

CONSTITUTIONAL ACT

of 4 June 2014

**amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll.
as amended**

Article I

1. In Article 129, the new paragraph 7 reads as follows:

„(7) The Constitutional Court shall decide on a complaint against the resolution of the Judicial Council of the Slovak Republic under Article 154d, para 2“.

2. In Article 130 para 1, behind letter e) PROCEEDING ON COMPLIANCE OF LEGISLATION WITH THE CONSTITUTION a new letter f) shall be inserted as follows:

f) president of the Judicial Council of the Slovak Republic in matters of compliance of legislation under Article 125 para 1 relating to the administration of justice.“

3. Article 133 reads as follows:

„Article 133

No remedy can be applied against the decision of the Constitutional Court; this does not apply if by the decision of a body of an international organization established for the application of international treaty binding to the Slovak Republic, arises an obligation to the Slovak Republic in proceedings before the Constitutional Court to re-examine the already adopted decision the Constitutional Court. "

4. Article 136 reads as follows:

„Article 136

(1) Judge of the Constitutional Court cannot be prosecuted for decision-making in the exercise of his office, not even after the termination of his office

(2) If the judge of the Constitutional Court was found and detained while committing an offense, the competent authority shall so inform the President of the Constitutional Court and in the case of President of the Constitutional Court to the Vice President of the Constitutional Court. Judge of the Constitutional Court cannot be taken into custody without the consent of the Constitutional Court.

(3) The Constitutional Court shall grant consent to the detention of judge and General Prosecutor. The Constitutional Court shall carry out disciplinary proceedings against the President of the Supreme Court of the Slovak Republic, the Vice President of the Supreme Court of the Slovak Republic and the General Prosecutor. "

5. Article 141a including the title reads as follows:

"Article 141a
The Judicial Council of the Slovak Republic

(1) The President of the Judicial Council of the Slovak Republic shall be elected and recalled by the Judicial Council of the Slovak Republic from among its members. Members of the Judicial Council of the Slovak Republic are:

- a) nine judges, elected and recalled by judges of the Slovak Republic,
- b) three members elected and recalled by the National Council of the Slovak Republic,
- c) three members appointed and recalled by the President of the Slovak Republic,
- d) three members appointed and recalled by the Government of the Slovak Republic.

(2) As a President of the Judicial Council of the Slovak Republic and member of the Judiciary Council of the Slovak Republic according to paragraph 1, letters b) to d) may be appointed person who is of impeccable character and has university education in law and at least 15 years of professional practice.

(3) The office of President of the Judicial Council of the Slovak Republic shall be incompatible with an office in another public authority, civil service, employment relationship, analogical working relationship, business activity, membership in a management or supervisory body of a legal person dealing with business activity, neither with another economic or gainful activity, except for the administration of one's own assets and scientific, educational, literary or artistic activity.

(4) Term of office of the Judicial Council members shall be 5 years. The same person can be elected as President of the Judicial Council of the Slovak Republic, elected or appointed as a member of the Council not more than for two subsequent terms.

(5) The powers of the Judicial Council imply the following:

- a) to ensure discharging the duties of public control of the judiciary
- b) to adopt an opinion on whether a candidate for appointment to the judicial office meets the requirements of judicial competence which guarantee that he/she will perform the judicial office properly,
- c) to present to the President of the Slovak Republic proposals of candidates for appointment to the judicial office, and proposals to recall judges from their offices
- d) to decide on the assignment or transfer of judges,
- e) to present to the President of the Slovak Republic proposals for appointment of the President of the Supreme Court of the Slovak Republic and the Vice President of the Supreme Court of the Slovak Republic, and proposals to remove them from their offices,
- f) to present to the Government of the Slovak Republic proposals of candidates for the judicial offices who should act in respect of the Slovak Republic within international judicial bodies,
- g) to elect and recall members of disciplinary panels and elect and recall chairmen of disciplinary senates,
- h) to comment on draft budget of courts of the Slovak Republic during the preparation of the proposal of the state budget and to present an opinion on the draft budget of courts to the National Council of the Slovak Republic,

- i) to monitor whether a judge meets requirements of judicial competence which guarantee that he/she will perform the judicial office properly throughout the entire term of a judicial office,
- j) to issue the principles of judicial ethics in cooperation with the bodies of judicial self-administration,
- k) other activities if stipulated by law

(6) For the adoption of resolutions of the Judicial Council of the Slovak Republic, the consent of an absolute majority of all its members shall be required.

(7) The President of the Judicial Council shall administer and organize the activity of the Judicial Council of the Slovak Republic.

(8) The President of the Judicial Council shall submit to the Constitutional Court a proposal to start a proceeding on the conformity of legislation under the Article 125 paragraph 1 relating to the administration of justice.

(9) The Judicial Council of the Slovak Republic shall adopt an opinion under paragraph 5 letter b) based on the documents from the state authority performing the role of protection of classified information and opinions of the candidate for appointment as a judge; details shall be established by the law.

(10) The disciplinary panel shall decide on the deprivation of the conditions on judge competence, that guarantee the judicial office will be performed properly throughout the entire term of his/her office; provisions of the Article 154d paragraph 1 to 3 are not affected.

(11) Details on the election and withdrawal of the President of the Judicial Council of the Slovak Republic, on the manner of appointment of the members of the Judicial Council of the Slovak Republic, on its competence, on the representation of the President of the Judicial Council of the Slovak Republic, on organisation and its relationship towards the judicial administration authorities and towards the authorities of the judicial self-administration, as well as on the manner of supervision whether the judge meets the requirements of judicial competence, which guarantee that the judicial office will be performed properly throughout the entire term of the judicial office, shall be established by the law.

6. Art. 145 paragraph 2 reads as follows:

„(2) As a judge shall be appointed a citizen of the Slovak Republic eligible to be elected to the National Council of the Slovak Republic, who reached age of thirty years, has university education in law, meets the conditions on judge competence guaranteeing the office of judge will be performed properly. Other conditions for the appointment as a judge and his/her judicial promotion, as well as the scope of immunity of judges shall be established by the law.“

7. Art. 145a paragraph 2 reads as follows:

„(2) A judge shall perform the judicial office as his/her profession. The performance of the judicial office is incompatible with an office within other public authority including the performance of the office of President of the Judicial Council of the Slovak Republic, civil service, employment relationship, analogical working relationship, business activity, membership in a management or supervisory body of a legal person dealing with business,

neither with other economic or gainful activity, except for the administration of one's own assets, scientific, educational, literary or artistic activities and membership of the Judicial Council of the Slovak Republic. "

8. Article 147 para. 1 is followed by the sentence: „The President of the Slovak Republic on the proposal of the Judicial Council of the Slovak Republic shall recall a judge who fails to meet requirements on judicial competence that guarantee the judicial office shall be performed properly, on the ground of the final resolution of the Judicial Council of the Slovak Republic under the Article 154d paragraph 1 or according to the final decision of the Constitutional Court by which the petition under the Art. 154d paragraph 2 was dismissed.“

9. Article 148 paragraph 2 reads as follows:

"(2) The temporary suspension of a judge cannot interfere with the independent administration of justice. Reasons for the interruption of the performance of the judicial office, the conditions for the temporary assignment of a judge and other conditions for the temporary suspension of a judge shall be established by law. "

10. Article 148 is complemented by paragraphs 4 and 5 as follows:

„ (4) Neither a judge nor a lay judge may be prosecuted for their judgements, not even after the cessation of their office.“

(5) The judge concerned may lodge a complaint against the decision to initiate the criminal prosecution of the judge, while such complaint shall be decided by the General Prosecutor "

11. In Article 151a paragraph 6 the wording “Article 130 paragraph 1 letter f)” shall be replaced by “Art. 130 paragraph 1 letter g)”.

12. Article 154d shall be inserted behind Art. 154c and shall read as follows:

“Art. 154d”

(1) The requirements of judicial competence which guarantee that the judicial office will be performed properly shall also apply to a judge appointed before 1st September 2014. Adoption of opinion on fulfilment of requirements of judicial competence, under first sentence, of a judge appointed to judicial office before 1st September 2014 shall be decided on the basis of the documentation from state authority performing the role of the protection of classified information and statement of the judge, by the Judicial Council of the Slovak Republic by its resolution. Details of the decision-making of the Judicial Council of the Slovak Republic on the adoption of the opinion on fulfilment of requirements of judicial competence which guarantee that the judicial office will be performed properly, including the manner of expression of opinion of the judge on the documentation shall be established by law.

(2) Complaint may be lodged against the resolution of the Judicial Council of the Slovak Republic in accordance with paragraph 1, whereas it shall be decided by the Constitutional Court; the details shall be established by law.

(3) If the judge appointed to the judicial office before 1st September 2014 does not meet the requirements of judicial competence which guarantee that the judicial office will be performed properly, under the final resolution of the Judicial Council of the Slovak Republic under paragraph 1 or under final decision of the Constitutional Court, by which the complaint was dismissed under paragraph 2, the Judicial Council of the Slovak Republic shall propose the President of the Slovak Republic to recall the judge. Failure to fulfil the requirements for judicial competence which guarantee that the judicial office will be performed properly shall be a reason for the withdrawal of the judge.

(4) The office of the President of the Judicial Council of the Slovak Republic appointed under the current legislation shall expire on the date the Constitutional Law enters into force. The President of the Supreme Court of the Slovak Republic shall be a member of the Judicial Council of the Slovak Republic until the termination of the term of office of those members of the Judicial Council of the Slovak Republic elected by judges of the Slovak Republic under the current legislation.

(5) Members of the Judicial Council of the Slovak Republic elected by their peers, elected by the National Council of the Slovak Republic, appointed by the President of the Slovak Republic and appointed by the Government of the Slovak Republic under the current legislation shall be considered members of the Judicial Council of the Slovak Republic under the Constitutional Law; their membership shall be subject to the current legislation.

Article II

This Constitutional Law shall enter into force on 1st September 2014.