

Act No. 548/2003

**Act on Judicial Academy of 4 December 2003
as amended by Act No. 757/2004 Coll.**

The National Council of the Slovak Republic has adopted the following Act:

Article 1

Subject

Paragraph 1

This Act regulates the establishment, subject and administration of the Judicial Academy of the Slovak Republic (paragraph 2 (1))

Paragraph 2

(1) The Judicial Academy of the Slovak Republic (hereinafter only the “Academy”) is hereby established.

(2) The Academy shall be a legal entity which is a budgetary organisation under the Ministry of Justice of the Slovak Republic (hereinafter only the “Ministry”) and shall manage funds specifically allocated in the state budget for the purposes of education of judges, prosecutors and court officials.

(3) The seat of Academy shall be Pezinok.

Paragraph 3

Activities of the Academy

(1) The Academy is an educational institution -with nation-wide coverage in order to ensure, organise and provide education of:

- a) judges,
- b) prosecutors,
- c) court officials.¹

(2) The Academy shall also ensure, organise and perform the following:

- a) specialised trainings for judge trainees during the preparatory civil service necessary for the exercise of a position of a judge;
- b) education of judge trainees aimed at improving and supplementing the required knowledge necessary for the exercise of a position of a judge;²
- c) education of prosecutor trainees during the preparatory practise
- d) specialised training of the higher court official

(3) The Academy in the framework of its competence shall ensure and coordinate the tasks of international cooperation including preparing and organizing of common international educational events with other national or international organizations within education of judges, prosecutors and court officials.

(4) The Academy shall test the knowledge and professional qualifications of judge and prosecutor trainees necessary for the exercise of the position of a judge or a prosecutor, respectively, by organising a professional judicial exam (paragraph 12).

(5) The Academy shall also elaborate, administer and protect unified database of court files from the field of criminal law, administrative law, labour law, family law, commercial law and civil law that are elaborated for the purpose of written part of the selection for judge vacancy, as well as shall create, administer and protect unified database of case-law and court files for the purpose of written part of professional judicial examination. On request of selection committee the Academy shall provide the court files in number that shall double the number of registered candidates, whereas a half of these files shall be court files from the field of criminal law, the other half shall be from the field of administrative, labour, family, commercial and civil law.

¹ Act No. 549/2003 Coll. on court officials

² Paragraph 53 (1g) of Act No. 312/2001 Coll. on civil service as amended

(6) When elaborating the unified database under the section 5 the Academy shall ensure personal data protection under special regulation.

(7) The Academy furthermore shall provide rental of its premises, accommodation services, boarding services, relaxation services, editorial and publishing activities; providing of these activities shall not disorder the quality, scope and availability of the activities under items 1 - 6.

Paragraph 4

Bodies of the Academy

(1) Bodies of the Academy shall be:

- a) board of the Academy (hereinafter only the “board”),
- b) director of the Academy (hereinafter only the “director”),

(2) The office of the Academy shall ensure the operation of the Academy and provide support to its bodies.

Paragraph 5

No criminal records

(1) Members of the bodies must have no prior criminal records and have the full legal capacity.

(2) For the purposes of this Act, no person - who has been lawfully convicted of an intended crime, even when the conviction of an intended crime has been expunged or who has been deemed to be not convicted of such crime in accordance with a special regulation – shall be deemed to have a clean record.³ Absence of criminal records shall be proved by a replica from the Register of Crimes not older than three months.⁴

Paragraph 6

Board

(1) The supreme body of the Academy shall be board; it shall consist of 10 members. Five members are to be nominated by the Judicial Council of the Slovak Republic (hereinafter only

³ Penal Code

⁴ Act No. 311/1999 Coll. on Register of Crimes as amended.

the “Judicial Council”) from among judges and five members are to be nominated by the Minister of Justice of the Slovak Republic (hereinafter only the “Minister”). The Minister will nominate two members of the board upon the proposal of the General Prosecutor of the Slovak Republic (hereinafter only the “General Prosecutor”).

(2) The following may be nominated as members of the board:

- a) judge eligible under paragraph 5 who at the day of nomination will have exercised the office of a judge for at least 10 years,
- b) prosecutor eligible under paragraph 5 who at the day of nomination will have exercised the office of a prosecutor for at least 10 years,
- c) natural person eligible under paragraph 5 with second-level university education gained at the law faculty in the Slovak Republic or who holds a recognised diploma of law university education issued by a foreign university⁵ and at least 10 years of legal practice.

(3) The members of the board shall serve for a five-year term of office. The same person may be re-appointed as a member of the board for no more than two subsequent terms of office.

(4) Members of the board shall discharge their offices with no entitlement to remuneration. A member of the board shall have the right to the reimbursement of costs incurred in connection with the discharge of his office in the board in accordance with a special regulation.⁶

(5) The membership in the board before end of term shall terminate in the following cases:

- a) resignation from the office,
- b) removal from the office,
- c) termination of a judge’s office,
- d) termination of a prosecutor’s service office,
- e) performance of activities incompatible with the office of a member of the board, or
- d) death of the member.

(6) The minister shall remove a member of the board nominated by the minister under item 1 if:

- a) the legal capacity of such member was suspended or restricted,

⁵ Act No. 131/2002 Coll. on universities as amended.

⁶ Act No. 283/2002 Coll. on travel reimbursement.

- b) the member was lawfully convicted of an intended crime,
- c) the member was lawfully convicted of an intended crime and the court did not decide on conditional suspension of an imprisonment.

(7) The minister shall remove a member of the board nominated by the minister under item 1:

- a) if the member is not able to duly discharge the office of a board member due to long-term health problems, at least for six consecutive months,
- b) if in spite of several notices the member does not perform his duties of the member without any serious reason.
- c) due to other serious reasons, especially in the case of action that causes or is likely to raise doubts about personal, moral or professional assumptions for discharging the member office.

(8) The Judicial Council shall remove a member of the board nominated under item 1:

- a) if the member is not able to duly discharge the office of a board member due to long-term health problems, at least six consecutive months,
- b) if in spite of several notices the member does not perform his duties of a member without any serious reason.
- c) due to other serious reasons, especially in the case of action that causes or is likely to raise doubts about personal, moral or professional assumptions for discharging the member office.

9) Position of the board member shall be incompatible with the exercise of a position of Judicial Council member, the Minister, the General Prosecutor, the director, the deputy director and the Head of Department of the pedagogical staff.

(10) The board member nominated by the Minister upon proposal of the General Prosecutor shall be - due to reasons of item 7 - removed by the Minister upon proposal or with the consent of the General Prosecutor.

Paragraph 7
Competences of the Board

The board shall:

- a) propose a candidate for the position of a director to the Minister,
- b) elaborate and issue competition principles for the position of a director and a deputy director,
- c) elect and remove Chairman and Deputy Chairman from among its members by the absolute majority of all board members votes,
- d) elect and remove members of Examining Board and their alternate members,
- e) approve draft budget submitted by the director,
- f) approve annual academic plan according to the scope of education of judges determined by the Judicial Council in consent with the Minister and the scope of education of prosecutors determined by the General Prosecutor,
- g) approve the status of the Academy by the absolute majority of all board members votes,
- h) approve the Examination Procedure by the absolute majority of all board members votes,
- i) propose removal of the director to the Minister,
- j) impose obligations to the board members upon their competences and inform them about non-fulfilment of their duties
- k) approve the Rules of Procedure of the Board
- l) decide on other issues within the scope and conditions as stipulated in this Act, in the special regulation and in the status of the Academy.

Paragraph 7a
Competences of the Chairman of the Board

(1) The Chairman of the Board shall:

- a) convene and lead regularly the sessions of the Board, determine the Board agenda and its content
- b) inform the Minister, the Judicial Council or the General Prosecutor on non- fulfilment of the Board member duties

(2) In cases specified in the status of the Academy the Deputy Chairman of the Board shall perform the competences of its Chairman.

Paragraph 8
Director and Deputy Director

(1) The Academy shall be represented by the director who shall be its statutory body. In his absence the director shall be substituted by the deputy director. The director may entrust the deputy director to act on his behalf in scope of his rights and duties. The same person shall act as a director or deputy director for no more than two consecutive terms.

(2) Upon the proposal of the board the director shall be nominated by the Minister for a term of five years. On the basis of the competition the board shall determine a ranking list of successful candidates and for the position of a director shall recommend to the Minister the first candidate on the ranking list.

(3) For the position of a director may be nominated judge or prosecutor who shall:

- a) fulfil conditions under paragraph 5,
- b) at the day of appointment shall have exercised office of a judge or prosecutor for at least 15 years.

(4) The deputy director shall be nominated by the director upon the proposal of the board for a term of five years in such a manner that if the director is a judge, the deputy director shall be a prosecutor and *vice versa*. On the basis of the competition the board shall propose to the director a candidate for the position of a deputy director.

(5) Candidate for the position of a deputy director may be a judge or a prosecutor who shall fulfil conditions under paragraph 5 and who shall have exercised position of a judge or a prosecutor for at least 10 years.

(6) The position of director and deputy director before the end of term shall terminate in case of:

- a) resignation from the office,
- b) removal from the office,
- c) termination of a judge's office,
- d) termination of a prosecutor's service office, or
- d) his death.

(7) The Minister shall remove the director with the consent of the board:

- a) if the director is not able to duly discharge the office of director due to long-term health problems, at least for six consecutive months,
- b) if in spite of several notices the director does not perform his duties of director without any serious reason,
- c) due to other serious reasons, especially in the case of action that causes or is likely to raise doubts about personal, moral or professional assumptions for discharging the director office.

(8) The director shall remove the deputy director with the consent of the board:

- a) if the deputy director is not able to duly discharge the office of deputy director due to long-term health problems, at least for six consecutive months,
- b) if in spite of several notices the deputy director does not perform his duties of deputy director without any serious reason,
- c) due to other serious reasons, especially in the case of action that causes or is likely to raise doubts about personal, moral or professional assumptions for discharging the deputy director office.

Paragraph 9

Competences of the Director

(1) The director shall:

- a) represent the Academy,
- b) submit to the board a draft annual budget, a draft annual academic plan and an annual report on activities of the Academy,
- c) submit to the Minister a draft budget approved by the board,
- d) be responsible for proper fulfilment of annual academic plans to the board and to the Ministry for efficient management of funds of the Academy,
- e) appoint and remove deputy director
- f) issue internal rules binding for deputy director, pedagogical staff and other employees of the Academy,
- g) submit to the Minister and the General Prosecutor an annual report on Academy activities approved by the board
- h) decide on other issues within the scope and conditions as stipulated in this Act, in the special regulation and in the status of the Academy.

(2) The director and deputy director shall have the right to participate in meetings of the board and comment discussed issues, with no right to vote.

Paragraph 10

Remuneration of the members of the Academy bodies

(1) Judges in the Academy holding the positions of a director or a deputy director shall perform a working stay under special regulation.⁷

(2) Prosecutors in the Academy holding the positions of a director or a deputy director shall be temporarily assigned for such functions under special regulation.⁸⁾

(3) The director shall be entitled to a special allowance in amount of respective allowance for management of a President of Regional Court under special regulation.

(4) Deputy director shall be entitled to a special allowance in amount of respective allowance for management of a deputy Vice-President of Regional Court under special regulation.

§ 10a

Material Comforts of Director

The Director shall be entitled to the free:

- a) usage of the company car with or without a driver in order to discharge his office or something in connection with it
- b) provision and usage of the company mobile phone with a monthly limit stipulated in status of the Academy

Paragraph 11
Pedagogical Staff

(1) Pedagogical staff acting within particular departments shall ensure education; propose the scope of education, educational methods and evaluation within particular sections of the Academy.

(2) Pedagogical staff comprises of:

- a) heads of departments
- b) external members

(3) Selection of the pedagogical staff shall be accomplished by the board upon proposal of the Minister, Judicial Council, judicial committees, the General Prosecutor, prosecutors council and the director from among judges, prosecutors or other persons with second-level university education gained in the Slovak Republic or who hold a recognised diploma issued by a foreign university ⁵⁾ and shall have exercised the offices for at least five years.

(4) Judges who are to be heads of departments shall perform special working stay under special regulation.⁷⁾

(5) Prosecutors who are to be heads of departments shall be temporarily assigned to the Academy under special regulation.⁸⁾

(6) Labour relations with other persons who are to be heads of departments shall be subject to special regulation.^{8a)}

(7) Labour relations with external teachers shall be subject to regulation on contract to work.⁹⁾

(8) Tasks of the pedagogical staff upon item 1 shall be performed also by the future judge and future prosecutor during their preparatory practise and higher court official within the performance of civil service.⁹⁾

⁷⁾ Paragraph 13 (1a) of Act No. 385/2000 Coll. on judges and lay judges as amended.

⁸⁾ Paragraph 9 of Act No. 154/2001 Coll. on prosecutors and prosecutor trainees as amended.

^{8a)} Act No. 552/2003 Coll. on performing work within public interest as amended

Professional Judicial Exam

Paragraph 12

(1) Proposal of a future judge to take the professional judicial exam (hereinafter only “exam”) shall be submitted to the Academy by the Minister. The Minister shall enclose to this proposal also final evaluation of the trainee elaborated by the relevant President of Regional Court.

(2) Proposal of a future prosecutor to take the exam shall be submitted to the Academy by General Prosecutor. The General Prosecutor shall enclose to this proposal also final evaluation of the trainee under special regulation.¹⁰

(3) The objective of the exam shall be to test the judge and prosecutor trainees whether they possess sufficient knowledge and legal capacity in order to exercise the office of a judge or prosecutor, respectively.

(4) The exam shall be organised by the Academy usually 2 times a year, in a spring and autumn term.

(5) The exam of future judge and future prosecutor shall consist of written and oral part. The written part shall consist of a technical test, an elaboration of record of judgement concerning criminal and other than criminal issue. In the written part of the exam shall be tested ability of judge and prosecutor trainees to independently proceed with procedures related to the positions they are preparing for. In oral part of the exam the judge and prosecutor trainees shall prove their knowledge on constitutional law, organization and scope of the courts and prosecutor offices, criminal law, international law, civil law, family law, commercial law, financial law, administrative law, labour law and law of the European Union and European Communities.

(6) In order to prepare for the exam the future judges and future prosecutors shall be entitled to a special paid leave in duration of four weeks.

⁹ Labour Code

¹⁰ Paragraph 245, items (4) (5) of Act No. 154/2001 Coll.

Paragraph 13

(1) The judge and prosecutor trainees shall take the examination under the supervision of examination board of five members. Chairman, members of the examination board and their alternate members shall be nominated and removed by the board of the Academy upon proposal of the Judicial Council, the General prosecutor, prosecutors council and the Minister. The members of the examination board and their alternate members shall be nominated for a three-year term.

(2) The following can be nominated as a member of the examination board:

- a) judge eligible under paragraph 5 who at the day of nomination will have exercised the office of a judge for at least 10 years,
- b) prosecutor eligible under paragraph 5 who at the day of nomination will have exercised the office of a prosecutor for at least 10 years,
- c) natural person eligible under paragraph 5 with second-level university education gained at the law faculty in the Slovak Republic or who holds a recognised diploma of law university education issued by a foreign university¹¹ and at least 15 years of legal practice.

(3) The examination board member or alternate member shall be removed

- a) if the member is not able to duly discharge the office of a examination board member due to long-term health problems, at least for six consecutive months,
- b) if the member does not perform his duties of the member without any serious reason
- c) due to other serious reason, especially in the case of action that causes or is likely to raise doubts about personal, moral or professional assumptions for discharging his office.

(4) The examination board may make decisions only if there are all members present. The examination board shall decide on the result of the exam by majority votes. Member of the examination board shall not be allowed to withhold the vote. The decision of the committee may have the following wording: “excellent”, “very good” or “failed”.

(5) The chairman of the examination board shall inform the Minister on results of the exam, in case of future prosecutor the chairman shall inform also the General Prosecutor.

¹¹ Act No. 131/2002 Coll. on universities as amended.

Paragraph 14

(1) If the judge trainee or prosecutor trainee successfully passes the exam, the Academy shall issue a certificate on the passing of such exam and the director shall award the certificate to the judge trainee in presence of the Minister, in case of prosecutor trainee also in presence of the General Prosecutor.

(2) If the future judge does not pass the exam, the Minister shall allow him to resit the exam on the basis of written request; the General Prosecutor shall allow taking of such exam on the basis of written request of the future prosecutor.

(3) Future judge or future prosecutor shall resit the exam not earlier than three months but not later than six months from the date of failing the exam.

(4) In case the judge or prosecutor trainees do not pass the reparatory exam, they shall be removed from their offices by the President of Regional Court or the General Prosecutor under special regulation.¹²

(5) Taking of the examination of higher court official shall refer to the provisions of items 1-3 and paragraph 12, items 1-5.

(6) In order to prepare for the examination and reparatory examination the higher court officials shall be entitled to a special paid leave in duration of two weeks.

(7) In case the higher court official does not pass the reparatory exam, he shall stay in the position of higher court official without possibility to apply for the examination again.

¹² Paragraph 43 (1a) of Act No. 312/2001 Coll.
Paragraph 236 (2f) of Act No. 154/2001 Coll.

Paragraph 15

(1) Details on organization and activities of the Academy bodies, education process in the Academy, material comforts of the director, position of the pedagogical staff, participants in education and internal structure of the Academy shall be defined in the status of the Academy.

(2) Details on organization and performing the examination shall be defined in Examination Procedure.

Paragraph 16

(1) Members of the board shall be nominated or elected under paragraph 6 (1) not later than 60 days as from the date this Act shall come into effect; the Judicial Council shall inform the Minister on such nomination in written form. General Prosecutor shall propose to the Minister the nomination of the members of the board under paragraph 6 (1) not later than 40 days as from the date this Act shall come into effect.

(2) Minister shall arrange the first meeting of the board not later than 30 days as from the period for nomination of members of the first board under item 1.

(3) The board shall submit to the Minister and the General Prosecutor within 30 days as from the first meeting competition guidelines for the functions of director, deputy director and the status.

(4) The board shall enounce the competition for the function of director within 30 days from the date of approval of competition guidelines. The Minister shall nominate the director not later than 30 days as from the announcement of the outcome of the competition submitted to the Minister by the chairman of the competition committee.

Paragraph 17

(1) Future judges fulfilling conditions to take the exam under valid regulations shall be considered for judge trainees under this Act.

(2) Future prosecutors fulfilling conditions to take prosecutor exam under valid regulations shall be considered for prosecutor trainees of the prosecution under this Act.

(3) The exam taken under special regulation¹³ and prosecutor exam taken under special regulation¹⁴ shall be considered as professional judicial exam under this Act.

(4) Preparatory practise of judge trainee performed before this Act comes into effect, shall be taken into account according to this Act.

Paragraph 17a

Transitional Provisions to the amendments effective from 1 June 2009

The term of function of members of the Board created under present regulations shall terminate by expiration of their term. The term of function of the director, the deputy director, member or alternate member of the examination board, who carry out their functions at the day of 1 June 2009, shall terminate by expiration of their term. From 1 June 2009 the present permanent member of the pedagogical staff shall be considered to be in charge of managing the department by the time of proper nomination of the head of the department according to this Act.

The Academy shall commence its educational activities pursuant to paragraph 3 no later than 1 September 2004.

Article II

Act No. 185/2002 Coll. on Judicial Council of the Slovak Republic

¹³ Paragraph 63 of Act No. 335/1991 Coll on courts and judges as amended.

¹⁴ Paragraphs 246 to 248 of Act No. 154/2001 Coll.

Act No. 185/2002 Coll. on Judicial Council of the Slovak Republic as amended by act No. 267/2003 Coll., act No. 426/2003 Coll. and act No. 458/2003 Coll. is amended as follows:

In paragraph 4 (1) is included point h) as follows:

“h) shall vote defined number of members of the board of the Academy under special regulation.^{2a)}” Reference to 2a) shall read:

“^{2a)} paragraph 6 (1) of the act No. 548/2003 Coll. on Judicial Academy as amended.”

Article III

Act No.385/2000 Coll. on judges and lay judges as amended by act No. 185/2002 Coll., act No. 670/2002 Coll., act No. 426/2003 Coll., act No. 458/2003 Coll., act No. 505/2003 Coll. and act No. 514/2003 Coll. shall be amended as follows:

1. Paragraph 35 (2) shall read:

“(2) Education of judges shall be provided by the Academy.”

2. In paragraph 65 (1f) words “at the occasion of jubilee” shall be omitted.

3. Paragraph 79 shall read:

“Paragraph 79

Remuneration

(1) Following the proposal of relevant Judicial Council the President of Court may award premium in amount of the salary

a) for exercise of duties over the scope of duties resulting from paragraph 30,

b) at the occasion of jubilee of 50 years of age.

(2) The Judicial Council shall accept and publish the rules on awarding premium at the beginning of the budgetary term.

(3) If the President of Court does not comply with the proposal under item 1, he is to reason such decision to the Judicial Council.”

Article IV

Act No. 335/1991 Coll. on courts and judges as amended by act No. 264/1992 Coll., act No. 12/1993 Coll., act No. 307/1995 Coll., act No. 328/1996 Coll., act No. 385/2000 Coll., act No. 185/2002 Coll., act No. 425/2002 Coll., act No. 426/2003 Coll. and act No. 458/2003 Coll. shall be amended as follows:

1: Existing text of paragraph 61 shall be designated as point 1 and shall be supplemented by items 2 and 4 as follows:

“(2) Judicial trainees shall undergo the preparatory service at the courts and the Academy. As preparatory service shall be also considered participation of the trainees in all activities organised by the Academy.

(3) Preparatory service of judge trainee shall start on the day of receiving by the President of relevant Regional Court (Higher Military Court) after undergoing the competition and shall terminate by passing the professional judicial exam.

(4) Professional judicial exam shall be considered as qualification exam under special regulation.⁷⁾”. The reference ⁷⁾ shall read:

“⁷⁾ Paragraph 20 of the act No. 312/2001 Coll. on civil service as amended.”

2. Paragraph 63 shall read:

“Paragraph 63”

(1) After successful passing the professional judicial exam the judge trainee shall carry out the function within permanent civil service till his nomination as a judge. Judge trainee within the permanent civil service shall carry on in preparing for the office of a judge.

(2) Judge trainee may after successful passing the exam act and decide in the same matters as superior court official under special regulation.”

Article V

Act No. 154/2001 Coll. on prosecutors and prosecutor of the prosecution office as amended by act No. 312/2001 Coll., act No. 669/2002 Coll., act No. 458/2003 Coll. and act No. 462/2003 Coll. shall be amended as follows:

1. The “prosecutor exam” in all cases in the whole text shall be substituted by the “professional judicial exam”.

2. Paragraph 9 (4) shall be supplemented by point d) as follows:

“d) in Judicial Academy under special regulation.^{11a)}”

Reference ^{11A)} shall read:

^{11a)} Act No. 548/2003 Coll. on Judicial Academy as amended.”

3. In paragraph 11 (2) in last sentence shall be added “and in the Judicial Academy”.

4. Paragraph 80 (2) shall read:

“(2) Education of prosecutors shall be provided by the Academy.”

5. Paragraph 115 shall have following wording:

“Paragraph 115

Remuneration of prosecutor

(1) Upon the proposal of prosecutors council the General Prosecutor may award premium in amount of the salary

a) for exercise of duties over the scope of duties resulting from paragraph 26,

b) at the occasion of jubilee of 50 years of age.

(2) The Judicial Council shall accept and publish the rules on awarding premium at the beginning of the budgetary term.

(3) If the General Prosecutor does not agree the proposal under item 1, he is to reason such decision to the prosecutors council.”

6. Paragraph 245a shall be added to paragraph 245 as follows:

“245a

Professional judicial exam

(1) Professional judicial exam shall be taken by prosecutor trainee under supervision of the exam committee of the Academy under special regulation.^{11a)}

(2) If in the special regulation the term prosecutors exam is used, it shall mean the professional judicial exam under this Act.”

7. Section 5 in part 3 shall be omitted.

Article VI

This Act shall come into effect on 1 January 2004 apart of regulations stated in articles III to V which shall come into effect on 1 September 2004.

Act No. 757/2004 Coll. shall come into effect 1 April 2005 apart of article I paragraph 23, item 2, which shall come into effect on 30 September 2005; and article X, which shall come into effect 1 January 2005.

Act No. 319/2005 Coll. shall come into effect 1 September 2005.

Act. No 181/2009 Coll. shall come into effect 1 June 2009.

Pavol Hrušovský (signed)

Mikuláš Dzurinda (signed)