

Slovak Republic Administrative Judicature

Administrative judicature in the Slovak Republic is an integrated part of courts; it is therefore not an autonomous system.

The Civil Procedure Act establishes the subject matter jurisdiction of separate courts within the structure of judicature in Slovakia, thus the District Courts are Courts of First Instance, Regional Courts as Courts of Second Instance and finally Supreme Court of the Slovak Republic.

Regional courts provide for the principal link within administrative judicature in terms of subject matter jurisdiction.

Courts of first instance are competent in matters concerning examination of decisions taken by administrative authorities, subject to explicit obligation imposed by law. Such acts, however, are only few.

Supreme Court of the Slovak Republic holds the subject matter jurisdiction in the following:

- Examination of decisions taken by the state central administration authorities and other authorities with the nation-wide competences, subject to explicit obligation imposed by law. Under such circumstances it assumes the role of court of first instance.
- Decision taking on recourses against decisions by Supreme Court of SR where this court assumes the role of court of first instance.
- Decisions on recourses against decisions by courts of second instance Regional Courts providing the court case concerns the subject matter of administrative nature.
- Acts and decision taking on extraordinary appeals submitted by Attorney General of SR in cases where decisions were taken before 31st December 2003.

There is a great number of dossiers of administrative nature which are currently dealt with by courts in Slovakia and these involve, as concerns the subject matter, as many as 90 different acts of material law and the same number of law concerning procedural nature, thus the scope is very large.

Administrative authorities proceed in accordance with Act No. 71/1967 Coll. of Laws while taking decisions on respective subject matters, adhere to a precept of procedure of their own or combine these with administrative rules of procedure.

The courts proceed pursuant to the Civil Procedure Act that has a separate section – Section V – designated as "Administrative Judicature", which is crucial for decisions of the administrative judicature. Should these separate provisions fail to provide for a direct solution of some issues, the court shall revert to general sections of the Civil Procedure Act.

In view of the organisational structure, it is Supreme Court of the Slovak Republic that is deemed to be the superior body of administrative judicature.

This court has established a special administrative panel for decisions in administrative matters.

The Regional Courts have established the separate division for this purpose. Therefore, it can be concluded that judges are specialised in administrative judicature as a whole, not according to separate sectors.

In addition to decision taking related activities the Administrative Board of Supreme Court of the Slovak Republic issues judicative documents and comments in matters of administrative nature and organises seminars and training sessions for judges involved in administrative judicature, publishes relevant literature and along vertical line this court assumes the role of a central court with in administrative judicature.

Presiding Judge is the head of the Administrative Board.

The Administrative Board has several senates consisting of three judges and one senate of five judges and the latter takes decisions on appellate proceeding against decisions by Supreme Court of the Slovak Republic.

Currently, there are 16 judges who are members of Administrative Board of Supreme Court of the Slovak Republic. This number, however, is not adequate compared to rising number of cases and performance of other tasks assumed by the board.

Ministry of Justice of the Slovak Republic as the central authority for administration of courts and legislation body has been preparing an amendment to the Civil Procedure Act dealing, in addition to other matters, also in respect of the Administrative Board, whereby all cases of the administrative nature should be first dealt with by a court of first instance and Supreme Court of the Slovak Republic should take decisions exclusively with regards to recourses and extraordinary remedies.

This draft proposal has not yet been accomplished in terms of legislative completeness and submitted to the National Council for the approval process to begin.

In administrative judicature, the courts examine, following the judicial action, or recourses, the legitimacy of decisions and proceedings taken by the state administration authorities and take action in case these authorities show unreasonable inactivity, against unlawful steps by the state administration, proceed in cases related to enforceability of decisions taken by foreign administrative authorities and cases concerning elections.

The principal rule in connection with examination of decisions of administrative authorities by courts is based on the verification whether acts by administration authorities and their decisions are compliant with respective law, or whether the decision these authorities have issued establish, modify or cancel authorisations or obligations of physical persons or legal entities, or whether these interfere directly with rights, interests protected by law or obligations of persons and legal entities.

The above activities involve investigation of respect to human rights as defined in Constitution of the Slovak Republic and decisions by the European Court of Human Rights in Strasbourg.

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