:

- Committee of Ministers on Drug Addiction and Drug Control
- Council of Economic and Social Agreement
- Economic and Social Council
- Government Commission on Integration and Implementation of Information Systems
- Government Council for Co-operation with OECD
- Government Council on Informatics
- Government Council on Integration of Slovakia into the European Union
- Government Council on Minorities
- Government Council on Public Administration
- Government Council on the Media

- Government Legislative Council
- Government Council for Non-Profit and Non-Governmental Organisations
- Government Council for Small and Medium-Sized Enterprises
- Government Council for the Fight against Antisocial Activities
- Government Council on Transition

In addition to the above advisory organs, the government designates and appoints government commissioners for specific and, as a rule, long-term tasks. A commission is an advisory, co-ordinating and control organ of the government for a specific problem area. The commissioner is accountable for his/her activities to the government.

The government, individual ministries and other central state administration bodies make use of expert knowledge emanating from scientific and research institutions. Executive central authorities also seek advice from union bodies and employers' organisations, especially through discussion of proposals regarding standards of living and social and cultural needs of workers.

Act No. 106/1999 Col. on economic and social partnerships (the Tripartite Act) has a substantial effect in this regard. This law regulates the relations of economic and social partnerships between the state, employers and employees, who through their representatives settle crucial issues of economic and social development and carry out negotiations with the goal of reaching agreement on a national level. The state is represented by the Government. The outcomes of the negotiations are agreements, standpoints and recommendations, which are included in documents submitted to the bodies involved in the discussions or decisions. When drafting laws, these agreements, standpoints and recommendations are part of the general section of the explanatory report of a Bill submitted to the National Council of the Slovak Republic.

## **4. Executive Linkages**

### **4.1. *The Executive and the Presidency***

Under the constitution, the president is part of the executive. The president negotiates and ratifies international agreements. He can delegate the power to the government or, with the consent of the government, to individual members of the government, to negotiate those international agreements for which no parliamentary consent is required. The president also receives and accredits ambassadors.

In addition to members of the government, the president appoints and removes the principal officers of national bodies and senior officials as defined by law; he appoints and removes university professors and rectors, and appoints and promotes generals. He is the commander-in-chief of the armed forces.

He declares, at the recommendation of the government, a state of war and declares war by a resolution of the National Council in the event of aggression by parties hostile to Slovakia or where international treaties require joint defence against aggression. He can declare a state of emergency by virtue of a constitutional statute.

The president is entitled to seek information from the government or its members.

In the relationship between the government and the president, the government is typically represented by the prime minister.

According to Act No. 16/1993 Col. on the office of the president, the office of the president is a corporate body to support the discharge of the legal and constitutional functions of the president and the political and public activities of the president.

The president establishes the internal organisation of the office of the president in accordance with an organisational chart. Organisational units of the office of the president of the republic are as follows: the secretariat of the president of the republic and protocol, the military office, and departments (economics and administration, foreign policy, internal policy, legislative, press, and public relations).

The head of the office, and other executives of the office provided for by the office's organisational chart, are appointed and recalled by the president.

The president appoints the ten judges of the Constitutional Court, from among 20 candidates nominated by parliament. They serve seven-year terms and enjoy the same immunity as parliamentarians.

#### **4.2. *The Executive and Parliament***

The primary interactions between the executive and the legislature revolve around negotiations over the programme declaration of the government and on passing a vote of confidence in the government. Following the approval of the programme declaration of the government and the passage of a vote of confidence in the government by the National Council, the government assumes its functions. As part of its supervisory role, the National Council discusses the implementation of the programme declaration of the government.

The government may at any time ask the National Council to pass a vote of confidence in the government. The government may combine a vote on the adoption of a law or other matter with a vote of confidence. The National Council is obliged to discuss a motion for initiating a vote of no confidence in the government or a member thereof if at least one-fifth of its representatives have so resolved.

The National Council may ask the government, heads of central state administration bodies and senior state officials for a report on issues falling within the scope of their competence. The report must be presented within 30 days, or within a period of time specified by the National Council (never shorter than 15 days). An MP may interpellate the government, any member of the government or any other principal governmental official on matters within their official powers. An MP must be provided with a response within 30 days. The response to interpellation takes the form of a debate in parliament, which may be followed by a vote of confidence. All of the government members must respond to interpellations. In cases that warrant it, the prime minister may determine which member of the government will respond to interpellations on behalf of the absent government member or will give notice that he himself will respond.

An hour of questions, like interpellations, is a regular part of the agenda of the parliamentary session. In this hour, government members (but also the general attorney and the chairman of the Supreme Audit Office) respond to topical questions, especially those within their powers. The National Council may decide that only a certain problem is to be discussed within the hour of questions.

Individual MPs may file suggestions and comments for the members of the government in matters of their powers at the meetings of the committees. If suggestions and comments have not been explained during the debate, the committee chairman sends these to appropriate members of the government, asking them to communicate within 30 days as to what measures have been taken. MPs are informed of such measures at the next meeting of the committee.

At the request of the National Council or its committee, a minister must attend its session or a committee's session. A minister has the right to attend parliamentary sessions and cannot be expelled therefrom. A minister shall be given the floor at the parliamentary session whenever he so requests. A minister is entitled to take part even in the meetings of the legislature committees; he shall be given the floor whenever he so requests.

A committee of the National Council may serve particular members of the government with proposals, suggestions and opinions. Members of the government are obliged within 30 days, unless a longer term is specified by the committee, to give notice of measures taken in response to such advice. Parliamentary committees have the right to invite cabinet members to their meetings and to ask them for explanations, reports and necessary documents; they are under obligation to attend a committee meeting, provide requisite explanations and reports and present documents. Cabinet members can be substituted by authorised representatives at the discretion of a committee. A minister may be accompanied by experts at committee meetings and may ask the chairman to give him the floor.

The government presents the National Council with proposals for the election of judges.

The government's influence on the content and timetable of the parliament's activities is substantial; a high proportion of draft Acts is submitted by the government. Out of 313 Acts passed in the last electoral term, 258 Acts (82 per cent) were adopted on the government's proposal. Besides draft Acts, drafts of conceptual documents, control reports and information elaborated by the executive are regularly discussed by the parliament.

### **4.3. *The Executive and Political Parties***

The election programmes of political parties which are part of the governing coalition are the basis for the programme declaration of the government and thus of government policy during its term of office. The cornerstone for the establishment and functioning of a governing coalition is a coalition agreement.

Political parties and movements are responsible for their obligations through all their property. Members of a party or a movement are neither responsible for nor guarantee obligations of that party or movement. Political parties and movements must not pursue business in their own name. Nevertheless, they can contribute to the establishment of a corporate body or participate as partners or members of an already established corporate body. They themselves may also establish a corporate body or become sole partners thereof insofar as a special law allows for a sole founder or partner. A party or a movement may only use its share of business profit of said corporate bodies toward meeting its programme targets set out in the statutes, being banned from the distribution thereof among its present or past members. A party or a movement may only be involved as a member or a partner in a corporate body carrying out the following business activities:

- publishing companies and presses;
- publications and promotions activity;

- lotteries and tombolas;
- production and sales of objects promoting the programme and activity of the party;
- organising cultural, societal, sporting, recreation, educational and political events.

Political parties and movements are under obligation to present to the National Council by late February every year an annual financial report for the preceding year. The annual financial report of a party and of a movement must include:

- the property and obligations of the party or movement;
- the income of the party or movement, i.e. membership and other dues and fees, property income including business income, gifts, donations, heritage, funds obtained from the state to cover electioneering and other income;
- the spending of the party or movement, i.e. personal expenses, spending on political work, spending on administrative matters, election spending and other spending.

Act No. 190/1992 Col. on contributions to political parties and political movements from the state budget, as altered and amended, regulates the granting of contributions to political parties and movements in accordance with the results of elections into the National Council.

#### **4.4. *The Executive and Organised Civil Society***

Before a Bill is submitted to the National Council, an extensive consultation process with non-governmental institutions takes place. Bills (and often other draft legal enactments) are regularly discussed with appropriate societies, corporations and other associations exercising the constitutional right to associate, such as the Association of Towns and Municipalities, the Union of Agricultural Co-operatives of Slovakia, the Union of Soldiers of the Army of Slovakia, expert educational and research institutions (the Institute for State and Law of the Slovak Academy of Sciences, the Faculty of Law of Comenius University, etc.) For example, under the provision of Article 23, paragraph 2 of the labour code, Bills and other draft legal enactments bearing on major interests of employees, especially economic, production, working, wage, cultural and social conditions, are discussed with appropriate central trade union bodies and appropriate employers' organisations.

Another example of the relationship between executive power and civil society is the involvement of civic initiatives and associations in the review of construction and other activities under preparation, and in the evaluation of proposals for some development projects in terms of their environmental impact according to the Act No. 127/1994 Col. on the assessment of impacts on the environment.

The discussion of relevant Bills and conceptual matters particularly in the economic-social sphere is the responsibility of an advisory body to the government: the Council of Social and Economic Agreement. The government appoints the council president, secretary and some members of the council; the other members of the council are appointed by the Confederation of Trade Unions of Slovakia and the Association of Employers Unions and Associations of Slovakia. The government also holds regular negotiations with representatives of high-profile institutions that are an integral part of civil society (e.g. the Association of Slovak Towns and Municipalities).

#### **4.5. *The Executive and the Media***

The government and other executive central authorities inform the media through press conferences and programmes shown on Slovak television on the day after the cabinet meeting. Recently, the prime minister, the government and individual ministries have also communicated with the public through the Internet. Moreover, the public is kept informed on activities of the government and individual ministries through statements made to the press agency. To inform journalists and the general public, publications devoted to topical issues of the development of society are prepared. The government Website address is <http://www.government.gov.sk> and the Ministry of Interior Website address is <http://www.civil.gov.sk>.

Cabinet terms of reference establish the function of the prime minister's spokesman, who is also the director of the press and information department of the Government Office, and that of the government's spokesman, who is also the deputy director of the press and information department of the Government Office. Some vice-prime ministers and all ministers have their own spokesmen or press secretaries who are usually also press department directors for appropriate ministries. The Slovak Information Service is established within the Government Office.

### **5. Sub-National Government**

#### **5.1. *Decentralised State Administration***

Act No. 221/1996 Col. concerning the territorial and administrative arrangement of Slovakia and the Act No. 222/1996 Col. on the organisation of local state administration, and alterations and amendments to certain other laws have created a new system of decentralised state administration. The system is made up of eight regional and 79 district offices. Most policy areas of local state administration are administered within these offices. Only tax offices, customs offices, military administration offices, inspection administration and some miscellaneous bodies carry out their activities outside these offices.

Regional and district offices exercise state administration in the areas of:

- agriculture, forestry and hunting
- civil protection of the population
- control
- culture
- education, youth and physical education
- environment management
- finances, prices and administration of state property
- fire protection
- general internal administration
- health care
- international co-operation
- land registry
- public and concession procurement

- regional development
- regional development strategy
- social affairs
- state defence
- trade license business and consumer protection
- transportation and road management

Within the scope of their terms of reference and under a special law, regional and district offices may issue for their territories generally binding regulations.

The district office exercises state administration in the above areas unless the regional office, other body of state administration, municipality or other corporate body are responsible by law. The district office is competent at the first instance to decide on rights or obligations of natural persons and corporate bodies in the area of state administration, unless otherwise provided for by law. Furthermore, the district office performs the following tasks:

- represents the state in approving the local policy programme and in discussing municipal development (zoning) plans, excluding those of the capital of Slovakia, Bratislava, and of the city of Košice;
- develops programmes for social and economic development of the district and co-ordinates initiatives from corporate bodies and natural persons relating to such development, especially in matters of tourism, culture and state care of youth and physical education;
- is an appellate body in matters in which the municipality decided in first-instance administrative proceedings, unless otherwise provided for by a special law;
- provides municipalities with expert assistance on the application of legal regulations under which the municipality carries out state administration tasks;
- provides municipalities upon demand with relevant data from its registers;
- brings municipalities' attention to deficiencies uncovered by it in their activity;
- carries out and check tasks associated with mobilisation preparations of the state and the complex rescue system.

During an emergency, which cannot be dealt with through individual state authorities, municipalities or other corporate bodies, the district office co-ordinates the activity of state authorities and municipalities in the district. Under such conditions the district office principal is entitled to give orders to state authorities heads, municipal mayors, corporate statutory bodies and individual citizens directed toward the reduction of the effect of an emergency.

The regional office, in addition to the performance of state administration charged by law, carries out also the following tasks:

- exercises second-instance state administration in matters in which district offices act at first instance in administrative proceedings, unless otherwise provided for by a special law;
- directs and controls the performance of state administration by district offices;

- represents the state in discussing the development plans of the capital of Slovakia, Bratislava, and of the city of Košice;
- co-ordinates district offices in the region with other state authorities therein in matters of the fulfilment of joint tasks of the state;
- carries out and checks tasks associated with mobilisation preparations of the state and the complex rescue system, which provides assistance and protection for inhabitants in the case of natural disasters and emergency situations.

The regional office co-ordinates joint activities with other state administration authorities and local self-government bodies in providing economic and social development of the territory, especially in encouraging healthy ways of living and in developing education, culture, tourism and state care of youth and physical education. To this end, it can request from these authorities necessary documents, information, numerical data, analyses and assessments.

The regional office co-ordinates the activity of district offices, other state authorities and municipalities in the region during hazards to life of health of citizens or property due to emergency risks or after a major emergency which cannot be dealt with by district bodies alone. In given cases, the regional office principal is entitled to impose tasks on and give orders to district office principals, other state authority heads and municipal mayors in the region.

“Principals” direct the regional office and district offices; both the regional office principal and the district office principal are appointed and recalled by the government on the advice of the minister of the interior.

Regional and district offices are supervised by the government. Appropriate line ministries are in charge of supervision and direction of execution of state administration in the scope of their competence. Co-ordination is ensured by the Ministry of Interior.

Financial decentralisation is substantial, and regional offices have taken over some functions from the level of ministries. Every regional office is an independent budgetary category and the budgetary amounts allocated are determined by the Act on state budget. The total budget of the regional offices amounts to around 47,6 billion Slovak crowns (SKK), approximately one-fifth of the total state budget. There are around 8 000 budgetary organisations (for example, schools, hospitals, libraries and social care institutions) in the area of education, health care, social care and culture, which employ 149 000 employees.

Expenditures of regional and district offices (1999) are mainly directed towards education (53.8 per cent), with a further 30 per cent going to social care facilities and social allowances to citizens. Of the remainder, 2 per cent is directed to cultural facilities, 0.7 per cent to support of health care capital expenditures, 2.1 per cent to local bus transport and 11.3 per cent for local offices, including fire and civil protection. Regional and district offices employ 18 897 employees. Out of total expenditures, wage expenditures and financial conscription to funds represent 50.2 per cent, expenditures on goods and services 11.1 per cent, transfers to organisations, financial support and allowances to citizens 35.5 per cent and capital expenditures 3.2 per cent.

## **5.2. *Regional Government***

There is currently no regional self-government in Slovakia. A draft Act on self-government of higher-level territorial units was submitted to parliament in December 1997 and was discussed in the second reading.

## **5.3. *Local Government***

The first step of local public administration reform took place after the principal constitutional changes in the beginning of 1990. The self-government of municipalities and towns was renewed. Regions were abolished and local state administration was organised.

Local state administration bodies and local self-government bodies have by virtue of law strictly separated competencies. At the same time co-ordination principles in the solving of particular situations (such as territorial planning and emergency situations) are determined.

As of 31 December 1998, there were 5 393 382 inhabitants resident in 2 874 municipalities in Slovakia, of which 136 had the status of a town and four were military districts. Over two-thirds of the total number of municipalities have a population of less than 1 000.

Local self-government may issue ordinances, which are binding on all individuals or corporate bodies within their jurisdiction. These ordinances may only be cancelled by the Constitutional Court or the National Council. Local governments may be delegated additional powers necessary for state administration, and these must be financed by state funds. Interference with the powers of local authorities is possible only by law.

District offices are an appealing body for decisions related to administrative matters of municipalities. With the exception of some statutory matters, bodies of local self-government are independent of state supervision.

The executive body of a municipality is the elected mayor. The mayor summons and conducts the sessions of local representative bodies, represents municipality externally and decides on all matters of local administration, except those which, according to law, are decided by municipal assembly.

Municipal offices consist of local administrative officials responsible for administrative and organisational matters in the work of the mayor and other activities of the bodies of municipality. In larger municipalities, a municipal office may be run by a principal appointed by the municipal assembly on the advice of the mayor. He is responsible to the mayor.

Each municipality has a chief inspector elected by municipal assembly on recommendation of the mayor.

Local self-government bodies may freely associate with other local self-government bodies and thus may form regional or interest organisations. Such associations, however, may decide and administer only those matters specifically referred to the competence of local self-government.

The budgets of municipalities and towns are autonomous parts of the public budgets. They are connected to state budget and state funds budgets by revenues from shared taxes (income tax and road tax), which represent 25.3 per cent of total revenues of municipalities (1998). Further, purpose-bound and

non-purpose-bound grants and transfers of current and capital character represent 13.1 per cent of total incomes of municipalities. Other revenues come from the municipality's own activities (including real estate tax, 11.1 per cent) and loans, 10.2 per cent.

Municipalities' budget revenues in 1998 represented a total amount of 28.9 billion SKK and expenditures were 27.4 billion SKK. Expenditures were oriented mostly to services to citizens (45.7 per cent of total) and to administration (22.3 per cent of total). Capital expenditures represented 35.5 per cent of total expenditures of municipalities and towns.

## **6. Personnel Management**

### **6.1. Legal Bases and Principles of the Public Service**

Currently, there exists no special law that would be a core legal basis for the system of state service. (A draft Act on state service referred to parliament in November 1997 was debated in the second reading.) There are, however, special legal enactments governing state service in individual areas of state administration:

- Act No. 370/1997 Col. on military service;
- Act No. 28/1998 Col. on state service of members of the police corps, the Slovak Information Service, the corps of prison and judicial guards and the rail police;
- Act No. 200/1998 Col. on state service of customs officials and on alterations and amendments to certain laws.

The labour relations of most state administration staff is governed by the labour code (Act No. 65/1965, as altered and amended). Salaries of most public servants are regulated by the Act No. 143/1992 Col. on salary and compensation for work readiness in budgetary organisations and certain other organisations and bodies, as altered and amended, and by Governmental Regulation No. 249/1992 Col., as altered and amended.

Compensation packages of the president of the republic, government members and other constitutional officials are governed by the Act No. 120/1993 Col. on compensation packages of certain constitutional officials, as altered and amended. A body of legal enactment of this nature is complemented with the Act No. 253/1994 Col. on the status and compensation packages of mayors and lord mayors, as altered and amended.

### **6.2. Personnel Management**

Human resource management and personnel policy development in state administration are not presently centrally managed (the above mentioned draft Act on state services envisaged the establishment of an office for state service as a central authority of state administration). The appointment of personnel within individual central authorities of state administration is decided by the respective statutory agent, namely the minister or head of other central authority of state administration on the advice of the personnel department director. So far career promotion principles are not uniformly established. The personnel management rules are under the competence of each individual body. Activity in this field is undertaken

by the government office based on the document “Personnel Management in State Administration”, which was approved by the cabinet in June 1995. This document constitutes a framework proposal for dealing with personnel management drawn up by individual central authorities of state administration.

Each central authority of state administration has in its budget funds that are earmarked for training its staff. These funds are managed separately by each central authority of state administration, typically by the unit that provides training.

## **7. Administrative Oversight and Control**

### ***7.1. Internal Oversight and Control***

There is an extensive system of internal instruments for securing the legality of public administration. According to Act No. 10/1996 Col. on control in state administration, the government office (and also other state administration bodies such as mining offices and tax offices) conduct direct controls of the fulfilment of state administration tasks. That is, they carry out external controls within the scope of their terms of reference defined by special regulations and they carry out internal controls as part of their tasks with respect to state administration. Ministries and other governmental bodies, much like, for example, regional and district offices, have formed their own control departments.

With respect to local administration, under the cited Act No. 369/1990 Col. on municipal organisation, as altered and amended, the mayor may suspend the enforcement of a resolution of the municipal assembly if he believes that it contravenes the law or is obviously disadvantageous for the municipality. If a municipal board has been set up, the mayor shall debate the municipal assembly's resolution before its enforcement is stopped in the municipal board. However, he is not bound by the resolution of the municipal board. If the enforcement of a municipal assembly's resolution has been stopped because it is apparently disadvantageous for the municipality, the municipal assembly may revoke it. This is done through a three-fifths majority of the vote of all representatives within 14 days of the date on which the challenged resolution was published in the municipality, and it must be modified according to the opinion of municipality's inhabitants.

In addition, in municipalities, the function of chief inspector is established. The chief inspector is a municipal staff member who controls the following: tasks of the municipality arising out of its terms of reference, income and spending of the municipal budget, and the management of municipal property. Elected by the municipal assembly for an indefinite period, the chief inspector prepares expert opinions on the draft budget and financial accounts of the municipality before their approval by the parish council. He is accountable for his activity to the municipal assembly.

### ***7.2. External Audit and Control***

Under the constitution, a Supreme Audit Office was set up by Act No. 39/1993 as an independent agency to monitor state finances, budgets and payments, and to manage state property and property rights. The chairman and vice-chairman are elected by parliament. They are disqualified from holding positions in state administration or its bodies, local self-government bodies, or company management boards.

The Supreme Audit Office of Slovakia controls:

- management of funds of the national budget of the republic;
- management and disposal of state property;
- management of property rights and receivables of the republic;
- method of imposition and recovery of taxes, levies, dues, fees, fines and penalties that are income of the national budget of the republic;
- execution and exercise of rights and observance of obligations under financial-economic relations in which the state is involved.

The Supreme Audit Office conduct controls in terms of adherence to generally binding legal regulations, economy and purposefulness. Its control activities apply to:

- the government, with respect to decisions on the management of state budget funds or decisions on the disposal of state property;
- ministries and other central authorities of state administration and subordinate bodies, as well as other state authorities, corporate bodies with which the function of founder is performed by central authorities of state administration or other state authorities, state offices and special facilities abroad;
- funds, municipalities, public institutions and other corporate bodies, insofar as they manage state budget funds or manage or dispose of state property; and
- corporate bodies or individuals, insofar as they manage state budget funds and manage or dispose of state property.

The Supreme Audit Office prepares an opinion on the draft state financial accounts and submits it to the National Council . When requested, the Supreme Audit Office prepares an opinion on the draft state budget for the needs of the National Council. The Supreme Audit Office reports on the results of its control activity to the National Council at least once a year. It may carry out additional controls at the request of the National Council.

No separate control bodies are constituted at the local government level. The Supreme Audit Office has set up two branch workplaces outside the centre.

The organisational structure of the Supreme Audit Office is as follows:

- council of the Supreme Audit Office (composed of the office chairman and vice-chairmen);
- financial-economic strategy section;
- defence, interior and state authorities section;
- tax and customs administration section;
- economic sectors and environment section;
- state property transformation and administration section;
- public consumption section.

### 7.3. *Public Redress*

The Act on administrative procedure (as well as other legal regulations of administrative procedure) allows a citizen to serve a notice of appeal against a ruling of the administrative authority. A remedy is decided by a second instance administrative authority if a first instance administrative authority did not allow the appeal. The second instance administrative authority either rejects the appeal on the grounds that it is inadmissible or that it has not been lodged in a timely manner; or it does not allow the appeal and upholds the first instance authority's ruling; or it allows the appeal and revokes or alters the challenged ruling; or it revokes the first instance authority ruling and refers the case back for rehearing and ruling. In deciding on the case anew, the first instance authority is bound by the legal opinion of the second instance authority.

The institution of ombudsman, an independent agency appointed to supervise state administration and review complaints of individuals, has not yet been established in Slovakia. To establish this institution, an amendment to the constitution would be required.

The Constitutional Court, as an independent judicial authority in relation to public administration, has jurisdiction over constitutional conflicts between the following:

- regulations passed by the government or generally binding legal rules passed by the ministries and other authorities of the central state administration and the constitution, constitutional Acts and Acts;
- generally binding regulations passed by local self-government bodies and the constitution and Acts;
- generally binding legal rules passed by local state administration and the constitution, Acts and other generally binding legal rules.

The Constitutional Court decides disputes over powers distributed among central state administration bodies, unless these disputes are to be decided by another governmental authority as provided by law (Article 126 of the constitution). It also decides on challenges to final decisions made by central state administration bodies, local state administration bodies and local self-government bodies in cases concerning violations of fundamental rights and freedoms of citizens, unless the protection of such rights falls under the jurisdiction of another court (Article 127 of the constitution). In this connection, the constitution sets forth that the Constitutional Court shall commence the proceedings upon a petition submitted by anyone whose rights are subject to such violations. In so doing, the Constitutional Court may even instigate proceedings upon the information presented by corporate bodies or citizens claiming to have their rights violated.

The constitution states that courts, *inter alia*, review the legality of rulings of administrative authorities. The issues of administrative judiciary is regulated in detail by Part 5 of the Civil Trial Rules (Act No. 99/1963, as altered and amended). Under administrative judiciary, courts review the legality of rulings of state administration authorities. With respect to a ruling given by an administrative authority at the law-permitted discretion, the court only reviews whether or not such ruling has gone beyond limits and respects as specified by law.

Regional courts are competent to review rulings, unless otherwise provided for by law. The supreme court is competent to review decisions of state administration authorities. District courts are competent to review rulings on infringements, where provided for by law.

Other external controls of public administration include parliamentary control of the exercise of public administration (see above) and the activity of the office of public prosecution (under the Act No. 314/1996 Col. on the office of public prosecution) which supervises the adherence to laws and other binding rules of public administration authorities. Petitions (Act No. 85/1990 Col. on the right to petition, as altered and amended) and complaints (Act No. 152/1998 Col. on complaints) may also be included in the category of public administration controls.

Pursuant to the constitution, state authorities and local-self-government bodies are under obligation to furnish information about their activity in the state language. In this connection, for instance, the Act on municipal organisation lays down that a draft agenda for the municipal assembly debate shall be published on a notice board at least three days prior to the municipal assembly meeting or, in the event of an extraordinary convened meeting, at least 24 hours before its holding. Also local press and television usually inform the public of the agenda for a municipal assembly meeting.

Laws regulating the constitutional right to information include the Act No. 81/1966 Col. on the media, as altered and amended; the Act No. 468/1991 Col. on operation of radio and television broadcasting, as altered and amended; the Act No. 254/1991 Col. on Slovak television, as altered and amended; the Act No. 255/1991 Col. on Slovak radio, as altered and amended; and the Act No. 100/1996 Col. on the protection of state secret, business secret, cryptographic protection of information and on alterations and amendments to the Criminal Act. This group of legislation encompasses, for example, also the Act No. 171/1998 Col. on access to information on the environment.

## **8. Administering European Integration**

### **8.1. *The Institutional Framework of EU-Related Policy-Making***

Following the signature of the European Agreement on Accession (hereinafter referred to as the “Agreement”), effective since 1 February 1995, Slovakia began to develop an institutional framework for integration into the European Union.

The government plays the leading role in policy-making with respect to the EU. Within its organisational structure, various bodies on EU matters have been formed. A government advisory and co-ordination body on all areas of the Agreement, the council of the government of Slovakia on integration into the EU has been set up. It is composed of the council chairman who is the vice-prime minister, two council vice-chairs (the vice-prime minister also in charge of approximation of law and the foreign minister) and members who are state secretaries of ministries and vice-chairmen of other central authorities of state administration. A co-ordination body for European integration units set up in individual ministries has been formed in the government office. The European integration units oversee tasks arising out of the Agreement as well as other activities directly connected with European integration. The institute for approximation of law, an *ad hoc* organisational unit of the government office, reviews the compatibility clause in all draft legal enactments. The Ministry of Foreign Affairs, under which a political department for European integration and a department for EU Member countries have been established, carries out specific tasks in the area of foreign policy.

Under the Agreement (Article 104), the association council has been set up as a supreme joint body of Slovakia and the EU to deal with all issues flowing from the Agreement and to hold a regular political dialogue. The government names the Slovak representatives on the council. It has an ancillary body, the association committee, which has established specialised subcommittees. The association council has the power to take decisions on matters under the Agreement, which thereafter become binding on the two contracting parties; it may give recommendations and handle disputes regarding the Agreement.

The National Council is another forum for political dialogue with the European Union member states, through the parliamentary association committee which is composed of MPs. It works together with the association council. Activities of the parliamentary association committee include meetings and exchanges of opinions between its members; it may submit recommendations to the association council. Within the National Council, two other bodies have been set up to deal with issues of European integration, the foreign committee of the National Council and the committee of the National Council on European integration. Information, research and consultancy tasks are performed by the parliamentary institute, which is part of the chancellery of the National Council.

Political decisions germane to European integration are taken by the government. Specific matters are at first discussed in the Government Council on Integration into the EU, and in special work committees and subcommittees. Ministries provide background bases and expert information and ensure the implementation of decisions taken.

The integration process is also influenced by the National Council which gives consent, prior to ratification, on international political treaties and international economic agreements of general nature; debates the governmental policy as proclaimed in the programme of the government and supervises its activity; and debates on basic issues relating to domestic, international, economic and social policies.

## **8.2. *Managing the Approximation of Laws; and***

## **8.3. *Implementing the Acquis Communautaire***

The process of approximation of laws of Slovakia to those of the European Communities and the European Union is organised at three levels.

The activity of ministries and other governmental bodies constitute the first level of approximation of laws. Appropriate ministries and other governmental bodies have established European integration units and units for the approximation of laws. These units create a clause of compatibility with the *acquis* for each Bill, which sets out the degree to which the Bill satisfies the approximation of laws.

The second level of the process of approximation of laws is represented by the consideration of a Bill in the government. Bills are first discussed within the legislative council of the government before going to the government debate. The legislative council chairman, vice-prime minister on legislation, is in charge of approximation of laws at the executive level. An important institutional measure in the process of approximation of laws was the establishment of the institute for approximation of laws, which screens the compatibility clause of each Bill and subsequently submits it to the legislative council of the government.

The National Council is the third level in the approximation process. Officials of the division of approximation of law at the chancellery check the contents of the EU compatibility clause provided by the institute for approximation of laws. Each Bill is then discussed at the constitutional-legal committee of the

National Council, and is also assessed for compliance with EU legislation before it starts the law-making process in parliament.

## **9. Plans for Reform and Modernisation**

Public administration reform is an integral part of the present government policy. In connection with the implementation of this policy, the Government Commissioner for the Implementation of the Project on Strategy of Public Administration Reform was appointed, and his statute was approved.

In August 1999 the government discussed the Strategy of Public Administration Reform as the groundwork for elaboration of the Concept of Decentralisation and Modernisation of Public Administration. The government has approved this strategy as a long-term programme, the National Programme of Decentralisation and Modernisation of Public Administration in the Slovak Republic. In this connection, the government has approved a separate model of public administration, i.e. an institutional separation between the implementation of state administration and of self-government authorities. It has agreed to the continuation of the process of decentralisation of responsibilities for providing public services from state administration to self-government entities.

The government, as part of the Concept of Decentralisation and Modernisation of Public Administration, has set the so-called original competencies of territorial self-government based on the framework list of territorial self-government competencies, which is incorporated in the annex of the Government Resolution (No. 695/1999).

With regard to public administration reform in the near future, the legislative intentions of the following Acts will be prepared: on self-government of higher territorial units (regional self-government); on elections to bodies of higher territorial units; on the territorial and administrative division of the Slovak Republic; on local state administration organisation; on the capital of the Slovak Republic, Bratislava, and on the city of Košice; on amendment to the Act on municipal organisation; on financial equalisation; on the property of self-government of higher territorial units; on amendment to the Act on the property of municipalities; and on amendments to the taxation laws. The government has set deadlines for elaboration of the concept of public administration financing, the concept of training in public administration, the concept of public administration information technology, and the concept of control in public administration.

## **10. Key Statistics**

### **10.1. Budgetary Data**

Summary data on the 1999 state budget of all categories of budget (ministries and other central and local bodies of state administration) are indicated in Table 1. Balance of revenues and expenditures of the 1999 state budget are found in Table 2.

Information on sickness insurance, social insurance and unemployment insurance funds are as follows (1999 budget, in billions of SKK):

<b>Insurance Fund</b>	<b>Total Income</b>	<b>Total Spending</b>	<b>Difference</b>
<b>Health Insurance</b>	43.4	43.4	0
<b>Social Insurance</b>	77.8	70.9	6.9
<b>Unemployment Insurance</b>	10.7	9.0	1.8

**TABLE 1: STATE BUDGET SPENDING FOR 1999**

(in thousands of Slovak crowns, SKK)

<b>Budget Category</b>	<b>Total expenditure</b>	<b>Current expenditure</b>	<b>Salaries &amp; other compensations</b>	<b>Capital expenditure</b>
Chancellor of National Council	539 991	320 491	183 525	219 500
Office of the President	102 974	49 574	12 971	53 400
Government Office	434 540	316 780	87 122	117 760
Constitutional Court	38 032	35 632	17 505	2 400
General Attorney's Office	572 095	537 095	352 983	35 000
Supreme Audit Office	106 437	96 437	51 534	10 000
Slovak Information Service	799 066	719 066	0	80 000
Ministry of Foreign Affairs	2 354 692	1 849 012	697 652	505 680
Defence Ministry	13 835 842	13 525 842	4 745 133	310 000
Interior Ministry	11 264 154	10 050 802	5 576 915	1 213 352
Justice Ministry	3 692 448	3 402 448	1 800 273	290 000
Finance Ministry	4 594 488	3 814 264	1 969 347	780 224
Ministry for Administration & Privatisation of National Property	46 507	45 507	20 084	1 000
Environment Ministry	958 022	906 822	191 914	51 200

Education Ministry	6 772 693	6 052 693	2 724 865	720 000
Health Ministry	14 751 691	12 736 691	679 729	2 015 000
Ministry of Labour, Social Affairs and Family	18 872 185	18 849 625	99 844	22 560
Culture Ministry	2 213 197	1 972 717	48 156	240 480
Ministry of Economy	1 878 330	1 566 330	212 327	312 000
Agriculture Ministry	11 708 207	10 196 207	274 844	1 512 000
Ministry for Construction and Public Works	4 260 385	4 228 185	30 092	32 200
Ministry of Transport, Post & Telecommunications	11 236 317	10 720 029	966 722	516 288
Office of Geodesy, Cartography & Spatial Arrangements	172 311	136 911	61 488	35 400
Statistical Office	333 748	317 748	156 397	16 000
Office for Development of Society, Science and Technology	188 472	147 672	14 333	40 800
Nuclear Regulatory Authority	70 524	66 924	15 792	3 600
Industrial Property Office	53 731	46 731	20 095	7 000
Office for Standardisation, Metrology and Testing	307 573	117 573	33 166	190 000
Anti-Monopoly Office	28 271	27 271	11 548	1 000
Office of State Material Reserves	525 089	397 089	27 983	128 000

Labour Safety Office	116 551	103 163	52 727	13 388
National debt	20 002 342	19 950 872		
General Cash Report	12 979 824	7 723 5 36	451 273	1 108 658
- of which subsidies to municipalities	1 888 400	1 240 800		647 600
Slovak Academy of Sciences	820 776	777 376	265 462	43 400
Slovak Radio	279 000	279 000		
Slovak Television	288 000	288 000		
Press Agency	79 800	79 800		
Regional Office Bratislava	4 583 628	4 399 764	2 002 736	183 864
Regional Office Trnava	4 596 094	4 381 694	1 748 318	214 400
Regional Office Trenčín	4 868 405	4 696 805	1 862 169	171 600
Regional Office Nitra	6 171 307	6 020 923	2 111 510	150 384
Regional Office Zilina	5 933 134	5 669 934	2 167 606	263 200
Regional Office Banská Bystrica	6 579 516	6 349 236	2 337 194	230 280
Regional Office Prešov	7 316 989	7 160 989	2 563 347	156 000
Regional Office Košice	7 572 622	7 399 022	2 524 073	173 600
<b>Total</b>	<b>194 900 000</b>	<b>178 530 282</b>	<b>39 170 754</b>	<b>12 170 618</b>

**TABLE 2: BALANCE OF REVENUES AND EXPENDITURES  
OF THE 1999 STATE BUDGET**

(in thousands of Slovak crowns, SKK)

	<b>Indicator</b>	<b>State budget</b>
A.	Tax income	156 636 000
	Income, profit and capital taxes	67 656 000
	of which: individual income tax	31 620 000
	of which: from dependent activity and fringe benefits	25 920 000
	from business and other self- employed activity	5 700 000
	corporate profit taxes	27 326 000
	withholding taxes	8 710 000
	Property tax	1 500 000
	Domestic taxes on goods and services	82 206 000
	of which: value-added tax	58 000 000
	excise taxes	24 200 000
	Taxes on international trade and transactions	5 274 000
	of which: import duty	5 100 000
	import charge	174 000
B.	Non-taxable income	17 847 400
	Income from business and ownership	7 412 113

	<i>of which: National bank of Slovakia<sup>1</sup></i>	<i>3 000 000</i>
	<i>Administrative and other fees, dues &amp; payments</i>	<i>6 428 711</i>
	<i>Capital income</i>	<i>102 814</i>
	<i>Interests on domestic credits, loans and deposits</i>	<i>372 176</i>
	<i>Interests on foreign credits, loans and deposits</i>	<i>65 069</i>
	Other non-taxable income	3 466 517
C.	Income from repayment of credits and loans and sale of shares	5 416 600
<b>I.</b>	<b>INCOME total</b>	<b>179 900 000</b>
A.	Current expenditures	178 530 282
	Transfers	24 832 472
	of which: by business entity	13 266 472
	by state fund	11 566 000
	Public consumption of population	82 066 471
	of which: transfers to insurance companies	12 135 670
	social welfare benefits	10 308 930
	social security benefits	17 451 870
	education and training	31 836 084
	health care	1 313 114
	culture	3 475 946
	other	5 544 857
	Public consumption of state	50 439 667

<sup>1</sup> Data presented in italics – changed structure of databases of the Ministry of Finance, unlike that of 1998

	of which: defence and security	20,703,558
	administration and courts	18,302,534
	of which: courts and prosecution offices	1,938,846
	financial administration	3,276,106
	regional and district offices	4,870,964
	other	8,216,618
	science and technology	3,068,118
	other	8,365,457
	National debt - interests	19,950,872
	Transfers to municipalities	1,240,800
<b>B.</b>	<b>Capital expenditures total</b>	<b>12,170,618</b>
	Capital assets	6,744,674
	Capital transfers	5,425,944
	to business entities	1,783,860
	to municipalities	647,600
<b>C.</b>	<b>Credits, loans and equity</b>	<b>4,199,100</b>
<b>II.</b>	<b>EXPENDITURES total</b>	<b>194,900,000</b>
<b>I.-II.</b>	<b>Surplus (+), deficit (-)</b>	<b>-15,000,000</b>

## **10.2. Personnel Data**

Table 3 gives a survey of personnel for individual central authorities (excluding military and security forces, Slovak Information Service and the Office of State Material Reserves of Slovakia), drawn up from the 1999 approved budget. The figures are provided separately for central authorities, inferior budgetary and subsidised organisations under the founding province of individual government departments, which are funded by the state budget. For central authorities, the figures denote the maximum numbers approved by the Slovak Government rather than actual personnel employed.

The budgetary organisations are according to Act No. 303/1995 Col. on budgetary rules legal entities of the state or municipality connected to the budget of the state or municipality by their revenues and expenditures. According to approved budget, they manage independently resources assigned to them by central body or municipality within their budget.

The subsidised organisations are according to this Act the legal entities of the state or municipality connected to the budget of the state or municipality by contribution or levy. They have to follow the financial rules as set by the central body or municipality within their budget.

In both budgetary and subsidised organisations, the figures are directive indicators which are not stated in the breakdown of the budget.

Statistics are not available broken down by classification of position, for example technical versus non-technical employees or skilled versus unskilled.

**Table 3: Personnel Figures for Budgetary and  
Subsidised Governmental Organisations of Slovakia, 1999**

(excluding military and security forces, Slovak Information Service  
and the Office of State Material Reserves of Slovakia)

CENTRAL AUTHORITY	Personnel (in average converted number)		
	Central authority apparatus	Inferior budgetary organisations	Inferior subsidised organisations
	Limit approved in budget for 1999		
Chancellor of the National Council	603	0	-
Office of the President	69	0	-
Office of the Government	287	261	-
Constitutional Court	69	0	-
General Attorney's Office	130	1 294	-
Supreme Audit Office	220	0	-
Ministry of Foreign Affairs	1 173	0	217
Interior Ministry	495	1 338	-
Justice Ministry <sup>2</sup>	440	4 410	-
Finance Ministry	709	11 346	-
Ministry for Administration and Privatisation of National Property	134	0	-
Environment Ministry	288	1 416	539
Education Ministry	267	21 372	1 104

<sup>2</sup> including the Supreme Court

Health Ministry	228	5 930	879
Ministry of Labour, Social Affairs & Family	378	375	64
Culture Ministry	173	230	4 096
Ministry of Economy	527	505	682
Agriculture Ministry	414	2 729	4 985
Ministry of Construction and Public Works	188	0	251
Ministry of Transport, Post & Telecommunications	313	6 721	1 399
Office of Geodesy, Cartography & Spatial Arrangements	58	556	28
Statistical Office	375	893	146
Office for the Strategy of Development of Society, Science and Technology	96	0	144
Nuclear Regulatory Authority	82	0	-
Industrial Property Office	145	0	-
Office for Standardisation, Metrology and Testing	57	197	326
Anti-Monopoly Office	71	0	-
Labour Safety Office	60	333	238
Slovak Academy of Sciences	-	2 140	1 410
Press Agency	-	-	249
<b>TOTAL</b>	<b>8 049</b>	<b>62 046</b>	<b>16 757</b>

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Regional Office Bratislava	2 011	17 329	3 415
Regional Office Trnava	1 864	14 921	2 835
Regional Office Trenčín	2 103	15 736	3 909
Regional Office Nitra	2 108	18 626	4 254
Regional Office Zilina	2 514	18 907	4 852
Regional Office Banská Bystrica	2 826	19 615	4 163
Regional Office Prešov	2 896	22 279	5 189
Regional Office Košice	2 575	21 876	4 139
<b>TOTAL regional and district offices</b>	<b>18 897</b>	<b>149 289</b>	<b>32 756</b>
Council for Radio and Television Broadcast	-	23	-
<b>GRAND TOTAL</b>	<b>26 946</b>	<b>211 358</b>	<b>49 513</b>

**Note:** 14 339 employees out of 211 358 employees of budgetary organisations work in different offices at national and local levels. 15 200 employees work in self-government administrations.