

Law No. 124 of 13 July 2000^{*} on the Structure of the Constitutional Court Personnel

Article 1. – The Constitutional Court personnel shall consist of: the body of assistant-magistrates, the specialised auxiliary staff, the economic, administrative, and support staff.

Article 2. – (1) The body of assistant-magistrates shall carry out their activity under the direction of the President of the Constitutional Court and shall be composed of:

- a) a first-assistant-magistrate;
- b) three assistant-magistrates-in-chief, of whom one shall be the director of the Office of the President of the Constitutional Court;
- c) eighteen assistant-magistrates who may be organised in sections, in accordance with the Rules on the Organisation and Functioning of the Constitutional Court.

(2) A person may be appointed assistant-magistrate if he/she meets the requirements provided at paragraph (1) sub-paragraphs a) through e), and paragraph (2) under Article 46 of the Law no. 92/1992 on judicial organisation, republished, as subsequently modified and supplemented.

(3) In order to be appointed as first-assistant-magistrate or assistant-magistrate-in-chief, one must comply, as the case may be, with the seniority terms provided under Articles 37 and 38 of the Law of the Supreme Court of Justice no. 56/1993, republished, as subsequently modified and supplemented, or hold the title of Doctor in Law (L.L.D.).

(4) In order to be appointed as assistant-magistrate, it is necessary to have at least six-year seniority in Magistracy or at least four-year seniority in Magistracy as a judge or prosecutor, or to hold the title of Doctor in Law (L.L.D.).

(5) The person who does not meet the requirements provided under paragraph (4) may be appointed as a junior assistant-magistrate, within the limit of posts for assistant-magistrates provided under paragraph (1) sub-paragraph c). A junior assistant-magistrate shall belong to the body of assistant-magistrates.

(6) The President of the Constitutional Court shall appoint the members of the body of assistant-magistrates on the basis of open competition or examination. The Examination Commission shall be appointed by the President of the Constitutional Court and shall be composed of five Judges of the Court, in case of the first-assistant-magistrate and assistant-magistrates-in-chief, or of three Judges of the Court, in other cases. The results of the contest or examination shall be validated by the Plenum of the Constitutional Court.

(7) The director of the Office of the President of the Constitutional Court shall be appointed by the President of the Constitutional Court for the entire duration of his term of office. Upon proposal of the President of the Constitutional Court, the Plenary Court may approve that one who is in the hypothesis provided at paragraph (5) is appointed as assistant-magistrate-in-chief, to discharge functions as a director of the President's Office.

(8) The first-assistant-magistrate, assistant-magistrates-in-chief, and assistant-magistrates shall belong to the Body of Magistrates, as defined under Title IV of the Law no. 92/1992, republished, as subsequently modified and supplemented. These ones shall be equal, in rank and salaries, to the magistrates of the Supreme Court of Justice who are holding similar positions, and enjoy their rights accordingly.

(9) The junior assistant-magistrates shall be equal, in rank and salaries, to junior judges from the courts of law. The period of probation shall be of two years. For graduates of the National Institute of Magistracy, as well as for the director of the

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(9) The junior assistant-magistrates shall be equal, in rank and salaries, to junior judges from the courts of law. The period of probation shall be of two years. For graduates of the National Institute of Magistracy, as well as for the director of the

Office of the President of the Constitutional Court, appointed under the conditions provided under paragraph (7), second thesis, the period of probation shall be of one year. At the end of the period of probation, a junior assistant-magistrate who passed the capacity examination shall become an assistant-magistrate. The capacity examination shall be carried out in accordance with the Rules approved by the Plenum of the Constitutional Court.

(10) The first-assistant-magistrate, assistant-magistrates-in-chief, assistant-magistrates, and junior assistant-magistrates shall fulfil, as the case may be, the duties provided by the Rules on the organisation and functioning of the Constitutional Court.

(11) All members of the body of assistant-magistrates shall be bound by the obligations provided under Article 40 sub-paragraphs b), and d) through f) of the Law no. 47/1992 on the organisation and functioning of the Constitutional Court, republished, which apply accordingly.

Article 3. - (1) The specialised auxiliary staff and the economic, administrative and support staff shall belong to the General Secretariat of the Constitutional Court which is headed by a Secretary General who equals, in rank and salaries, to the Secretaries General of the Chambers of Parliament and to the Secretary General of the Government. The Secretary General shall be appointed and released from office by the Plenum of the Constitutional Court from among jurists who meet the conditions under Article 2 paragraphs (2) and (4).

(2) The organisational structure of the General Secretariat of the Constitutional Court, the classification of posts as well as the staff's duties shall be approved by the Plenum of the Constitutional Court.

(3) The Secretary General shall carry out his/her activity under the direction of the President of the Constitutional Court. The Secretary General shall ensure the preparation, organisation and co-ordination of activities within the General Secretariat whose attributes are established by the Rules on the organisation and functioning of the Constitutional Court. The Secretary General shall be authorised to order payments from budgetary funds, as provided by Article 11 paragraph (2) of the Law no. 47/1992, republished.

Article 4. - The specialised auxiliary staff, consisting of the employees from the office of the clerk, registry and archives within the Constitutional Court shall be equal, in rank and salaries, to the specialised auxiliary staff of the Supreme Court of Justice, and enjoy their rights accordingly.

Article 5. - (1) The economic, administrative and support staff shall be equal, in rank and salaries, to the corresponding positions in the Parliament staff, and enjoy their rights accordingly.

(2) The specialised legal staff who carries out activities of research or documentation, or protocol, or in the area of the Constitutional Court international relations, or in the area of human resources shall be equal, in rank and salaries, to the assistant-magistrates or, as the case may be, to the junior assistant-magistrates, and enjoy their rights accordingly.

Article 6. - (1) Within thirty days from the date of coming into force of this Law, the Plenum of the Constitutional Court shall establish the terms of equivalence for the positions provided under Article 5 paragraph (2) as regards the currently employed specialised legal staff.

(2) The provisions under Articles 47 and 48 of the Law no. 47/1992, republished, as well as any contrary provisions, shall be repealed on the date this law has entered into force.

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**A C T OF THE NATIONAL COUNCIL
OF THE SLOVAK REPUBLIC**
of January 20, 1993
**on the organization of the Constitutional Court
of the Slovak Republic,**
*on the proceedings before
the Constitutional Court and the status of its Judges*
The National Council of the Slovak Republic has resolved to adopt the following Act.

**PART ONE
ORGANIZATION OF THE CONSTITUTIONAL COURT**

§1

(1) The Constitutional Court of the Slovak Republic (hereinafter only "Constitutional Court") is an independent judicial body charged with the protection of constitutionality.

(2) The seat of the Constitutional Court is Ko.ice.

§2

(1) The Constitutional Court consists of 10 Judges.

(2) There is a President at the head of the Constitutional Court, who may be represented by a Vice-President.

(3) The Constitutional Court shall make its decisions in Plenary Session or in Senate.

(4) The Plenary Session of the Constitutional Court consists of all Judges of the Constitutional Court (hereinafter only "Judges").

(5) A Senate of the Constitutional Court (hereinafter only "Senate") consists of the Chairman of the Senate and of two Judges.

The Plenary Session of the Constitutional Court

§3

In the Plenary Session the Constitutional Court shall decide on cases set forth in Art. 107, 125 Subsections a) and b), Art. 129 Clauses 2 and 4, Art. 136 Clause 2 and Art. 138

Clauses 2 and 3 of the Constitution of the Slovak Republic (hereinafter only "Constitution"), and on the regulation of its internal matters.

§4

(1) The President of the Constitutional Court shall call the Plenary Session, fix the agenda for and direct the discussion.

(2) The Constitutional Court in the Plenary Session is able to proceed and pass resolutions if at the discussion and at the decision-making there are present at least seven Judges.

(3) The Plenary Session of the Constitutional Court shall pass resolutions on the basis of a simple majority more than half of all Judges. If this majority is not reached, the motion shall be dismissed.

(4) The discussion of the Plenary Session of the Constitutional Court is not public, unless this Act provides otherwise. Appointed members of staff of the Chancellery of the Constitutional Court and other persons may participate in the discussion if their presence is indispensable for procedural reasons.

(5) The Plenary Session of the Constitutional Court may also agree on other persons being present at the discussion or a part thereof.

(6) The President of the Constitutional Court may encharge any of the Judges with preparing the materials necessary for decision-making in the Plenary Session of the Constitutional Court and with reporting upon this material at its session (hereinafter only the "Rapporteur").

(7) The President of the Constitutional Court shall direct the discussion of the Plenary Session of the Constitutional Court in such a way that all the controversial questions are discussed and that every Judge can decide on them in compliance with his judicial opinion.

Senate of the Constitutional Court

§5

(1) The Senate shall decide on matters which do not belong within the scope of discussion of the Plenary Session of the Constitutional Court.

(2) Concerning the presence of persons at discussions of the Senate and the encharging of a Rapporteur with the preparation of the proceedings, the provisions of § 4 Clauses 4 to 6 shall be observed, as appropriate.

(3) The Plenary Session of the Constitutional Court shall determine the permanent members of the Senate for the period of one year. The President and the Vice-President can not be permanent members of the Senate.

(4) The permanent members of the Senate shall elect the Chairman of the Senate. When absent, the Chairman shall be represented by the permanent member of the Senate who is most senior in age.

(5) When absent, a member of the Senate shall be represented temporarily by another Judge appointed by the President of the Constitutional Court. The same procedure applies in case a member of the Senate is excluded from the exercise of his judicial duties.

§6

If one Senate in connection with its decision-making activity adopts a legal principle different from the legal principle of other Senate of the Constitutional Court expressed

according to Art. 127 Clause 1 of the Constitution, then this Senate shall submit the question to the Plenary Session of the Constitutional Court for judgement. The Senate shall be bound in its further activity by the standpoint of the Plenary Session.

The President of the Constitutional Court

§7

The President and the Vice-President of the Constitutional Court shall be appointed from among the Judges of the Constitutional Court by the President of the Slovak Republic.

§8

(1) The President of the Constitutional Court shall perform the administrative work of the Court, and in particular he shall ensure the regular course of its activities in the field of personnel administration, organization and financial management.

(2) The Vice-President of the Constitutional Court shall represent the President of the Constitutional Court to a defined extent, and in the time of his absence to the full extent. If both President and Vice-President are absent, they shall be represented by the Judge of the Constitutional Court who is most senior in age.

The Chancellery of the Constitutional Court

§9

(1) The Chancellery of the Constitutional Court shall perform the tasks connected with the organizational and personnel administration, and the administrative and technical support for the activity of the Constitutional Court (hereinafter only the "Chancellery").

(2) The Head of the Chancellery shall be appointed and dismissed by the President of the Constitutional Court.

(3) The Head of the Chancellery shall perform the function of the head of staff regarding the employees of the Constitutional Court, with the exception of its Judges.

(4) Details of the organization and the activity of the Chancellery and on the position of its employees shall be defined by the rules of organization of the Chancellery, which are approved by the Plenary Session of the Constitutional Court.

§10

Judicial counsellors

(1) There are to be judicial counsellors of the Constitutional Court (hereinafter only as "Counsellors") who shall be active at the Constitutional Court. They are to be graduates of a university law school and have ten years practical experience in the legal profession.

(2) The President of the Constitutional Court, the Chairman of the Senate and the Judge may encharge the Counsellor with performing some duties which pertain otherwise to the Judge, particularly to examine witnesses and experts, and to procure the documents needed for the decision-making. The Counsellor may not examine the parties to the

proceedings, nor their representatives.

PART TWO
APPOINTMENT OF JUDGES OF THE CONSTITUTIONAL COURT
AND THE TERMINATION OF THEIR FUNCTION

§11

Appointment of Judges

(1) Proposals for candidates for election to the position of Judge may be submitted to the

National Council of the Slovak Republic by:

a) all members of the National Council of the Slovak Republic,

b) the Government of the Slovak Republic,

c) the President of the Constitutional Court of the Slovak Republic,

d) the President of the Supreme Court of the Slovak Republic,

e) the Attorney-General of the Slovak Republic,

f) professional bodies of lawyers,

g) academic institutions.

(2) The National Council of the Slovak Republic shall submit to the President of the

Republic the proposal of twenty candidates for the position of Judge at least three months before the termination of the period of office of Judges appointed earlier.

Within

one month of receiving the list of candidates, the President of the Slovak Republic

shall

appoint ten Judges and from among them the President and Vice-President of the Constitutional Court for the period of seven years.

(3) Any citizen of the Slovak Republic may be nominated and appointed to the office of

Judge, who is eligible for election to the National Council of the Slovak Republic, is at least forty years old, is a graduate of a university law school, and has been active in the

legal profession for at least fifteen years.

(4) The Judge shall be sworn in by the President of the Slovak Republic, giving the oath.

prescribed by the Constitution. Upon taking the oath the Judge shall assume his office.

(5) The Judge's employment contract shall come into effect on the day of taking the oath.

Unless this Act provides otherwise, the provisions of the Labour Code shall apply to the

conditions of employment pertaining to the office of a Judge. The Judge's

employment

contract with the organization where he was in employment before taking the oath,

shall

remain unaffected.

Termination of a Judge's office

§12

(1) A Judge's office shall be terminated upon the expiration of the period for which he was

appointed.

(2) Any Judge may resign from his office. He shall announce his resignation from office by

a written declaration to the President of the Constitutional Court. Unless they agree otherwise, the Judge's office shall be terminated upon the expiration of two months following the submission of the announcement to the President of the Constitutional Court.

(3) If a Judge becomes a Member of Parliament or Member of the Government, his office shall be terminated on the day of taking the oath as a Member of Parliament or Member of the Government.

(4) A Judge's employment contract shall be cancelled on the day of terminating of his office.

§13

(1) The President of the Slovak Republic may dismiss a Judge on the basis of a court conviction for an intentional offence, or upon a disciplinary decision made by the Constitutional Court for action incompatible with the exercise of the office of a Judge of the Constitutional Court.

(2) The President of the Slovak Republic may dismiss a Judge if the President of the Constitutional Court announces that the said Judge has not participated in the proceedings of the Constitutional Court for more than a year, or if the Judge has been declared incapable by a court decree of performing legal acts.

(3) If any Judge performs an activity incompatible with the exercise of the office of a Judge, the President of the Constitutional Court shall require him to terminate this activity within ten days of receiving notification of this requirement.

(4) If a motion is made for the dismissal of a Judge, or if the Judge is under criminal prosecution, he may be temporarily released from exercise of his office until the decision on the motion for dismissal is made, or until the criminal prosecution is terminated.

(5) The President of the Constitutional Court shall decide on the temporary release of a Judge from the exercise of his office. After obtaining the standpoint of the Plenary Session of the Constitutional Court, the President of the Slovak Republic may decide on the temporary release of the President and Vice-President of the Constitutional Court from the exercise of their office.

The Status of Judges of the Constitutional Court

§14

(1) The Judges in their decision-making activity shall be independent, and bound by the Constitution and constitutional statutes.

(2) The Constitutional Court is bound by Common law in its decision-making activity on the compliance of

- a) ordinances of the Government, generally-binding legal regulations of Ministries and other central organs of state administration with the Constitution, constitutional statutes and with Common law;
- b) generally-binding regulations of organs of local administration with the Constitution and Common law;
- c) generally-binding regulations of local organs of state administration with the Constitution, Common law and other generally-binding legal regulations,
- d) generally-binding legal regulations with international instruments promulgated in the way provided for the declaration of laws.

(3) No Judge of the Constitutional Court may be criminally prosecuted or placed under detention without the consent of the Constitutional Court. If the Constitutional Court refuses to grant such consent, any future prosecution is precluded forever.

(4) If a Judge is apprehended and detained in the process of committing a criminal offence, the competent organ shall immediately so notify the Constitutional Court. If the Constitutional Court does not consent with the detention, the Judge shall be immediately released.

(5) A Judge of the Slovak Republic may not be prosecuted for actions which may be defined as misdemeanours or any similar unlawful act defined by separate regulations.

§15
(1) Judges are under obligation to exercise their office conscientiously and to abstain during the performance of their office and also in their private life from such actions which could compromise the dignity of the Constitutional Court or that of the Judge, or public confidence in the Constitutional Court.

(2) Judges are under obligation to preserve confidentiality concerning official matters and this also after termination of their judicial office. The President of the Constitutional Court may release a Judge from this obligation to preserve confidentiality. The President of the Slovak Republic may release the President of the Constitutional Court from this obligation.

(3) The provisions of Clause 2 above apply also to employees of the Constitutional Court.

§16
Disciplinary duties of Judges

(1) The President of the Constitutional Court can submit a motion to the Plenary Session of the Constitutional Court to start disciplinary proceeding, if a Judge has culpably neglected his duties or has undermined by his behaviour the dignity of the office of a

Judge or has threatened public confidence in the Constitutional Court, or if in spite of a warning continues in an activity incompatible with the office of a Judge.

(2) The Judge against whom the motion is aimed shall be examined by the Plenary Session.

If it finds that the motion is not well-founded, the motion is rejected. If the motion is well-founded, the Plenary Session elects a three member disciplinary senate.

(3) From the moment of establishment of a disciplinary senate, the Plenary Session may suspend a Judge from the exercise of his office until the termination of its deliberations.

(4) For actions according to Clause 1 it is possible to issue a reprimanding as a disciplinary measure. If the disciplinary senate comes to the conclusion that the Judge did not conduct himself as referred to in clause 1 above, it shall end the disciplinary proceedings.

(5) The Judge or the President of the Constitutional Court may lodge objections against the decision of the disciplinary senate within 15 days of the day it is delivered. The Plenary Session of the Constitutional Court shall decide on the objections.

(6) If the Judge has committed such conduct that his persistence in the office would be incompatible with the mission of the Constitutional Court and with the status of its

Judges, the Plenary Session of the Constitutional Court may propose that the President of the Slovak Republic dismiss the Judge. Any resolution relating to such a proposal requires the consent of at least seven Judges of the Constitutional Court.

(7) Unless provided otherwise in this Act, the procedure in disciplinary proceedings shall be determined as appropriate by the provisions of §§10 to 17 and §§20 to 21 of Act 412/1991 on the disciplinary duties of Judges. The details of the disciplinary proceedings are defined in the administrative and sessional procedures of the Constitutional Court.

§17

The National Council of the Slovak Republic shall determine by a special Law the monthly salary, official supplements and other expenses of Judges.

PART THREE
PROCEEDINGS BEFORE THE CONSTITUTIONAL COURT
FIRST HEADING
GENERAL PROVISIONS

§18

(1) The Constitutional Court shall commence proceedings upon a motion submitted by:

- a) not less than one fifth of all members of the National Council of the Slovak Republic,
- b) the President of the Slovak Republic,
- c) the Government of the Slovak Republic,
- d) any court,
- e) the Attorney-General of the Slovak Republic,
- f) any person whose rights are adjudicated as defined in Art. 127 of the Constitution of the Slovak Republic.

(2) The Constitutional Court may also commence proceedings on the basis of a petition from a legal entity or a private individual if they claim violation of their rights.

(3) The proceedings shall commence
a) on the day of delivery of the application to the Constitutional Court,
b) on the acceptance of a petition for preliminary discussion.

§19
The term "court" as used in §18 Clause 1 Subsection b) is to be understood as referring to the relevant Senate or a single Judge.¹⁾

§20
(1) The motion for commencement of proceedings shall be submitted in writing to the Constitutional Court. The motion shall contain the following: the matter to which it

relates, who is submitting it, what decision the submitter is claiming, the reasoning underlying the motion, and the proposed evidence. The motion must be signed by the submitter (submitters) or his (their) representative.

(2) The provisions of Clause 1 also apply to the submitting of a petition.

§21
(1) The principal parties to the proceedings are the submitter and persons provided for by this Act.

(2) As a secondary party to the proceedings may appear persons to whom this position is granted by this Act, unless they decide to renounce this position. They have the same rights and duties in the proceedings as the principal parties of the proceedings, but they act only on behalf of themselves.

(3) At an oral hearing, a state organ as a principal or secondary party to the proceedings is represented by a representative appointed by that organ. If the latter is not a representative of a legislative body, he must be a law-school graduate.

^{1/} See §4 Clause 1 of Act 335/1991 on courts and judges.

(4) If a principal party to the proceedings is the court which submitted the initial motion with regard to its decision-making activity [(§ 18 Clause 1 Subsection d)], the Senate is represented by its chairman.

§22

If the principal party and the secondary party to the proceedings are legal entities or private individuals, they have to be represented in the proceedings before the Constitutional Court by an attorney or a commercial lawyer. It must be explicitly stated in the power of attorney that it issued for the purposes of representation before the Constitutional Court.

§23

Private individuals may use in the oral hearing, or in other personal discussion, their native language. The costs of interpretership shall be charged to the Constitutional Court.

§24

(1) A motion is not admissible if it concerns a case already decided by the Constitutional Court.

(2) A motion is not admissible either in case the Constitutional Court is already conducting proceedings in the same case; if the motion is submitted by an entitled person, he (she) is entitled to take part in the proceedings on the earlier-submitted motion as a secondary party to the proceedings.

(3) If there shall arise doubts about the entitlement of the secondary party to the proceedings, the Constitutional Court shall decide on it.

§25

(1) The Constitutional Court shall every motion give preliminary discussion in a non-public session without the presence of the submitter.

(2) The Constitutional Court may reject motions concerning cases for whose settlement the Constitutional Court is not competent; also motions which do not have the appropriate features prescribed by the law; also non-admissible motions or motions submitted by an obviously non-entitled person. This rejection may follow preliminary discussion by ruling without an oral hearing. The ruling need not be circumstantiated if the Constitutional Court has already called the attention of the submitter to such insufficiencies.

(3) If the motion is not immediately rejected, it is accepted for further proceedings.

§26

In the discussion of motions, the Constitutional Court need not follow the order in which they were submitted, if it considers the matter to which the motion relates as urgent.

§27

(1) A Judge shall be excluded from the performance of his office in the proceedings relating to a case if, taking into consideration his relation to the case, to the participants in the proceedings or to their representatives, there might be doubts about his impartiality.

(2) The Judge shall without delay announce to the President of the Constitutional Court the reasons for any exclusion according to Clause 1 above.

§28

(1) A participant in the proceedings may declare at the latest at the beginning of the oral hearing, that he objects to any of the Judges whom he considers to be biased. The objection must be substantiated. The Judge in question is obliged to give his opinion on the objection.

(2) When it is a question of the decision-making in the Plenary Session of the Constitutional Court, the Plenary Session shall decide on the exclusion of a Judge because of his

partiality; the Judge in question shall not vote. When it is a question of the decision-making in the Senate of the Constitutional Court, the Senate shall decide on the exclusion of Judge because of his partiality; the member of Senate in question shall not vote. In case of equality of votes, the vote of the chairman shall decide.

(3) Should a Judge declare his partiality in a case and give reasons for it, the case shall proceed according to the principles in clause 2 above.

§29

(1) The President of the Constitutional Court shall assign a motion arriving at the Constitutional Court to one of the Judges as a Rapporteur.

(2) If the motion concerns a case on which the Constitutional Court should decide in Plenary Session, the President of the Constitutional Court shall assign this motion to one of Judges; if it is a question of a permanent member of the Senate, the President of the Constitutional Court shall do this after discussion with the chairman of this Senate.

(3) A motion which must be decided by the Senate shall be assigned for preliminary preparation to a Judge of that Senate to which the case belongs according to the work schedule.

(4) A Rapporteur shall prepare cases for preliminary discussion. When the motion is prepared for the proceedings, it shall be discussed in the Senate or in the Plenary Session.

(5) The Rapporteur shall ensure the delivery of the motion to the other parties to the proceedings without delay, and if necessary also to secondary parties, with the request for them to give their view upon it by the deadline which he sets.

(6) The Rapporteur may encharge every party to the proceedings to deliver to the Constitutional Court by a given deadline the necessary number of copies of their motions, statements or other applications to the Constitutional Court or to the other parties to the proceedings; if this is not done, the documents shall be procured at the expense of the party concerned.

§30

(1) In matters dealt with by the Constitutional Court according to Art. 125, 126, 127, 129

Clauses 4 and 5 of the Constitution, an oral hearing shall be held.

(2) The Constitutional Court may dispense with an oral hearing with the consent of the parties (participants in the proceedings) if further clarification of the matter can not be expected from such a hearing.

(3) Those entitled to be present at an oral hearing are the principal parties, the secondary parties, and their representatives.

(4) Oral hearings concerning matters according to Art. 125, 126, 129 Clause 4 of the

Constitution, shall be public. Concerning other matters, hearings shall be also public unless the Constitutional Court because of important reasons excludes the public from a part or entirely from the whole hearing.

(5) Public access to an oral hearing shall be subject as as appropriate to the provisions of the Civil Code, and if necessary of the Penal Code in case of a constitutional complaint against a decision in criminal proceedings.

(6) The findings of the Constitutional Court shall be announced publicly after the oral hearing.

§31

(1) The Constitutional Court shall take evidence necessary to establish the facts of the case.

It may appoint an individual Judge to take evidence outside of the oral hearing. It may also request another court to take certain evidence.

(2) All courts, public administrative bodies and other state institutions shall grant the Constitutional Court, at its request, assistance in procuring documentary proofs for its decision-making.

(3) A witness or an expert can not invoke his duty of confidentiality required by legal regulations if the Constitutional Court by ruling relieves him of the obliged confidentiality in this case.

(4) Concerning the delivery of summonses, the counting of deadlines, bringing persons to court, the duty to testify, the prohibition of legal examination, the right to refuse to make a statement, claims for witness's fees, the taking of evidence, voting and the requirements for making a decision, the provisions of the Code of Civil Procedure or the Penal Code shall be applied as appropriate.

§32

(1) A Judge who disagrees with the decision of the Plenary Session or a Senate has the right to have his dissenting opinion briefly noted in the record on voting.

(2) During the voting on a decision in the Plenary Session or in a Senate, there may be present only the Judges and the clerk.

(3) Concerning the matters defined in Art. 136 Clause 2 and 3 of the Constitution, a secret ballot is taken.

§33

(1) The Constitutional Court shall decide the merits of a matter by a finding or by a judgment, and all other issues by ruling, unless otherwise provided by law.

(2) Should the Constitutional Court find nonconformity of matters quoted in Art. 125 of Constitution, then the Constitutional Court shall publish a statement of its judgment in the Book of Statutes.

(3) A decision on the merits of a matter must be substantiated and announced "In the name of the Slovak Republic".

(4) Should a legal principle of the Constitutional Court declared in a finding or a ruling on the interpretation according to Art. 128 Clause 1 of the Constitution have general relevance, then the Constitutional Court may decide to publish this legal principle in the Book of Statutes.

(5) The Constitutional Court shall publish at least once a year for public a Collection of findings and rulings on the interpretation according to Art. 128 Clause 1 of the Constitution; until it is published, it shall be available for viewing at the Constitutional Court.

§34

(1) All published decisions of the Constitutional Court concerning a settled matter shall be

delivered to the parties to the proceedings or their representatives.

(2) To secondary parties shall be delivered those decisions which are deemed appropriate by the Constitutional Court.

§35

The proceedings before the Constitutional Court shall not be subject to court fees, unless

provided otherwise in this Act. Act.

§36

(1) The costs of proceedings before the Constitutional Court incurred by a party shall be

borne by that party.

(2) In substantiated cases, according to the results of proceedings, the Constitutional Court

may by ruling impose upon a party the obligation to pay in whole or in part the costs of proceedings incurred by another party.

SECOND HEADING

SPECIFIC PROVISIONS

First section

Proceedings on the mutual compliance of legal regulations

§37

(1) If persons quoted in §18 Clause 1 Subsections a) to e) reach the conclusion, that a legal regulation of a lower legal power is not in compliance with a legal regulation of a higher

legal power (Art.125 of the Constitution), they may submit to the Constitutional Court a

motion for commencement of proceedings.

(2) The motion for commencement of proceedings must contain besides the general

requirements quoted in §20

a) an indication of the regulation which is objected to because of its nonconformity with a legal regulation of a higher legal power, and a statement as to whether the

petitioner objects to the regulation in its whole extent or only in part, or in one specific provision;

b) an indication of the regulation of a higher legal power, of its part or one specific provision, which is not in compliance with the regulation objected to.

§38

If the motion is submitted by a court relating to its jurisdictional activity, the secondary parties to the proceedings shall be those parties, involved in the case heard by the court which has submitted the motion; if it is a question of criminal proceedings, the person against whom the case was brought, and the public prosecutor.

§39

Before reaching a decision in a matter covered by this Section, the President of the Constitutional Court shall obtain the standpoint of the organ which first issued the generally-binding legal regulation. He may also obtain the standpoint of the President of the Supreme Court of the Slovak Republic or the Attorney-General of the Slovak Republic.

§40

Should the Constitutional Court find in its decision-making according to Art. 125 of the Constitution a nonconformity of the investigated legal regulation of the lower legal power with the legal regulation of the higher legal power, and should the Court then find a nonconformity also of this regulation with another regulation from an even higher legal power in such a case it shall investigate the legality also of the latter regulation and issue a finding on the illegality of this one also.

§41

(1) The decision of the Constitutional Court finding nonconformity of legal rules is indicated as a Finding.

(2) The finding together with the substantiation shall be delivered to the submitter and to the

body organ which first issued the regulation.

(3) A Ruling on the fact that the Constitutional Court did not uphold the motion shall be delivered to the submitter.

Second section .
Proceedings in matters of disputes
over competencies

§42

A central organ claiming that it is competent for decision-making may submit a motion for the commencement of proceedings, and likewise also that organ which denies its competence. The documentary proofs necessary for the decision of the Constitutional Court

must be appended to the motion.

§43
Secondary parties in proceedings on the determination of competence may be private individuals or legal entities which demonstrate a legal interest in the outcome of the proceedings.

§44
The Constitutional Court shall decide in these matters in the form of a Finding.

Third section **Interpretation of constitutional statutes**

§45
The Constitutional Court issues interpretations of constitutional statutes only in conflicting cases.

§46
(1) The persons entitled to submit a motion are quoted in § 18 Clause 1 Subsections a) to e).

(2) Another state organ, which the submitter claims does not interpret a constitutional statute in a right way, may also be a party to the proceedings.

(3) If the motion is submitted by a court relating to its jurisdictional activity, the secondary parties to the proceedings shall be those parties involved in the proceedings before the court which has submitted the motion.

§47
A motion for the commencement of proceedings must contain, besides the general requirements stipulated in §20, also indications about which constitutional statute, which part of it or which of its provisions shall be interpreted, what are the reasons for the conflict, and

which of the state organs is interpreting the constitutional statute, according to submitter's opinion, in a wrong way.

§48
The Senate of the Constitutional Court shall deal with motions for the issuing of an interpretation by session in camera, and the decision will be in the form of a ruling.

Fourth section **Proceedings on a constitutional complaint**

§49
A constitutional complaint may be submitted by a private individual or a legal entity alleging that their fundamental rights and freedoms as citizens have been infringed by a final decision made by a body quoted in Art. 127 of the Constitution, unless the protection of these rights and freedoms falls within the scope of another court to decide.

§50

A motion for the commencement of proceedings should contain, besides the general requirements stipulated in §20, information as to which of the fundamental rights and freedoms of citizens have been infringed according to the allegation of the claimant, and which decision gave rise to the infringement. A copy of the relevant final decision shall be attached to the complaint.

§51 (1) Parties to the proceedings on the constitutional complaint are the claimant and the organ of state administration or local administration against which the complaint is directed.

(2) The Constitutional Court may grant the status of a secondary party to persons who demonstrate a legal interest in the outcome of the proceedings.

§52 Unless provided for otherwise in this Act, a constitutional complaint is subject to the same provisions applying to motions for the commencement of proceedings, and the claimant is subject to the provisions applying to the submitter of a motion.

§53 (1) A constitutional complaint is not admissible if the claimant has failed to exhaust the ordinary procedural remedies afforded him by law for the protection of his rights.

(2) The Constitutional Court shall not reject a constitutional complaint, even though it does not satisfy the condition defined in the subsection above, if the significance of the complaint extends substantially beyond the personal interests of the complainant.

(3) A constitutional complaint may be submitted within a period of two months. This time period starts on the day when the relevant final decision acquires legal force, otherwise on the day when the settlement of procedural remedy was announced to the claimant, and if there is no such remedy, on the day when the events infringing his fundamental rights or freedoms took place.

§54 (1) The Senate of the Constitutional Court may by ruling refuse to admit a constitutional complaint if it is submitted with delay, or if it is clearly not substantiated.

(2) A ruling on the rejection of a constitutional complaint need not be justified. This decision shall be announced to claimant in writing with reference to the reasons for rejection of the complaint according to Clause 1 above. The same applies relating the rulings on the inadmissibility of a complaint according to § 24 Clauses 1 and 2.

(3) Should the claimant take back his constitutional complaint, the Constitutional Court shall stop the proceedings on it.

§55 (1) The submission of a constitutional complaint shall have no suspensive effect.

(2) The Constitutional Court may however upon application by the claimant suspend the enforceability of a contested decision, unless this would conflict with important public interests, and if the claimant would suffer, due to the enforcement of the decision or the exercise of the right granted to a third person by the decision, a disproportionately greater detriment than that which other persons would suffer while enforceability is suspended.

§56

The Constitutional Court shall start from findings of fact made in earlier proceedings, unless it decides otherwise.

§57

If the Constitutional Court upholds the constitutional complaint, it shall be declared in the Finding which of the fundamental rights or freedoms and which provision of the Constitution or constitutional statute was infringed, and which action produced this infringement, and the Court shall annul the contested decision.

§58

(1) If the constitutional complaint is rejected because of inadmissibility or clear lack of substantiation, the Senate of the Constitutional Court may impose on the claimant a fee of up to 5 000 Sk.

(2) If there are serious doubts concerning the substantiation of the constitutional complaint, the Constitutional Court may encharge the claimant to pay a month in advance a deposit on the fee according to Clause 1.

(3) Any deposit on the fee shall be returned to the claimant if the constitutional complaint is sustained.

(4) The Constitutional Court shall reject a constitutional complaint if the claimant does not pay in time the fee which was imposed on him according to Clause 2. Provision §54 Clause 2 similarly applies in this case.

Fifth section

Proceedings concerning electoral matters

§59

(1) Complaints alleging unconstitutionality or illegality of elections to the National Council of the Slovak Republic or to organs of local administration, or against the results of such elections, may be submitted, apart from by the persons entitled by §18 Clause 1 Subsection a) to e), also by a political party taking part in the elections, 10 % of the entitled voters of an electoral district, or a candidate who gained at least 10 % of votes in the electoral district.

(2) A complaint against the result of elections to the National Council of the Slovak

Republic or to an organ of local administration may be submitted also by a rival candidate who has gained at least 10 % of votes. A complaint may also be submitted by at least 10 % of voters in the relevant electoral district; the signatures and addresses of these citizens must be attached to the complaint.

§60

(1) The motion for the commencement of proceedings must contain, besides the general requirements stipulated in § 20:

- a) a statement from the claimant as to whether he (she) challenges the election results in the whole territory of the Slovak Republic or just in a certain electoral district;
- b) the reasons for which he /she/ challenges the election results, together with indications of evidence.

(2) The motion defined in Clause above must be submitted within ten days after the announcement of the results of the elections.

§61

The Constitutional Court shall inform of the complaint, if it is a question of elections to the National Council of the Slovak Republic, the other political parties which gained representation in the National Council of the Slovak Republic in the elections, and if it is a question of elections to organs of local administration, it shall inform also the member of the organ of local administration whose election is challenged; this shall be to enable them to issue a statement in reaction to the complaint within a stated period.

§62

The Constitutional Court shall obtain all documents and reports relating to the elections.

§63

(1) The Constitutional Court may

- a) declare the elections invalid,
- b) cancel the contested result of the elections,
- c) cancel the decision of the election committee and declare elected the person who was elected in the proper manner,
- d) reject the complaint.

(2) In cases quoted in the Clause 1 Subsections a) to c) above, the Constitutional Court shall decide in the form of a Finding.

(3) The Finding declaring that the election is not valid shall be delivered without delay together with a reasoning to the National Council of the Slovak Republic and to the Ministry of the Interior of the Slovak Republic.

(4) The Constitutional Court shall announce the decision quoted in Clause 1 Subsection b) and c) above to National Council of the Slovak Republic or to respective organ of local administration and to political parties as well as to the member of the organ quoted in

§61.

- (5) A ruling on rejection of the complaint shall be announced only to the claimant.

Sixth section

Proceedings on the dissolution or termination of the activity of a political party or movement

§64

In proceedings according to Art. 129 Clause 4 of the Constitution, there shall be applied as appropriate the provisions on proceedings set out in the fourth Section of this Act.

§65

(1) A motion for the review of a decision to dissolve a political party or political movement may be submitted, apart from by the submitters quoted in §18 Clause 1 Subsection a) to

e), also by a political party or a political movement. The motion for the commencement of proceedings shall have suspensive effect.

(2) A motion for the review of decision to rejection the application for registration of a political party or political movement may be submitted also by the preparatory committee of the political party or political movement.

(3) Before the decision-making in the matter, the President of the Constitutional Court shall obtain the standpoint of Ministry of Interior of the Slovak Republic and of the Attorney-General of the Slovak Republic.

(4) The decision of the Constitutional Court shall be delivered to the submitter and to Ministry of Interior of the Slovak Republic.

Seventh section

Proceedings on complaints against the result of a referendum

§66

(1) Unless provided otherwise in this Act, the proceedings on a complaint against the result of a referendum are subject to the provisions on a motion for the commencement of proceedings.

(2) The submitter may be

- a) not less than 1/5 of all members of the National Council of the Slovak Republic,
- b) the President of the Slovak Republic,
- c) the Government of the Slovak Republic,
- d) the Attorney-General of the Slovak Republic,
- e) a group of not less than 350 thousand citizens of the Slovak Republic.

§67

State organs and institutions taking part in the organization of a referendum and the verification of its results are obliged at the request of the Constitutional Court to grant information and submit documents regarding the referendum.

§68

(1) The President of the Constitutional Court and members of the Senate, in the presence of the chairman of the respective central committee for the referendum, are entitled to open the sealed dossier with documents on the voting and to perform the necessary acts for reviewing the constitutionality of the process of the referendum.

(2) There shall be written a record about the opening of the dossier with the documents and the ascertained facts, which shall be signed by the President of the Constitutional Court and other persons taking part according to Clause 1 above, who are entitled to express

possible objections to the contents of the record.

(3) After performing the necessary acts, the President of the Constitutional Court shall seal the dossier.

§69 Should the Constitutional Court find that some infringement of the constitutionality has influenced or could influence in a significant way the result of the referendum, the Constitutional Court shall declare it in-valid in the form of a Finding.

§70

(1) The Constitutional Court shall decide on complaint against the result of a referendum within ten days of receiving the application.

(2) The Finding of the Constitutional Court shall be published without delay through the Press Agency of the Slovak Republic, and declared without circumstantion in the Book of Statutes.

E i g h t s e c t i o n

Proceedings on complaints against the decision to confirm or not to confirm the mandate of a member of the National Council of the Slovak Republic

§71

The proceedings shall commence following a motion from a member of the National Council of the Slovak Republic.

For the submission of a motion, the provisions of §20 above shall apply.

§73

The Senate shall decide on the motion in the form of a Ruling.

N i n t h s e c t i o n

Proceedings on Impeachment of the President of the Republic

§74

(1) In any decision-making on a motion from the National Council of the Slovak Republic

to impeach the President of the Republic on an accusation of high treason, the Constitutional Court is bound by the Penal Code only regarding the qualification of impeachable act.

(2) For the proceedings there shall be applied as appropriate the provisions of the Criminal

Procedures Code.

(3) The Constitutional Court shall decide in the form of a Judgment.

(4) Should the Constitutional Court find the President of the Republic guilty of committing high treason, it discharge him from the office of president.

FOURTH PART
EXECUTION OF DECISIONS
OF INTERNATIONAL BODIES IN MATTERS CONCERNING
FUNDAMENTAL RIGHTS AND FREEDOMS

§75

(1) If the committee for human rights²⁾ calls the attention of the Government of the Slovak Republic to the fact that by an arrangement, decision or some other invention of a public authority of the Slovak Republic, the rights of a claimant quoted in the International pact

on civil and political rights have been infringed, the Government shall without delay submit this charge to the Constitutional Court, which shall act according to the Third Part of Second Heading, Fourth Section of this Act.

(2) For the purposes of proceedings before the Constitutional Court the caution according to Clause 1 is considered as a constitutional complaint accepted for further proceedings.

(3) The Constitutional Court shall inform the claimant and the secondary parties of the commencement of a proceedings.

2) Optional protocol Nr. 169/1991 Statutes

FIFTH PART
TRANSITIONAL AND CONCLUDING PROVISIONS

§76

(1) Laws and other generally-binding legal regulations passed in the Czech and Slovak Federative Republic which are inconsistent with the Constitution of the Slovak Republic,³⁾ shall lose their validity ninety days after the publication of the Finding of the Constitutional Court in the Book of Statutes.

(2) The proceedings shall be subject as appropriate to the provisions of the Third Part, Second Heading, First Section of this Act.

§77

There is in the State Budget of the Slovak Republic an extra chapter concerning the Constitutional Court.

§78

For the duration of the Constitutional Court's sessions, the assembly of citizens within 100 meters of the Constitutional Court building or the place of the proceedings of the Constitutional Court, with the purpose of influencing its decision-making, is forbidden.

§79

Details on the organization of the Constitutional Court and on proceedings before the

Constitutional Court are regulated in the Code of administrative and sessional procedures of the Constitutional Court, which is approved by Plenary Session of the Constitutional Court.

3) Constitution of the Slovak Republic Nr. 460/1992 Statutes

§80

The Act 8/1992 Statutes of the National Council on the Organization of the Constitutional Court of the Slovak Republic and proceedings before it is hereby repealed.

§81

This Act shall come into effect on the day it is proclaimed.

Signed: Ivan Ga. parovič
Vladimír Mečiar