

A Manual

of Selected Slovak Experience
in Public Administration Reform
and Management



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NISPAcee is an international association focused on public administration. Its mission is to promote and strengthen the effective and democratic governance and modernization of public administration and policy throughout the NISPAcee region.

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Introduction – the idea behind the Manual

This manual presents the rounding-off of a project of foreign aid for members of the Government Coordination Committee for the Implementation of the Public Administration Reform Strategy in Montenegro. The project came into existence thanks to being financially supported by the UNDP (United Nations Development Programme), and was organised and professionally guaranteed by NISPAcee (The Network of Institutes and Schools of Public Administration in Central and Eastern Europe).

The basic idea behind the project was to contribute to the successful course of the reform process in Montenegro with selected Slovak experiences arising from the process of public administration functioning and reform. Since this reform in Montenegro is already at an advanced level, it was necessary to focus the project activities on the reform priorities specified in the Public Administration Reform Strategy (AURUM) for the years 2011–2016. Resulting from this, and based on the presented Slovak experience, the Government Commission members have selected certain topics from the process of public administration reform and management in the Slovak Republic, which form the core of this manual. It is these issues, elaborated herein, which are closely connected with the continuing problems of Montenegrin public administration reform, soon to be dealt with on the basis of the AURUM strategy in connection with the requirements applicable for Montenegro as a candidate state for the European integration process.

The selection of topics included in this manual was carried out by the Government Commission members, in close cooperation with Slovak experts, in such a manner as to cover, within their contents, various marginal aspects of public administration reform and to respond to the current problems and major challenges of the Montenegrin reform process. Included in the manual are issues of the proper and efficient functioning of the local state administration, as well as self-government, conceptual and consistent education of civil servants and, last but not least, the issue of quality assessment of the influences of proposals for generally binding legal regulations and the process of making them available to the public.

We believe that a manual structured in this manner and, in particular, the information it contains, will become an inspiration, not only for members of the Montenegrin Government Commission, but also for other representatives involved in the reform of the state administration authorities at a local as well as regional level, self-government representatives, and the entire professional public.

A Brief Summary of Public Administration Reform in Slovakia, the development and basic management systems

Over the course of recent years, the Slovak Republic has experienced at least three territorial-administrative organisation reforms. The public administration reform has been, however, one of the ongoing reform processes in Slovakia since 1990 – its course, at times, very intensive and at others, slowed down. Nevertheless, it is a process which is still developing, just as in other European countries. Similar to the creation of the process concepts, the implementation of public administration reform in the Slovak Republic to date has been frequently influenced by the unstable political situation and the politicisation of the entire public administration area.

Since 1990, there has been a dual system of local public administration in the Slovak Republic (based on the so-called separate model), consisting of the local state administration authorities (including their regional degree) and the territorial self-government authorities at the municipal level, as well as at the regional level – self-governing regions (higher territorial units or ‘župy’).

In recent years, Slovakia has seen a massive decentralisation, through which the character of the Slovak Republic has been changed – the Slovak Republic now being a unitary, but decentralised state, characterised by a renewed (historical – traditional) dual system of public administration.

The most important stage of public administration reform began after the 1998 elections. First, a Government Representative for Public Administration Reform was appointed. He formed work groups in order to prepare the reform proposal. Here, discussion forums on public administration reform, organised for professionals as well as in individual Slovak regions, proved to be very helpful. This process resulted in the **Public Administration Reform of the SR Strategy** adopted by the SR Government in 1999, and subsequently the **Concept of Decentralisation and Modernisation of Public Administration of the Slovak Republic** (adopted by the SR Government in 2000).

Both these strategic documents set out, as the main goal of decentralisation, completing the model of the organisation of public administration and the decen-

tralisation of competences towards territorial self-government, the de-concentration of competences from the central level to the territorial state administration authorities and from state administration to the self-government authorities, as well as an overall reduction in public administration expenditure. In doing so, the emphasis was placed on the two most decisive EU criteria – subsidiarity and a competitive environment. Another goal of the reform is the modernisation of public administration, including three problem areas:

- management and improvement of the provision for public services,
- education of public administration employees,
- computerisation in public administration.

The above mentioned stage of the development of the spatial self-government organisation in the Slovak Republic was characterised, with the exception of local disintegration of municipalities, by the high acceptance of the coordination authority of municipalities – the Association of Towns and Villages of Slovakia (ZMOS) (in 1996 over 90 % of municipalities were ZMOS members), the process of organising municipalities into regional associations, the preparation of the regional self-government degree legalisation, and the clarification of self-government and state administration competences in connection with the territorial and administrative division of Slovakia under preparation.

In 2002, the process of the transfer of competences both to the regional as well as to local self-government began. In 2002 and 2003, a total of 94 competences were transferred to the regional self-government and a total of 63 competences to the local self-government.

At present, the Slovak Republic is divided into 8 regions and 8 self-governing regions, 79 districts (being component, statistic and record units in differentiated higher territorial districts branch-specialised systems of the local state administration authorities), and into 2 933 self-governing municipalities. Slovakia has an area of 49 035 km² and approximately 5.43 million inhabitants live there.

The sources of law of the territorial-organisational and administrative division of the SR

- **The Constitution of the SR** – basic principles of both levels of territorial self-government.
- **The Act on Municipal Establishment** – villages and towns as independent self-governing units which acquired the status of basic territorial units, whereby the territorial self-government of villages and towns was, at the same time, distinguished from the local state administration.

- **The Act on the Slovak Capital Bratislava** – Bratislava is divided into *town districts*, which are territorial self-governments and administrative units of Bratislava and legal entities. They represent those inhabitants permanently residing in their territory. A town district implements Bratislava's self-government and the transferred scope of activity to the degree specified by Bratislava's law and statute; to this extent it has the status of a municipality.
- **Act on the City of Košice** – the second largest city in the Republic, the regulation of whose town districts is the same as in the capital.
- **Act on Territorial and Administrative Division of the SR** – municipalities and higher territorial units are self-governing units of the Slovak Republic. Regions (8) and districts (79) out of which there are 5 in Bratislava and 4 in Košice, are administrative units of the Slovak Republic. Regions are divided into districts. The region's territorial area and the district's territorial area are territorial areas for the performance of the scope of activity of state authorities. The affiliation of municipalities and military areas to individual districts was laid down by a Decree of the Government of the SR. The territorial areas of higher territorial units are identical only with the territorial areas of the regions, with the exception that military areas are not part of the higher territorial units.
- **Act on Regional Offices and District Offices** – for the execution of local state administration, *District Offices*, as authorities of integrated local state administration, were established, and their seats were determined.
- **Act on Self-government of Higher Territorial Units (Act on Self-governing Regions)** – *8 self-governing regions* were established following the rule that, with the exception of military areas not being part of the higher territorial units, the self-governing regions' territorial areas are to be identical to the territorial areas of regions as the local state administration units.
- **Act on the Transfer of some Competences from State Administration Authorities to Municipalities and Higher Territorial Units**
- **Act on Budgetary Rules for Public Administration** – this Act regulates the public administration sector's budget, particularly the state budget, mutual financial relations and relations relating to them within public administration and such relations to other subjects; the budgetary process, the rules of budget management, the function and calculation of the closing account of public administration and the state closing account; the status of the Ministry of the Interior of the SR, other Ministries and other central public administration authorities and other public administration legal entities in the budgetary process; the establishment of budgetary organisations and subsidised organisations and the management of budgetary organisations and subsidised organisations.
- **Act on the Abolition of Regional Offices** – the scope of activity of regional offices passes to district offices and Ministries, subject to special legislation.

The organisation of the local state administration

Specialised lower degrees of authorities have been created for **the central state administration authorities** at the level of *regions* and *districts*. The number and borders of the state administrative units at the level of regions are identical to the number and borders of the self-government higher territorial units – self-governing regions (symmetrical division), with the exception that military areas, formed according to special legislation, are not part of self-governing regions, while undoubtedly being a part of regions as state administration units. If necessary, local state administration offices are also established at the level of districts, usually including more districts.

In 2007, through the abolition of regional offices and the passing of their scope of activity to district offices and Ministries, depending on the nature of the scope, a substantial change in the status of **district offices** occurred. District offices acquired a legal status and the new legislation defines them as legal entities – state budgetary organisations connected through financial relations to the budget of the Ministry of the Interior of the SR. A district office is managed by a district office chief, who is responsible for its activities and who is appointed and removed by the Government of the SR upon a motion of the Minister of the Interior of the SR.

The execution of state administration carried out by district offices is managed and supervised by central state administration authorities to which they are subordinate (i.e. to the scope of which these state administration departments belong), or they have an independent governing body established with a nationwide scope of activity (e.g. tax offices and the Tax Directorate of the SR). For the purpose of the performance of some state administration activities, upon consent granted by the Ministry, a district office can establish a district office branch in municipalities and determine its territorial area. The scope of activities passing from the abolished regional offices to district offices and Ministries was precisely defined by special legislation. Such legislation specified to which state administration authorities, due to the acquired effect of these laws, would pass rights and duties arising from state employment, labour and property relations and other relations. At the same time, the new legislation solved the transfer of the administration of the state's moveable and real estate, debts and obligations, as well as the method of their handover and acceptance.

District offices, as local state administration authorities, execute state administration in the areas of general internal administration, sole trade business, civil protection of inhabitants, and the management of the state in crisis situations other than in times of war, as well as in the areas of fire protection, the creation and protection of the environment, finance, prices, the state's property administration, agriculture, forestry and hunting, land adjustment, state veterinary care, transport and road economy, public procurement, social affairs, health care, education, youth and

physical culture, culture, the land registry, the regional development strategy, inspection, international cooperation, defence and safety of the state, economic mobilisation, the state property administration and out-of-court rehabilitations to the extent laid down by special legislation. District offices, in the extent set out by special legislation, execute state administration in matters related to the management of the register of flat owners' and non-residential premises owners' communities, motor vehicles insurance and co-funding of cooperative and individual housing development.

A **district office situated in the seat of a region** has a specific status and, subject to the decision of the Government of the SR, coordinates the performance of common tasks with other local state administration authorities in dealing with socially important phenomena. For the purpose of performing social tasks, a district office chief in the region's seat is entitled to request the necessary documents and to set tasks to the Heads of other local state administration authorities within the region's territorial area.

The Ministry, to whose scope of activities the respective state administration department belongs, decides on an appeal or other legal remedy against the decision of a district office, by which it was decided with regard to a right, an interest protected by law, or upon a natural person's or a legal person's obligation.

Organisation of the local self-government

The basis of the **territorial self-government** is a **municipality**. Higher territorial units – **self-governing regions** ('župy') – were established by law, subject to the Constitution of the SR in 2002. The Constitution guarantees significant independence of both levels of territorial self-government from the local public administration, as well as mutually between them. There is no relationship of superiority or subordination between both levels of territorial self-government (municipality – self-governing region).

Municipalities are independent territorial self-governing and administrative units, legal entities with their own property and funds. Duties may be imposed on them only by law. They have their own elected bodies (Mayor, municipal council), and the performance of state tasks may also be passed to them under the conditions contained in the Constitution of the SR and laws. A municipality covers persons permanently residing in its territory. A municipality, subject to specified conditions, manages its own property and its own income independently. The main task of a municipality in the execution of self-government is taking care of the all-round development of its territory and the needs of its inhabitants. In the execution of self-government, duties and restrictions may be imposed on a municipality only by law and on the basis of an international treaty.

The inhabitants of a municipality form the personal basis of the territorial self-government. They participate in the municipality's self-government. A municipality's inhabitant is a person permanently residing in the municipality's territory. At the same time, it is possible to participate in the execution of self-government for those not permanently residing, but having real estate in the municipality's territory, or for those paying the municipality a local tax or a local fee, or for those registered in the municipality as temporary residents, or those granted its honorary citizenship.

The municipality's authorities are a *municipal council* and a *municipality's Mayor*. The local self-government represents the highest representative authority of the municipality. Members of the municipal council are elected by the municipality's inhabitants permanently residing in its territory for a term laid down by the Constitution. The election of the members of the municipal council is carried out subject to a general, equal and direct right to vote by secret ballot. The municipality's Mayor is the municipality's executive authority; he manages the municipality's administration and represents the municipality outwards. The Mayor is appointed to his position by direct elections, which means that the municipality's Mayor is also elected by the municipality's inhabitants permanently residing in its territory subject to a general, equal and direct right to vote by secret ballot.

The elections to the authorities of municipalities' self-government are held subject to a general, equal and direct right to vote by secret ballot. The inhabitants of the SR permanently residing in a municipality, in a town district of the capital of the SR, Bratislava, or in a town district of the city of Košice, who are 18 years of age on the day of the elections, have the right to vote in the election of the authorities of municipalities' self-government.

An important part of the self-government status of a municipality is its entitlement to regulate its self-governing affairs by means of its own law making. The Constitution, however, does not confer on the territorial self-government authorities the power to adopt a law. A municipality, as a legal entity, has a privileged status only with regard to the territorial self-governing affairs. In exercising its law-making right, a municipality may therefore adopt only such generally binding provisions that are in accordance with all related provisions laid down in the Constitution.

Should duties, by means of a municipality's law-making activity, be imposed on natural persons and legal entities, the municipality's original law-making scope is restricted by the Constitution and the principle according to which anyone may do anything which is not forbidden by law, and no-one may be forced into doing anything which is not imposed by law.

The law-making power in the area of original powers may be applied by a municipality at any time with no authorisation by law. Nevertheless, this law-making power may not be applied by a municipality without limits in order to regulate all social relations existing in the territorial area of the territorial self-government authority. This means that the Constitution does not confer on municipalities the

law-making power to the full extent of internal affairs. Municipalities, in the administration of all their internal affairs, provide for the application of laws and provisions issued by state authorities. They may apply their law-making power only in that part of the administration of its internal affairs which, subject to the Constitution, is carried out by the territorial self-government. In exercising its law-making right, a territorial self-government authority may impose duties, but not in a manner restricting basic rights and liberties exceeding the framework of the law. Thus, even within the scope of its law-making power, a municipality may not restrict basic rights and liberties exceeding the framework of the laws. Within the legal framework it may not regulate relations which do not belong to the law-making power of a territorial self-government authority laid down by the Constitution. The generally binding provision, subject to which self-government tasks are performed, is issued by a territorial self-government authority for the self-governing purpose.

Some state administration tasks may be passed to a municipality, if the performance of such tasks in this manner would be more rational and efficient. The generally binding provision in cases in which authorities perform the state administration's tasks is issued by a territorial self-government authority for the purpose of providing for the performance of the state administration's tasks in the territorial self-government authority's region. Such a generally binding provision may be issued by a territorial self-government authority only if the Parliament grants, through law, authorisation for a territorial self-government authority to issue a generally binding provision for the execution of state administration. Should the Parliament, in its authorisation, express its will that a territorial self-government authority is to execute a law or a part of it by means of a generally binding provision, the territorial self-government authority is bound by the legislator's will, since the law allows him to issue a generally binding provision only to the extent laid down by law.

The relationship between a municipality and the state is an important part of the municipality's status within society and the definition of such a status is subject to a constitutional regulation. At the level of the Constitution, this relationship is shown in rooting the possibilities to impose duties and restrictions by the state; the share of territorial self-government in state subsidies and other realisations by the state; the possibilities of the state's intervention in the territorial self-government activity, and also the possibility of the state to pass the performance of some of its competences to the territorial self-government. An important part of the territorial self-government's constitutional status is also its protection in case of the breach of its constitutional status by the state. In the area of the transferred execution of state administration, a municipality may issue generally binding provisions if authorised to do so by the state.

The higher degree of territorial self-government is represented by **higher territorial units – self-governing regions** – which represent territorial self-govern-

ment of a region or an area. A self-governing region is a legal entity which, under conditions laid down by law, manages its property and income independently and provides for and protects the rights and interests of its inhabitants. A self-governing region has its symbols, which it may use in the execution of self-government. The symbols are a coat of arms, a flag and a seal, or a musical tune. In matters related to territorial self-government, it is possible to impose on a self-governing region, duties and restrictions only by law and subject to an international treaty. The self-governing region's authorities are a municipal council and the self-governing region's chairperson. A self-governing region, in the execution of self-government, is responsible for the all-round development of its territory and the needs of its inhabitants, in particular for:

- a) providing for the creation and fulfilment of the programme of social, economic and cultural development of the self-governing region's territory,
- b) carrying out planning activities with regard to the self-governing region's territory,
- c) procuring, negotiating and approving land-use documents of the self-governing region and land-use plans of the regions,
- d) using local human, natural and other resources in a purposeful way,
- e) carrying out its own investment and business activity in order to provide for the needs of the self-governing region's inhabitants and the self-governing region's development,
- f) founding, establishing, abolishing and inspecting its own budgetary and subsidised organisations and other legal entities subject to special legal regulations,
- g) participating in the creation and protection of the environment,
- h) creating the prerequisites for optimal arrangement of mutual relations of urban settlements and other elements of its territory,
- i) procuring and approving the development programme in the area of the provision of social services, and cooperating with municipalities and other legal entities and natural persons in the building of facilities and flats designed for the provision of social services,
- j) creating the conditions for the development of health care,
- k) creating the conditions for the development of education, particularly in secondary schools, and for the development of further education,
- l) creating the conditions for the creation, presentation and development of cultural values and cultural activities, and taking care of the protection of monuments fund,
- m) creating the conditions for the development of tourism, and for coordinating this development,

- n) coordinating the development of physical culture and sport, and for taking care of children and youths,
- o) cooperating with municipalities in the creation of the programmes of social and economic development of municipalities,
- p) participating in solving problems connected with more municipalities in the self-governing region's territory,
- q) developing cooperation with territorial units and other countries' authorities,
- r) carrying out other activities laid down by special legislation.

Within the scope of its activities, a self-governing region is obliged to create an effective inspection system, to establish the post of the self-governing region's chief inspector and to elect a chief inspector. It is also obliged to create suitable organisational, financial, personal and material conditions for independent execution of the inspection.

In carrying out its activities, a self-governing region cooperates with state authorities, with other self-governing regions, municipalities and other legal entities. State authorities provide a self-governing region with the necessary data from their individual records to the extent laid down by special legislation. Self-governing regions provide state authorities, municipalities and other legal entities with the data necessary for carrying out their activity to the extent laid down by special legislation.

State authorities support the cooperation of a self-governing region with territorial and administrative units or authorities or other countries' authorities performing regional functions; they are responsible for a self-governing region being informed about such cooperation. A self-governing region notifies the local state administration authorities and municipalities of any deficiencies it finds in their activities whilst performing their tasks.

The basis of the financial management of a self-governing region is a budget drawn up for a period of one calendar year. A self-governing region finances its needs, particularly from its own income, state budget subsidies and other resources. The budget draft must be, prior to its approval, publicly available for at least 15 days so that the self-governing region's inhabitants can comment on it; the same applies with regard to a self-governing region's draft closing account.

Funding of municipalities and higher territorial units from local taxes

The tax yield from the income of natural persons in the respective budget year is the income of the budgets of municipalities amounting to **70.3 %**.

The tax yield from the income of natural persons in the respective budget year is the income of the budgets of higher territorial units amounting to a total of **23.5 %**.

The tax yield is distributed and allotted to municipalities and higher territorial units by tax offices, subject to criteria specified by the Government of the SR in its directive through which it also sets forth the manner of distributing and allotting these tax yields. The proposals for amendments to the criteria and the manner of tax yield distribution and allotment are agreed upon with the Republic Associations of Municipalities and with representatives of higher territorial units. The tax yield is subsequently distributed and allotted by tax offices to municipalities in their individual territorial scope of activities, and to higher territorial units in the territory in which they reside.

The tax yield share is allotted to municipalities and higher territorial units no later than the 20th day of a calendar month for the previous month.

Overpayments and arrears as of 31st December of the respective calendar year, which arose in the tax yield distribution and allotments, are settled with municipalities and higher territorial units by tax offices no later than the 31st March of the calendar year.

What should be done next in the territorial division reform? – A communal reform

Slovakia, as in several other countries in Europe, is trying to cope with the issue of relatively too many small municipalities existing, this issue becoming quite noticeable as a result of the transfer of competences from state administration to territorial self-government, following the process of public administration decentralisation. Although the legislation deals with the institute of so-called **common municipal offices**, in practice, the principle of volunteering, on the basis of which common municipal offices are constituted, is not the ideal solution. The question then arises: what should be done next with the competences which are hard to perform, particularly by smaller municipalities?

Generally, this issue is included in the SR's **communal reform** which, however, to date, has not been completely carried out. Furthermore, the practice in the operation of common municipal offices has shown that for the performance of some competences either only two municipalities have joined together, or also almost eighty municipalities have joined together in order to perform such competences. As a result, it is necessary to look for other alternatives. The creation of a topic which would secure the efficient performance of competences for more than one municipality seems to be the solution. The current worldwide economic development and the impacts of the economic and financial crisis are also proof of how sensitive one must be when approaching decentralisation. The setting of the

financial system of self-governments (since 2005) has not calculated such a development, and today the amount of yield of the most profitable, but only the local tax, (tax from income of natural persons) is under threat (increasing unemployment), resulting in insufficient resources in self-governments' budgets. This is also why the issue of a communal reform, the understanding of its principles, taking into account the situation in Slovakia, as well as in the world, is considered essential. (Doc. Ing. Erika Neubauerová, PhD. et al., Public Administration in the Slovak Republic – Current Problems, www.dspace.upce.cz).

The Current State of Public Administration Reform in Montenegro and the Major Challenges for the Future

The process of public administration reform in Montenegro began with the adoption of several strategic Government documents. This was still ongoing during the existence of the Federation of the Republics of Serbia and Montenegro (2003–2006) – the Administrative Reform Strategy 2002–2009 and the Work Programme for Better Local Self-government for the Year 2005, which set out the strategic direction and key reform goals. The basic legislation and its implementation in practice, was also adopted during this period. After the Independent State of Montenegro came into being, based on the May 2006 referendum results, its representatives continued with the previous reform attempts by adopting the Public Administration Reform Strategy 2001–2016 (AURUM) and by continuing the reform process.

The legal basis of the public administration reform consists of the following legislation:

- Act on Local Self-government (2003)
- Act on State Administration (2003)
- Act on General Administrative Proceedings (2003)
- Act on Inspection Control (2003)
- Act on Civil Servants and Employees (2004)
- Act on Salaries of Civil Servants and Employees (2004)
- Act on the Capital City (2005)
- The Constitution of Montenegro (2007)
- Act on Local Self-government Funding (2008)
- Act on Historical Capital City (2008)
- Act on European Charter of Local Self-government Ratification(2008)
- Act on Additional Protocol to European Charter of Local Self-government(2010)
- Act on Territorial Organisation of Montenegro (2011).

Through the adoption of this set of Acts and their legal provisions, the basis of territorial-managing and administrative division of the state was set out, together with laying the foundations for the system of regional self-government, harmonised

with the European Charter of Local Self-government and the adopted standards of the European Community, in which a citizen became the basic subject in the decision-making process of the local communities from the viewpoint of the law and responsibility, and in accordance with the statutory powers. As a result, statutory conditions for professional, depoliticised and effective local self-governments were created.

The public administration reform strategy in Montenegro for the period 2011–2016 specified its general aim as follows: an efficient, effective, professional, easily accessible, service-oriented public administration, which serves the citizens and the social and economic subjects. The following were set out by the strategy as specific goals:

- strengthening the principles of the legal state and the responsibility of public administration,
- institutional stability, functionality and flexibility of the public administration system,
- improving the business environment, improving the quality of public services and reducing the administrative burden,
- increasing the transparency and ethical level in public administration,
- further incorporation of Montenegro into the European administrative area.

The following tasks were determined among the short-term priorities by the Strategy and Action plan (2011):

- to secure the full implementation of new legal solutions,
- to create a system of state administration in accordance with the new concept of the Act on State Administration,
- to adopt and implement the new Act on General Administrative Proceedings,
- to secure efficient institutional mechanisms for coordination, monitoring and assessment,
- to continue in the cooperation with relevant international partners (SIGMA/OECD programme, bilateral and multilateral cooperation etc.),
- to promote new solutions (seminars, trainings, round tables),
- to implement Ethical Codes applicable to local elected representatives, officials, officers and employees,
- to revise and improve local programmes and action plans for the battle against corruption in local self-government,
- to establish the Board for the Development and Protection of Local Self-government and to secure its uninterrupted operation,
- to strengthen the activity of local communities and to support the advantages of the establishment and operation of local coordination centres,
- to implement the Plan of Activities of Local Self-government Units in order to enhance the level of consumer protection,

- to strengthen the capacity of local self-governments in order to create inter-municipal and cross-border cooperation between territorial communities or state administration authorities.

The particular activities connected to the next public administration reform for the period until 2016 are included in the Action plan for the Implementation of the Public Administration Reform Strategy in Montenegro 2013–2016. These are particularly national consultations conducted in order to find the most adequate model for the gradual implementation of a polytypical manner of local self-government organisation; signing a cooperation agreement between the Government and the Association of Municipalities on this project; adopting legislation by the Government on entrusting the specified units of local self-government with part of their activities and their execution: the programme of building up capacities in 3 selected municipalities; discovering and replacing business obstacles at the local level; at the national level developing a system of stimuli of inter-municipal cooperation through the possibility of the State's financial participation; analysing the advantages of ratification and the possibility of implementation of Protocol number 3 of the European Framework Convention on Cross-border Cooperation between territorial communities or state administration authorities; establishing the units for the management of human resources in all areas and in the Association of Municipalities, and reforming the local inspection system.

The public administration system, based on the above regulations and all planned activities should serve the citizens and should contribute to the improvement of life and citizens' equality in the application of the right for local self-government, the democratisation of local self-governments, the decentralisation of power, the strengthening of autonomy, the responsibility and rule of law in local self-government, non-political and professional local administration and public services, the improvement of the quality of public services, more active citizen involvement in the decision-making process and the partnership relationship between the state and local communities.

Selected Slovak experience with the public administration reform and management.

Central public administration authorities

Ministry of the Interior of the SR – scope of activities/competences/organisational structure.

The system of central state administration authorities under Slovakian conditions, as specified in Act No. 575/2001 Coll. on Organisation of the Activities of the Government and Organisation of the Central Public Administration (Competence Act) is represented by:

- **The Government of the SR.**
- **The central state administration authorities, headed by a member of the Government – *Ministries (13)***, which execute their scope of activities within the framework of a certain state administration area or sphere. Each of the Ministries is governed by a ***Minister***, who is responsible for its activity. When the Minister is absent, his or her rights and duties are passed on to ***assistant secretaries*** who are appointed and removed by the Government of the SR upon a motion of the respective ministers.
- **Other central state administration authorities (10)** carry out special state activities, are headed by their chief or chairperson (who are not members of the Government and who are appointed and removed by the Government of the SR, the President of the SR, or are elected and removed by the National Council of the SR) and are subordinate to Ministries and the Government of the SR. Among this group are: the Government Office of the SR, the Anti-monopoly Office of the SR, the Statistical Office of the SR, the Authority of Geodesy, Cartography and Cadastre of the SR, the Nuclear Regulatory Authority of the SR, the Slovak Office of Standards, Metrology and Testing, the Public Procurement Office, the Industrial Property Office of the SR, the Administration of State Material Reserves of the SR and the National Security Authority.

The Ministry of the Interior of the SR is, in accordance with the Competence Act, a central state administration authority for:

- a) the protection of the constitutional establishment, public order, safety of persons and property, the protection and administration of state borders, safety and continuity of road traffic, the protection of safety and continuity of railway transport, affairs related to guns and ammunition, private security services, entrance to the territory of the Slovak Republic and the sojourn of foreigners in its territory, identity cards, travel documents and the right to drive a motor vehicle, issues of asylum seekers and displaced persons, records of inhabitants, records of road motor vehicles and trailers, the integrated rescue system, civil protection and fire protection,
- b) general internal administration, including affairs of territorial and administrative division of the SR, state symbols, heraldic register, archives and registries, state citizenship, registrar's affairs, assembly and association, including registration of certain legal entities which are specified by law, the organisation of elections to the National Council of the SR, the organisation of the elections of the President of the SR and plebiscite on his removal, the organisation of the elections to territorial self-government authorities, the organisation of a referendum, the organisation of elections to the European Parliament, war graves, trade licensing, granting permission for public fundraising, the coordination of the state administration execution carried out by municipalities, higher territorial units and the central state administration authorities,
- c) the Police Force and the Fire and Rescue Service,
- d) the coordination of education of municipalities' employees and higher territorial units performing state administration tasks.

The statute of the Ministry of the Interior of the SR, approved by the Government of the SR Decision, subject to laws and other generally binding legal regulations, defines in detail the scope of activities and the tasks of the Ministry as a central state administration authority, it sets forth the rules of activity and the rules of its internal organisation, and the relationships of the Ministry with other central state administration authorities. The tasks, the rules of activity and the rules of the organisation of the Ministry laid down in the statute are general for the issuance of the organisation order of the Ministry.

The Ministry is a budgetary organisation, which is, with its income and expenses, linked to the state budget of the Slovak Republic. The Ministry is a legal entity and within legal relations it acts on its own behalf.

The main tasks of the Ministry in selected areas of state administration

In the matters of the organisation of state administration, the Ministry:

- a) coordinates, in accordance with decisions of the Government of the SR, the activity of other Ministries and other central state administration authorities in the management and inspection of the execution of local self-government; cooperates with other Ministries in assessing the activities of local self-government and in the preparation of measures with regard to their strengthening and activities,
- b) coordinates the issuance of directives and instructions of other Ministries towards local state administration authorities, and provides for the issuance of the Slovak Government Gazette,
- c) coordinates the activity of other Ministries in the strengthening and implementation of the automated information system of local state administration authorities, and provides for the operation of their computer network, and provides them with professional aid in the use of technical and programming equipment of the network's technical facilities,
- d) in cooperation with other Ministries, it specifies the number of employees and the structure of posts in the local state administration authorities,
- e) in cooperation with other Ministries, it provides professional training for local state administration authorities' employees,
- f) participates in putting together the draft budget summary of the local state administration authorities, and comments on the change of their set tasks, with set limits and indicators,
- g) manages and inspects the archive services of local state administration authorities, unless a special law states otherwise.

In the area of general internal administration, the Ministry:

- a) performs the scope of activities of a central state administration authority in the matters of territorial and administration division of the Slovak Republic, state symbols, symbols of towns, assembly and associations, public fundraising, state citizenship, the operation of register offices and sending registry and other documents abroad, using and changing names and surnames, verification of copies of documents and signatures, organisational-technical and material support of elections to the National Council of the SR, elections for the President of the SR and to municipalities' self-government authorities, and a referendum,
- b) decides on the granting of state citizenship, permission for public fundraising, registers associations of citizens, makes an entry and keeps a record of political parties and political movements,
- c) performs registration and inspection of foundations, permits the activity of organisations with an international element, keeps a central register of non-investment funds and non-profit organisations providing generally beneficial services,

- d) determines and changes the names of parts of the municipalities, keeps a record of names of municipalities determined by the Government and names of parts of municipalities,
- e) executes the administration of the state border, provides for the maintenance and the marking of state border limits and keeps border documentary information,
- f) performs the scope of activities in the matter of offences.

The following are the **degrees of management** at the Ministry:

- a) the Minister,
- b) an Assistant Secretary and Head of office,
- c) a section Managing Director and an office Director,
- d) an office Director within the section and a branch Director,
- e) a department Head.

The tasks connected to the professional, organisational and technical support of the Ministry's activity are performed by the **Ministry Office**. The Ministry Office is led by a **Head** who is appointed and removed by the Government of the Slovak Republic upon a motion from the Minister.

The organisation of the Ministry is divided into **sections**. A section is divided into **offices and branches**. The office is divided into branches and the branches **departments**. The Minister may establish an independent branch or an independent department, or another specialised unit of the Ministry.

A section is the basic organisational unit, responsible for management and decision-making, carrying out the Ministry's tasks according to specific areas of professional activities and is headed by a Managing Director. An office and a branch are headed by a Director, and a department by a Head (hereinafter referred to as the "Head Officer").

The organisational order of the Ministry regulates the internal structural organisation of the Ministry, its scope of activities, powers and responsibilities of the Minister, the Assistant Secretary and the Office chief, and the employees' Head Officer.

The working order of the Ministry determines in detail the rights and duties of Ministry employees as specified in the Labour Code.

Special legislation sets out the rights and duties of police officers, military servicemen, members of the Fire and Rescue Service, and the procedure for appointing the aforementioned to their positions and also removing them.

In performing its tasks, the Ministry is governed by the Constitution of the SR, by laws and other generally binding legal regulations, the Decision of the Government of the SR, the statute of the Ministry and the organisational order of the Ministry, the internal organisational-technical acts of the Ministry and the plan of main tasks

of the Ministry following the work plan of the Government of the SR and the plan of legislative tasks of the Government of the SR.

In order to secure the performance of essential Ministry tasks, the Minister establishes an advisory board and can also establish other permanent or temporary advisory bodies. The advisory bodies negotiate important issues connected with the activity of the Ministry.

The relationships of the Ministry with central state administration authorities

The Ministry cooperates with central state administration authorities in the preparation of legislation and measures with regard to:

- a) science and technology,
- b) standardisation, metrology and testing,
- c) industrial-legal protection,
- d) local state administration,
- e) administration of the state border,
- f) protection of confidential information and
- g) preparation and implementation of archives of written documents

The Ministry, together with central state administration authorities, cooperates in the elaboration of lists of information which contain state secrets and carries out an inspection in the area of the protection of confidential information in state authorities, municipalities and other legal entities, and participates in revealing and verifying the disclosure, abuse, damage, destruction, loss or theft of confidential information.

The Ministry provides the respective central state administration authorities with:

- a) information in the area of organisation, strengthening and scope of activities of local state administration authorities,
- b) public order and protection, civil protection of inhabitants and state border administration,
- c) methodology aid in the area of protection of confidential information.

The Ministry requests from the Ministries and other central state administration authorities:

- a) information with regard to the protection of public order and safety of persons and property,
- b) help in the battle against criminal and other anti-social activities,
- c) proposals for defensive measures affecting the activity of the Ministry within the defence system of the Slovak Republic in times of peace, after a state of emergency is declared or an emergency of the state's defence is declared,

- d) reports on the state of fire protection and the results of the assessment of the state of fire protection readiness and on the measures taken, and help in providing fire protection; reports on the results of a survey conducted by them and the new development of fire technology and other material means of fire protection,
- e) information concerning measures with regard to road traffic safety,
- f) information concerning the state of the protection of confidential information,
- g) information concerning safe third countries and countries of origin of applicants for granting them refugee status in the Slovak Republic,
- h) information concerning the state of the performance of tasks in the civil protection of inhabitants.

The Ministry, in cooperation with the central state administration authorities, executes state administration in the area of social security, health care, veterinary care, safety and protection of health at work etc.

Central state administration authorities cooperate with the Ministry in the issuance of directives and instructions related to the activities of local state administration.

The relationship of the Ministry with local state administration authorities

The Ministry requests from local state administration authorities:

- a) reports on the management, support and coordination of the preparation and measures of civil protection of inhabitants and economic mobilisation, belonging to the scope of activities of territorial state administration authorities,
- b) information regarding the financial and material support of civil protection of inhabitants and economic mobilisation.

Subject to the Directive of the Ministry of the Interior of the SR on the Subordination of the Units of the Ministry of the Interior of the SR, the following are subordinate:

- a) to the Minister of the Interior of the Slovak Republic
 - 1. the President of the Police Force,
 - 2. The Managing Director
 - 2a. of the Office of the Minister of the Interior of the Slovak Republic,
 - 2b. of the control and inspection service section of the Ministry,
 - 3. the Director
 - 3a. of the Office for the Protection of Public Figures and Diplomatic Missions of the Ministry,
 - 3b. of the Migration Office of the Ministry,

- b) To the Assistant Secretary of the Ministry,
 - 1. the President of the Fire and Rescue Service,
 - 2. the Managing Director
 - 2a. of the section of public administration of the Ministry,
 - 2b. of the section of legislation and the external relations of the Ministry,
 - 2c. of the section of the integrated rescue system and civil protection of the Ministry,
- c) To the Head of the service authority of the Ministry
 - 1. the Director
 - 1a. of the office of the Head of the service authority of the Ministry,
 - 1b. of the personnel office of the service authority of the Ministry,
 - 2. the Managing Director
 - 2a. of the economics section of the Ministry,
 - 2b. of the section of personnel and social activities of the Ministry,
 - 2c. of the section of informatics, telecommunications and safety of the Ministry,
 - 3. the Bishop of the Order of the armed forces and armed corps of the Ministry
 - 4. the Director
 - 4a. of the office of the ecumenical council and pastoral service of the Ministry,
 - 4b. of the branch for foreign aid of the Ministry,
 - 4c. of the branch for registries and administration of documents of the Ministry,
 - 4d. of the branch of scientific-technological development of the Ministry.

The organisation charts of the structures of the individual Ministries are included in the **Appendix**.

The National Council of the SR Committee for Public Administration and Regional Development

The Committees are the initiating and controlling authorities of the National Council of the Slovak Republic. These are established at the beginning of each term of office at the National Council's constitutive meeting. Certain committees exist and are established directly by law; others are established subject to a Decision of the National Council of the Slovak Republic. One of the committees of the National Council of the Slovak Republic is the Committee for Public Administration and Regional Development. This committee is a so-called "facultative" committee, i.e. it is not established directly by law, but is established subject to a separate Decision of the National Council of the Slovak Republic during each new term of office.

The National Council of the SR committees in general:

- have a general law-making initiative,
- monitor how laws and other legal regulations to be executed in their area of scope are observed and executed.

The above basic and general powers of the National Council of the SR committees also apply to the Committee for Public Administration and Regional Development.

This committee has the right to initiate new laws – the Committee for Public Administration and Regional Development has the right to prepare and submit a draft law. This draft should relate to the area of public administration and should reflect this committee's practical knowledge, resulting from its findings with regard to the state of public administration in Slovakia, and to answer the question on how certain affairs in public administration in Slovakia should be legally regulated.

In particular, the Committee for Public Administration and Regional Development

- a) submits to the National Council of the Slovak Republic, drafts of laws and other recommendations in matters belonging to the scope of its activities,
- b) monitors how laws are observed and executed and whether the regulations issued for the laws to be executed are in accordance with them. Should the Committee for Public Administration and Regional Development discover a breach of the law, or that the executive regulation is not in accordance with it, or it was not issued at all or was not issued in due time, it shall notify the relevant Government member or the relevant Head of another central state administration authority, and shall request him to correct this without delay; if he fails to do so, the Committee for Public Administration and Regional Development shall notify the National Council of the Slovak Republic of this.
- c) negotiates the essential matters of economic and social development of the Slovak Republic, in particular the fulfilment of the Programme Declaration of the Government, the draft of the state budget and its fulfilment, and the closing state budget; for this purpose it cooperates with members of the Government and Heads of other state authorities, statutory establishments and authorities established by law,
- d) cooperates with public administration authorities and takes their incentives and suggestions for their own activity. In order to acquire the relevant knowledge it may invite to its meetings regarding the issues under discussion, in particular concerning draft laws, representatives of public administration authorities; it may conduct surveys carried out by Members of Parliament and hold external meetings of the committees.

An important part of the activity of the Committee for Public Administration and Regional Development is its inspection activity, which may be carried out even

outside the seat of the National Council of the Slovak Republic in the capital city. This Committee may, subject to its own decision, hold an external meeting of the committee. The Committee for Public Administration and Regional Development does so if it wishes to find out, in a particular place, the precise state of affairs, so that any newly acquired knowledge can be reflected in its further activity – for instance, as a basis for the preparation of a draft law.

Apart from this, Committee members may decide to conduct a so-called survey carried out by members of Parliament – in this case they try to establish, in a certain public power authority, the situation, state and potential deficiencies in its work and activities. Again, the knowledge thus acquired is the basis for further political activity of the Committee.

The Committee for Public Administration and Regional Development may also, on its own initiative, send the respective members of Government or Heads of other central authorities its proposals, incentives or opinions with regard to matters this Committee has dealt with, or which it arrived at during its inspection activity. Members of the Government and Heads of other central authorities are obliged, within 30 days, unless the Committee specifies a longer period, to notify what measures they have taken on the Committee's recommendation. If the Committee does not, in the given period, receive a reply or if it does not agree with it, it may submit its recommendation to the National Council of the Slovak Republic.

The organisational element of the status of the Committee for Public Administration and Regional Development

The Chairperson of the Committee for Public Administration and Regional Development is elected and removed from office by the National Council of the Slovak Republic by secret ballot. To be elected, the Chairperson requires the approval of more than half the members of the National Council of the Slovak Republic.

Members of the Committee for Public Administration and Regional Development are also elected by the National Council of the Slovak Republic.

The constitutive meeting of the Committee for Public Administration and Regional Development at the beginning of a new term of office of the National Council of the Slovak Republic is convened by the Committee's chairperson. The Committee shall then elect from its members one or two deputy Chairpersons of the Committee and two corroborators. In order for the Committee's deputy Chairperson and corroborators to be elected or removed from office, the approval of more than half the Committee members is necessary. The Chairperson of the Committee for Public Administration and Regional Development is substituted during the Chairperson's absence by the Committee's authorised deputy Chairperson. This person also substitutes for the Chairperson should he/she authorise him to do so. If the Chairperson, as well as the deputy Chairperson of the Committee for Public Administration and Regional Development, is not present, the Chairperson of the Committee is

substituted by a Committee member authorised to do so by the Committee Chairperson or the Committee for Public Administration and Regional Development.

The Committee meetings are normally convened during sessions of the National Council of the Slovak Republic by this Committee's Chairperson, who also manages the Committee meetings. After the start of the meeting, the Committee's Chairperson announces the names of the Committee members who apologised in writing for their absence.

The Committee Chairperson is obliged to convene a meeting of the Committee for Public Administration and Regional Development in the following circumstances: (i) subject to a Decision of the National Council of the Slovak Republic or (ii) if requested to do so by at least one-third of the members of the Committee. Should the decision of the National Council of the Slovak Republic or the request fail to specify the period within which the meeting is to be convened, the Committee Chairperson is obliged to convene a meeting no later than within seven days of receipt of such a request.

The proposal of the programme of the Committee for Public Administration and Regional Development and the type of meeting is submitted to the Committee by its Chairperson. A Committee member may propose a change or a supplement to the programme of the Committee meeting.

The meetings of the Committee are public. Public attendance at such meetings is allowed if all seats in the meeting room are not occupied. Closed meetings are held if matters to be discussed are state secrets, professional secrets, trade secrets or if it is so determined by a special law. The Committee may also decide, by a three-fifths majority of its members' votes, to hold a closed meeting or close part of a meeting of the Committee for other reasons. Committee meetings at which proposals concerning the state budget, tax matters and fees are discussed are always public. Members of Parliament, the President of the Republic and members of the Government may be present at these Committee meetings, and, with the Committee's approval, third parties may attend.

The Committee has the right to invite to its meetings members of the Government, Heads of other state administration authorities and the Attorney General, and to request from them explanations, reports and any relevant documents. These persons are obliged to attend and to provide any requested explanations, reports and documents. They may choose to be represented by their authorised representatives if the Committee agrees. The Committee may also invite experts and other persons from whom they are seeking an opinion on a certain topic.

The Committee may ask experts, scientific institutes or other institutions to elaborate on expert opinions and statements necessary at the meeting. In order to clarify the contents of a submitted expert opinion, the Committee may ask the person who has elaborated on it to provide a verbal explanation at a Committee meeting.

The Committee makes its decision through an adoption procedure. Voting in the Committee is public and it may not make official Decisions unless an absolute majority of all of its members is present.

For a Committee for Public Administration and Regional Development Decision to be adopted, the approval of an absolute majority of Committee members present is necessary, unless set out otherwise by the Constitution. In cases where a National Council decision is to be passed, the approval of an absolute majority or at least a three-fifths majority of all members of Parliament is necessary. In such cases, for a Committee decision to be passed, an absolute majority of all Committee members or at least a three-fifths majority of all Committee members is necessary.

If at least one-third of the members of the Committee present do not approve a Committee's Decision, their opinion shall be stated in the Committee's Decision if any Committee member present, so requests.

Minute books of the Committee for Public Administration and Regional Development are maintained. These books and Decisions are verified by the Committee verifier's signature. After verification they are signed by the Chairperson of the Committee, or by a person representing him.

Providing for the organisation of public administration reform at the Government Office of the SR

At present, within the Government Office of the SR, public administration reform is provided for by a special representative of the Government of the Slovak Republic for territorial self-government and the integrated management of river basins and landscapes. The integration of these areas of administration by one representative is the result of a governmental effort to deal with public funds in an effective way. One representative of the Government therefore provides more in terms of subject interlinked agendas at the same time. Thus the territorial self-government and the management of river basins and landscapes are dealt with by one representative.

The representative's task is to solve basic issues of the development of territorial self-government, communal reform, to accept and implement systematic measures leading to a decrease in flood risks, drought risks and the adaptation of landscape structures to climate change in the Slovak Republic.

The representative has the status of an advisory body of the Government of the Slovak Republic. He/she is appointed and removed from office by the Government. The proposal for his/her appointment or removal from office is submitted to the Government by the Prime Minister. The representative's terms of salary are determined by the Government. The representative is responsible to the Government and his/her activity is governed by the Prime Minister or by a Deputy Prime Minister authorised to do so by the Prime Minister.

The representative's activity, in terms of administration, is taken care of by his/her secretariat, the organisation of which is integrated into the organisation structure of the Government Office of the Slovak Republic. The expenses connected with the performance of the tasks of the representative and his secretariat are funded from the budget of the Government Office of the SR.

The representative coordinates his activity, in particular with the Deputy Prime Ministers of the Slovak Republic, the Minister of the Interior of the Slovak Republic, the Ministry of Finance of the Slovak Republic, the Ministers in the area of agriculture, environment, construction, regional development, with the Minister of Foreign Affairs of the Slovak Republic and, depending on the nature of the problem being solved, with other members of the Government.

If any of the Ministries or another central state administration authority submits material for a consultation exercise, and this material is, in its content, connected to the area of territorial self-government, agriculture, water system, environment, regional development, rural development, public works, land-use planning, building order, construction, computerisation and finance in these areas, foreign funds and European Union funds in Slovakia, the representative is aware that such material for a consultation exercise is compulsory.

In his activity, in particular, the representative:

- a) monitors, analyses and evaluates the conditions for the performance of competences and activities of self-government, and their provision,
- b) coordinates rendering the conditions for development of territorial self-government and integrated management of river basins and landscapes more efficient,
- c) coordinates the preparation and implementation of the communal reform process,
- d) monitors conditions for local and regional development and rural development,
- e) processes opinions and incentives concerning the basic issues of territorial self-government,
- f) cooperates with persons authorised by the Ministries in the area of communal reform and integrated management of water basins and landscapes,
- g) convenes and manages work commissions for the area of communal reform and integrated management of water basins and landscapes,
- h) organises meetings of the authorities and institutions involved, and with their agreement, proposes respective measures and conclusions,
- i) on the initiative of the Government, territorial self-government or on his own initiative subject to his knowledge, provides the Government with an elaboration of analytic and conceptual materials,
- j) submits reports to the Government and prepares opinions on the problems concerning territorial self-government, communal reform, integrated management of water basins and landscapes,

- k) provides for the process of informing and communicating with both the non-professional and professional public,
- l) participates in Government talks if matters related to territorial self-government, communal reform, integrated management of water basins and landscapes are discussed,
- m) cooperates with representative associations of towns and villages of Slovakia – the Association of Towns and Villages of Slovakia, the Union of Towns of Slovakia, and with representatives from the self-governing regions,
- n) supports activities leading to providing the revitalisation of the Programme Declaration of the Government,
- o) monitors, analyses and evaluates the activity of departmental policies in the areas of environment, agriculture, land-use planning, construction and regional development, and proposes systematic measures in order to implement the rules of integrated management of water sources and soil found in water basins and landscapes,
- p) supports the involvement of the local work force and the unemployed in the processes, projects, programmes and activities of local and regional development,
- q) proposes measures leading to the harmonisation of sector and departmental policies in the area of his activities, aiming at reaching synergic, environmental, agricultural, social and cultural assets and effects,
- r) provides and implements further activities for which he is authorised by the Government.

The Ministries and other state administration bodies provide the representative with any help, cooperation and information required in order to perform the representative's tasks. If necessary or upon request, the representative informs the Prime Minister, or the Deputy Prime Minister or a member of the Government authorised by the Prime Minister, of solutions to the essential issues within the scope of his activities.

The representative is entitled, within the scope of his activities, to request information and opinions from state administration authorities, as well as from organisations and institutions on their foundation and established scope of activities, and cooperates with them within the performance of his activities.

Within the scope of his activities, the representative cooperates with territorial and local self-government authorities and their professional associations, scientific-technical and higher education facilities, non-governmental organisations and international organisations etc.

Within the scope of his activities, the representative makes use of information, opinions, documents, analyses and proposals of central and local authorities of state administration and self-government, expert and professional documents of the European Union, and domestic and foreign professional institutions.

The representative is entitled to look into and make photocopies of documents which were prepared by the Ministries, other authorities of state administration and territorial self-government, which are connected to territorial self-government, communal reform and the integrated management of water basins and landscapes.

The Ministries and other central state administration authorities are obliged to provide the representative with information and to explain to him the facts arising from such material connected with territorial self-government, communal reform and the integrated management of water basins.

Methods of organisation and management of public administration at a local level – self-government vs. state administration

Legal regulation of the institute of municipal police

By abolishing the system of national committees, codifying the status of municipalities as legal entities, executing self-government in their territory, some state-administrative activities, and by adopting other legal norms regulating the execution of self-government at the local level, substantial changes were made to the rule of law of the Slovak Republic after 1989 with regard to the status of municipalities, particularly in relation to the state and the organisation and performance of their tasks within self-government. The new legal understanding of the status of municipalities was, however, also connected to the performance of such tasks which had been performed previously by the local and municipal national committees by means of the Public Order Inspection, in cooperation with the authorities of the National Security Force. The **Slovak National Council Act No. 369/1990 on municipal establishment** enabled, while constituting the tasks of self-government, a certain autonomy of municipalities in the performance of self-government tasks, and laid down the option for a municipality to establish Municipal Police, as its disciplinary unit, in order to secure municipal matters of public order, environmental protection, execution of its directives and decisions, as well as to perform other tasks. This provision left the organisation, funding and material provision of this unit's activity fully in the competence of the municipality, as previously it had only generally specified the main tasks and rights of the Municipal Police. Nevertheless, during the time of its validity, this provision proved to be insufficient in practice because, amongst other things, its meaning was general and not sufficiently complex; in practice it enabled the municipalities to take different courses of action and was open to different interpretations, and it did not provide sufficient legal guarantees for its functioning.

In the interest of overcoming the above mentioned problems, a conclusion was reached that the most rational, as far as time was concerned and in practical terms, would have been to solve the problem by codifying the Police Force of the Slovak Republic. The Slovak National Council accepted this opinion and with **Act No. 204/1991 Coll. on Police Force** it stipulated that for the needs of the performance of tasks of the Municipal Police, certain provisions of this Act could be used. However, this solution was also understood to be transitory and in the interests of the security of citizens and municipalities it was necessary to adopt special legislation which would unambiguously limit all institutions connected with the activities of the Municipal Police. **Act No. 564/1991 Coll. on Municipal Police** was therefore adopted by the Slovak National Council, supplemented by several amendments, and has been part of the rule of law of the Slovak Republic to date. According to the Act: *“The Municipal Police is a disciplinary unit operating to secure municipal mat-*

ters of public order, environmental protection in the municipality and to perform tasks arising from generally binding regulations of the municipality, from the decisions of the municipal council and from the decision of the municipality's Mayor." The Municipal Police is not an independent section of self-government with a legal status. It is apparent from such a restricted scope of activities, or the status of the Municipal Police, that normally it performs activities which it is necessary to understand within the framework of the theory of police activities as being actions of a specific kind performed by Municipal Police officers. Basically, the Municipal Police is a body carrying out activities similar to those carried out by the preventive-disciplinary authorities. Therefore, the Municipal Police is a specific tool of a municipality, providing law and order in its territory.

Since its adoption in 1991, the Act on Municipal Police has been amended a total of seven times. The legislative development of the Act, stating reasons for its most significant amendments, was as follows:

1. The amendment to the Act on Municipal Police from 1994 was adopted with regard to the amendment to the Act on minor offences as amended, and extended the group of persons/authorities entitled to settle minor offences in Art. 58 Sect. 3 on "e) the Municipal Police authorities, in case of minor offences, which they are entitled to settle in penalty proceedings". Subject to this provision, Art. 10 of the Act on Municipal Police was supplemented to include the right of a Municipal Police officer in the performance of his duties to request an explanation from the person who may contribute to the clarification of facts substantial for the disclosure of a minor offence and finding the offender, and the right to call on the person to be present in person at the Municipal Police station in order to clarify the minor offences committed. At the same time, this amendment also included the right of this person to claim compensation for any expenses and lost earnings.
2. With regard to the fulfilment of the recommendations of the European Commission, linked to the integration of the Slovak Republic in the European Union, another amendment to the Act on Municipal Police was adopted by the National Council of the SR in 2003, which was fully compatible with the law of the EC/EU. Despite the fact that the Act on Municipal Police, in terms of its problem areas, does not belong to the priority areas of the approximation of the law laid down in Article 70 of the European Association Agreement, it belongs to those priorities recommended in the document "Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the European Union – White Paper, Section 14 – Personal Data Protection". After consultations with the European Commission, the reason for working out such an amendment was to strengthen the **supervision of the activities of the Municipal Police**, which should comprise:

- State supervision of the Municipal Police – by imposing the duty on municipalities, which have an established Municipal Police force, to submit once a year to the Ministry of the Interior of the SR a report on the state of the Municipal Police. The reports shall be processed by the Ministry and submitted to the SR Government’s negotiations and the acquired experience shall be used in the preparation of the Municipal Police officers, in concluding agreements between municipal police forces and regional sections of the Police Force, as well as in considering further legal regulations of the Municipal Police.
 - Uniform specific to Municipal Police members and identification of their vehicles – so that it is possible to identify them and distinguish them from various other private security services and also to avoid them being abused. Only the right to determine the details of the symbol placed on the head cover is left to the decision of a municipality
 - Providing uniform professional training and professional competence examinations of Municipal Police members in the schools of the Police Force. To secure a high quality and uniform professional training is important, particularly with regard to the fact that the Municipal Police members have the status of public officers who, in the performance of their activities, have the right to intervene in basic rights and liberties. After having completed the professional training, the knowledge of the Municipal Police member shall be, according to the amendment, tested at a professional competence examination before a professional board of examiners of the Police Force. After passing the examination, the Municipal Police member shall be given a certificate of professional competence, which is a public document and one of the basic prerequisites for the execution of this activity. In the interests of providing complete professional training of Municipal Police members at an equal level, such training is conducted only by the Ministry of the Interior of the SR through the Secondary Professional School of the Police Force. The Ministry of the Interior of the SR became the guarantor of the training.
 - A closer cooperation of municipal police with the Police Force, since the legal regulation was validated and the general provisions of the Police Force Acts proved to be insufficient – the amendment sets out the compulsory conclusions of a written contract on cooperation between a municipality which has an established Municipal Police and a regional section of the Police Force – the regional headquarters.
3. **Another amendment to the Act on Municipal Police is part of Act No. 8/2009 Coll.** on road traffic and on amendments and supplements to certain laws. In this amendment, the settlement of minor offences in summary minor-offence proceedings by the Municipal Police is regulated in the area of minor offences against safety and continuity of road traffic connected to the breach of traffic signs exhaustively specified in the law. The right of the Municipal Police extends

to minor offences committed by a breach of no stopping, no standing and no entry signs, which are contained in the general regulations of road traffic. The Municipal Police are not entitled to settle minor offences for which a prohibition of activities may be imposed if such prohibition may only be imposed by the Police Force. There is also a prohibition regarding bringing in persons who can show their affiliation (e.g. affiliation to the Police Force, Railway Police, Slovak Information Service, Military Intelligence). Through this amendment, the conditions of the use of a technical device which is coercive, to stop a motor vehicle from leaving a place, are newly regulated. This is a so-called “restricting act”, the purpose of which is to prevent drivers of motor vehicles leaving a place after a minor offence has been committed, in view of its clarification or settlement in a summary minor-offence proceeding. In the case of a vehicle for which a search has been broadcast, there is a so-called “detaining act” whose purpose is to prevent the vehicle from leaving until the arrival of members of the Police Force. At the same time, a comprehensive calculation of vehicles for which it is not possible to use such a device is laid down.

4. **The last amendment to the Act on Municipal Police from 2011** responded to the fact that the territory of the scope of activities of the Municipal Police is restricted exclusively to the territory of the municipality in which the Municipal Police was established. Being aware of the justifiability of the efforts of self-governments to increase the safety of their inhabitants, this amendment enabled, on the basis of a common approved contract between an establishing municipality and an associating municipality, to perform the tasks of the Municipal Police according to this law, even in the territory of another municipality. The amendment specifies the manner – the contract approval – by which a municipality, which does not have its own Municipal Police, within the legal provisions, enable the operation of the Municipal Police officers by another municipality in their own territory. It also specifies the procedure for granting approval to such contracts, together with details such a contract must contain. At the same time, it sets forth the duty of a municipality that is the contracting party and in the territory of which the Municipal Police of another municipality is to perform tasks, to issue written authorisation for a Municipal Police officer of the establishing municipality, with which the Municipal Police member proves his right to execute his powers in the territory stated in the subject of the contract.

It should be stated here that since the first valid wording of the Act on Municipal Police, a change in the status of **the Municipal Police officers themselves** has transpired. Within the meaning of the original wording of the Act on Municipal Police, the Municipal Police was formed by its workers, who were municipal workers. The next amendment to the Act on Municipal Police from 1999 changed the status of Municipal Police workers to the status of employees. This change was effected in accordance with the Labour Code, and the legal status remained unchanged; they

remained municipality employees. The status of employees was also regulated by the next amendment to the Act on Municipal Police in which the term ‘employee’ of the Municipal Police was substituted with the term “member” of the Municipal Police, while the fact that they remained municipality employees remained unchanged. The Municipal Police employees who perform tasks subject to the Act on Municipal Police are thus granted the status of a public officer during the performance of the tasks of the Municipal Police, which in practice means that this only applies to during working hours.

The currently applicable executing provision with regard to the Act on Municipal Police is represented by the Ministry of the Interior of the SR Decree No. 532/2003 Coll., in which the details relating to the following are regulated:

- the particularities of the administration and activity of the Municipal Police,
- the model of a Municipal Police member’s uniform and,
- the model of a statement of statistical data of the report on the activity of the Municipal Police.

Subject to the Act on Municipal Police, the Ministry of the Interior of the SR executes state supervision over the activities of the Municipal Police, which consist mainly of:

- uniform recognition of Municipality police officers,
- uniform marking of Municipality Police motor vehicles,
- providing for equal professional training of Municipality police officers in secondary professional schools of the Police Force or in municipality facilities,
- providing professional competence examinations of Municipal Police members,
- issuing certificates of professional competence for a Municipality Police member,
- keeping records of:
 - a) municipalities which have an established Municipal Police and municipalities which have abolished the Municipal Police,
 - b) requests from municipalities to carry out professional training and examinations,
 - c) Municipal Police members to whom a certificate has been issued,
 - d) data included in the reports on the activity of the Municipal Police; for this purpose the Ministry operates an information system – a record of municipal police departments,
- submitting reports on the activity of individual municipal police departments, and processing a summary report on the activities of the Municipal Police for the previous calendar year,
- submitting contracts concluded with a municipality which has established a Municipal Police department, subject to which the Municipal Police of this mu-

municipality shall perform those tasks laid down by law, also in the territory of the municipality which has not established a Municipal Police department.

State supervision of the activity of municipal police departments within the scope of activities of the Ministry of the Interior of the SR is carried out by **the Section for Supervision over the Activity of the Municipal Police** of the Department of the Disciplinary Police of the Police Force Presidium. In the area of state supervision of the activity of municipal police departments this department mainly:

- at the level of the Ministry of Interior of the SR, participates in the creation of state policy in the area of the performance of tasks of state supervision over the activity of municipal police departments,
- in connection with state supervision of the activities of municipal police, coordinates nationwide and international systems with the widest external and internal links and consequences, resulting from decisions with a nationwide or international meaning,
- for the purpose of making municipal police performance more efficient, proposes solutions, essential in their nature, in the form of specialised professional activities and analyses,
- processes proposals of generally binding legal regulations and internal regulations relating to state supervision of the activity of the municipal police, proposes potential amendments to such regulations and oversees the application of such legal regulations,
- gathers information and documents for processing the analyses, reports, information and governing acts in the area of state supervision of municipal police activities,
- professionally manages and inspects the activities of the service of disciplinary police in the area of state supervision of municipal police activities,
- gathers information and processes statistical summaries of municipal police activities,
- evaluates municipal police activities and submits proposals for relevant measures to be taken in order to make their activities more efficient,
- co-participates in the management, execution and inspection of the professional training of municipal police members,
- provides for the performance of professional competence examinations of municipal police members,
- provides for dealing with complaints and incentives concerning the activities of disciplinary police in the area of state supervision of municipal police activities,
- performs the tasks of an appellate authority in administrative proceedings,
- operates and regularly updates the information system – a record of municipal policies subject to the Act on Municipal Police.

In the **appendix**, we include the full wording of Act No. 564/1991 on Municipal Police.

Implementation of the system of creating “Points of Single Contact”

“Points of Single Contact” (hereinafter referred to as “PSC”) were established in the Slovak Republic under the provisions of **Directive 2006/123/EC on Services in the Internal Market**, in order to enhance the entry of persons from Slovakia or abroad who are interested in conducting business in the services area in the Slovak market, identical to those established in all European Union member states and countries which are contracting parties to the agreement on the European Economic Area (EEA), forming an all-Europe network called “**EUGO Network**”.

The establishment of PSC is one of the most challenging requirements of the Directive with regard to member states. Their establishment and providing for their operation is challenging in terms of content, legislation and organisation, but particularly its funding and technical implementation. The area of PSC partially influences the change in routine administrative-legal procedures in issuing authorisations to conduct business by several Ministries, other state authorities and other institutions, including professional chambers. The use of PSC is not, however, the duty of an entrepreneur, but their strengthening is the duty of each member country.

Points of Single Contact were established in Slovakia with three main intentions:

1. to improve and make more effective, access to the market for a wider group of entrepreneurs with various scopes of business at the beginning of their business activity by improving and making more effective the administrative procedures; also, during their business activity, to provide entrepreneurs the necessary help and information connected to the scope of their business activity,
2. to concentrate administrative procedures into one centre,
3. to optimise the course of administrative procedures as far as their quality and short time span for the issuance of the relevant documents necessary to conduct business are concerned.

PSCs have three main functions:

- PSCs **provide information** connected to access to a business activity and with its conduct in particular, however, with:
 - general and specific conditions of conducting business and conditions for providing services in Slovakia;

- procedures of dealing with the particularities connected to the possibility of acquiring a right to conduct business and the possibility of access to providing services;
- contacts with authorities, which are relevant in deciding on matters of conducting business and providing services, and to other topics which may provide service providers or service receivers with practical help;
- possibilities of access to the public section of the register of databases of service providers;
- generally accessible ways of solving disputes connected with the establishment of the right to conduct a business or with the possibility of providing services and with the entrepreneur's own service provision.

According to the above mentioned tasks, PSCs act as an information centre for entrepreneurs, which is additionally emphasised by the requirements arising from the Act on Free Access to Information. Nevertheless, their activity is not of a legal advisory nature. The information simply has a general and explanatory nature. The information is provided in the state language subject to an application which may also be delivered by electronic means. The Directive also assumes that member states may share this information by making it publicly available on the Internet.

- **PSCs accept the data and documents (as well as administrative fees) necessary for conducting a business** (including the requirement to comply with all procedures and formalities necessary to acquire access to conducting a business in one place) and, more precisely, for:
 - registration of a trade;
 - acquisition of the right to conduct a business other than a sole trade business;
 - registration and notification of the taxpayer subject to special legislation;
 - entering the system of compulsory health insurance and notification of a taxpayer change;
 - entry in the Commercial Register;
 - request for an extract from the Criminal Register.
- **PSCs send the data and documents received to the competent authorities in electronic form.** They also send the Business Identification Number allotted by them, and, if special legislation requires it, an extract from the Criminal Register as well. Should an extract from the Criminal Register contain a record of a sentence for a deliberate criminal offence, the Trade Licensing Office shall call on the applicant to present a valid court judgement of the sentence. In this way, the Trade Licensing Office shall be able to better assess the connections between the purpose of the business and the sentence for the said offence. This is particularly important at present when a trade certificate issued in Slovakia is valid for service provision in other EU countries.

All consolidated data are verified and distributed by PSCs to the respective authorities and are responsible for their contents. If in doubt about the validity of the data provided, PSCs shall make the documents available for the respective authority/office. The duties arising from the Act on Social Insurance must be fulfilled by the entrepreneur himself/herself in the relevant branch of the Social Insurance Agency. The connection of the social insurance into the PSC system is assumed to take place over several years.

The establishment of the PSC system in Slovakia from the viewpoint of governmental strategic documents

According to the Directive on the Internal Market, the deadline for the establishment of PSCs was 31st December 2008. The establishment of the PSC network in Slovakia is based on the **Programme Declaration of the Government of the SR for the years 2002 to 2006**, in the section “Promotion of Entrepreneurship and Competitiveness of Economics”, in which the Government undertook to promote entrepreneurship and improve the business environment by simplifying access to conducting a business, in particular by simplifying its administrative procedures. In this, the Programme Declaration of the Government fully corresponds with the document “**Competitiveness Strategy for Slovakia until 2010**” (Lisbon Strategy for Slovakia), from which the requirement is to improve the quality of the business environment in Slovakia.

The system of establishing and operating PSCs in the Slovak Republic is based on documents approved by the Government of the SR in April 2006 as “Proposal for the Concept of Creating a Network of Points of Single Contact in Slovakia”. These documents were prepared under the authorisation of the Ministry of Economy of the SR (in close cooperation with the Ministry of the Interior), for where the competences for the area of the promotion of small and medium enterprises and for the creation of a strategy in the business environment arise. This conceptual material consists of an introduction, two sections and an appendix. The contents of the first section of the material comprise the Draft Concept of the PSC Network Creation in Slovakia from the viewpoint of a methodical-coordination activity and institutionalised support and performance of PSCs. The second part of the material discusses the basic framework of legal regulations which will be affected by PSC establishment in the form of amendments. The appendix to this material consists of the Time Schedule of the Procedural Steps, which form the basis for the successful establishment of a working PSC network.

The basic set of Slovak laws affected by the establishment of PSCs

It was necessary, for the establishment of the PSC network in Slovakia, to adopt new legal regulations or amendments to already existing legal regulations, which fall within the scope of the respective Ministries and other state administration authori-

ties. The basis of the legislative foundation became a new law concerning services in the internal market.

On the basis of the screening of national legislation processed by the Ministry of Economy of the SR for the needs of the Directive on services in the internal market, it was necessary to implement changes in 35 laws in the following areas:

- Conducting a business in general, the establishment and registration of businesses and the acquisition of trade licences,
- statistics providing information, protection and availability of information,
- activities (service providing) regulated by special legislation.

The competence division and the organisation of the establishment of the PSC network in Slovakia

It is necessary to take into account the fact that the area of PSC is supra-departmental in its nature and is solved in active cooperation with the Ministry of Economy of the SR, the Ministry of the Interior of the SR, the Ministry of Justice of the SR and the National Agency for network and electronic services at the Government Office of the SR, and also in cooperation with other institutions involved, in whose scope of activities there are specific regulations specifying the conditions for the acquisition of trade licences – the access to individual services and the conditions of their provision. The following institutions of the SR in particular were involved:

- the Ministry of Transport, Post and Telecommunications,
- the Ministry of Education,
- the Ministry of the Environment,
- the Ministry of Agriculture,
- the Regulatory Office for Network Industries,
- 6 Regional Mining Authorities,
- the Audit Supervision Execution Authority,
- Professional chambers (lawyers, architects, civil engineers, patent representatives, veterinarians, tax advisers, geodesists and cartographers),
- the Criminal Register of the Attorney General's Office,
- the Tax Directorate,
- Health insurance companies,
- Statistical Office,
- Commercial Registers of the respective courts.

Within the preparations, in order to establish and secure the operation of PSCs in Slovakia, the following work groups were established within the scope of activities of the Ministry of Economy of the SR: an *intra-departmental* work group consisting of representatives of the respective sections of the Ministries, and an *interdepartmental* work group consisting of representatives of the individual government departments. After having evaluated the proposals submitted by the work groups,

the Ministry of Economy decided that the most suitable candidate to establish and support the operation to be provided by PSCs, was the Ministry of the Interior of the SR, which had had the most and longest lasting experience with administrative procedures connected to starting up a business, as well as during the carrying out of a business of most natural and legal persons – sole traders. The representatives of the Ministries involved subsequently arranged that PSCs in Slovakia would be created under the auspices of the Ministry of Economy of the SR and the co-auspices of the Ministry of the Interior. The Ministry of Economy took responsibility for the methodical management of the creation of an information portal and activities in regard to the Directive on services in the internal market. The Ministry of Interior was responsible for the establishment and operation of PSCs in Slovakia. By this, the preparation of PSCs and their activities were divided into methodical and coordinating, under the auspices of the Ministry of Economy of the SR, and the executive section under the auspices of the Ministry of Interior. The mutual relations between both sides were solved by an interdepartmental agreement.

The methodical-coordination activity of the Ministry of Economy of the SR consisted mainly of:

- working out methodical handbooks in several EU languages,
- providing forms connected to conducting business – the application form for the issuance of a permit,
- providing the forms necessary to obtain an extract from the Criminal Register, forms for the proposal of natural and legal persons' entry into the Commercial Register etc.,
- establishing and managing the information portal on the economy department's website,
- providing for the tasks imposed by EU authorities,
- monitoring the satisfaction of persons using PSC,
- informing the Slovak business community in the mass media, direct public discussions, as well as by means of advisory-information centres focused on the area of conducting business and the website of the Ministry of Economy,
- providing information for citizens of other member states on the operation of PSCs in Slovakia by means of trade-economic departments of the SR embassies abroad,
- monitoring the activity of and experience with PSCs in member states and their potential application under conditions in the SR,
- operative providing contact with PSC employees (helpdesk) in dealing with potential issues and questions.

The Ministry of the Interior of the SR was responsible for the institutional execution of PSCs.

The execution of state administration in the area of conducting sole trade business is regulated by the Trade Licensing Act, and the state administration in the area of conducting sole trade businesses is executed by:

- a) The Trade Licensing Offices, which are District Offices at the local level. In the area of conducting a sole trade business, the state administration is executed by 50 District Offices and their 27 detached branches, while most of the activities connected with the operation of PSCs had been carried out even before this system was established, in the first-degree Trade Licensing Offices which are District Offices – sections for conducting a sole trade business.
- b) The Ministry of the Interior of the SR.

The draft concept of the creation of a Point of Single Contact network in Slovakia was based on four basic stages of a PSC system creation schedule.

The first stage began in 2006 and was an organisational-technical preparation. It did not require any legislative changes. At this stage, an information portal was established for Slovak and foreign entrepreneurs on the website of the Ministry of Economy, with the possibility of its connection to the state administration central portal. A very important role was also played by the provision of information to Slovak entrepreneurs by means of the mass media, public discussions, advisory-information centres for the business environment area, as well as the provision of information to foreign subjects of the PSC establishment in Slovakia by means of trade-economic departments of the SR embassies in individual countries.

In the transitory period – between approving the concept for the creation of PSCs and the necessary legal amendments taking effect – the administrative procedures were simplified in such a way that the applicant for conducting a business could, at the Trade Licensing Offices, having the status of a PSC, obtain not only information about acts he had to carry out for the authorities and institutions involved, but also the necessary forms and methodical instructions on how to complete them. The introduction of this transitory system, which represented the first, but very quick step to the simplification of the administrative procedures, did not put any claims on the state budget either, since all it required was a short training of the Trade Licensing Office employees who provided the applicants with the necessary forms and methodology.

The second stage of the establishment of the PSC system began on 1st October 2007, when the activity of **physical PSC 1** was started in order to provide services **EXCLUSIVELY in the area of conducting a sole trade business**. The establishment of PSC 1 required working out the amendment to the Trade Licensing Act, through which the scope of activities of the Trade Licensing Office was extended

in PSC 1 matters, which would enable entrepreneurs to execute the administrative acts necessary to begin conducting business in one place. In this connection it was also necessary to secure programming and technical equipment enabling on-line interaction between Trade Licensing Offices and the authorities involved in the area of taxes, health insurance, employment and statistics. This formed part of the electronic government process of public administration and it was also a prerequisite for creating administrative procedures, when beginning to conduct a business more effectively.

The hosts of the PSC 1 departments are the Trade Licensing departments of the respective District Offices (50) falling within the scope of activities of the Ministry of Interior of the SR. PSC 1's, at this stage, are designed solely for natural and legal persons who intend to provide or are already providing services whose conditions of conducting business are laid down ONLY in the Trade Licensing Act. Thus, the existing infrastructure of the Trade Licensing Offices was fully exploited in the establishment of PSC 1.

PSC 1's provide forms as a document for the issuance of a certificate (accessible also in electronic form), at the respective institution (the Criminal Register of the Attorney General's Office); they obtain an extract from the Criminal Register of persons in accordance with the Trade Licensing Act; they allot a Business Identification Number (in cooperation with the Statistical Office of the SR); provide necessary information from the area of conducting business in services, as well as contacts to various institutions in the SR affected by conducting such business, and secure the delivery of an entrepreneur's data to the respective health insurance company (entry in the system of health insurance) and to the Tax Directorate of the SR (entry of an entrepreneur as a tax subject at the respective Tax Office). As far as the Acts connected with starting a business with obligatory entry in the Commercial Register are concerned, in the interest of preventing undesirable interconnections of executive and judicial power, PSC 1's only have the status of an observer, submitting a proposal for entry into the Commercial Register to the respective court on the basis of an applicant's authorisation, and the responsibility for the completion and accuracy of the proposal must remain with the applicant. At the same time, the respective PSC 1 issues a trade certificate to the applicant and registers him in the Trade Register. The communication between PSC 1 and the above mentioned authorities or institutions which must be contacted by PSC 1, with regard to providing for the duties of a physical and legal person, is carried out electronically. The fulfilment of the intention of the Directive, so that the potential entrepreneur could successfully deal with the formalities and documents connected with the start-up of a business in one place, was carried out in Slovakia by using the GOVNET internet network.

In the preparation of this stage of the PSC 1 system creation, the following matters were dealt with:

- helping those entrepreneurs who intend to provide services subject only to the Trade Licensing Act,
- services whose provision conditions are regulated only by the Trade Licensing Act,
- issuance of certificates subject only to the Trade Licensing Act and only by the Trade Licensing Offices (uniform institutional framework),
- equal conditions for providing services, including the permission procedure of the issuance of certificates subject to the Trade Licensing Act,
- the scope of activities of one governmental department – the Ministry of the Interior of the SR,
- electronic communication of PSCs with the Criminal Register of the Attorney General’s Office of the SR, the Statistical Office of the SR, health insurance companies and the Tax Directorate of the SR,
- legal framework of PSCs provided for by the Trade Licensing Act (the scope of activities of the Ministry of the Interior of the SR).

The third stage began on 1st June 2010 by the establishment of physical PSC 2’s, which would secure the provision of services for entrepreneurs conducting business subject to ***OTHER than the Trade Licensing Act***. At this stage, the services of PSC were also extended to those interested in acquiring an authorisation to conduct a business subject to selected special legal regulations. This relates to, for instance, energy services, mining activities, the area of the environment, interpretation and translation services, expert witnesses, lawyers and tax advisers. The performance of these professional activities is subject to the permission or registration duty of some of the many specialised authorities governed by different laws and administrative procedures, which must be adhered to by applicants for authorisation to conduct a business. PSC 2 also provides services for suppliers of these ***services who are excluded from the scope of the Directive***, such as:

1. Banking services, credit, insurance, employment-retirement or of a personal retirement nature, investment or payment services.
2. Electronic communication services and networks and facilities and services connected to or affected by specific directives.
3. Transport services, with the exception of the transport of cash and deceased persons.
4. The activity to which Article 45 of the Agreement applies.

On the basis of the above facts, several governmental departments, other state authorities and organisations, as well as professional chambers to whose scope of

activities this special legislation belongs, were affected by the third stage of PSC 2 establishment. For the purpose of the technical implementation of PSC 2's and their functional support, a model was selected, representing the establishment of PSC 2's in the Trade Licensing departments of the respective District Offices, but only in the seats of regional cities, i.e. 8 PSC 2's. These would also provide help to citizens from other member states, interested in conducting business in the Slovak Republic on a permanent basis or on a cross-border basis.

Despite a much smaller number of entrepreneurs for whom PSC 2's are to be established, compared with the number of entrepreneurs within the PSC 1 stage, the technical implementation and the functional support of this stage was more challenging.

Whilst proposing the simplification of formalities and procedures connected with acquiring other than a trade licence, it was necessary to act in such a manner as to use as much as possible the existing potential of the Trade Licensing Offices. The inevitability of a separate permission regime was assessed from the point of view of the level of difficulty and uniqueness of the permission regime with regard to conditions which would exceed the framework of proving the general conditions for the acquisition of authorisation to conduct a business and the professional conditions, e.g. presenting a document of acquired education. These were the peculiarities of the permission regime which PSC 2's were not able to professionally or technically secure (e.g. professional examinations before an examination board within the permission proceedings). The added value of integrating the activities carried out, subject to specific legal regulations in the regime of the Trade Licensing Act, is dealing successfully with a substantial number of formalities in one place, such as the authorisation to conduct a business, arranging the allotment of a Business Identification Number, the declaration of the start of a business to the social and health insurance company, the Statistical Office and arranging entry into the Commercial Register etc.

From a practical point of view, the function of PSC 2 lies in the activities carried out subject to special legal regulations, accepting an application for authorisation to conduct a business addressed, for instance, to a chamber, supplementing the application with the necessary documents (e.g. an extract from the Criminal register), and submitting it to the respective authority or institution, in this case to a chamber, for a decision. After the chamber grants authorisation to conduct a business, PSC 2's secure other administrative matters for the entrepreneur, connected to the start-up of a business – registration or record duties with the Tax Office, health insurance company and at the Statistical Office of the SR.

In preparation for the third stage of the PSC 2 system creation, the following matters were dealt with:

- helping the group of entrepreneurs who intend to provide services, subject to various specific regulations, i.e. outside the regime of the Trade Licensing Act,

- services whose provision conditions are regulated by various specific regulations outside the Trade Licensing Act,
- issuance of authorisations by the Ministries, other state authorities, institutions and professional chambers (diverse institutional framework), to whose scope of activities such special legislation belongs,
- various conditions for the provision of services, including those for the procedure of the issuance of authorisations subject to the various regulations,
- the scope of activities of tens of Ministries, other authorities and professional chambers,
- electronic communication of PSC 2's with the institutions involved, and subsequent communication with the Criminal Register of the Attorney General's Office of the SR, the Statistical Office of the SR, health insurance companies, and the Tax Directorate of the SR,
- PSC 2 legal framework provided for by the Act on Services in the Internal Market in connection with the amendment to the Trade Licensing Act and other amendments to 35 special legal regulations in the scope of the above mentioned institutions.

While building up PSC 2's, the intention was also to create the possibility of electronic communication for citizens/entrepreneurs with PSC 2's, including electronic payments, the possibility for a potential entrepreneur to submit, using PSC 2's, an application for the issuance of an authorisation to conduct a business and a proposal for the first entry of a legal entity in the Commercial Register of the respective registration court, by which the Acts of already existing PSC 1's were extended.

Throughout this stage, the Ministry of Economy of the SR performed and coordinated the tasks focusing particularly on:

- defining the range of services falling within the scope of the Directive and which are affected by PSC 2's,
- analysing institutions with regard to their scope of activities in the legal regulations controlling the conditions of access to services/business,
- analysing the legal regulations which apply to services falling within the scope of the Directive,
- analysing the conditions of the procedures of the issuance of authorisations by the institutions involved,
- submitting a proposal for a practical and technical solution of PSC 2,
- PSC 2 legislative framework – the Act on Services in the Internal Market,
- The possibility of distributing a wide spectrum of information in the area of services electronically,
- Financial claims put on PSC 2's for the years 2009, 2010 and 2011,

In order to secure the implementation of PSC 2, the Ministry of Economy of the SR cooperated with the Ministry of the Interior in whose scope PSC 2's are, and the Ministry of Justice of the SR in whose scope lies the commercial register of the respective courts. The Ministry of Economy of the SR deemed the implementation of the project to be one compact entirety which needed to be approached in a complex way and not separately with each institution involved, since access to the information systems of numerous institutions which are to communicate with PSC 2's must mutually correspond and be compatible. The complex implementation of the project shall also secure transparent drawing of funds and their use, in a purposeful way, according to the needs of each institution. Furthermore, the various institutions involved said that they were not able to individually technically support their connection with the PSC 2 information system.

The intended technical solution to this problem is the use of the available functionality of the central portal of public administration, and the institutions involved shall make use of the user's interface of the central portal of public administration.

The fourth stage of the establishment of the PSC system began on 1st January 2012. It was on this date that the first *electronic PSC* in Slovakia came into operation, providing detailed information of the conditions for entering a business activity for the services included in the Directive on services in the internal market, enabling electronic applications for the issuance of the authorisation to conduct a business by means of the PSC information portal. The electronic PSC was established in the last phase of PSC's in Slovakia, with the aim of enabling all those interested in conducting a business from EU member states and the EEA to start up a *business by electronic means from a distance*, using the electronic forms placed on the central portal of the public administration of the SR, without having to appear in person at the PSC. The electronic PSCs have two main functions – they provide complete and detailed information for those interested in opening a business and enable them to apply for the issuance of authorisation to do so electronically. *The information portal of the electronic PSC in the SR* – <http://www.minv.sk/?informacny-portal-jednotneho-kontaktneho-miesta>

The legal form of PSC

The Directive on services in the internal market does not specify the legal form of PSC and leaves this choice to the individual member states.

The physical PSCs were established in Slovakia on 1st October 2007 and their tasks are performed in all District Offices – the departments responsible for conducting a business, which is subject to a trade licence (50 offices) as representatives of the local self-government. In practice, this means that PSCs are not established as new offices, new institutions in new premises or with new employees. The long-term experience of the Trade Licensing Offices with the registration of natural and legal persons in the area of conducting business subject to a trade licence, under the

auspices of the Ministry of the Interior of the SR trade licensing department, represented a real prerequisite for the successful establishment and operation of PSCs in Slovakia. The PSC tasks are performed by the existing District Trade Licensing Offices; for foreigners the scope of activities of PSC is carried out by the District Trade Licensing Offices situated in the seat of a region. This means that gradually, 50 PSCs for domestic natural and legal persons were created, and eight PSCs for foreigners. The District Office is the first-degree Trade Licensing Office and records entrepreneurs in one automated information system for conducting business which is subject to a trade licence, through which it issues documents authorising entrepreneurs to conduct business requiring a trade licence.

A District (Trade Licensing) Office, has, within the regional office, the status of a budgetary organisation, with decisive-administrative independence; the status of an authority of state administration for a crucial group of entrepreneurs, and therefore may provide them with quick and complex services without delay which always happens when PSC services are provided by a mediating authority or institution. There is a reason why the PSCs are entrusted to a state budgetary organisation and this is because the statutory conditions for beginning and continuing a business activity is determined by the state in generally binding legal regulations, and therefore the duty of complying with such conditions belongs to a state administration authority.

The number of PSCs and the territorial structure of PSCs

The determination of the number of PSCs and their territorial structure was based on the tasks which PSCs perform and from the range of addressees for whom the PSC services are designed. In performing these tasks, the District (Trade Licensing) Offices make use of their undisputed advantages lying in the fact that for most business activities they are, at the same time, the appropriate authorities with direct decisive power, and that apart from their professionalism they may also, in the simplification of administrative difficulties, make use of the existing technical connection with the authorities involved. Since 1989 it has been proved that the optimum time accepted by citizens for the use of the services offered is one hour. The existing infrastructure of the state administration authorities in the area of conducting business subject to a trade licence, currently consisting of 50 District/Trade Licensing) Offices, with their other branches, met this criterion. Therefore, the Ministry of the Interior of the SR suggested extending the scope of activities of the Trade Licensing Offices to activities connected with PSC services.

The assumed number of PSC employees and the functional structure of PSC

The extension of the scope of activities of the selected District (Trade Licensing) Offices in the seats of the Regional Offices for the performance of PSC tasks with regard to EU/EEA persons caused only a slight impact on the number of employees in the Trade Licensing Offices. This is caused, on the one hand, by the expected relatively

small number of newly-existing subjects, and, on the other, by the fact that most PSC tasks were already performed under the conditions of the previous legal state. The strengthening of the proposed offices with one more worker whose responsibilities would include focusing on those people interested in conducting a business, subject to a trade licence, proved to be appropriate and sufficient. The same increase in the number of employees was also proposed in order to move PSC 2 activity towards those from the EU/EEA engaged in activities outside the legal regime of the Trade Licensing Act. The employees providing PSC 2 services to those from the EU/EEA territory, totals 16 and they are, as far as their organisation is concerned, integrated into the departments responsible for conducting businesses which are subject to a trade licence with the status of a specialised department for a given area.

Nevertheless, it was necessary to count on the fact that domestic subjects applying for authorisation to conduct a business, subject to a trade licence, would also want to make use of the extended comfort offered by the Trade Licensing Offices with a PSC status, i.e. providing them with extracts from the Criminal Register and providing them with registration with the authorities and institutions involved. This concept was based on the average yearly number of authorisations issued to conduct a business, subject to a trade licence, and on an estimate of the level of time taken for individual PSC acts, which totalled the yearly working time of 45 employees.

The basic requirements for the building up of the PSC system, amongst others, was sufficient and qualified personnel support, including linguistically skilled employees (training of employees, language courses), spatial and material support (e.g. printing applications, documents) and technical support (information systems, communication lines, PCs, servers, scanners, cost of translation of information into various languages).

The specification of the scope and type of service provided by PSC

The predominant part of the services provided by PSC is immediate. In practice, they are acts which begin with the provision of information about the conditions for starting up and conducting a business activity and ending with a decisive activity with regard to the acquisition of a trade licence. Also, part of the new services, which comprise the procurement of some administrative matters with the authorities of state administration involved (tax offices, the prosecutor's office), is focused on the execution of state administration, but in different areas. Only services connected with the records of inhabitants in a health insurance company, whose provision is within the competence of the statutory authorities, do not have the character of the execution of state administration. Similarly, the information or permission activity of self-governing institutions of a chamber type, which have a statutory scope of activities for some selected occupations, is not connected with the execution of state administration.

As far as paying the expenses for such services is concerned the following applies:

1. the provision of information about conditions for conducting a business still remain free of charge and is considered to be the state's help for new entrepreneurs,
2. the individual acts of the specialised state administration authorities are covered by the summary (accumulation) of applicable administrative fees for individual acts, the PSC procurement activity for entrepreneurs, with regard to statutory institutions, is free-of-charge, since it is a state interest in the proper functioning of such institutions. As long as the acts of such institutions are paid, PSC applies the same amount to those subjects for which they provide or procure a particular service.

Financial charges with regard to the establishment and operation of PSC

Whilst establishing PSCs, the determination of the number of PSCs and their number of employees was based on the tasks which PSCs are to provide for. Their establishment, on the basis of the existing Trade Licensing Offices, is the most rational solution as far as costs of the establishment and operation are concerned, since the operation is provided for in the premises of the District (Trade Licensing) Offices, and therefore costs of rental or building new premises had to be taken into account. There has been an increase in the number of civil service employees in the District Offices – departments for conducting business subject to a trade licence, totalling 16 people (for those from the EU/EEA and other forms of conducting business as of 1st July 2007), which represented a yearly increase in costs of €101 thousand from the viewpoint of budgetary classification. The original equipment of the workplaces, consisting of computers and office technology, represented a one-time increase in costs from the state budget of €26.5 thousand. The increase in transfer capacities of approximately 150 %, whilst keeping the existing period of feedback, represented a yearly increase in costs from the state budget of €397 thousand.

Similarly, it was assumed that the planned increase in the number of employees in the civil service, totalling 45 (for personnel of the SR as of 1st July 2007) would represent a yearly increase in costs from the viewpoint of the state budget of €283 thousand. The original equipment of the workplaces, consisting of computers and office technology was expected to be a one-time amount of €73.5 thousand.

The Ministry of Justice's costs incurred by the implementation of the technical connection of PSCs with the Commercial Register, or registration courts, as well as the technical connection of the Ministry of Justice of the SR with PSC, amounted to € 700.000.

Conclusion

It is apparent from the above facts that the establishment and functional provision for PSCs does not only consist of the creation of their legal framework, but

more importantly, its technical and functional provision in practice. The European Commission is making a continuous effort to improve conditions in the internal market with emphasis on securing the free movement of services, with an effective approach to their provision (liberalisation of services), and therefore considers the establishment of PSCs in member states to be one of its priorities. Its intention is to make sure that the development in the area of services in the internal market is an asset, in particular for small and medium entrepreneurs, who contribute significantly to market competitiveness with the subsequent support of economic growth and the creation of employment opportunities.

Providing public services and their funding

*“It is not public administration’s duty to provide services,
but to make sure they are provided.”*

Mario Cuomo (In: Osborne – Gaebler, 1993, p. 387.)

Prior to the beginning of the implementation of essential changes in the operation of the public sector towards the end of the last century, it was basically taken for granted that the state should finance its activities and, at the same time, implement them. Experience, however, has shown that this approach is linked to a high potential for ineffectiveness and this brought about the understanding that the state must be, for certain reasons, a service provider, but this does not necessarily mean that the state must produce and finance such a service.

The end of the 20th century therefore brought, in the system of public services provision, a transition from the principle of the dominance of the state form of production and competitiveness between the public and private sector to the principle of cooperation between these sectors, aiming at fulfilling the public needs. Thus, the public sector in the context of public services, functions in various roles: the role of a direct producer of public services, as well as the role of a public services provider, when the producer is a partner from the private sector. This change brought about an essential increase in the extent of contracting which services were provided for citizens or internal services in public organisations.

However, making the right decisions when deciding how to organise the provision of a particular public service by the local self-government, regional self-government or central state administration, is not easy. The selection of a suitable form of providing public services, with regard to the nature of the service and the specific needs in which this service is provided, affects the efficiency of the production and quality of the service provided. As long as contracting is decided upon without a detailed preliminary analysis, the risk of inefficiency and “failures” in quality, is high.

Therefore the crucial questions are:

1. Does the given activity really belong to the public sector or should it be provided for on the basis of personal responsibility?
2. If an activity of a public nature is concerned, what is the best way to fund it?
3. If a service is to be publicly financed, what is its best form of production?

The forms for providing a service can be divided into two basic groups:

- a) **Traditional – internal forms**, when the service provider performs simultaneously the function of producer and financier of the services;
- b) **Alternative – external forms (contracting)**, when the function of providing and production is distinguished (a service provider, i.e. a public subject is not,

at the same time, the direct producer of the service), the function of financing does not have to, but may, belong to the provider (e.g. some of the partnership projects of the public and private sectors in the area of infrastructure are financed by a private partner).

The advantages of contracting can be seen in the higher degree of transparency in using public funds, which arises from a clear specification of the purpose of the use of the funds, the creation of a wider space for public control, and by this, also the growth of responsibility of the elected authorities towards the voters. Contracting public services may also contribute to an increase in the efficiency and, at the same time, initiate an improvement in the quality of the processes of public decision-making by means of defining the indicators of the efficiency of public organisations.

Concluding a contract for a public service is based on the establishment of a contracting relationship between the ordering party/commissioning party/principal (in our case, by a public institution) and an external supplier/agent (a private, non-profit or other public organisation). As with all relationships, this relationship also carries with it, the potential problems connected with contracting. The problem arises in cases where the commissioning party does not monitor the activity of the supplier directly, thus leading to a decrease in the degree of safety in providing public services. Such public institutions lose direct control over the production of a public service. In the case of unpremeditated decisions, there is a significant risk of inefficiency. Contracting also requires transactional costs. The amount of such transactional costs is influenced by three factors:

1. the particularity of a public service,
2. the measurability of a public service's outputs,
3. the frequency of commissioning a public order to provide a service.

The key factors here are the first two above. With the first factor – the particularity of a public service – it may be logically assumed that the more specific the provision for a service or the implementation of investment in the area of public infrastructure by an external supplier/private partner is, the more exceptional the status of a private partner in the given area of providing public services becomes and it acquires a monopolistic nature. A monopoly status gives a private partner an advantage in negotiations with regard to a public partner, which results in increased transactional costs on the part of the public institution. In case of the measurability of a public service's outputs, a proportional relationship between the amount of transactional costs and the measurability of outputs may be indirectly identified. The increase in transactional costs causes costs of service outputs' monitoring to rise.

The experience with contracting public services in the Slovak Republic

The data from our research (Table 1) prove that contracting of public services in the SR occurs frequently.

Table 1

The amount of contracting selected local public services in Slovakia

Service	2001	2005	2006	2008/I	2008/II	2009
Collection and disposal of municipal solid waste	49	64	69	80	56	80
Cemetery services	27	12	16	13	35	13
Maintenance of public greenery	16	18	33	14	38	6
Maintenance of local roads	21	41	45	38	37	55
Maintenance of public lighting	30	35	40	39	49	38

Source: Our own primary research from the years 2001, 2005, 2006 (TIS), 2008/I, 2008/II (TIS), 2009.

The procedures for choosing an external supplier – the public procurement procedures used by SR municipalities when choosing external suppliers are not sufficiently competitive (Table 2).

Table 2

The procedures for public procurement of selected local public services in Slovakia

Applied procedure for public procurement of services	2001	2005	2006	2008/I	2009
Public tender	16	17	27	32	17
Restricted tender	5	0	5	3	14
Negotiated procedure	0	13	30	0	7
Price quotation	0	0	0	25	4
Direct award	31	17	38	30	11
Municipality did not describe the procedure for public procurement	48	55	–	25	66

Source: Our own primary research from the years 2001, 2005, 2006 (TIS), 2008/I, 2008/II (TIS), 2009.

Under conditions where no good ex-ante analysis on whether to contract is carried out and the supplier is chosen non-competitively, the influence of contracting public services on the efficiency and quality of providing for them is problem-

atic. Table 3 (internal, providing for services as a value of 100 %) shows the problem of economic efficiency.

Table 3

Expenses from the local budget for the provision of selected local services per one inhabitant whilst contracting services in Slovakia

Service	2001	2005	2006	2008/I	2009
Collection and disposal of municipal solid waste	94	94	125	184	60
Cemetery services	64	13	67	146	66
Maintenance of public greenery	82	192	150	151	133
Maintenance of public roads	70	109	119	114	104
Maintenance of public lighting	100	138	128	156	127

Source: Our own primary research from the years 2001, 2005, 2006 (TIS), 2008/I, 2009.

As can be seen from the Tables above, the costs of contracting, compared to internalisation, with individual research samples of municipalities over several years is quite different. It is necessary to take into account the fact that the results in the Table for each year always relate to a different group of municipalities. It is therefore difficult to clearly define the trend for the development of contracting costs, but despite this, the data suggest that contracting costs compared to internalisation is increasing, and contracting of most monitored local public services has become, during recent years, from the viewpoint of local budget expenses compared to internalisation, less advantageous.

There may be more reasons for this:

- No developed offer of production of local public services by the private sector. In the municipality's territory or in its vicinity, where there is no external supplier of selected local public services (contracting by an external supplier from a more distant municipality would mean an increase in the service price with regard to the transport costs) or an external supplier of a service has a monopolistic status in the territory, this again means a higher price for the services.
- Various local conditions, various citizens' demands for a service.
- Higher quality of the service, while contracting, requires increased financial demands on the service production.
- Inefficiency or lack of a system in the decision-making process of municipalities on the form of providing a service, and non-transparency of the choice of an ex-

ternal service supplier, unfavourable contracts concluded with external service suppliers.

A comparison of the quality of a provided service by internal forms of providing for services and contracting is shown in Table 4.

Table 4

The measure of inhabitants’ satisfaction with the quality of local public services by contracting and internalisation in selected municipalities

Service	2005		2008		2009	
	Satisfaction with the service quality by the service internalisation	Satisfaction with the service quality by the service contracting	Satisfaction with the service quality by the service internalisation	Satisfaction with the service quality by the service contracting	Satisfaction with the service quality by the service internalisation	Satisfaction with the service quality by the service contracting
Collection and disposal of municipal solid waste	62	68	60	74	69	70
Cemetery services	65	50	75	78	69	76
Maintenance of public greenery	63	80	74	55	62	55
Maintenance of public roads	31	48	54	43	51	48
Maintenance of public lighting	61	58	67	72	71	65

Source: Our own research conducted in the years 2001, 2005, 2008, and 2009.

The results of the assessment of the quality of services by citizens as customers did not show a clear positive influence of contracting on the quality of services provided, thus the fairness of the “more expensive form” as a quality tool has not been confirmed.

Fiscal decentralisation – basic rules of territorial self-government funding

The reform of the public sector and public administration was part of the transformation of society's economic and social system to the conditions of a market economy, which took place from 1990. In the first stage, in 1990 and 1991, the crucial changes, in particular in the organisation and management of the public sector, were effected (most importantly, the creation of the local and later regional self-governments and substantial changes in the systems of providing public services). More dramatic system/process changes (the real modernisation of the public sector) began to be implemented mainly after 2001. During this period, the following reform measures were taken (in particular with regard to decentralisation):

- **The establishment of 8 self-governing regions** (1. 1. 2001), which took over the tasks of the economic management of regional education, culture, social facilities (1. 7. 2001), regional health care (1. 1. 2003), regional transport (1. 4. 2002) and the administration of roads of II and III Class (1. 1. 2004). In the administration-management area, they took over tasks in the matter of coordination of the regional development and coordination of the development of tourism (1. 1. 2001), coordination of regional transport (1. 4. 2001) and in health care administration (1. 7. 2002).
- **To municipalities and towns were decentralised** the tasks of economic management: the establishment and operation of primary schools and school facilities, social facilities of local significance, the administration of aqueducts and drainage (all 1. 7. 2002) and a care service for the elderly (1. 1. 2003). In the administration-management area, coordination of tourism, the activity of register offices (1. 1. 2002), building proceedings (1. 1. 2003) and other small administrative tasks.
- **With the funding system reform** of municipalities, towns and self-governing regions (1. 1. 2005), the budgetary rules for territorial self-governments were regulated, a new structure of local taxes was laid down, a new formula was determined to calculate the share of municipalities, towns and self-governing regions in the tax yield from the income of natural persons (basic criterion – the number of inhabitants was supplemented with equalisation indicators expressing the age and social structure of inhabitants, or the area of the administered territory and the length of roads – Table 5).
- The above mentioned decentralisation reforms also presented themselves in a significant **increase in the financial strength of territorial self-governments** (Table 5).
- The transformation of centrally administered universities to a specific self-government system of “public higher education institutions” (1. 1. 2002).

- The **health care system** reform (taking effect as from 1.9.2005), expressed in a group of laws, in particular the Act on Health Care paid for, subject to public health insurance and on payments for services related to the provision of health care, the Act on Health Care Providers, then the Acts on Health Care Workers, Professional Organisations in Health Care, on Health Insurance and Health Insurance Companies, on Emergency Medical Service, etc.
- **Pension reform** (taking effect from 1.1.2005) by adopting a new Act on Social Insurance and the Act on Supplementary Pension Saving.

Fiscal decentralisation

The decentralisation reforms 2001–2005 meant significant strengthening of the financial situation of municipalities and self-governing regions – Table 5.

Table 5

State budgets income, higher territorial units budgets income and municipalities budgets' income for the period 2002-2010
(in millions SK in self-governing units of the previous year)

Income/Year	2002	2003	2004	2005
State budget income	220 361.90	233 071.10	242 444.40	258 694.00
Higher territorial units budgets income	9 153.50	18 195.20	22 600.00	21 756.90
Municipalities budgets income	57 489.00	61 732.00	76 221.00	85 409.00

Income/Year	2006	2007	2008	2009	2010 (estimate)
State budget income	272 717.00	310 471.50	348 251.70	317 552.00	377 508.00
Higher territorial units budgets income	25 167.80	27 934.50	32 559.00	35 512.00	35 646.00
Municipalities budgets income	84 251.00	87 781.00	96 415.00	113 224.00	111 480.00

Municipalities and self-governing regions acquired a wider income base, by means of which they fund their own, as well as transferred competences. The transferred competences must be, by law, paid to municipalities in the amount of real expenses and are funded mainly by transfers.

The main income of municipalities for the provision of their competences is tax income. Apart from this, municipalities have their own yields from using property for business purposes etc:

- a) The share in the income tax of natural persons (the amount is specified for each year in the Act on State Budget).

b) Their own taxes (the crucial ones are property taxes).

The balancing of the income and expense differences between municipalities is provided for within the local tax – Table 6.

Table 6
Distribution of local income tax.
Statistical data and values necessary for the calculation of the shares of municipalities in the yield from the incomes of natural persons.

Statistical data	%
The number of inhabitants permanently residing in the territory of the municipality as of 1st January of the previous calendar year, out of which 4% calculated by the coefficient of the the height of the municipality 's centre above the sea	23
The number of inhabitants permanently residing in the territory of the municipality calculated by the coefficient depending on the classification of the municipality in the size category	32
The number of pupils (children) of primary, art schools and school facilities in the establishment scope of the municipality as of 15th September of the previous calendar year calculated by the coefficient of the primary art school and school facility	40
The number of 62-year-old inhabitants of the municipality or older, permanently residing in the territory of the municipality as of 1st January of the previous calendar year.	5

The key future directions of public administration reform in the Slovak Republic

The most significant proposals for changes are dealt with in detail in the Strategy of the Development of Slovak Society (2010), from which we will select a few points – the key goals of the public administration reform for the future period:

1. The improvement of the quality of the public administration legal framework and the measure of law enforcement

The existence of a wide range of mutually interlinked legal regulations establishing correct social and economic relations with the aim of supporting all-round society development in the future is a crucial feature of modern society. The state's regulatory function will therefore remain indispensable in the future as well. At the same, it will be necessary to achieve the following:

A: A decrease in the inappropriate amount of bureaucratic burden for citizens and entrepreneurs.

The tool to achieve this will be the rationalisation of the processes and procedures in the execution of administration, in using the information and communication technologies, as well as the rationalisation of the scope and contents of the existing laws and those under preparation. This will enable

administrative deregulation, resulting in a decrease in the so-called induced expenditure of public administration. Public administration will, in its functioning, take into full account the fact that each administrative regulation, administrative duty, direct and indirect means, financial and non-financial costs for citizens, entrepreneurs and other public subjects.

B: The creation of a proper business environment.

The rule of law and repressive authorities must suppress current negative phenomena in both social and economic life much more rigorously. The quality of the state records and activities of inspecting institutions must provide for the improvement of a proper business environment more thoroughly and, at the same time, provide for the necessary funds for public budgets. A significant tool here will be the optimisation of the legal system both for domestic and foreign investors and the strengthening of the efficiency of regulatory tools in the area of the fight against undesirable social and economic acts. As a first step, therefore, it is necessary to carry out an analysis of the current state of regulation, to identify and remove the redundant regulation of economic and social life, and subsequently to regulate the legislative process with the aim of improving the transparency of the creation of regulation. From the viewpoint of the procedural court, the prosecutor and the police must, by adopting systematic measures in cooperation with the state administration authorities, provide for a substantial improvement in the situation in the area of law enforcement.

2. The optimisation of the public administration organisational structure

The stability of the organisational structures is a key point in improving the quality of the execution of public administration. Based on this, the improvement of the organisational arrangement of public administration, the style of management and, last but not least, the improvement of the inspection system, must follow. At the same time, it is necessary to look for a balance between the efforts to bring the execution of public administration nearer to the citizen and the effective use of public means. It is important for the citizen to deal with as many of his needs in his contact with the authorities, in one place, as successfully as possible, in accordance with the rule “to let the information circulate, not the citizen”. Also, it is important to take due care of the improvement of the forms of personal contact with the citizen – the officer. In this context the following will have to be achieved:

3. The building-up of a civil society, support of the participation of citizens in public administration

The citizen and satisfying the citizen’s needs must be the centre of attention of the organisation of the execution of public administration. The same as with the need, subject to real possibilities, to gradually facilitate the citizens’ and entre-

preneurs' contact with the authorities, it is equally necessary to enable the citizen to participate, in the appropriate manner, in the decision-making of public administration and to participate in its inspection, and to be involved in the process of public affairs administration – particularly at the local level. The key goal will be to permanently motivate inhabitants to participate in all elections as the first condition of a functioning democracy, at the local as well as the central level. At the same time, it will be necessary to keep creating systematic prerequisites for an all-round development of civil activities, which may significantly help in resolving specific societal, social and cultural needs, particularly at the local and regional level.

4. The transition to “strategic government” based on facts

Society and its economy function, on the basis of laws and rules, which (unlike exact sciences) do not present themselves immediately, but only in a long-term trend. This nature of social laws thus makes it possible for particular governments, which have a limited term of office, to implement decisions and measures whose short-term and long-term impacts are basically different. The long-term and sustainable growth of Slovakia (as well as other countries) will be determined by:

A: A substantial change in the manner of government.

An improvement in the state's functioning is only possible on the assumption of a transition from “politics” to “policy”, the basis of which is strategic decision-making, focused on reaching long-term goals, based on facts, consultations with the independent scientific community, the subjects involved and, of course, also on the consistent implementation of thoroughly prepared decisions.

B: A substantial increase in the efficiency of the creation and implementation of public policy.

The creation and implementation of public policy are not simple processes. It is necessary for the area of public policy to create a good and accepted institutional basis in order to create public policy, which will be respected by the whole political spectrum and which will enable a systematic professional (instead of purely political) discussion about the key issues of society's development and economy. As far as the implementation of public policy is concerned, the tool to achieve this is the professionalisation and de-politicisation of the state (public) service.

5. The modernisation of public administration

The global goal of the public administration modernisation strategy, which will require many measures to be taken over the next ten years, should be:

“The improvement of the activity of the subjects of public administration and public services in order to support the economic growth of the Slovak Republic, and the improvement of the qualitative parameters of the citizen’s life.”

It is clear from this goal that the crucial pillars of the public administration modernisation strategy should be: economisation, information, personal development, quality.

A: The economisation of public administration

It is necessary, in the area of the economisation of public administration, according to the level of difficulty and urgency of the problem, to immediately make reforms (or to continue in the reform already begun) of the economic systems of the individual basic areas of the public sector – mainly health care and the social sphere (these reforms will be dealt with separately in the chapter “Strategies”).

The institutionalised tool of the economisation of public administration will be the creation (following the application of accrual accounting) of a differentiated system of “cost-performance” the accounting of which will be able to define more precisely the cost and contributions of individual products, or the activity of public administration. Simultaneously, further improvement of the system of budgeting is necessary (really and adequately processed programme and execution budgeting), with the improvement of the manner of allocation of sources to individual activities within public administration, and the interconnection of budgets with the Government’s strategic priorities. This will require several measures to be taken:

- The improvement of making preliminary (ex ante) decisions concerning public expenditure at all levels and in all areas, the same as it is compulsory with the drawing of EU funds, to consistently implement a suitable form of ex ante analysis of the effectiveness, purposefulness and efficiency, and to respect its results in decision-making.
- To further remove the still pertaining deficiencies and serious negative phenomena in the process of public procurement at all levels of administration, to continue in the e-government processes, in particular by means of a wide use of electronic auctions when purchasing goods and standardised services, and also objects of procurement with a low (subliminal) value.
- To deal with the establishment of qualitative and quantitative standards of public services in a systematic way, with the aim of gradually providing for relatively equal availability of basic public services to all citizens.
- To develop modern forms of cooperation of public administration and the public sector. The application of managerial approaches and methods

will contribute to a gradual improvement in the quality and effectiveness of the provision of public services and to a decrease in bureaucracy.

- To establish systematic monitoring of the basic functional and economic parameters of public administration with the possibility of inter-annual comparisons. To apply objective knowledge in the process of top management of public administration and as the basis for the inspection of performance whose share in the total scope of inspection should be increasing substantially.
- To create standards for the performance of individual competences, production and purchase of material goods (requirements for material-technical provision, quality, description of procedures and processes), the determination and definition of indicators of and procedures for measuring and their assessment).
- The improvement of the processes of inspection in public administration.

B: Information technology in public administration

In the area of information technology in public administration, it is necessary to understand that this is a key factor in the development of a knowledge-based society. It is also one of the most significant stimuli of economic growth and labour productivity; it creates new employment opportunities and economic activities, increases the share of added value and concentrates the highest innovating potential.

C: The stability and quality of staffing of public administration

The professional integrity of state administration must be based on its impartiality and professional independence. State administration must not be prone to a specific evaluation of situations leading to a certain result determined in advance, this subsequently resulting in an incorrect or unjust interpretation of general interest, or potentially a breach of the rights of the subject involved.

D: Consistent promotion of preventive and repressive measures in the fight against corruption

At present, corruption is one of the main barriers to good state functioning. In order to minimise the number of corruption opportunities, it is therefore necessary to set down an efficient motivational (including salaries), inspection and penalty system.

E: The quality of public administration and public services

The basis of quality is to place emphasis on complying with the law in the execution of administration, on applying modern methods of quality management, monitoring the level of performance of individual organisational units, monitoring the effectiveness of the means used and monitoring “customer” satisfaction. The tool to achieve this will be the use of information and

communication technologies, the vertical and horizontal communication of public administration authorities, the differentiated establishment of quality management systems in all authorities and facilities of public administration, a more thorough application of the principle of one-stop shops and the co-production of public services.

Civil service

Coordination and concept of education of civil servants in the European integration period to date – planning and implementation of education.

Education is a purposeful and systematic way to support the learning and development of a person. In this sense, education in the civil service aims at supporting the development of skilled civil servants who are, in an environment of continuous social changes, working in the interest of the performance of the state's tasks and the improvement of the quality of services provided for citizens, and able to execute civil service duties in a professional, effective, flexible and impartial manner on the basis of the Code of Ethics of a civil servant. Since the Slovak Republic came into being in 1993, much attention has been paid to the coordination and concept of education of civil servants. This is also proved by the fact that the conceptual documents were approved centrally – by decisions of the Government of the SR – which thus made efforts to solve increasing the qualifications of public sector employees in a systematic way.

A. The coordination and concept of education of civil servants in the integration period

This period (from 1st May 2004) saw the adoption of the most decisive legal regulations and the creation of a central state authority responsible for the coordination and implementation of the concept of education of civil servants. In this phase of the implementation of a systematic approach to education in civil service, the priorities are the education of high-ranking, as well as other civil servants, with regard to European integration and providing for the education of newly-employed civil servants.

Conceptual and strategic sources – decisions of the Government of the SR

- **Concepts of education in public administration** – 1995/2000/2004 – defined the basis for a uniform approach to the systematic education of civil servants and created an effective functioning system of lifelong education in public administration following the concept of decentralisation and modernisation of public administration and the preparation of Slovakia for its accession to the European Union. This resulted in descriptions of activities of state employees, a catalogue of activities in the civil service and the introduction of compulsory accreditation of educational projects for civil servants by the Accreditation Commission of the Ministry of Education of the SR.
- **Concepts of education of civil servants within the integration process** – 1999/2003 – unifying the procedure in the area of education of civil servants

with regard to the process of integration of the Slovak Republic into the European Union.

- **Strategy of education of civil servants** – 2003 – its aim was to improve the education of civil servants and make it more effective. Such education contributes to professional growth and the development of a professional career for civil servants, and the introduction of a uniform systematic approach to the education of civil servants in accordance with the Act on the Civil Service.

Legal sources

- **Act on the Civil service** – created legal assumptions for the provision of professional, reliable, impartial and politically neutral execution of civil services.
- **Act on the Organisation of Government Activities and on the Organisation of Central State Administration.**
- **Act on Further Education.**
- **The SR Government Decree on the Contents and Scope of Professional Training and on the Contents and Scope of Examinations in Temporary Civil Service.**
- **The SR Government Decree on Special Qualifications for some Activities in Regional Offices and District Offices.**
- **Official regulations of the Civil Service Office** concerning the area of education, e.g. the official regulation on the determination of a demand to master a foreign language for the execution of the civil service.
- **The European Commission White Paper** – Teaching and education.

Institutionalised support

Part of the Act on the civil service was the establishment of the Civil Service Office as a central civil administration authority, headed by its Chairperson whose responsibility was to provide for the development of the civil service in Slovakia. The office was in operation from 2002 to 2006 and its main competences within the framework of education in the state employment sphere were:

- to provide and manage education in the civil service,
- to provide a uniform systematic approach to further education of civil servants and to determine minimum standards of further education of civil servants through legal regulations, methodical guidelines, the coordination of education in the civil service and monitoring its quality,
- to work out the rules of the professional growth of civil servants and a professional career in the civil service.

In the interest of the performance of this task, the following, concerning the education of civil servants, fell under the scope of activities of **the Civil Service Office (Department of Education of Civil Servants)**:

- a) analysis of educational needs at the level of the entire state administration,
- b) determination of strategic priorities,
- c) preparation of documents of a conceptual, legislative-legal and methodical nature,
- d) coordination of education with regard to the process of European integration,
- e) creation of minimum standards,
- f) assessment and examination activity in the area of applying the Act on the Civil Service, the relevant official regulations, the implementation of the strategy and concept of education and the implementation of the respective documents of the European Union,
- g) to provide advisory and consultative services,
- h) to represent the state administration of the Slovak Republic at international events,
- i) to submit reports on the performance of tasks in the area of education in the civil service to the Government of the SR,
- j) preparation of framework programmes by service offices,
- k) preparation and implementation of selected projects of education applicable for the entire civil service in cooperation with educational institutions and service offices,
- l) to build an information and document centre for education in the civil service.

The service office (a body of state administration exhaustively defined in the Act on the Civil Service) performed important tasks during the phase of European integration in the area of the education of civil servants. The personal office, as a special unit of the service office in which a civil servant executes his/her duties, is provided for the performance of tasks which arise from state-employment relationships, i.e. also provided for the systematic conceptual education of employees. The task bearers at the personal level were education specialists (education managers and education officials). Within the service office with regard to civil servants, the tasks in the area of education were also performed by high-ranking and other civil servants.

The tasks of education specialists (education managers and education officials)

1. Analysis of civil servants' educational needs.
2. Planning of education.

3. Implementation of education – organisation of internal or external educational programmes.
4. Assessment of education.

The tasks of high-ranking employees (immediate superiors)

- a) to provide documents for the preparation of minimum education standards,
- b) to support the education of subordinate civil servants,
- c) to cooperate with other high-ranking employees in defining the education needs of civil servants,
- d) to identify the educational needs of subordinate civil servants,
- e) to decide upon the education of subordinate civil servants,
- f) to prepare and provide documents for education specialists in the preparation of annual education plans,
- g) to act as a trainer for civil servants in the preparatory civil service,
- h) to assess the contribution of education for the professional growth and career development of civil servants,
- i) to assess the efficiency of education,
- j) to prepare plans for the personal development of civil servants.

The tasks of civil servants

- a) the right and duty to improve their qualifications,
- b) to initiate their own education, to submit proposals to their immediate superior and after his consent, speak to the education specialist about their own education,
- c) to assess completed education with regard to its contents, professional and presentation level and organisation.

The Government Office of the SR – the Department of Communication Strategy and Education

Since the Government Office of the SR took over the function of coordinator of this process during the period of European integration, the Department of Communication Strategy and Education focused, in particular, on the preparation of conceptual documents and the organisation of educational activities focused on the preparation of civil servants for accession to the European Union in close cooperation with the Civil Service Office and other central state administration authorities.

The Institute for Public Administration

The Institute for Public Administration is a subsidised organisation of the Ministry of Interior of the SR, established in 1990 as an educational organisation fo-

cluding on education in public administration, including advisory, methodical and information activities connected with education in public administration. The basic mission of the Institute is the professional preparation of local state administration employees, the founder's employees, and participation in the professional preparation of other public administration employees and the elected representatives of territorial self-government. The Institute is an independent legal entity headed by a director as a statutory representative, who is appointed and removed from office by the Minister of the Interior upon the motion of the managing director of the section of public administration of the Ministry, and who is authorised to act on behalf of the organisation.

Within its mission, the Institute performs the following tasks, particularly:

- a) participates in the creation of conceptual documents in the area of education in public administration,
- b) prepares and implements educational projects for the respective target groups of education participants and provides for their accreditation,
- c) participates in the preparation of proposals for educational standards,
- d) participates in the development of methodology of further education in public administration,
- e) finds out, analyses and assesses educational needs in the authorities and organisations of public administration, their employees and elected representatives of the local self-government authorities,
- f) executes the function of the centre of uniform education in public administration,
- g) provides the Ministry and other public administration authorities with information and advisory and marketing services concerning the education of public administration employees and elected representatives of territorial self-government,
- h) prepares and implements international cooperation projects in the area of education in public administration,
- i) establishes, manages and develops the databases of projects and facts forming their basis, builds a library fund thematically focused on the area of public administration, particularly in the area of education in public administration,
- j) prepares, publishes and distributes (including their sale) study texts, other teaching aids and publications for education participants, lecturers and others involved,
- k) participates in the preparation of conceptual materials concerning the activity, organisation and scope of activities of the public administration authorities,
- l) provides accommodation, dietary and relaxation services connected with educational activities.

The Institute submits for approval to the section of public administration, a draft annual plan of educational and other professional activities elaborated on the basis of an analysis of the educational needs of the public administration authorities and organisations and elected representatives of territorial self-government, subject to the founder's requirements.

The main tasks performed by the educational system in the integration phase

- a) Language training (English, French and German languages), where it was necessary to begin cooperation with as many educational institutions as possible.
- b) The EU Structural Funds and Cohesion Funds, where the aim was to prepare employees for working out projects, to know how to choose, approve and draw allocated funds, as well as how to obtain funds by means of a quality education,
- c) Professional training, particularly of new employees in European integration departments and departments for approximation of the law of the central state administration authorities, i.e. becoming familiar with the sources of law of the European Union and the decision processes of their authorities, the basic information about the history, institutionalised support and foreign policy of the European Union, the integration process, the advantages of membership and obligations arising from it, and the pre-accession help of the European Union.
- d) The development of negotiation skills and communication techniques.

The educational activities during the integration phase were **designed for those civil servants** who:

- a) are employees of the units of European integration of central public administration authorities, or perform tasks arising from the membership of the SR in the EU,
- b) are members of the group of the main negotiator on behalf of the SR, or departmental coordination groups,
- c) deal with the approximation of law, EU foreign aid, EU programmes,
- d) are, or will be chosen, by the respective governmental department as professional workers within the preparation of the SR for accession to the EU,
- e) will represent the Slovak Republic at the Institutions and Commissions of the European Union, and will handle its interests within its membership in the EU,
- f) work in the professional units of central state administration authorities and are responsible for the planning and coordination of the activities of their units in the area of integration and for the gradual harmonisation and application of the standards applicable in EU countries in the areas entrusted to their scope of activities,

- g) are ready to educate themselves more intensely in the area of European integration with the aim of acquiring the status of a tutor,
- h) represent the Government of the SR in the preparatory committees and the committees of the European Union appointed by the individual Ministries,
- i) are responsible for the creation and implementation of national policies with regard to European integration,
- j) are responsible for the preparation of projects for the provision of financial support from European Structural Funds and Cohesion Funds.

The content focus of the educational activities

- a) professional seminars and courses focused on:
 - EU Structural Funds and Cohesion Funds
 - Approximation of EU law
- b) sector-oriented specialised seminars and courses:
 - for managers of European integration departments and departments for the approximation of law of the individual central state administration authorities, as well as the managers of the departments performing tasks arising from membership of the SR in the EU
 - for the employees of European integration departments and the departments for the approximation of law of the individual central state administration authorities
- c) other
 - professional language training
 - study visits based on EU aid (European Commission/TAIEX)

Sources

The funds for the education of civil servants were set aside from the state budget within the framework of its respective chapters in accordance with the justified needs of service offices. The management of the funds, designed for extending and improving employees' qualifications, came under the scope of competence of the individual service offices in accordance with their activities. The service offices planned the funds for the education of civil servants for a calendar year in the budget and used them in accordance with the annual plan of education of employees. Education of employees was restricted by lack of funds.

The costs of increasing civil servants' qualifications, which are in accordance with the educational needs of the service office, were paid for by the civil service office.

One of the tasks of the Civil Service Office was to provide for the preparation and implementation of educational projects in the selected areas of educational needs, which were identified for the entire civil service. Due to the fact that until 2004 the Civil Service Office had no funds available from the state budget to provide for the above mentioned education, service offices also participated in paying these financial costs.

It was necessary to provide for the following sources in order to carry out the concepts:

- a) personal – the coordination centre for educational activities in this area was the Department of Communication Strategy and Education of the Government Office of the SR.
- b) financial – in order to carry out educational activities
 - domestic: departmental budgets and the budget of the Department of Communication Strategy and Education of the Government Office of the SR
 - foreign: (PHARE, TAIEX, EU member states pro-integration help, EU programmes, European Training Foundation)
- c) material-technical and operational for the implementation of educational activities: the Department of Communication Strategy and Education of the Government Office of the SR in cooperation with individual central state administration authorities and foreign partners.

The types of education of civil servants

The types of education laid down by the legal regulations applicable for the civil service are part of the general framework of education in state administration. According to the Act on the Civil Service, the education of civil servants is carried out through *the extension and improvement of qualifications*. The extension of qualifications was carried out by *adaptation education* – education of the preparatory civil service, *functional education* – education of high-ranking employees in the area of management skills and *professional education* of civil servants.

The European integration phase at the level of conceptual education of civil servants was characterised by the absence of an educational institution focusing only on the education of civil servants. In order to carry out civil servants' education several state, public and private educational institutions were used. Education in some departments was also provided by subsidised educational institutions whose founder was the respective central state administration authority. Service offices, subject to the Act on public procurement, in order to educate their employees, chose educational institutions which had educational projects for further education accredited by the Accreditation Commission of the Ministry of Education of the SR.

The planning of education is closely related to the annual planning cycle of the service office and is an integral part of the overall personal planning. The

source of the basic information for annual education planning was scheduling the main tasks of the service office, the plan of management of the service office's human resources and the analysis of civil servants' educational needs. The process of planning must be coordinated with the process of the annual employees' assessment. The result of the analysis of educational needs is many educational needs. Nevertheless, the sources in order to satisfy them were limited, which is why, with the annual planning of educational activities, the priorities whose implementation within the given possibilities and sources is real, must be set. Part of the education annual plans is the determination of education target groups, internal and external educational activities and their time schedule, financial and personal support with the determination of responsibility for the performance of tasks arising from the plan. The elaboration of the annual plans of education leads to the calculation of the budget for the provision of education in a service office. The basis for the planning of education in service offices was prepared by the Civil Service Office in the form of rules of planning education in the civil service, and, based on these rules, the annual planning of civil servants would be then carried out in service offices.

The assessment of education at the central level of state administration consists of:

- a) a continuous examination activity in service offices,
- b) assessment of the performance of tasks arising from SR Government decisions.

The tools of assessment of education at the level of service offices consist of:

- a) a report on the performance of tasks arising from the annual plan of education of civil servants in a service office, whose part is an analysis of costs of education and assessment of the influence of education on the development of the service office,
- b) annual service assessment of a civil servant, whose part is also an assessment of the completed education and proposals for the education that a civil servant has to complete in the following year.
- c) Testing the acquired knowledge and skills of civil servants by means of a qualification examination within the transition:
 - from the preparatory civil service to the permanent civil service
 - from the temporary civil service to the permanent civil service
 - from the permanent civil service to the appointed civil service.

The contents of the education of civil servants and their standardisation

The elaboration of the contents of education in the civil service is a task for the authors of the projects and programmes of education and they may be an educational institution or a personal office in the case where they provide for their employees' education. The criterion and basis for the preparation of the contents of education

of the selected target groups of civil servants will be minimum standards and framework programmes of education specified by the Civil Service Office. The minimum standards will be the basic minimum which can be further elaborated by the service offices with regard to their specific needs. Based on the minimum standards of education, framework educational programmes will subsequently be elaborated.

The Civil Service Office, in cooperation with the service offices, prepares **minimum standards** of

- a) education of high-ranking employees in order to acquire the management prerequisites with regard to various levels of management,
- b) education of civil servants in whose competence the activities connected with the process of European integration are,
- c) education of human resources management specialists, including education specialists,
- d) the common basis of adaptation education in the preparatory civil service.

The service offices, in cooperation with the Civil Service Office, prepare **minimum standards** of the adaptation education of civil servants in special departments of the civil service.

Based on the minimum standards of education, **the Civil Service Office**, in cooperation with the service offices prepare **framework programmes** of:

- a) the education of high-ranking employees,
- b) the common basis of adaptation education,
- c) education of human resources management specialists and education specialists,
- d) education of civil servants in whose competence the activities are connected with the process of European integration.

The service offices, on the basis of a methodology guideline of the Civil Service Office, elaborated **framework programmes** of the adaptation education in special departments of the civil service.

The quality of education of civil servants

The guarantee of the quality of education in the civil service by the Civil Service Office means, above all, providing for a certain quality of education specialists' work, the quality of projects of education in terms of their contents and form, the support of using such methods and forms of education which are appropriate for the educational goals, and the specification of rules for the issuance of certificates upon completion of the education. Priority, while implementing the systematic approach to the education of civil servants, is given to providing for the quality of education specialists' work and the quality of education projects.

The quality of education specialists' work

It is essential to provide a quality of education for civil servants by means of skilled workers with a university education in the area of adult education or human resources management.

In order to improve the quality of education specialists' work who already work in service offices, the Civil Service Office will initiate education, focusing on the extension of skills in the area of analysis of educational needs, planning and preparation of projects, and implementation and assessment of education of adults.

The quality of education projects

The Act on further education imposes the duty of accreditation on an educational organisation performing an educational activity for employees and elected representatives of public administration. The accreditation of educational projects is provided by the Accreditation Commission of the Ministry of Education of the SR. After accreditation is granted, the institution is entitled to issue certificates on the completion of education.

The quality of the projects of the elaboration of civil servants in those areas which are common for the entire civil service was assessed on the basis of criteria worked out in advance – minimum standards and framework programmes of education.

The application of appropriate methods and forms of education

With the aim of providing efficient education in a civil service of high quality, it is necessary to take into account the following rules in choosing the methods and forms of education:

- to choose methods and forms of education according to the goal, content and target groups of education within the individual educational events,
- when choosing the methods and forms of education, give preference to those which enable active participation of the people involved in the processes of learning and which support experience-based learning,
- to provide education, not only of a school type (seminars), but also education which is applicable within the working process and by self-education (distance learning),
- to make use of the various aspects of education in the working process led by an internal tutor from the ranks of civil servants with education outside the working process,
- to apply international cooperation and foreign experience (e.g. education based on projects of foreign educational institutions, foreign study visits),
- to make use of modern information technologies (e-learning).

The issuance and acceptance of certificates of the completion of an educational activity

Certificates of completion of education are issued by the institution carrying out the education.

The rules of acceptance of certificates by the service offices:

- a) In the case of relocating a civil servant, if he has completed any sort of education in another service office and obtained certificates, such education may be accepted by another service office if required by law, or if it is necessary for the performance of activities arising from the description of activities of a state employment position.
- b) The acceptance of the validity of other earlier issued certificates (obtained by other educational organisations) is carried out by the respective service office.
- c) The assessment and acceptance of foreign diplomas and certificates for the needs of the civil service is in the competence of the Educational Document Equivalence Centre of the Ministry of Education of the SR.

The records of education of civil servants

The data concerning the education of civil servants are recorded by a special office in the personal file of a civil servant and a card of a civil servant's education. Only the education for which the personal office has received a confirmation of completion is recorded. The card of a civil servant's education will be created in electronic form within the personal and information system of the service office.

B. Education of civil servants after the accession of the SR to the EU

The second phase of the education of civil service employees is characterised by the abolition of the Civil Service Office and by passing their competences to the individual service offices. The newly-adopted Act on Civil Service from 2009 thus strengthened the autonomy of the service office in the matters of personal policy, and also in the area of the education of civil servants.

The service office organises, provides for and enables the professional training and systematic professional education of civil servants, creating at the same time conditions for education of civil servants by extending and improving their qualifications.

The extension of qualifications is systematic professional education of civil servants aimed at continuous maintenance, improvement and supplementing the required knowledge and skills necessary for the execution of civil service duties. The service office (Ministry or a central state administration authority) also coordinates the education of civil servants in the service office, where it acts as a founder. The extension of qualifications may be carried out in the form of personal attendance education, distance education, self-study, through electronic communication, study visits, participation in conferences, participation in professional seminars and par-

ticipation in courses etc. The service office will provide a civil servant with an extension of his qualifications to the extent of a minimum of 5 working days per calendar year. The civil servant is entitled to a functional salary during this period. The costs of the extension of qualifications are paid by the service office. The service office reimburses the civil servant, who is temporarily sent to perform his duties abroad, for the costs incurred by him extending his qualifications abroad but not exceeding the amount of costs of the extension of qualifications in the Slovak Republic. The service office may conclude a written agreement with the civil servant concerning the extension of his qualifications, should such an extension of qualifications exceed five working days in a calendar year, or should the costs of the extension of his qualifications reach an amount of at least EUR 3 500.

The extension of qualifications is carried out by adaptation, continuous or special education.

Adaptation education provides a civil servant during the adaptation period with information and knowledge leading to acquiring the basic skills necessary for the performance of activities in the civil service. The details of the extent, contents and forms of the adaptation education are regulated by an official regulation. The adaptation education consists of:

- a) a general part focused in particular on the acquisition of knowledge about the Constitution of the SR, generally binding legal regulations regulating state employment relationships, the organisation of state administration, the European Union, communication and the ethics of a civil servant,
- b) a specific part focused, in particular, on the acquisition of information about the tasks and status of the respective service office and about its internal normative acts, and its tasks performed in the organisational unit in which the employee performs his/her civil service tasks.

The continuous education is focused in particular on:

- a) occupational education connected with the extension of qualifications in the area of activities which a civil servant performs subject to a service contract in a state employment position,
- b) language education, i.e. improving the level of mastering the state language and a foreign language, and extending language skills by means of further study of a foreign language,
- c) the acquisition and improvement of skills necessary for the execution of a high-ranking employee position.

The special education is focused in particular on:

- a) education in the areas which the Government of the SR will set as its priorities with regard to the performance of its tasks,

- b) education in the area of information technologies,
- c) education in the area of personal development.

Increasing the qualifications is the acquisition of:

- a) a higher degree of education in accordance with the specific requirements and needs of the service office,
- b) special qualification prerequisites, which are necessary for the performance of the civil service in a state employment position according to the description of the relevant activities.

Upon a civil servant's request, the service office may enable him/her to increase his/her qualifications, if such an increase is in accordance with the needs of the service office. For this purpose, the service office will conclude a written agreement with the civil servant on increasing qualifications which contains:

- a) the form of qualifications and the form of study,
- b) the study branch, the type of study programme, the study plan and the name of the school,
- c) the period for which the civil servant is obliged to remain in the state employment relationship after an increase in qualifications has been achieved (the period may be no longer than 5 years),
- d) the types of costs and the highest amount which the civil servant will pay, should he fail to meet his obligation to remain in state employment during the period agreed upon (this amount may not exceed three-quarters of the total amount incurred by the service office).

In order to increase his/her qualifications, the service office will provide the civil servant with time off work, subject to an educational organisation's confirmation, concerning the type of study programme and the length of study, within the extent:

- a) necessary for attendance of lessons,
- b) 2 working days to prepare for and take each examination according to the study programme or study plan,
- c) 20 working days to prepare for and take each state examination in the first and second degree of higher education,
- d) 10 working days to work on the final thesis in the first and second degree of higher education,
- e) 10 working days to work on a dissertation thesis and 15 working days to prepare a dissertation thesis defence.

The civil servant is obliged to present the results of the examinations for which he was given time off work by the service office. The civil servant is entitled to a functional salary for the period of time off work during this time. The civil servant

is not entitled to a functional salary for the period of time off work, provided in order to re-sit an examination. Should the civil servant fail to complete his studies, the service office may claim compensation from the civil servant.

The general goals of the education of civil servants at present

- a) to support the effective integration of newly-appointed civil servants into the organisational environment of the service office,
- b) to support the professional development and growth of civil servants with the aim of making the performance of tasks they perform and the overall professionalisation of the civil service more effective,
- c) to support the implementation of reforms and development programmes initiated by the Government of the SR and the civil service management,
- d) to bolster the confidence of civil servants and their readiness to accept changes in the work environment,
- e) to increase the flexibility, and at the same time, the mobility of civil servants, by creating a common base of knowledge,
- f) to deepen the ethical values in the civil service in accordance with the Code of Ethics of a civil servant.

The target groups of education of civil servants, the development of which it is necessary to focus on in the service offices:

- a) civil servants in the preparatory civil service,
- b) civil servants in the permanent civil service,
- c) civil servants in the appointed civil service,
- d) high-ranking employees – at the top level as well as the lower levels of management and other high-ranking employees at the lower levels of management,
- e) human resources management specialists and education specialists,
- f) civil servants of central state administration authorities whose description of activities of a state employment position includes the activities of a legislative/legal nature,
- g) civil servants in positions of special importance,
- h) civil servants of inspecting authorities carrying out financial inspections and internal audits – education provided for by the Ministry of Finance of the SR, civil servants whose work while performing their service duties requires contact with physically disabled citizens.

In the area of **types of education** of civil servants the priorities are:

- a) **Language education**, supplementing skills in mastering a foreign language,

- b) **Education in work with information technologies**, with the aim of acquiring the so-called European Computer Driving Licence.

An analysis of the capacities crucial for the process of negotiations with the EU

The Government of the Slovak Republic paid particular attention to the issue of building up the administrative capacities and institutions necessary for the implementation of EU law and the overall institutional support of the process of European integration. The Government of the Slovak Republic undertook to provide for these prerequisites no later than the end of 2002 and the solutions adopted in this connection contained both the qualitative and quantitative viewpoints of the issue. The basic goal in this area was the creation of a quality professional administration and professional state administration, which will efficiently perform all tasks connected with the membership of the Slovak Republic in the European Union and, at the same time, the establishment of institutions whose establishment arose from the negotiation process obligations.

Providing for the ability to implement the *acquis* – building up new institutions and increasing the number of employees

The increase in the number of employees focused on strengthening both the already existing institutions and the creation of new ones, occurred in two stages.

In 2001, the Government of the SR discussed and approved the document called “**An analysis of the requirements for the administrative needs and new institutions connected with the implementation of EU law**” and decided on the creation of 833 new posts for building up the new administrative capacities and new institutions connected with the implementation of EU law. In the budgetary chapter, General Cash Report, funds were specially allocated, enabling the acceptance of a further 263 employees to ensure the performance of tasks connected with the accession process, which in total meant 1096 new jobs created with effect from 1st January 2002.

Subsequently, the governmental document material “**An analysis of the requirements for the administrative needs and new institutions connected with the implementation of EU law for the year 2003**” dealt with the issue of building up and strengthening the administrative capacities for 2003. The document identified 718 new posts, with 304 new systemised jobs created, which meant a substantial increase in the number of jobs in state and public administration, and in order to create the remaining 414 jobs, internal personal reserves existing in state and public administration were used. 718 new jobs were created with effect from 1st January 2003.

All in all, in connection with building up the administrative capacities and institutions necessary for the effective implementation of the *acquis*, 1814 new jobs were created. Most of the positions were state employment positions. A certain number of these posts were public administration and approximately 300 jobs were created for the Police Force (strengthening the protection of the external border with Ukraine) and customs administration (new tasks arising from the excise taxes

administration). The newly created posts directly corresponded with the legislative changes and were designed for the implementation of new legislative regulations adopted in connection with the preparation of the Slovak Republic for accession to the European Union.

Filling job vacancies

Towards the end of 2003, the majority of the above mentioned new jobs were already filled. With regard to the new Act on the Civil Service, the selection procedures were organised and carried out centrally by the Civil Service Office. Nevertheless, taking into account the importance of the completion of filling job vacancies and the heavy load of the Civil Service Office, it was necessary to adopt measures for the acceleration of filling the “European integration” posts. The Decree of the Civil Service Office set out the details of the selection process for the state employment job positions and enabled the delegation of power to carry out the selection procedure to the Heads of service offices of the individual Ministries and other central state administration authorities.

The existing challenges in the area of administrative reform

The following basic challenges, to which the Government of the SR paid particular attention, were in the area of administrative reform in the period of European integration:

- A high level of fluctuation of civil servants

One of the major problems in the civil service was the high level of fluctuation of civil servants, particularly amongst the young and educated workers. This problem was linked to such priority areas as the preparation of administrative structures for the drawing of funds from the Structural Funds and the Cohesion Fund and coordination units etc. The reason for the existence of this problem was low wages for new employees, compared to the private sector, caused by the system of remuneration in which the main role is played by the system of calculating salaries according to age.

Based on this, the Government of the SR adopted measures which were supposed to lower the importance of this age system in the civil service and to increase the influence of real performance of a particular civil servant on the level of wages.

In accordance with the Act on the Civil Service, the heads of service offices, with the consent of the Civil Service Office, proposed the creation of state employment job positions of strategic significance, which enabled awarding selected employees a special bonus amounting to 30–100 % of their salary rate, based on which the Government of the SR, with its decision, approved the document of the Civil Service Office called “**A proposal for the approval of the number of state employment positions of strategic significance for the year 2003**” as well as “**A proposal for an increase in the remuneration of employees responsible for the drawing of**

EU funds”, subject to which 1.7 million euros was set aside from the state budget for the purpose of improving the financial remuneration of civil servants responsible for the drawing of EU funds.

The Government of the SR then approved “**The bases for successful integration of the SR into the EU in the area of pre-accession tools, Cohesion Fund and Structural Funds**”. This document also dealt with the issue of administrative capacities. In accordance with this decision, the deputy Prime Minister of the Government of the SR for European integration, human rights and minorities, worked in cooperation with a deputy minister and the Minister of Finance. The Minister of Labour, Social Affairs and Family and the Chair of the Civil Service Office worked out a proposal for a solution to the stabilisation and improvement of the remuneration of employees in state and public administration, responsible for the drawing of funds from the EC funds, performing tasks arising from the membership of the SR in the EU and representing the SR in the commissions and work groups of the EU institutions.

- Education and training of civil servants

By adopting the Act on the Civil Service and constituting the Civil Service Office, a new legal and institutional environment for the provision of further education of civil servants in the competence of the Civil Service Office came into being during the period of European integration.

In its decision, the Government of the SR approved “**A strategy for the employment reform in the public sector**”, whose purpose was public sector reform in the area of the civil service, public service and civil services of armed forces in accordance with the Programme Declaration of the Government of the SR, in which it is stated that “the Government of the SR considers a slimmer, more functional and less financially demanding public sector an essential condition for the successful administration of public affairs”.

In a session of the Government of the SR, the document of the Civil Service Office “A strategy of education in the civil service” was also approved, this document fully reflecting the Memorandum on Lifelong Learning submitted by the European Commission (2000) and the report of the European Commission on the implementation of lifelong learning in Europe (2001). The strategic goal of education in the civil service of the Slovak Republic was to permanently and continually improve the professional performance and ethical behaviour of civil servants in all authorities of state administration and at all its levels, with the aim of developing a culture of service for citizens in accordance with the type of work of civil servants who are employed in the European administrative context.

- The process of the adaptation of organised structures of individual Ministries and other central state administration authorities to effective functioning under conditions of membership of the Slovak Republic in the European Union

In 2003, several changes were under way at the level of central administration with the aim of preparing individual Ministries and other central state administration authorities for effective functioning in conditions of membership of the European Union.

Source: **Comprehensive Monitoring Report on the Slovak Republic's Progress in its Preparation for EU Membership for the period September 2002 – May 2003** (www.edis.sk)

The institutions in the Slovak Republic and their competences in connection with the accession process.

The Council of Ministers for European Integration was the governmental coordination and advisory body of the Slovak Republic for European integration. This body consisted of the deputy Prime Minister of the SR for European integration, human rights and minorities, who was also its Chairman. The members of the Council were the Ministers of Foreign Affairs (the council's deputy Chairman), Economy, Finance, Agriculture, Interior, Ministry of Foreign Affairs of the SR and an Assistant Secretary whose competence was European integration (until the end of 2002 as well as the main negotiator of the SR for accession to the European Union).

29 work groups worked on the elaboration of accession positions of the SR under the auspices of the Council of Ministers for European Integration and the Assistant Secretary for European integration at the Ministry of Foreign Affairs of the SR. Their task was, in the process of negotiations with the EU, to prepare and inform the members of the Council of Ministers of the progress in the negotiations process. **The main work group** was headed by the main negotiator of the SR for accession to the EU, Ján Figel, and consisted of managing directors of the Government Office of the SR, Ministries and central state administration authorities dealing with European integration, as well as the Heads of 29 work groups.

Apart from this, the Council of Ministers for European integration, in cooperation with the Government Office of the SR, in particular the Government deputy Chairman for European integration, also established an **Advisory Group (Consultative Committee)**, in which scientific institutions, departments, associations of employers, non-governmental organisations etc. were represented.

The National Council of the Slovak Republic was, and naturally is, involved in the integration process.

Besides the Parliament plenum, approving important steps of the SR, laws and legal regulations, the members of **the Foreign Affairs Committee, the Committee for European Integration, and the EU and SR Joint Parliamentary Committee** were also indispensably involved in the integration process.

The third key operator in the map of European integration of the SR was and is **the Government Office of the SR**, particularly the office of **the deputy Prime Minister for legislation**. The legislative workshop and support of the entire integration process were, in particular, **the Institute for the Approximation of EU Law** and **the Section of European Integration**. In the Section of European Integration, this concerned mainly **the Department of European Integration**, **the Department of Foreign Aid** as well as **the Department for Building up Institutions and Preparing Citizens for accession to the EU**.

The fourth pillar of the integration process was the **Ministry of Foreign Affairs of the SR**. The natural pilot of this process was the **Minister of Foreign Affairs** and **the Assistant Secretary for European integration**. Both of them intervened managerially in the “control unit” of the European integration process at the Ministry of Foreign Affairs of the SR – the **Section of European Integration**. This Section directly governed the **Mission of the SR to the European Communities in Brussels**, domestically its second pillar – the **Department of Political relations with the EU** and the first and third pillar – the **Department of Economic-Legal Relations with the EU**. While the Assistant Secretary was in the accession process, the main negotiator of the SR for the SR’s accession to the EU, the Department of the Main Negotiator, also belonged to the two pillars of the Section of European Integration of the Ministry of Foreign Affairs of the SR.

Source: www.euroinfo.gov.sk

Law making – legislative process

Uniform methodology for selected influences assessment.

A uniform methodology for assessing selected influences was proposed as a universal manual based on European Commission documents and is adapted to the legislative environment at the national level of the Slovak Republic.

A uniform methodology for assessing influences is based on the fact that according to the Directive on the preparation and submission of documents for the Government of the SR sessions, approved by the Government of the Slovak Republic Decision No. 512/2001 as amended, the documents submitted for an inter-departmental consultation exercise and later also to the Government session, must contain a Clause of Financial, Economic, and Environmental Influences on Employment, Business Environment and Computerisation of Society.

The assessment of influences is a tool aimed at determining the expected influences of documents of a legislative, as well as a non-legislative nature, submitted to an inter-departmental consultation exercise on the financial, social situation of the population, employment, business subjects, functioning of markets, environment and computerisation of society. The assessment of influences is a significant tool for the Government (or public administration in general) in making decisions with regard to the submitted documents.

While making such decisions, it is important for the Government to have a detailed analysis of the influences available. This tool is an aid for political decision-making, but it is not a substitute. The assessment of influences must happen in parallel with the preparation of the submitted documents and must contribute to it. The primary aim is to provide the Government with a sufficient basis to prevent it from approving such documents which would put an unnecessary or severe strain on the population, public finances, employment, business subjects, environment and computerisation of society, which would lead to other undesirable socio-economic changes and in practice would mean a sort of legislation hard to execute. The reduction of frequent amendments to legal regulations is one of the secondary aims.

A uniform methodology for assessing selected influences presents the procedure and rules for the assessment of social influences on the public administration budget, business environment, environment and computerisation of society. The assessment of influences is carried out by means of an analysis of accessible data and information and the overall assessment of expected expenditure and side effects of the submitted documents. The assessment of influences within a uniform methodology is, at all times, the assessment of assets and costs of changes brought about by the submitted documents (e.g. a new law) compared to the existing state (the existing legal regulation). The preparation and approval process connected with the assessment of selected influences has the following main participants:

- The proposers, who may be Government members, the chief of the Government Office of the SR, Chairs of other central state administrations, the Attorney General of the SR, the Governor of the Slovak National Bank, the President of the Supreme Audit Office of the SR, the managing director of the Social Insurance Agency and other persons, if a special law, or Government decision specifies so, or subject to the Prime Minister's consent.
- The Ministry of Finance of the SR, the Ministry of Economy of the SR, the Ministry of Labour, Social Affairs and Family of the SR, the Ministry of the Environment of the SR responsible for methodology.
- Other subjects affected by the proposal, or which may be affected by the proposal, or which have relevant information concerning the proposal (e.g. state and public organisations, non-governmental organisations representing the interests of the affected population groups, scientific research institutes etc.) and social partners in case of submitted documents relating to economic and social interests.

It is essential for an assessment to be carried out as soon as possible in the stage of document preparation, i.e. even before documents are submitted to an inter-departmental consultation exercise, when a potential adjustment of documents is still possible (e.g. of the suggested solutions) due to the fact that submitted documents also have, besides their direct influences, side effects which have to be identified in advance.

The assessment of influences identifies and quantifies expected costs, assets and side effects which may arise with regard to the submitted document being approved. This is an assessment of assets and costs of the suggested change against the existing state.

An important part of the Governmental policy creation process, an increase in the transparency of its activities and the provision for practical functioning, is gathering opinions and information from the parties involved in the form of consultations.

The sequence of individual steps in the application of a uniform methodology

A. A preliminary consultation exercise

A preliminary consultation exercise will take place in the case of each document which the proposer plans to submit for an inter-departmental consultation exercise. This results in a clause of selected influences, and in the elaborated analysis of influences should the document expect an influence on any area. If the proposer states that the document has no influence on the given area, an analysis of influences is not elaborated.

The purpose of a preliminary consultation exercise is to identify the nature and significance of the potential influences, and in case of their existence, to carry out a more comprehensive assessment, a so-called analysis of influences.

However, a preliminary consultation exercise is not carried out with regard to the legislation drafts which the Slovak Republic must implement subject to EU Directives.

A preliminary consultation exercise includes three successive steps –

1. Submitting documents (or their concept); a clause of selected influences and should the clause identify an influence, also an analysis of influences to those responsible.

Prior to the planned submission of documents to an inter-departmental consultation exercise, the proposer elaborates a clause, in the case of an existing influence or an analysis of influences on the relevant part, which he sends, together with his own documents (i.e. his proposal, which may be an outline or wording of the final article, including a description of goals and an explanation of the changes which the documents intend to bring about) in electronic form to the address dolozka@rezort.sk to the methodology manager within a minimum of 20 working days prior to the commencement of an inter-departmental consultation exercise; in case of a summary consultation exercise this must be within minimum 5 working days prior to the commencement of the inter-departmental consultation exercise. Should the proposer obtain the opinion of all methodology managers, complying with the above mentioned periods is not required. The proposer assesses potential influences in the clause.

2. A methodology manager's opinion

The methodology managers express their opinions no later than within 10 working days from the delivery of the documents, the clause of influences and the analysis of influences. In the case of a summary consultation exercise, this period is shortened to 3 working days. The managers state their opinion in the clause of influences in sub-paragraph "A.5 Manager's opinion". Not expressing a manager's opinion is considered to be an approval.

The methodology managers only comment on the validity of the contents of the clause and the analysis of influences. They submit their comments relating to the material substance of the documents themselves no earlier than within an inter-departmental consultation exercise. The Ministry of Finance, as the manager of the methodology of influences on the public administration budget, may express disapproval in case the budget does not cover the influence which is not supplemented with a real proposal, solving the loss of income and an increase in expenditure pursuant to Art. 33 Sect. 1 of Act No. 523/2004 Coll. on budgetary

rules and on amendments and supplements to certain laws, and which would mean a negative influence on the public administration budget.

After having received the methodology manager's opinion, the proposer adjusts the clause in accordance with these opinions. If the proposer strongly disagrees with the submitted draft regulation, he is obliged to state the manager's opinion in the clause of influences.

3. Consultations

During the preparation of the documents, the proposer may consult and clarify the methodology, contents and validity of the clause being elaborated by him with the methodology managers, thereby acquiring a higher quality of submitted documents and their accordance with the requirements. The proposer may, within his possibilities, also consult the proposal with the other subjects involved and thus improve the quality of the preparation process.

The way in which such consultations are carried out is in the competence of the person submitting the documents. Consultations may be carried out during the entire process of the elaboration of documents and may take place in several rounds and may affect several stages of the preparation of the assessment of influences several alternatives and several forms. The consulting subjects sustain their arguments with facts whenever possible.

An analysis of influences is elaborated only for the areas where, according to the clause, an influence is defined. Through consultations, the proposer, on a voluntary basis, acquires the relevant data serving as a basis for the elaboration of the analysis of influences. Should it transpire from the extent of influences of the proposer's clause and from the manager's opinion that the submitted documents do not have any influence on any of the selected influences then the analysis of influences is not elaborated upon. In such cases, the proposer submits draft documents for an inter-departmental consultation exercise only with a clause, i.e. with appendix no. 1, in which no influences are marked with an "X".

The main aim of the consultations is to avoid possible problems during the inter-departmental consultation exercise, which may arise, for instance, from the use of unreal assumptions. It may become clear at this stage that the draft of the submitted documents established different influences from those originally expected by the proposer. In such cases, the proposer may decide to change the draft of the documents and to notify the methodology managers of this fact. Should the proposer prepare a new draft of the documents, which is substantially different from the original, it is recommended to repeat the whole process of the preliminary consultation exercise, otherwise major conflicts may occur during the inter-departmental consultation exercise.

B. An inter-departmental consultation exercise

The proposer submits, for an inter-departmental consultation exercise, draft documents including the selected influences.

Within an inter-departmental consultation exercise, a methodology manager in his capacity as a manager, analyses:

- *the scope* – whether all assessed influences are included,
- *the feasibility of assumptions* – whether the description of the assumptions used (e.g. changes in the amount of activities), together with the related influences, is logical and real, and whether the estimates of influences for the following years is logically connected with the start year,
- *accuracy* – whether calculations are attached and whether the listed total sums are mathematically correct,
- *the influence on the public administration budget* – pursuant to Art. 33 Sect. 1 of Act No. 523/2004 Coll. on budgetary rules for public administration and on amendments and supplements to certain laws which would mean a negative influence on the public administration budget.

Should the manager, in his analysis, discover any deficiencies, he states in which area he does not agree with the proposer's output and suggests a change. The manager's comments on the clause and analysis of influences are sent, together with the other comments of the particular Ministry or institution. The comment on the clause or analysis marked as significant is solved by means of a conflict consultation exercise subject to the Legislative Rules of the Government of the Slovak Republic or to the Directive on preparation and submission of documents for the Government of SR sessions.

The manager's approval of the clause means that:

- the assumptions (e.g. changes in the amount of activities) are real,
- the influences cover all subjects which will probably be affected by the proposal,
- the influences are estimated in a real way,
- the demands for the proposal funding are stated precisely and do not have a negative influence on the public administration budget.

The manager's approval does not mean that he agrees with the contents of the documents themselves. The approval of the clause means that according to the manager's opinion the proposal influences are stated in a real way and in accordance with the methodology approach, and do not have a negative influence on the public administration budget.

C. Government sessions

One inseparable part of the draft of the documents submitted to a Government session is a clause determining the expected influences of the submitted documents on public finances, the social situation of the population, employment, business subjects, the environment and computerisation of society, and in case of the existence of influences, also an analysis of the influences assessing the relevant part in more detail.

Should the documents be returned from a Government session to be re-worked and the changes in the documents also significantly change, the assessed influences, the re-worked clause and analysis of influences must be looked at with the methodology managers.

The Legislation Portal

The Legislation Portal is an information system of public administration for monitoring the legislative process. This system is designed to provide, in particular, for unifying the legislative process in electronic form, and an easier orientation and search in legislative documents.

The aim of the information system for monitoring the legislative process is:

- to unify the creation process of legislative documents,
- to make legal amendments easier to follow,
- to publish legislative documents on the Internet in a form easy to follow, together with all relevant opinions,
- to automatically inform all subjects involved in publishing legislative documents, their amendments and state in which they exist,
- to be consistent in complying with the legislative rules,
- to create suitable conditions for the assessment of a consultation exercise.

The unification of the legislative flow process with legislative rules is the basis for improving the submitted and approved legislative documents, whereby a basic prerequisite for an increase in the legal awareness and confidence is created.

Within the electronic legislative process, the unification of legislative documents in individual studies of the legislative process and a decrease in manual copying of the approved legislative documents into electronic form, was provided for and achieved. While amending legislative documents, updating the wording of all legislative documents with an easy to follow highlighting of the effectiveness of each amendment is automatically created which is a prerequisite to improving the quality of the approved legislative documents and for making them easier to follow. The system provides for complying with the categorisation of documents and their time sequence.

Regarding the already existing systems, modern technologies are used (web services), and an interface for mutual electronic communication is provided with the aim of providing for as high a degree of automation of activities as possible. In creating legislative documents, the information system does not require a permanent connection; the processing of documents is possible offline and the user is synchronised with the application if necessary.

The Legislation Portal is an Internet portal and forms part of the Uniform Information System for monitoring the legislative process whose administrator and operator is the Ministry of Justice of the Slovak Republic.










The Legislation Portal, together with its process logic, covers the course of the legislative process and serves to monitor, archive and search for documents of a legislative and non-legislative nature during the legislative process. The application logic, consisting of the rules of the legislative flow processes, is part of the Legisla-




tion Portal. The system offers a search for documents at various stages of the legislative process according to the criterion selected by the user.


The basic function of the portal is an information function (passive access) which is in such a form as to allow an easy catch up with the course of the legislative process. At the same time, the portal provides the authorised public power bodies with active access to the legislative process (creating the documents on the portal and commenting). Registered users representing both the non-professional and professional public have the opportunity to actively engage in the legislative process (individual or collective comments).
















The portal follows the entire legislative process from the creation of a document until its approval, or to the end of the legislative process in another way (withdrawal of a document etc.). The portal reflects the applicable law which lays down the basic rules and principles of the legislative process functioning, which is carried out in a manner which makes getting round or breaking such rules impossible. Furthermore, the portal is also designed for the preparation and processing of documents of a non-legislative nature submitted, for instance, to the Government of the Slovak Republic sessions.

Within the portal, the legislative process is entered by documents which are divided into four categories. As a rule, in order to be easy to follow, each individual type of document has its own graphic presentation:

General Legislation	
	Constitution of the Slovak Republic
	Constitutional Law
	Law
	Government Resolution
	Ordinance
	Decree
	Measure
Specific Legislation	
	International Agreement
	Legislative Intent

General Non-legislation	
	General Non-legislative Documents
	Government Sessions Information Documents
	Confidential Documents

Specific Non-legislation	
	This is a set of documents which is, after having been created (published, announced, approved etc.), designed to be directly published or announced in the Collection of Laws of the Slovak Republic (e.g. findings of the Constitutional Court of the Slovak Republic, decision on calling an election etc.)

Basic Stages		Technical Stage	
	Preparation of Documents		
	Inter-departmental Consultation Exercise		
			Inter-departmental Consultation Exercise Completed
	Permanent LRV Work Committees Session		
	Advisory Bodies Session		
	Approved by Minister		
			Sent to Government Session
	Government Session		
	Approved by SR Government		
			Sent to SR National Council Session
	SR National Council Session		
	Approved by President		
			Sent to SR Collection of Laws
	Published in SR Collection of Laws		
			Document Removed

All documents in the category “General Legislation” are created in the Legal Regulations Editor. The other documents are created outside this by means of standard office applications (e.g. MS Office).

The portal follows the legislative process flow by following the course of documents between the individual stages of the legislative process. Basic stages of the legislative process and so-called technical stages of the process are distinguished on the portal, standing for a certain transition between the basic stages of the legislative process, particularly in regard to the connection of the portal to other public administration information systems (Digital Government, the National Council of the Slovak Republic’s Intranet).

The above overview covers all stages of the legislative process distinguished by the portal. Nevertheless, this does not mean that these stages are characteristic of each type of document entering the portal. According to the type of document, the portal distinguishes legislative process stages which are characteristic to the given type of document and, at the same time, it distinguishes between the so-called ideal stages (if the process progress is ideal) and other possible stages (if any of the process stages need to be repeated, i.e. step back, e.g. passing the document from the stage Advisory Board Session to the stage Inter-departmental Consultation Exercise).

At the same time, it means that if some process stage is mandatory, the portal does not enable its omission (e.g. in case of law, the Inter-departmental Consultation Exercise is, at all times, mandatory, therefore the portal does not enable passing the document from the Preparation of Document stage directly to the Government Session stage.). If a document is involved which may be passed from the stage Preparation of Document to various stages, all possible (allowed) stages are available, an example of such a document being a general non-legislation document which does not have to be subject to a consultation exercise, but may be submitted directly to the SR Government session. In such cases, the portal will allow the user to “skip” the stages Inter-departmental Consultation Exercise, Inter-departmental Consultation Exercise Finished and Advisory Board Session.

The Legislation Portal is designed for two basic groups of users:

1. public power authorities
2. the public

The documents existing on the portal are created by employees of respective public power authorities, which are subject to the applicable law and authorised to initiate the legislative process. These authorities, at the same time, actively engage in the legislative process in its individual stages, acting as a consultation subject or as an approving authority.

The portal provides the public, either in the position of a registered or non-registered user, with the opportunity to monitor the legislative process at a single

access point. Registered users thus acquire the possibility of active access to the portal in the form of commenting on the documents, creating collective comments or supporting already created collective comments. Monitoring the legislative process by registered users is extended for the option of sending notification messages about the creation of a document from a certain area of interest (e.g. monitoring documents in the area of tax law) or about transferring a particular document within the legislative process stages.

The user's registration on the Legislation Portal brings two main advantages:

1. Active access to the legislative process

The registration enables active engagement in the legislative process in the form of presenting an individual comment with regard to a document being in an inter-departmental consultation exercise, or in connection to the existing collective comments from the public. A registered user may, at the same time, create his own collective comment. The document proposer is obliged to deal with a collective comment if this is supported by at least 500 people, in this case registered users, and the proposer cannot refuse a comment without prior discussion about it with representatives of the public.

2. The possibility of exact and full monitoring of the legislative process

A registered user has the opportunity to be regularly informed about the creation of a draft legal regulation from the selected areas of law (e.g. tax law, civil law, state law regulations etc.), or may select a particular draft legal regulation regardless of the area of law, whose legislative process he wishes to monitor. A registered user is notified of all these facts by means of brief messages within the user's personal page. The connection of the possibility of full monitoring of the creation of legal regulations, with active access to the legislative process, is one of the opportunities for the broad professional, as well as non-professional public, to participate in the administration of public affairs, since it is possible for everyone to comment on the prepared legal regulations, to express their opinions, and thus, eventually, to contribute to the improvement of the quality of adopted legal regulations.

Documents, or a set of documents, may be searched for within the portal in various ways and in different parts of the portal.



Within the Main Page, in the section Legal Regulations, the latest documents created on the portal are shown. In the pull-down menu, a criterion for showing only a certain group of documents may be selected, i.e. simple filtering of documents may be activated. Within the Main Page, documents may be filtered according to the following criteria:

1. latest
2. most viewed
3. submitted to an Inter-departmental consultation exercise
4. submitted to SR Collection of Laws

In the section Approved Legal Regulations, all documents, whose legislative process has been completed, are shown.



In the section Current Legislative Process, all documents, which are currently in the legislative process and whose legislative process has not been completed, are shown. The list of loaded documents may be filtered and classified.

In the section Extended Search, a particular document, or a set of documents according to the offered search criteria may be found. The individual search criteria may be mutually combined, if necessary.

In order to browse through or download a document, it is necessary to find the document first and then load its home page by clicking on the name of the document.

Each document is also assigned basic information and a brief summary of its legislative process.

Each document on the portal consists of the document itself (draft law, ordinance etc.) and accompanying documents (draft decision, explanatory report etc.). The document itself is the basic feature of the legislative process, since it is this document which is the subject of the approval process. Accompanying documents supplement the document itself; they explain the purpose of its adoption, analyse its impacts and point to any connections with other regulations etc. The document itself is, at all times, mandatory. The range of accompanying documents changes, according to the type of document.

Printer-friendly versions of individual documents are designed for browsing and downloading. The portal offers printer-friendly versions in two formats: RTF  and PDF .

The Legislation Portal is available through the website – www.justice.gov.sk

Recommendations arising from the individual Slovak experience

Based on the Slovak experience, with the individual selected segments of the functioning of public administration described in this manual, and based on the screening of the legislative regulations of Montenegro which apply to them, as well as on the actual state in this country, we have the following recommendations:

Central state administration authorities

The Ministry of the Interior of the SR – scope of activities/competences/organisational structure

The Ministries of the Interior, both in Slovakia and Montenegro, represent a central state administration authority with a considerably diversified structure, making vast demands on competences. With regard to the current need for saving public finance and the related pressure on the rationalisation of public administration, we recommend re-considering the organisational structure of the Ministry of the Interior of Montenegro and considering the possibility of establishing an Institute for Public Administration as an educational organisation for the entire sector of public administration.

The National Council of the SR Committee for Public Administration and Regional Development – scope of activities/competences

We recommend creating an independent Committee for Public Administration within the Montenegrin Parliament.

The statutes and activities of this committee would lead to strengthening public administration and self-government within the Parliamentary processes connected with public administration and self-government. The representatives of public administration and self-government would have an institutionalised area created in order to present their opinions, visions, incentives and comments at a Parliamen-

tary level, whereby the adoption of legislation with regard to public administration and self-government would improve in quality.

Providing for the organisation of public administration reform at the Government Office of the SR

We recommend creating an Institute of a Representative for Public Administration Reform.

A Representative for the Public Administration reform would operate either from the Prime Minister's Office or at the Ministry of Interior of Montenegro. Such a representative would mean one person, at Governmental level, responsible for the management, coordination and regulation of public administration reform. He/she would have an inter-departmental status and competences, whereby he/she would be able to coordinate the activity of several departments.

The methods for the organisation and management of public administration at a local level – self-government vs. state administration

The legal regulation of the institute of municipal police

Within this chapter, we recommend introducing a complex legal regulation of municipal police into the rule of law of Montenegro, so that full-value conditions for the execution of their activities could be created for their members, particularly in the areas of providing for public order in a municipality and cooperation in the protection of its citizens and other persons in a municipality against threats to their life and health.

The implementation of the system of creating “Points of Single Contact”

The implementation of the system of Points of Single Contact is a demand arising from the *acquis communautaire*, which is a challenging demand as far as content, legislative, organisational, but mainly financial aspects are concerned, together with the aspect of the whole process's technical implementation. In the Slovak Republic, this process lasted 6 years. Comprehensive planning of individual steps of the entire process is vital for it to be successful, which is also a recommendation within the Slovak experience.

Providing for public services and their funding

It is possible to provide for local public services (such as waste management, local greenery, local roads etc.) and auxiliary services in public administration by

means of either traditional internal forms, when the service provider also performs, at the same time, the function of producer and also finances the service, or alternatively – by means of external methods (contracting). Under conditions of public services contracting, the financing function does not necessarily have to belong to the provider (e.g. some of the projects of public and private sector partnership in the area of infrastructure are financed by a private partner). The decision that the municipality makes should take into account the local conditions, and therefore we recommend complying with the following rules:

- a) to test on a regular basis the effectiveness (including the quality) of the existing form of procurement (minimum once a year to assess the costs/prices and the quality of services provided),
- b) to commission all external contracts through public tenders in order to guarantee competition,
- c) the key part of such tender documentation for the respective public tenders must be a draft contract, prepared in advance with suitably defined key parameters (quality control, payment method, penalties, cooperation etc.).

Fiscal decentralisation – the basic rules of territorial self-government funding

Fiscal decentralisation took place in Montenegro quite successfully and the current task is to keep on improving the system, mainly in the following areas:

- a) In accordance with the European Charter of Local Self-government it is necessary to ensure that the financial sources of local self-governments enable the fulfilment of the specified scope of competences. It is not possible to pass further competences to self-governments without the appropriate financial sources.
- b) To finish building up the mechanisms for the quantification of real expenditure needs of self-governments.
- c) To gradually increase the scope of the municipality's own resources at the expense of purposeful transfers, or to keep improving the system of horizontal and vertical balancing.
- d) To focus the external and internal inspection more on performance.

Civil service

The coordination and concept of the education of civil servants during the European integration period to date – planning and implementation of education

The complex and conceptual education of civil servants is one of the essential prerequisites for the proper functioning of public administration. Montenegro is at the

beginning of the European integration process, the success of which will depend, to a large extent, on the readiness of civil servants. Therefore, we recommend creating and implementing an across-the-board concept of their education, which will guarantee the complete capability necessary for the performance of all accession tasks and, at the same time, their readiness for the obligations arising directly from European Union membership.

An analysis of the capacities crucial for the process of negotiations with the European Union

The European integration process makes increased demands on the system of organisation and functioning of the central state administration authorities, which is also connected to increasing the number of properly trained administrative capacities. At the same time, however, it is important to add that such an increase must be carried out only after a previous analysis of the needs and tasks arising from the accession process for the departments has been conducted with maximum use of the existing state-employment capacities.

Law making – legislative process

A uniform methodology for the selected influences assessment – Selected Influences Clause

A consistent use of the tools of assessment of the influences of the prepared legislation and the strengthening of institutionalised and personal capacities

Based on the comparison of the Slovak and Montenegrin regulations of the assessment of impacts of the prepared legislation, we recommend adopting the Slovak regulation due to the fact that it is wider, compared with the existing regulation in Montenegrin legislation.

The Legislation Portal

We recommend creating a Legislation Portal – a place where all proposals for legal regulations will be published, and by which means they will also be commented on. Thus, a transparent legislative process will be created, in which self-government may be engaged, and by means of which self-government will submit its comments on the legal regulations under preparation.

Final Summary

The purpose of this manual was to help solve the current issues of public administration reform in Montenegro, by means of the Slovak experience and practice. It is the topics selected for this manual which provide inspiration for the Montenegrin public administration representatives as to which ways and what forms and methods may be used within the public sector reform when dealing with particular tasks of the management and organisation of public administration.

In conclusion, it is necessary to add that any solution established and effective in one state, if it is supposed to serve as a model solution, must, whilst being implemented in another state, take and accept all regional differences and the legal environment as well as the organisational, technical and financial possibilities of such a state. Nevertheless, the similar historical-political development of Slovakia and Montenegro, as well as the conditions laid down by the European integration process for Montenegro, give this country a chance of maximum use of the presented Slovak experience.

Despite being the youngest European state, Montenegro has already been through a relatively long and successful phase of public administration re-organisation, within which a basic set of generally binding laws has been adopted, administrative procedures of individual proceedings have been implemented in practice, and the division of competences between individual sections of public administration has also been created. The achievement of the next reform phase (AURUM 2011–2016) will be determined by successfully dealing with the tasks arising from the accession process, imposed on the organisation, provision and effective performance of public administration competences. Therefore, there is nothing more we would like to do now than wish Montenegro a successful completion of the reform processes and integration efforts.

Appendices

Charts of organisational structure of individual departments of the Ministry of the Interior of the SR

Chart of organisational structure and management relations at the MI SR

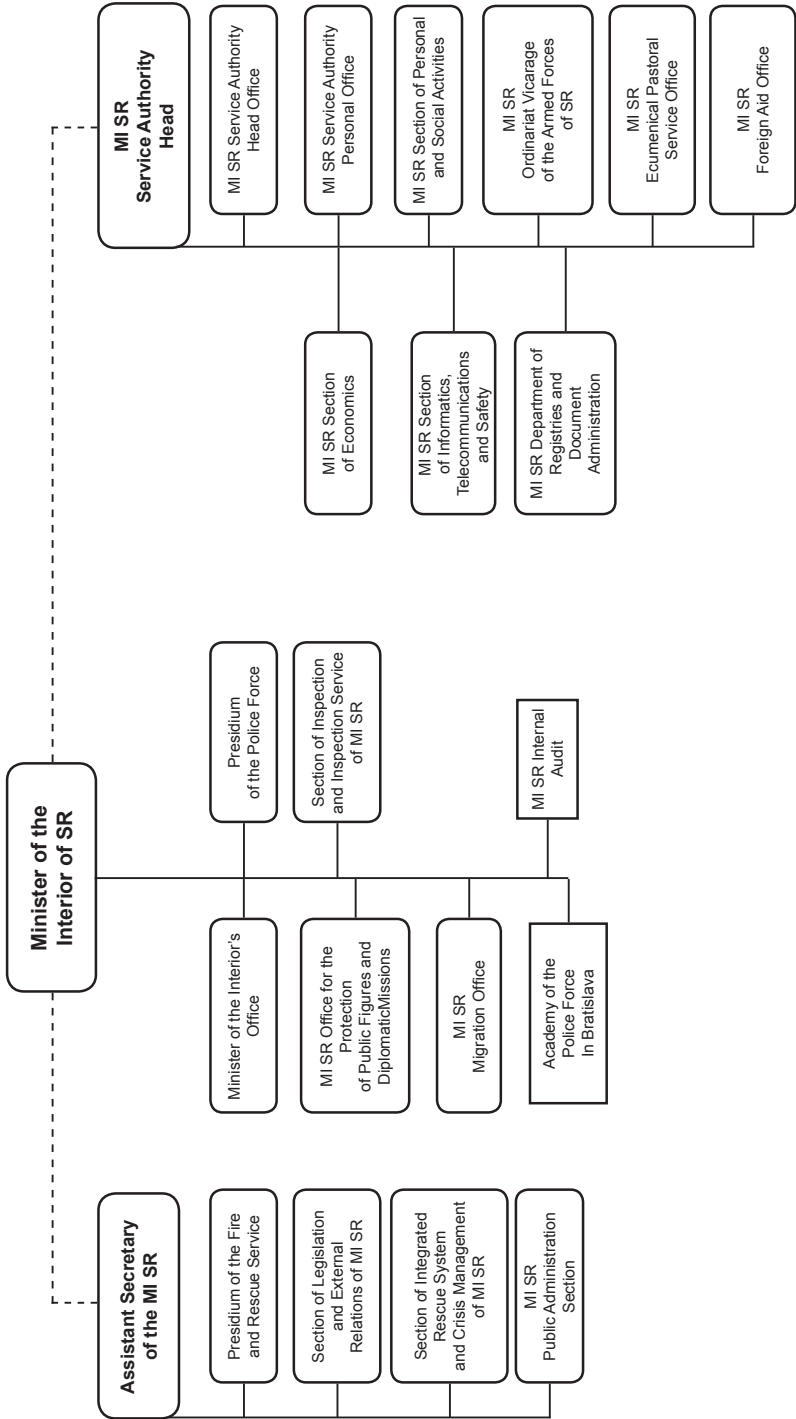
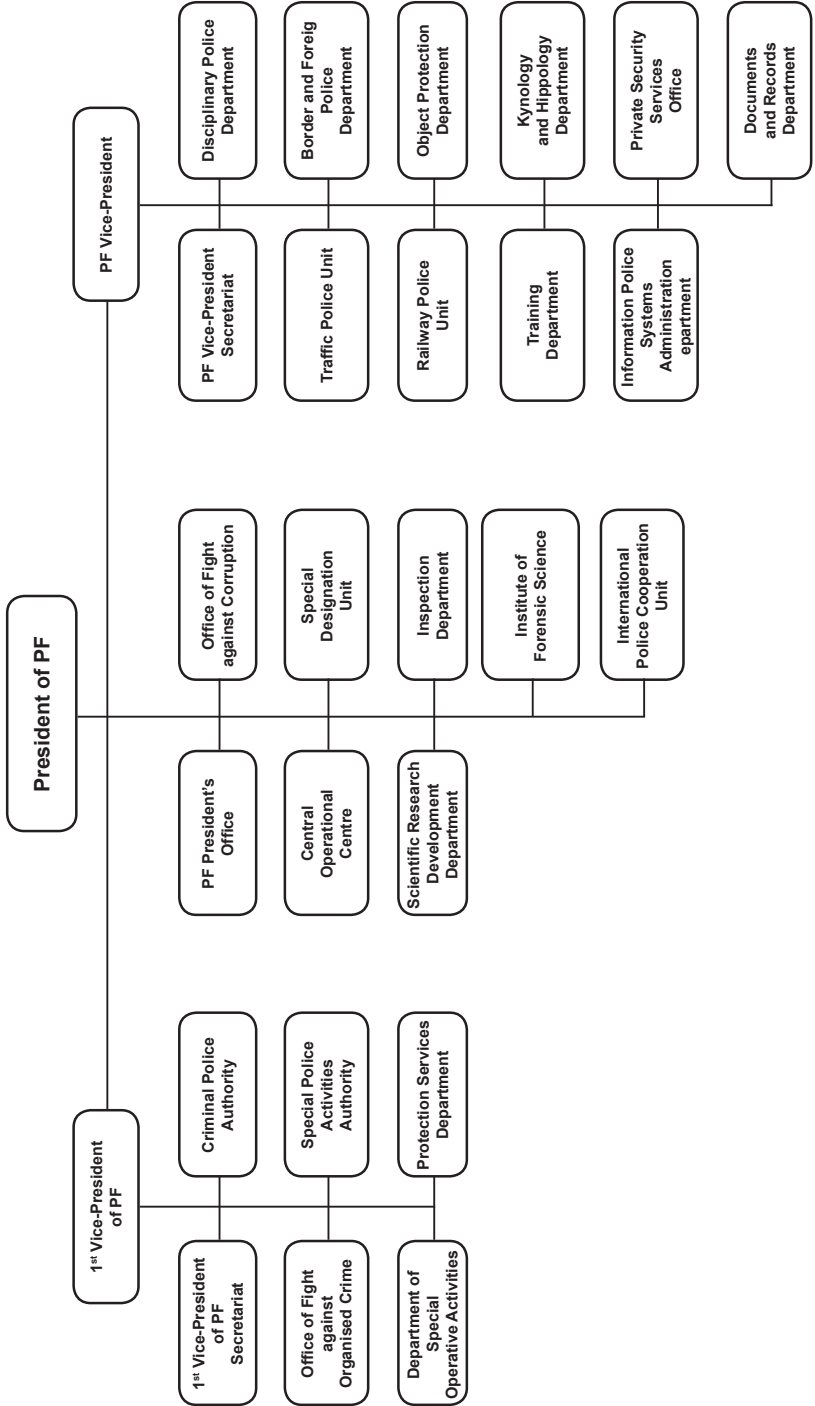


Chart of organisational structure and management relations at the Presidium of the Police Force (PF)



**Chart of organisational structure and management relations
in the MI SR public administration section**

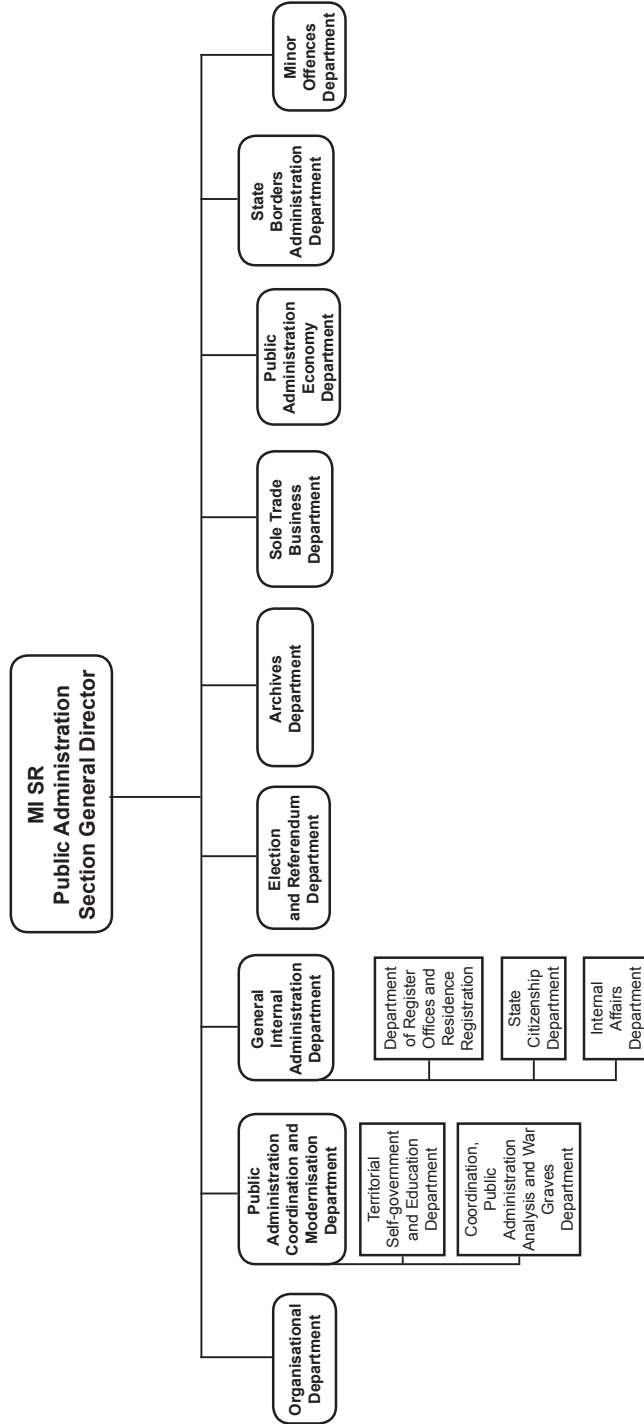


Chart of organisational structure and management relations at the Fire and Rescue Service Presidium

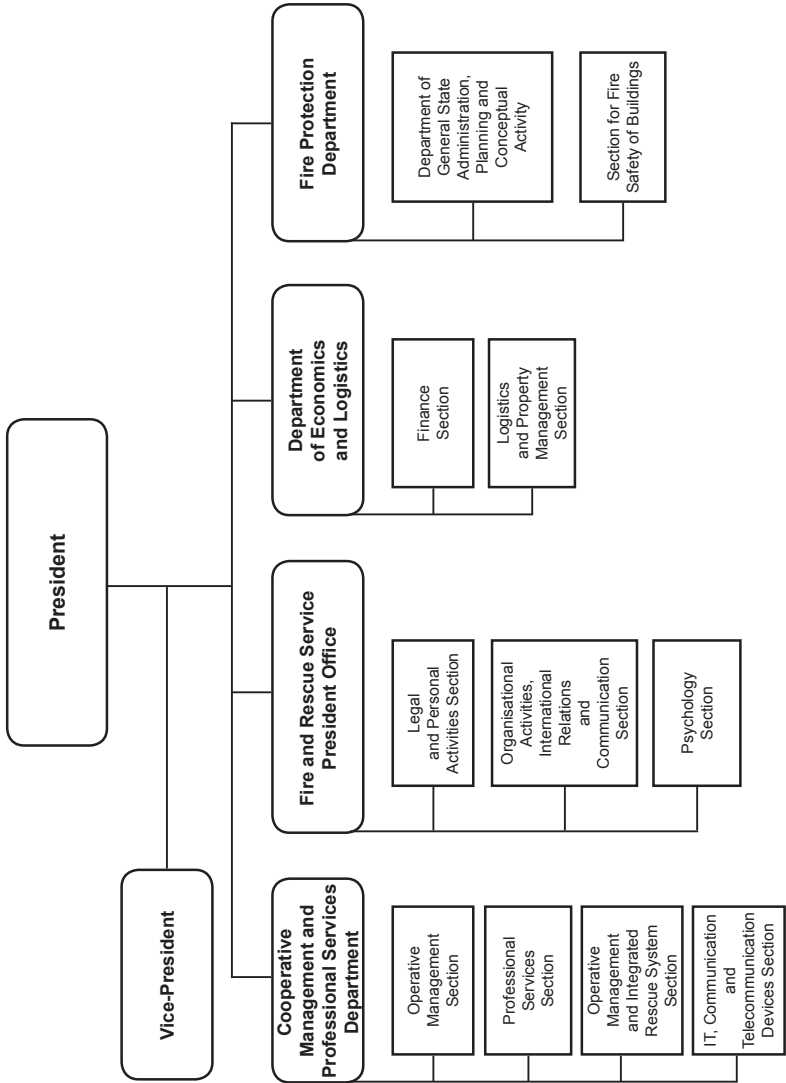


Chart of organisational structure and management relations in the MI SR Personal and Social Activities Section

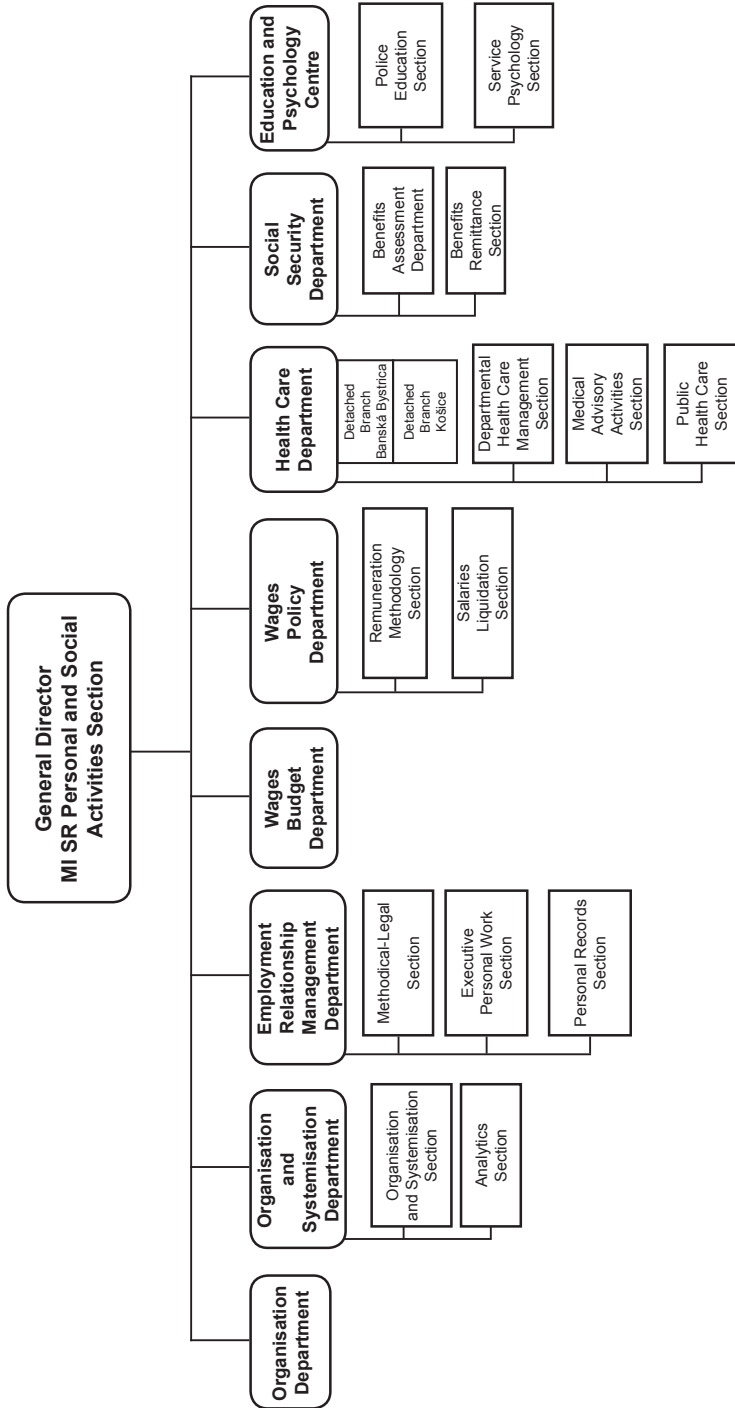


Chart of the organisation structure and management relations in the MI SR Legislation and External Relations Section

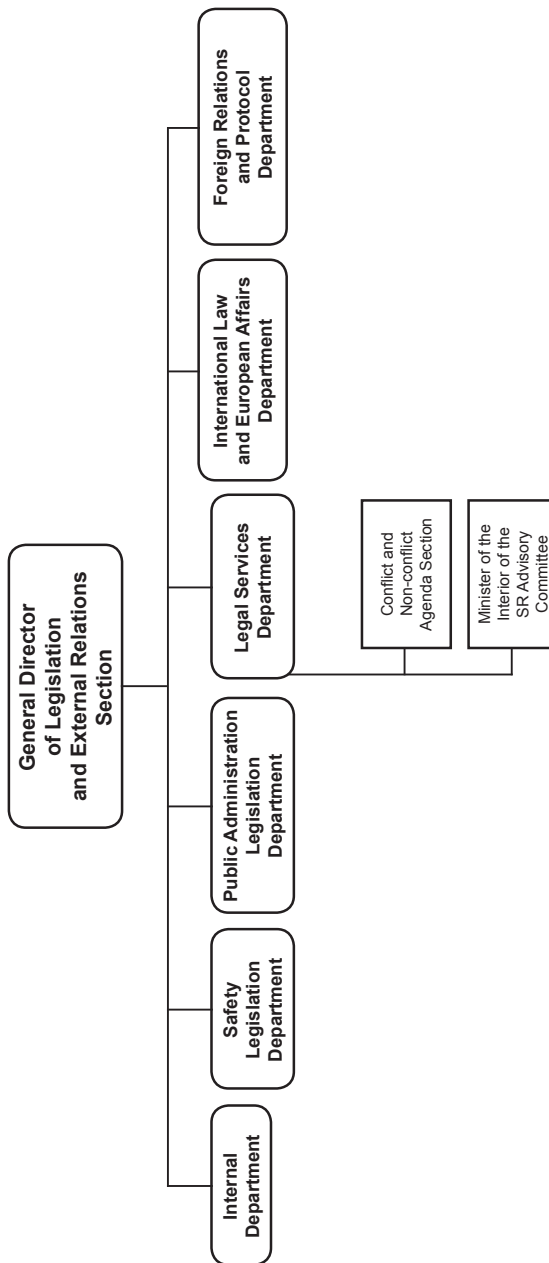


Chart of organisational structure and management relations in the MI SR Inspection and Inspection Service Section

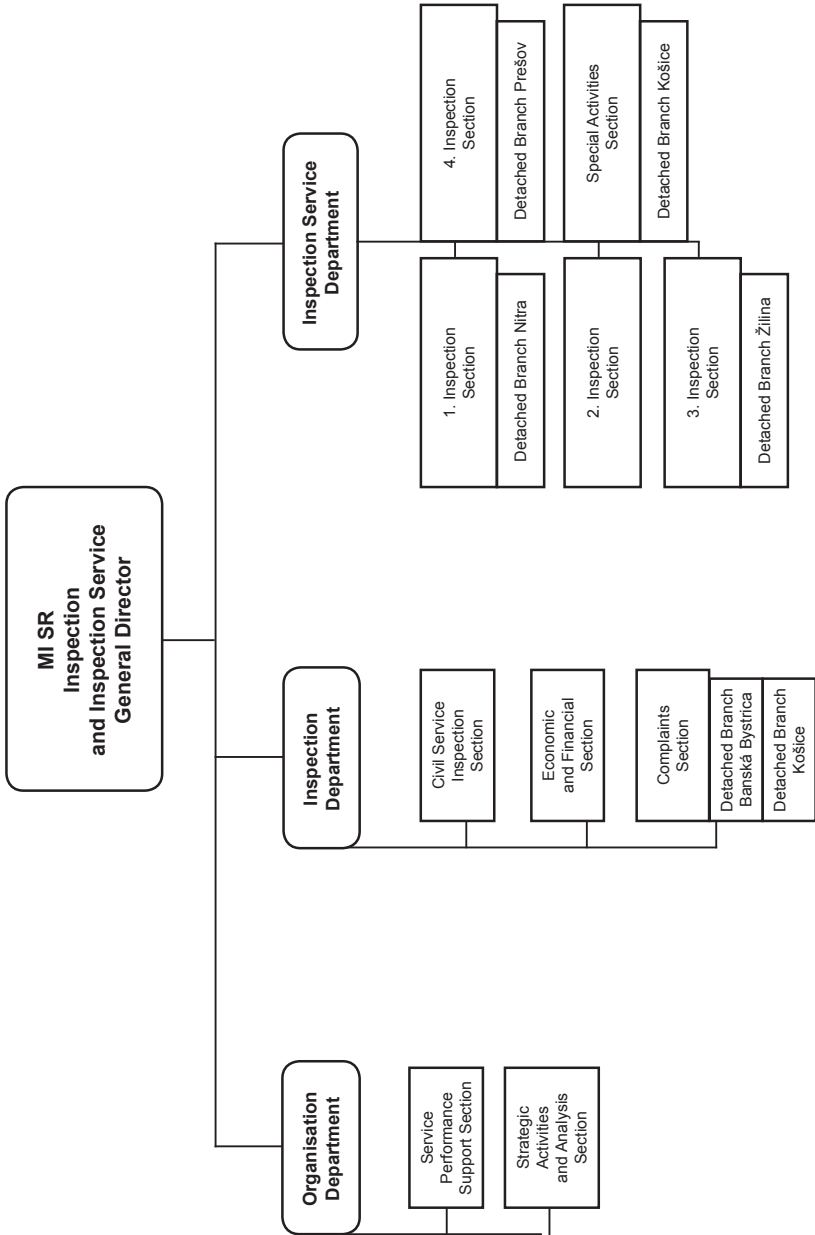


Chart of organisational structure and management relations in the MI SR Integrated Rescue System and Crisis Management Section

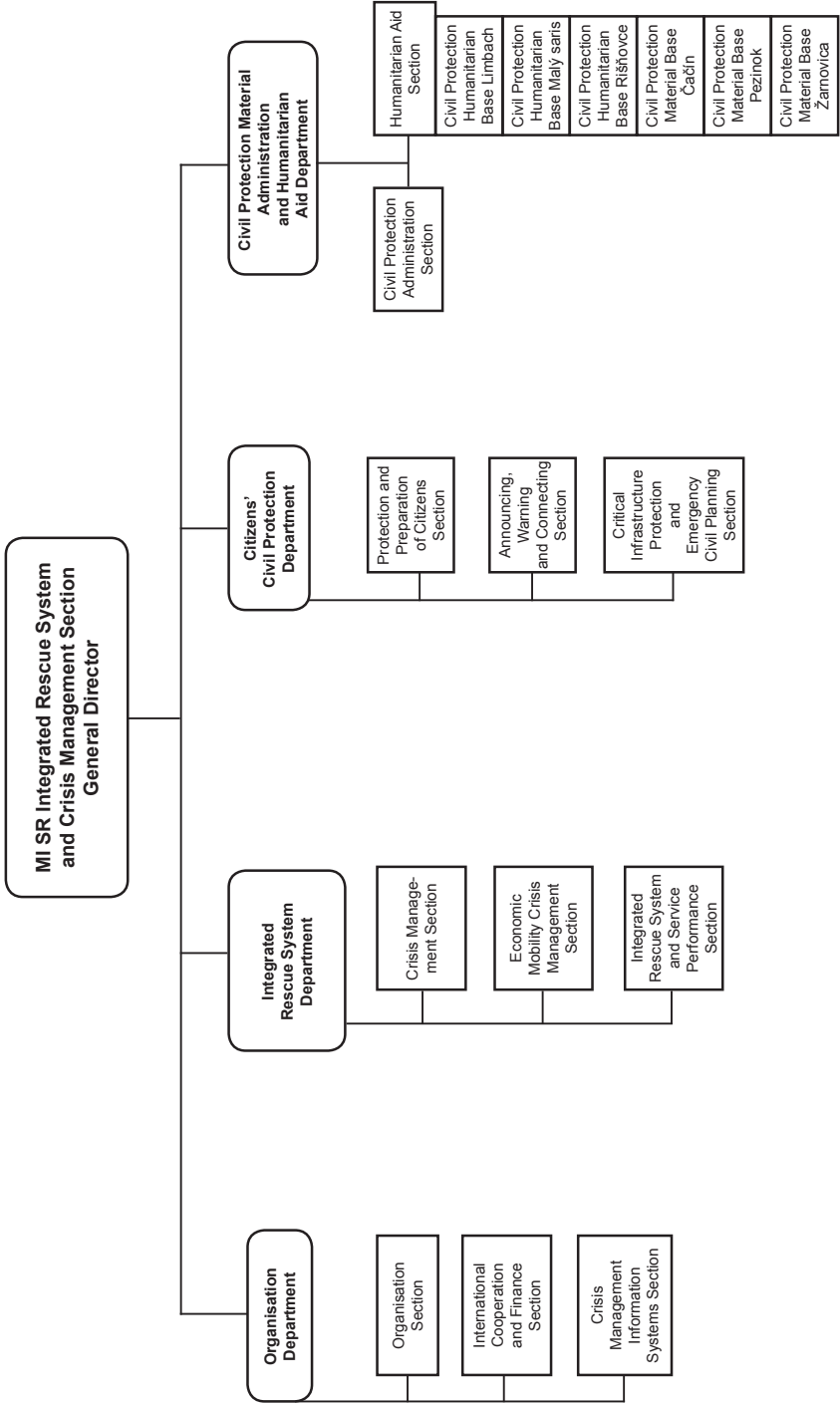


Chart of organisational structure and management relations in the MI SR Informatics, Telecommunications and Safety Section

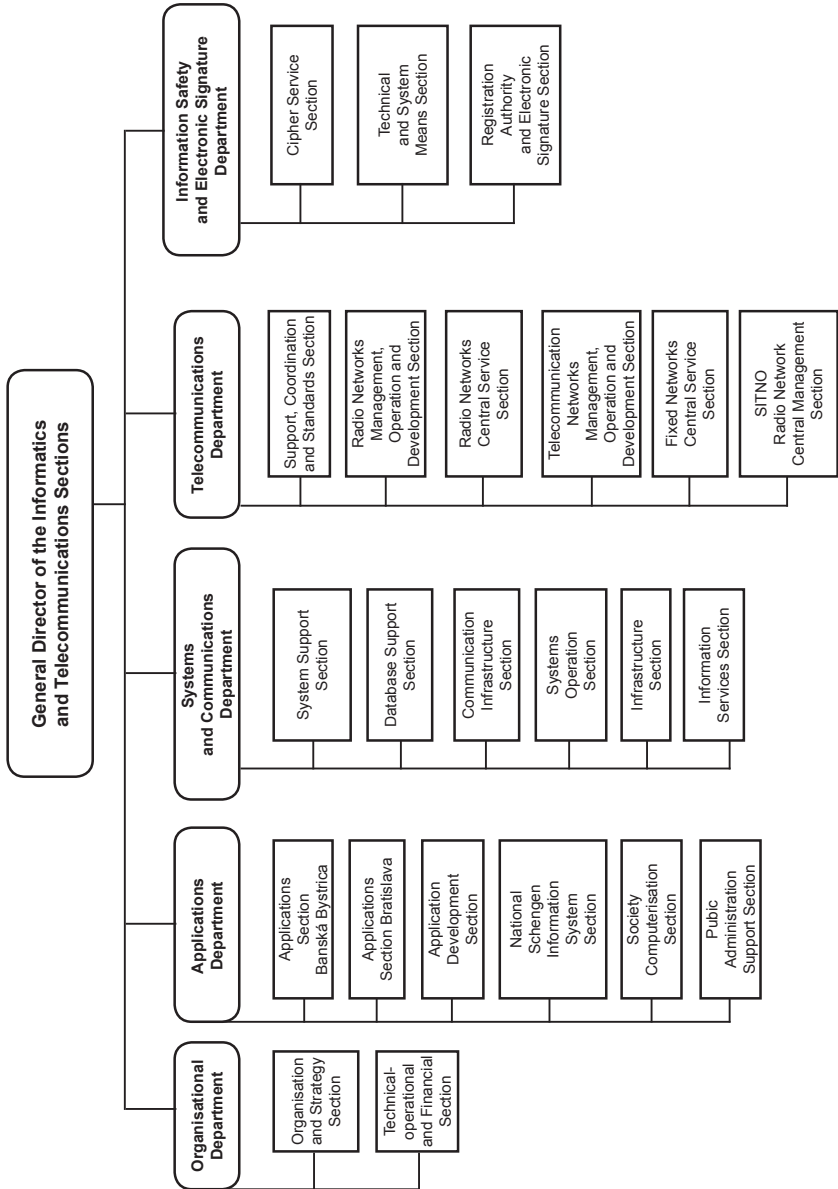


Chart of organisational structure and management relations at the Minister of the Interior of the Slovak Republic Office

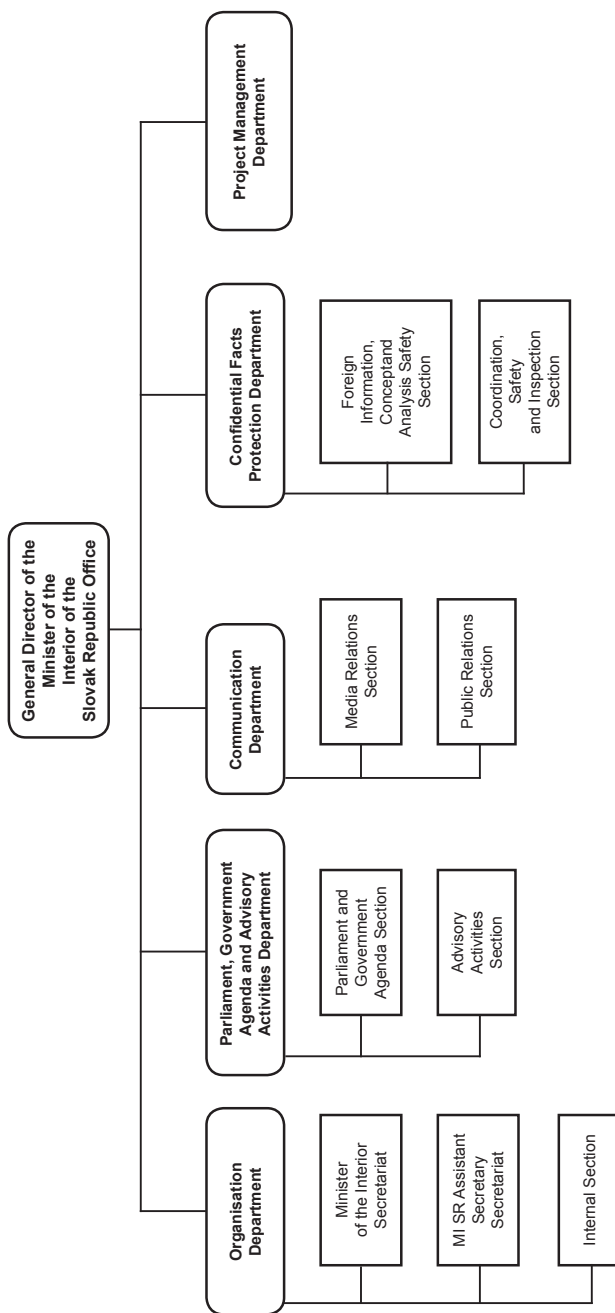


Chart of organisational structure and management relations at the MI SR Office for the Protection of Public Figures and Diplomatic Missions

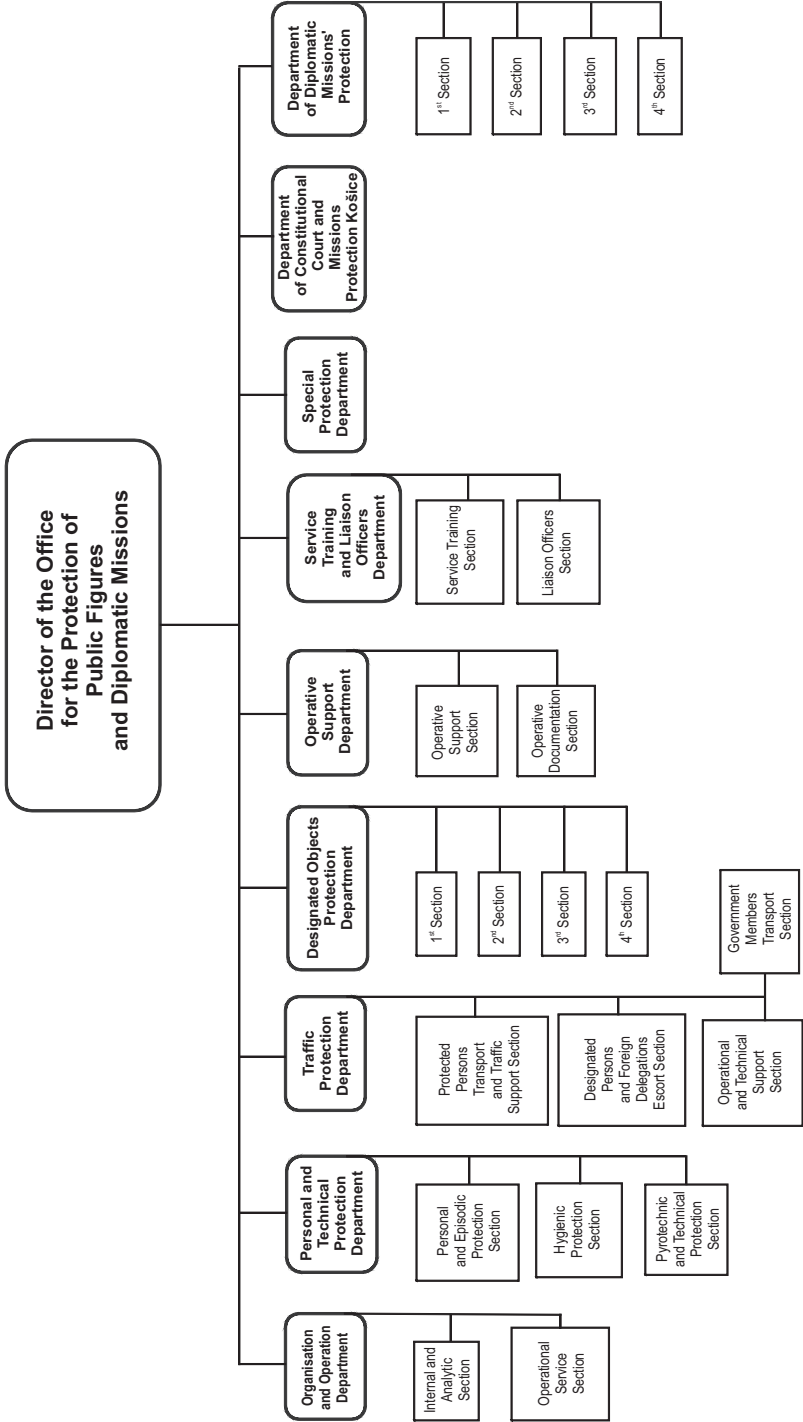
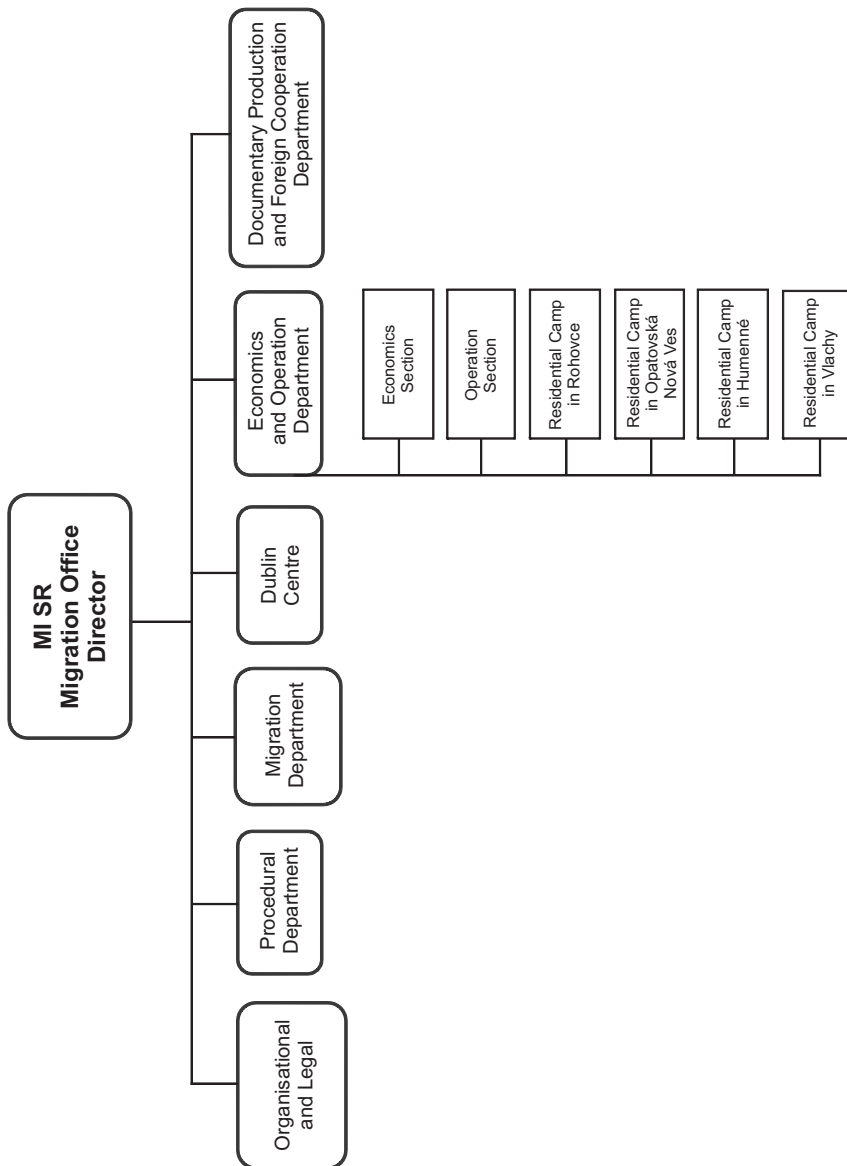


Chart of organisational structure of the MI SR Migration Office



as of: 1st January 2011

Chart of organisational structure and management relations at the Police Force Regional Headquarters

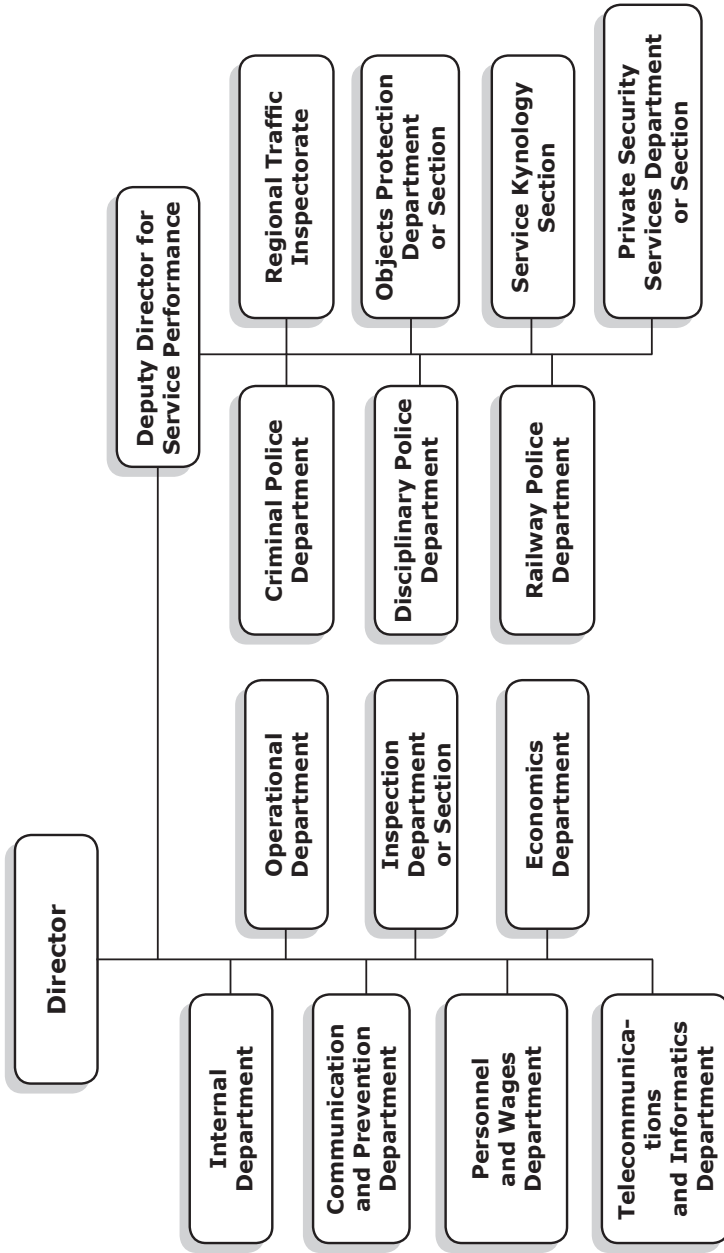
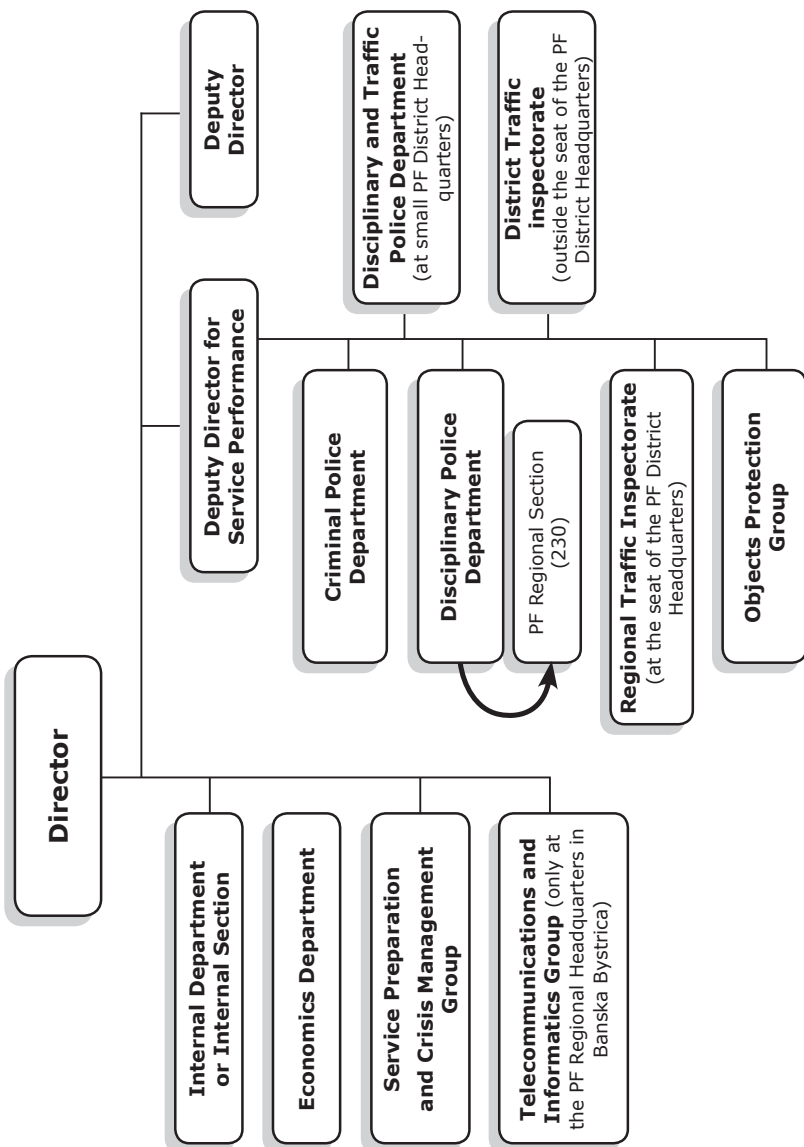


Chart of organisational structure and management relations at the Police Force District Headquarters



Act on Municipal Police

ACT of the Slovak National Council No. 564/1991 Coll. of 3 December 1991 on the Municipal Police (re-codified wording)

The Slovak National Council has adopted the following Act:

Introductory Provisions

§ 1

The purpose of the Act is to define the basic tasks of the municipal police, its organisation and the rights and obligations of the municipal police.

§ 2

- (1) The municipal police is a disciplinary unit active in providing general matters of public order, protection of the environment in a municipality, and for the performance of tasks arising from the generally binding regulations of the municipality, the municipal council resolutions and decisions of the Mayor.
- (2) The municipal police is established and dissolved by a municipality within its binding regulations.
- (3) The municipality police chief is appointed and removed from office by the municipal council, subject to the Mayor's proposal.
- (4) The tasks of the municipal police, in accordance with this Act, are performed in municipalities which are towns, by the town police.

§ 2a

The scope of activities of the municipal police in another municipality:

- (1) A municipality which has not established a municipal police force may conclude a contract with another municipality which has established this, subject to which the municipal police of that municipality shall perform the tasks laid down by law also in the territory of the municipality which has not an established municipal police force.
- (2) The contract under Section 1 shall be in writing, otherwise it is invalid.
- (3) To enter into effect, the contract under Section 1 requires prior consent of municipal councils of the contracting parties and it shall contain, in particular:
 - a) identification of the parties,
 - b) determination of the scope of tasks which the municipal police shall perform in the territory of the municipality which has not established a municipal police force,

- c) the method of payment of demonstrable costs connected with the performance of tasks referred to in paragraph b),
 - d) the reasons for the termination of the contract and how this will be carried out,
 - e) the period in which it is concluded,
 - f) the date of its entry into force.
- (4) The municipality, which is a contracting party under Section 1 and in the territory of which the municipal police of another municipality shall perform its tasks, shall issue authorisation for the municipal police officers performing tasks in its territory to perform such tasks within the scope mentioned in the contract.

§ 3

The basic tasks

- (1) The municipal police
- a) ensures public order in a municipality, cooperates in the protection of its inhabitants and other persons in the municipality against threats to their lives and their health,
 - b) cooperates with the competent Police Force units in the protection of the municipality's property, the property of the inhabitants, as well as other property in a municipality against damage, destruction, loss or abuse, also by using the central safety signalling system and other safety systems (central protection panels),
 - c) ensures the protection of the environment in a municipality,
 - d) ensures that the streets, other public areas and public places are kept tidy, clean and hygienic,
 - e) executes generally binding regulations of a municipality, the municipal council's resolutions and the Mayor's decisions,
 - f) clarifies offences if a special regulation so stipulates, settles offences stipulated by special regulation ⁴⁾ in a penalty proceeding, and offences against the safety and continuity of road traffic ⁵⁾ committed through failing to comply with instructions arising from:
 1. traffic signs ⁶⁾ no stopping or standing, no entry, no turning right/left, no U-turns, compulsory ahead only, compulsory turn right/left, car park, residential area, pedestrian zone, school area, traffic restriction zone and car park,
 2. the general road traffic regulations ⁶⁾ which prohibits stopping, standing and entry of vehicles.

- g) notifies the competent authorities of the infringement of legal regulations, which it finds when performing its tasks and the dealing with which does not fall within the scope of a municipality,
 - h) notifies the municipality of the infringement of a ban on using alcoholic beverages and other habit-forming substances by a minor under 15 years of age or a youth under 18 years of age,
 - i) performs tasks in the area of prevention within the scope laid down by this Act.
- (2) The municipal police may also be given other tasks by a municipality if special legislation so stipulates.

The municipal police organisation

§ 4

The organisation, the amount of wage funds and the scope of technical means of the municipal police are determined by the municipal council, taking into account the scope of the municipality police tasks.

§ 5

- (1) The municipality police is comprised of officers of the municipality police who are municipality employees. In performing their tasks they have the status of a public figure.⁷⁾
- (2) Only a person with no record in the Criminal Register, 21 years old or over, who is physically, mentally and professionally competent to perform the tasks of the municipal police may become a municipal police officer.
- (3) A municipal police officer takes the following vow:
- “I pledge to duly perform my tasks, to protect the interests of the municipality and its inhabitants, to comply with the Constitution, laws and other generally binding legal regulations.”

§ 6

Management and substitution

- (1) The activity of the municipality police is governed by the chief municipality police officer.⁸⁾ For this purpose he mainly:
- a) organises the work of the municipality police officers,
 - b) gives reports to the Mayor on the situation in the area of municipal public order matters and of the results of the activity of the municipal police; he shall immediately notify the Mayor of any serious circumstances,

- c) cooperates with the respective Police Force unit Chief, the state health administration authorities, environmental protection agencies and other authorities,
 - d) submits demands to the Mayor for ensuring the activity of the municipal police and is responsible for the economical use of the entrusted funds,
 - e) provides for the professional training and schooling of municipal police officers,
 - f) submits proposals to the Mayor connected with the labour relationships of the municipal police officers,
 - g) performs other tasks according to the organisational order and the Mayor's instructions.
- (2) During his absence, the chief municipality officer is replaced by an authorised member of the municipal police. In municipalities, if it serves its purpose, the municipal council may establish, upon a proposal from the Mayor, a position of a permanent deputy chief officer.

The duties and rights of the municipality police officers

§ 7

The basic duties

In performing their tasks, the municipality police officers are obliged in particular to:

- a) comply with the laws and other generally binding legal regulations, and, within their scope, to obey the instructions of the chief municipality police officer or the Mayor.
- b) respect the seriousness, honour and dignity of citizens as well as their own; not allow citizens to incur any unreasonable damage connected with the activity of the municipal police, and to ensure that a potential intrusion on their rights and liberties does not exceed the level necessary to reach the purpose of their intervention,
- c) intervene according to their possibilities and abilities within the scope of this Act and other generally binding legal regulations, or to take other necessary measures if there exists reasonable and probable cause that a crime, offence or other administrative offence is being committed, or a public disturbance is being caused in another way,
- d) intervene if there is a threat to life or health, or if there is damage to property; they are not obliged to do so if this would expose them to a serious threat to their own person or other persons,

- e) notify, if a criminal offence has been committed, the matter to the Police Force or the prosecutor, and with regard to the nature of the matter, also prevent unauthorised persons from entering the scene of the crime,
- f) instruct the persons of their rights while executing the intervention,
- g) notify the Chief forthwith of the faults and deficiencies which threaten the performance of their tasks or make it difficult.

§ 8

The general rights

- (1) A municipal police member is entitled to
 - a) call on a person to refrain from an activity which is contrary to public order, or from any other activity which is against the law,
 - b) impose and collect in a penalty proceeding, fines for offences [Art. 3 Sect. 1 paragraph f)] discovered while performing their tasks,
 - c) detain a person who is caught while committing a criminal offence or immediately after it has been committed, and bring such a person to the nearest Police Force unit; in the case of a person being searched, to bring this person to the municipal police office for the purpose of giving an explanation, and to execute acts according to special legislation, ⁹⁾
 - d) make sure that the detained person is not armed or has anything on his person with which he could threaten life or health, or confiscate such an object; to surrender the confiscated object or weapon to the nearest Police Force unit, together with the detained person, ⁹⁾
 - e) order a person not to enter or stay in a designated place during a certain time, should the effective provision for the performance of tasks of the municipality police or the municipality so require,
 - f) stop a vehicle if the driver has committed an offence against the safety and continuity of road traffic and they are entitled to settle such an offence in a penalty proceeding pursuant to Art. 3 Sect. 1 paragraph f), or in the case of a vehicle for which a search was launched.
- (2) A weapon, pursuant to Sect. 1 paragraph d), is understood to be a firearm, sharp pointed weapon, cutting weapon or a weapon of mass destruction. A weapon is also understood to be anything with which an attack against someone may be made.

§ 9

The right to ask for proof of identity

- (1) A municipality police officer is entitled to call on a person

- a) caught while committing an offence,
 - b) from whom an explanation is required pursuant to Art. 10 Sect. 1, or if such person is searched in order to prove his identity; such a person is obliged to comply.
- (2) Should a person mentioned in Section 1 refuse to provide proof of his identity or if such a person is unable to prove it, even after previous cooperation has been provided to do this, a municipality police officer is entitled to take this person to a police station for the purpose of establishing his identity.
- (3) Should a person, in performing his tasks, or in connection with them prove his identity, according to special regulation 98a, Section 2 shall not be used.

§ 10

The right to request an explanation

- (1) While performing their tasks, municipal police officers are entitled to request an explanation from a person who may contribute to the clarification of facts important in revealing both an offence and the offender. Municipal police officers are entitled to call on a person to appear in person at the municipal police station immediately or at a time agreed for the purpose of executing the acts necessary for the offence to be clarified.
- (2) Should a person, without justification or significant reasons, fail to comply with a call under Section 1, and this person's explanation is material for the clarification of an offence, a municipality officer may bring this person to the municipal police station to explain. For this purpose, a municipal police officer may use, if necessary, coercive measures.
- (3) After a person has been brought in to give an explanation, a municipal police officer shall:
- a) without delay, write down an official record of bringing the person in, and record minutes of the explanation given,
 - b) without delay, surrender such a person to the nearest police station if he decides there is just cause; otherwise he shall release the person forthwith.
- (4) Giving an explanation may only be refused by a person which would, by giving it, cause him or a close person¹⁰⁾ the danger of bringing a charge of a minor or criminal offence.
- (5) An explanation must not be requested from a person who has pointed out that by giving such an explanation it would breach the statutory duty of secrecy, unless such a person is exempt from such a duty.
- (6) A municipality police officer is obliged to instruct a person of his right to remain silent, pursuant to Sections 4 and 5.

- (7) He who appears in person, pursuant to Section 1, has the right to have any necessary costs ^{10a)} and compensation for lost earnings reimbursed. The compensation is paid by the municipality. He who appears in person in his own interest or due to an unlawful activity shall not have the right to compensation.
- (8) The right to compensation, pursuant to Section 7, shall terminate should the person involved fail to apply for it within eight days from the day he appeared in person subject to a call pursuant to Section 1; the person involved must be advised of this.

§ 11

The right to open a flat

- (1) In the event of a justified fear that life may be at risk or that a person's health is under serious threat, or that there is a threat of material damage to property and there is a threat of danger if there is a delay, a municipal police officer has the right to open a flat, enter it and take all necessary measures to avert the imminent danger.
- (2) In order to open a flat and to execute the acts under Section 1, a municipal police officer is obliged to make sure that an impartial person is present; he is not obliged to do so if there is a threat of danger of life or health or if there is an imminent threat, or should there be a danger of imminent material damage to the property.
- (3) After the measures under Section 1 have been taken, a municipal police officer, without undue delay, shall notify the flat's user and shall provide for the flat to be locked, if the user or other entitled person is unable to do so.
- (4) Opening a flat can only be in the interest of protection of life, health or property.
- (5) The municipal police officer shall write down an official record of opening a flat and of the measures taken, and shall forthwith notify the respective police force unit and the prosecutor.
- (6) The provisions of Sections 1 to 5 are also applicable to non-residential premises.

§ 12

The right to confiscate an object

- (1) After a call to surrender an object is ignored, a municipal police officer is entitled to confiscate the object for which the removal or confiscation may be assumed to be decided within the proceedings of a minor offence^{11), 12)} or which may be connected with a criminal offence,⁹⁾ or which may be an object searched for pursuant to Art. 24 Sect. 4.
- (2) An object whose value is apparently inappropriate with regard to the offence may not be confiscated.

- (3) After an object has been confiscated, a municipal police officer shall write down an official record and issue a confirmation of confiscating the object for the person who owns it. A municipality police officer shall give the confiscated object to the relevant authority deciding on the offence or to the relevant police force in the case of an offence whose clarification falls under the scope of activities of the police force pursuant to special legislation. ⁴⁾
- (4) Should the reasons for the procedure under Section 3 of the second sentence no longer exist, a municipality police officer is obliged to return the confiscated or surrendered object to the person to whom it belongs without reasonable doubt, or to the person who surrendered the object or from whom it was confiscated. He shall write down a record of the execution of such an act.

The use of coercive measures by a municipality police officer

§ 13

Coercive measures

- (1) These are:
- a) self-defence holds, hits and kicks,
 - b) lacrimators,
 - c) a truncheon,
 - d) handcuffs,
 - e) a police dog,
 - f) a technical device used to detain a motor vehicle.
- (2) Prior to using coercive measures, a municipal police officer is obliged to call on the person against whom he is intervening to refrain from any unlawful activity, with a warning that a coercive measure shall be used. The only time he is not obliged to use such a warning is if he himself is being attacked or another person's life or health is at risk.
- (3) Which of the coercive measures is to be used is decided upon by a municipality police officer according to the particular situation so that he does not cause the person in question any inappropriate harm.

§ 14

The use of self-defence holds, hits and kicks, lacrimators and a truncheon

- (1) Self-defence holds, hits and kicks, lacrimators and a truncheon may be used by a municipal police officer in order to:

- a) ensure the safety of another person or his own person in case of unlawful attacks, if upon a warning, such an attack does not cease or if such an attack is imminent, continues or, from all signs, will continue,
 - b) prevent riots, fights, deliberate damage of property or other serious misconduct by which the public order is disturbed,
 - c) prevent violent entry of unauthorised persons to protected buildings or to places where entry is forbidden,
 - d) detain a person ⁹⁾ putting up active resistance,
 - e) bring in a person (Art. 9 and ¹⁰⁾ putting up active resistance.
- (2) Holds may be used by a municipal police officer if a person is putting up passive resistance.

§ 15

The use of handcuffs

Handcuffs may be used by a municipality police officer in order to

- a) restrain the person detained ⁹⁾ if he/she is putting up active resistance or attacking other persons or a municipality police officer or damaging property, after warning this person to refrain from such activity,
- b) restrain up to two or more detained persons together ⁸⁾ under the conditions stated in paragraph a),
- c) in carrying out service tasks with a detained person if there is a justified fear that the person will attempt to escape.

§ 16

The use of a police dog

(1) A police dog may be used by a municipal police officer in order to:

- a) ensure the safety of other persons or his own person in case of unlawful attacks, if upon a warning, such an attack continues, such an attack is imminent, continues or, by all signs, shall continue,
- b) prevent riots, fights, deliberate damage of property or other serious misconduct by which the public order is disturbed,
- c) prevent the violent entry of unauthorised persons to protected buildings or to places where entry is forbidden,
- d) pursue a person escaping, force a person hiding to leave his hiding place if such persons are to be detained, or to guard such persons.

- (2) A municipal police officer uses a police dog wearing a muzzle. If required by the nature and intensity of the attack, or in order to overcome a person's resistance, he can remove the muzzle.

§ 16a

The use of a technical device in order to detain a motor vehicle

- (1) A municipal police officer is entitled to use a technical device in order to detain a motor vehicle if:
- a) the motor vehicle is parked in a place where it is forbidden by a traffic sign or by a general road traffic regulation ⁶⁾ and the vehicle's driver is nowhere to be seen,
 - b) it is a motor vehicle for which there was a search.
- (2) A technical device to detain a motor vehicle for the purpose under Section 1 paragraph a) may not be used if it is a vehicle:
- a) visibly marked as a vehicle of the Police Force, Railway Police, Military Police, Armed Forces of the Slovak republic, Fire and Rescue Service, and Customs Administration,
 - b) designed for the provision of health care services, is transporting a severely disabled person,
 - c) of a person with privileges and immunity, pursuant to special regulation ^{12a)} or an international treaty by which the Slovak Republic is bound.
- (3) A municipal police officer must immediately notify the nearest Police Force unit of the use of a technical device pursuant to Section 1 paragraph b).
- (4) A technical device used to detain a motor vehicle must be visibly marked with the name of the municipal police unit and must display the manner for notifying a municipal police unit or a municipal police officer who is authorised to remove the device.

§ 17

The duties of a municipality police officer when using coercive measures:

- (1) Should a municipality police officer find out that while using coercive measures a person is injured, he shall provide such a person, if circumstances permit, with first aid and a medical examination.
- (2) A municipal police officer is obliged to immediately notify the municipality police chief of the use of coercive measures.
- (3) Should doubts arise with regard to the justifiability or appropriateness of the use of coercive measures when notifying pursuant to Section 2, or when using them, death, health damage or property damage is caused, the municipal police chief is

obliged to investigate whether such coercive measures were used in accordance with the law. He shall write down an official record which he submits to the respective prosecutor. ¹³⁾

§ 18

Special restrictions

When intervening against a pregnant woman, an elderly person, a person with an apparent physical disability or illness, or a person under 15 years of age, a municipal police officer may not use self-defence hits and kicks, lacrimators, truncheon, or a police dog, except in cases where such persons' attacks are an immediate threat to the life and health of other persons or a municipality police officer, or more damage to property is imminent and the danger cannot be otherwise averted.

§ 19

The conditions for carrying and using a gun by a municipal police officer:

- (1) When performing his tasks, a municipal police officer carries a gun, ¹⁴⁾ unless decided otherwise by the municipality.
- (2) For these purposes, a gun is understood to be a short ball gun whose owner, pursuant to special legislation ¹⁴⁾, is a municipality.
- (3) A municipality police officer is entitled to use a gun:
 - a) in the case of necessary defence or an emergency, ¹⁵⁾
 - b) in order to avert a dangerous attack threatening a protected building or a place where entry is forbidden, after an ignored warning to refrain from such an attack.
- (4) A municipal police officer is entitled to use a gun in the case of necessary defence, usually while fighting an attacker, if the officer is unable to otherwise overcome the attacker.
- (5) A municipality police officer is entitled to use the threat of a gun and a warning shot in the air in order to:
 - a) ensure the safety of another person or his own person in case of unlawful attacks, if, after a warning, the attack continues, if such an attack is imminent, continues or, by all signs, shall continue,
 - b) restrict the personal freedom of a person if such a person is putting up active resistance,
 - c) prevent a fight or other serious misconduct by which a person is causing a public order disturbance,
 - d) prevent a violent entry into a protected building or a place where entry is forbidden,

- e) prevent a pursued or a guarded person from escaping if such a person's freedom is to be or has been restricted.

§ 20

Compensation for damage

- (1) A municipality is liable for damages caused by a municipality police officer in connection with performing his tasks laid down in this Act. This does not apply if the damage is incurred by a person whose unlawful activity caused an authorised and appropriate intervention.
- (2) A municipality is liable for damages incurred by a person who provided help to the municipal police or its officers at their request, or with their knowledge (hereinafter referred to as the "aggrieved person"). A municipality may dispose of such a liability only if such damage was caused by the aggrieved person deliberately.
- (3) A municipality is also liable for damage caused to objects which the aggrieved person incurred in connection with providing help pursuant to Section 2. In such cases, the actual damage is paid, this being done by returning the object to its original state. If this is not possible or purposeful, then money is paid. The aggrieved person may also be awarded compensation of costs connected with the procurement of a new object instead of the damaged object.
- (4) A municipality is also liable for damages which are incurred by a person in connection with help provided to municipality police officers. The provision of Section 1 shall be used in the same manner.

§ 21

Proving the municipal police affiliation

- (1) A municipal police officer proves his affiliation to the municipal police by his municipal police officer's uniform with a visibly placed circular sign of the municipal police, a municipal police badge, a municipal police officer's identity card, as well as by a verbal announcement "municipal police" or "town police".
- (2) Before intervening, a municipal police officer is obliged to prove his municipal police affiliation. He is not obliged to do so if the nature and circumstances of the intervention render it impossible.
- (3) A municipal police officer proves his municipal police affiliation verbally only in exceptional cases, if the circumstances of the intervention render it impossible to prove such affiliation by means of a uniform or an identity card.
- (4) When a municipal police officer performs his tasks in the territory of a municipality which has no established municipal police, he shall also prove his identity by means of a municipality authorisation; in the case of an intervention where

there is no time to do so, he shall do this immediately after the nature and circumstances of such an intervention render it possible.

§ 22

The uniform of municipality police officers

- (1) The uniform of municipality police officers is identical throughout the Slovak Republic.
- (2) A municipality police officer's uniform consists of:
 - a) a dark blue head cover marked around its circumference with a strip of black and white squares with a side length of 15 mm placed in three lines so that the black and white squares alternate in a chequered manner; a municipal police badge is placed on the front of the head cover,
 - b) a coat, a jacket or an overcoat in dark blue with epaulettes of the same colour; the width of the epaulettes is at least 50 mm, the length at least 120 mm,
 - c) a pale blue long-sleeved shirt or short-sleeved shirt with dark blue epaulettes; the width of the epaulettes is at least 50 mm, the length is at least 120 mm,
 - d) a dark blue tie,
 - e) trousers or a skirt in dark blue,
 - f) black shoes,
 - g) a black belt,
 - h) a black gun case, if a municipality police officer carries a gun while working.
- (3) Besides the equipment listed in Section 2, a municipality police officer may also use other equipment as specified by a generally binding regulation, in the same colour with appropriate marking of the municipality police affiliation.
- (4) On the left sleeve of the coat, overcoat, jacket and shirt, 100 mm from the sleeve seam, there is a circular sign of the municipal police at least 100 mm in diameter. In the centre of the sign there is the municipality's coat of arms at least 30 mm in size, designed according to heraldic rules. Around the circumference of the sign there is the inscription "MUNICIPAL POLICE" or "TOWN POLICE" and the name of the municipality; the size of the letters is at least 5 mm. Above the circular municipality police sign, 50 mm from the sleeve sign, there is the inscription "MUNICIPAL POLICE" or "TOWN POLICE" with the letters 10 mm in size, which is in the shape of a semi-circular section at least 100 mm in diameter and a width of 20 mm.
- (5) On the left side of the coat, overcoat, jacket or shirt, 20 mm above the centre of the upper pocket edge, there is a municipal police badge with the inscription "MUNICIPAL POLICE" or "TOWN POLICE", the name of the municipality,

the coat of arms of the municipality and the municipality police officer's identification number; the size of the letters and numbers is at least 3 mm.

- (6) Pursuant to special regulation 15a, besides the inscriptions "MUNICIPAL POLICE" or "TOWN POLICE" stated in Sections 4 and 5, these inscriptions may also be written in the language of the national minority.
- (7) The use of the municipal police uniform by other natural or legal persons is forbidden, unless a special regulation stipulates otherwise.
- (8) A municipality police officer only wears the uniform whilst performing his municipal police tasks in accordance with this Act or subject to a decision by the municipality's Mayor.
- (9) The municipality police uniform design shall be laid down by a generally binding regulation issued by the Ministry of the Interior of the Slovak Republic.

§ 22a

Marking of motor vehicles used in the performance of municipal police tasks

- (1) In order to perform their tasks, in accordance with this Act, only white motor vehicles with the sign "MUNICIPAL POLICE" or "TOWN POLICE" in black capital block letters may be used, placed on both sides of the vehicle, on the front side of the vehicle and at the rear of the vehicle; the provision of Art. 22 Sect. 6 applies in the same manner. The size of the letters of the sign on both sides of the vehicle and on the front of the vehicle is at least 100 mm. The size of the letters of the sign at the rear of the vehicle is at least 50 mm. On both front doors of the vehicle, below the sign, in accordance with the first sentence above, the name of the municipality in black capital block letters is placed, at least 40 mm in size, as well as the municipality's coat of arms. On the front side of the vehicle, below the sign, in accordance with the first sentence above, there is the municipality's coat of arms.
- (2) Section 1 applies appropriately to marking of motorcycles used in the performance of municipal police tasks.
- (3) The use of motor vehicles whose marking is identical to the marking of the municipal police motor vehicles by other natural or legal persons is forbidden, unless a special regulation stipulates otherwise.

§ 23

The municipality police officer's identity card

- (1) The municipal police officer's identity card consists of a photograph, name and surname, the identification number, the title "municipal police", the name of the municipality and the Mayor's signature.

- (2) The municipal police officer's identity card may not be exchanged with identity cards of the armed corps and armed forces and may be used only while performing official duties.

§ 24

The cooperation of the municipal police with other authorities

- (1) In performing their tasks, the municipal police cooperates with the respective Police Force unit, ¹⁶⁾ the authorities of state professional supervision over safety at work, the state health administration authorities, the authorities of state supervision in matters of the environment, fire protection authorities and other state authorities.
- (2) In performing their tasks, the municipal police are entitled to acquire from the records of the residence of the citizens ¹⁷⁾ of the Slovak Republic for the purpose of establishing identity, the following data:
- a) name and surname,
 - b) birth registration number,
 - c) the address of permanent and temporary residence.
- (3) In performing their tasks, in accordance with this Act, the municipal police are entitled to acquire from the motor vehicles records, for the purpose of establishing the identity of the owner of a motor vehicle or a trailer, the following data:
- a) the owner's name and surname,
 - b) the owner's birth registration number,
 - c) the address of the owner's permanent or temporary residence.
- (4) At their request, the municipal police shall obtain from the respective state administration authority a list of persons sought, a list of objects sought and a list of motor vehicles.

Professional competence and professional training of the municipality police officers

§ 25

- (1) A municipal police officer may perform his tasks in accordance with this Act only when he has completed his secondary education or secondary vocational education and acquired the professional competence of a municipal police officer.
- (2) A municipal police officer shall acquire professional competence by completing the professional training of municipal police officers and by passing a professional competence examination before a Police Force board of examiners. A

municipal police officer may re-sit an examination only once. Should a municipal police officer fail to pass the re-sit, he may sit a new examination only after repeating the professional training. The date and place of the examination and the re-sit are determined by the Ministry.

- (3) Professional competence is also completed by a municipality police officer who acquired education in safety service studies at a secondary school or university.
- (4) A municipality is obliged to reimburse the Ministry for the demonstrable costs connected with sitting or re-sitting the examination.
- (5) The Ministry shall issue a certificate of professional competence of the municipality police officer:
 - a) to a municipal police officer immediately after passing the examination or
 - b) upon a written request to a municipal police officer who has acquired professional competence under Section 3; the municipality police officer shall attach to such a request a verified transcript or a verified copy of the final examination in the study branch safety service report or, in the case of a university graduate, a verified transcript or a verified copy of a university diploma in the study branch safety service.
- (6) A certificate under Section 5 is a public document.
- (7) The appointment of members of the Police Force examination boards, the details of the organisation of the examination and the examination assessment, and the sample of the certificate shall be laid down by a regulation of the Government of the Slovak Republic.

§ 26

- (1) Professional training is carried out by the Ministry in secondary vocational schools of the Police Force or in the municipality's facilities upon written request from the municipality to carry out professional training and examinations.
- (2) Such a request to carry out professional training and an examination consists of:
 - a) the name of the municipality,
 - b) the name, surname, academic title, permanent address and identification number (hereinafter referred to as the "personal data") of the municipal police officer who is to attend the professional training and sit the examination,
 - c) a declaration of the municipal police officer who is to attend the professional training and sit the examination that he agrees that the Ministry can process and record his personal data,
 - d) an imprint of the municipality's stamp, the name and surname of the municipality's Mayor and his signature.

- (3) The date of the commencement of professional training is determined by the Ministry or the municipalities' facility in such a manner that professional training is carried out at least once a year; this does not apply if a municipality's request to carry out the professional training and examination is not delivered to the Ministry or the municipalities' facility within one year.
- (4) A municipality is obliged to reimburse the Ministry for the demonstrable costs connected with the execution of professional training.
- (5) The length of professional training of the municipality police officers is 420 hours.
- (6) The form and scope of professional training, the sample request to carry out professional training and the examination, the details of the organisation and of the execution of professional training shall be laid down by a resolution of the Government of the Slovak Republic.

§ 26a

State supervision over the activities of the municipal police

- (1) A municipality which has established a municipal police force is obliged, no later than the 31st March of each year, to send to the Ministry a report of the activities of the municipal police for the previous calendar year. This report is signed by the municipality's Mayor.
- (2) The obligation to submit a report under Section 1 also applies to a municipality which has abolished its municipal police force no later than within 30 days from the eradication.
- (3) The details of the submission of the report of the activity of the municipal police and the details of its particularities shall be laid down by a generally binding legal regulation issued by the Ministry.
- (4) A municipality which has not established a municipal police force and has concluded a contract with another municipality pursuant to Art. 2, is obliged within 30 days from the validity of the contract to send the Ministry a verified copy of such a contract. A municipality which withdraws from the contract prior to the date of its termination is obliged to notify the Ministry of this fact within 30 days from its withdrawal.

§ 26b

Penalties

- (1) The Regional Headquarters of the Police Force may impose a penalty not exceeding EUR 1 659 on a municipality which fails, within the period laid down by this Act, to submit:

- a) a report of the activities of the municipal police or a verified copy of a contract pursuant to Art. 26a,
 - b) data pursuant to Art. 26c Sect. 2 paragraph a) to c).
- (2) Such a penalty may be imposed within one year from the date on which the Ministry learned of the breach of the obligation by a municipality, however, within 3 years at the latest from the date on which this breach occurred.
 - (3) The obligation of a municipality to submit to the Ministry a report of the activity of the municipal police, a verified copy of a contract and the data in accordance with this Act is not affected by imposing a penalty pursuant to Section 1.
 - (4) When imposing penalties, the regional headquarters take into account the unlawful activity, in particular its length, and the repeated breach of the legal obligation.
 - (5) The general regulation on the administrative proceedings shall apply to the proceeding on imposing penalties. ¹⁸⁾

§ 26c

Records kept by the Ministry

- (1) With regard to performing tasks in accordance with this Act, the Ministry keeps records of:
 - a) municipalities which have established a municipal police force, and municipalities which have abolished its municipal police,
 - b) request of municipalities to carry out professional training and an examination,
 - c) municipal police officers who have been awarded certificates,
 - d) data contained in reports of the activity of the municipal police.
- (2) The records under Section 1 paragraph a) contain
 - a) the name of the municipality,
 - b) the number of municipal police officers,
 - c) the date of the establishment of the municipal police,
 - d) the date of the abolition of the municipality police.
- (3) The records under Section 1 paragraph b) contain
 - a) the name of the municipality,
 - b) the date of the delivery of a request to carry out professional training and an examination,
 - c) personal data of municipal police officers applying for attendance at professional training and an examination,

- d) the date and place of professional training,
 - e) the date and place of sitting and re-sitting the examination, if such an examination has been executed.
- (4) The records under Section 1 paragraph c) contain:
- a) personal data of municipal police officers who have been awarded certificates,
 - b) the date and place of sitting and re-sitting the examination,
 - c) the certificate registration number.
- (5) A municipality is obliged to notify the Ministry of the data under Section 2 paragraphs a) to c) within 30 days of the date of the establishment of a municipal police force.
- (6) The provisions of a special regulation apply to the registration of records listed in Section 1, the processing of personal data, personal data safety, the protection of the affected person's rights and cross-border flow of personal data.¹⁹⁾

-
- 1) Act on Municipal Establishment
 - 2) Act on Municipal Establishment
 - 3) Act on Municipal Property
 - 4) Act on Offences
 - 5) Act on Offences
 - 6) Act on Road Traffic
 - 7) Criminal Act
 - 8) Act on Municipal Establishment
 - 9) Code of Criminal Procedure
 - 9a) e.g. Act on Military Police, Act on Slovak Intelligence Service, Act on Police Force, Act on Military Intelligence
 - 10) Civil Code
 - 10a) General Appropriations Act
 - 11) Act on Offences
 - 12) Act on Offences
 - 12a) Decree of the Minister of the Foreign Affairs on Vienna Convention on Diplomatic Affairs
 - 13) Code of Criminal Procedure
 - 14) Act on Firearms and Ammunition as amended
 - 15) Criminal Act
 - 15a) Use of Languages of Ethnic Minorities Act
 - 16) Act on Police Force
 - 17) Act on Reporting the Residents of Citizens of the Slovak Republic and on the Register of Citizens of the Slovak Republic
 - 18) Act on Administrative Proceedings (Administrative Order)
 - 19) Personal Data Protection Act

A Selected Influences Clause Sample

Selected Influences Clause

A.1. Name of the document:

Date of commencement and end of preliminary consultation exercise:

A.2. Influences:

	Positive*	None*	Negative*
1. Influences on the public administration budget			
2. Influences on the business environment <ul style="list-style-type: none"> • is there an increase in the regulation load? 			
3. Social influences <ul style="list-style-type: none"> • influences on the population's management, • social exclusion, • equality of opportunities and gender equality and influences on employment 			
4. Influences on the environment			
5. Influences on computerisation of the society			

* The proposer uses "x" to mark the relevant influence (positive, negative, none) brought by the proposal in each area of the influence assessment. The proposal may have, in one area at the same time, both a positive and a negative influence and in this case the proposer marks both options. A detailed explanation of the marked influences is included in the analysis of influences. An explanation or a summary of influences (summary assessment whose influence in the given area prevails) may be included by the proposer in the note.

A.3. Notes

A.4. Alternative solutions

If the proposer contemplates alternative solutions, please state these alternative solutions in more detail, why and which variant is used in the document.

A.5. The manager’s opinion

Influences on the public administration budget Employment in public administration and the proposal funding

2.1 Summary of the influences on the public administration budget in the proposal

Table no. 1

Influences on the public administration budget	Influence on the public administration budget (in euros)			
	r	r + 1	r + 2	r + 3
Total income of public administration	0	0	0	0
in this: for each public administration subject separately	0	0	0	0
out of which:				
- influence on the state budget	0	0	0	0
- influence on territorial self-government	0	0	0	0
Total expenditure of public administration	0	0	0	0
in this: for each public administration subject/programme separately	0	0	0	0
out of which:				
- influence on the state budget	0	0	0	0
- influence on territorial self-government	0	0	0	0
Employment total	0	0	0	0
- out of which influence on the state budget	0	0	0	0
Funding provided for in the budget	0	0	0	0
in this: for each public administration subject/programme separately	0	0	0	0

2.2 The proposal funding

Table no. 2

Funding	Influence on the public administration budget (in euros)			
	r	r + 1	r + 2	r + 3
Overall influence on the public administration budget (- income, + expenditure)	0	0	0	0
out of which influence on the state budget	0	0	0	0
Funding provided for in the budget	0	0	0	0
Other sources of funding	0	0	0	0
Influence not covered in the budget/saving	0	0	0	0

A draft proposal for the solution to loss of income or increased expenditure pursuant to Art. 33 Sect. 4 of Act No. 523/2004 on Budgetary Rules for Public Administration:

2.3 Description and characteristics of the proposal

2.3.1 Description of the proposal:

What problem area does the proposal deal with? Who will implement the proposal? Where will the services be provided?

.....

2.3.2 Characteristics of the proposal according to section 2.3.2 of the methodology:

- change of rate
- change in demand
- new service or regulation (or their termination)
- combined proposal
- other

2.3.3 Assumed development of the amount of the activities

Clearly define and if necessary, use the table below. Also, state estimates of tax bases and/or fees, if this change applies to them.

Table no. 3

Amount of activities	Estimated amounts			
	r	r + 1	r + 2	r + 3
Indicator ABC				
Indicator KLM				
Indicator XYZ				

2.3.4 Calculation of influences on public finance

State the most important calculations that were used when establishing influences on the income and expenditure, as well as the assumptions on which they were based. The proposer should clearly distinguish data from chapters and organisations in order for the base used for calculations to be easy to see.

Table no. 4

Income (in euros)	Influence on the public administration budget				note
	r	r + 1	r + 2	r + 3	
Tax income (100)¹					
Non-tax income (200)¹					
Grants and transfers (300)¹					
Income from transactions with financial assets and financial liabilities (400)					
Received credits, loans and returnable financial aids (500)					
Total impact on the public administration income					

1 – The income must be itemised subject to applicable economic classification.

Table no. 5

Expenditure (in euros)	Influence on the public administration budget			note
	r	r + 1	r + 2	
Current expenditure (600)				
Wages, salaries, service income and other personal remunerations (610)				
Insurance premium and contribution to insurance companies (620)				
Goods and services (630) ²				
Common transfers (640) ²				
Paying back interest, and other credit or loan payments (650) ²				
Capital expenditure (700)				
Capital assets procurement (710) ²				
Capital transfers (720) ²				
Expenditure from transactions with financial assets and financial liabilities (800)				
Total impact on the public administration expenditure out of which expenditure on the state budget				
Current expenditure (600)				
Wages, salaries, service income and other personal remunerations (610)				
Capital expenditure (700)				
Expenditure from transactions with financial assets and financial liabilities (800)				

2 – The expenditure must be itemised subject to applicable economic classification.

Table no. 6

Rate of employment	Influence on the public administration budget			note
	r	r + 1	r + 2	
Total number of employees*				
out of which influence on the state budget				
Average wages expenditure (in euros) *				
out of which influence on the state budget				
Total personal expenditure (in euros)				
Wages, salaries, service income and other personal remunerations (610) *				
out of which influence on the state budget				
Insurance premium and contribution to insurance companies (620) *				
out of which influence on the state budget				

Notes:

The average wages expenditure is formed by the share of wages expenditure for one employee for one calendar month of a given year.

The insurance premium is calculated by the share of wages expenditure, which, for the organisations within the scope of the state budget chapters, with the exception of transferred competences of the execution of state administration, for civil service employees and employees executing work in the public interest, amounts to 34.95 %, for police officers, professional soldiers, customs officers, fire fighters including the mountain rescue service, amounts to 33.2 %. For the remaining public administration subjects, including transferred competences of the state administration execution, the insurance premium totals a share amounting to 35.2 %.

Categories 610 and 620 are automatically transferred from this appendix to the respective categories of the “expenditure” appendix.

* The number of employees, wages and insurance premiums must be itemised according to the manner of remuneration (e.g. police officers, customs officers ...)



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