

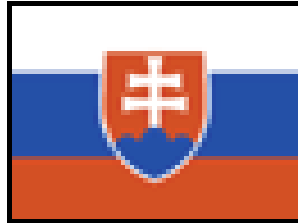


SUNICOP

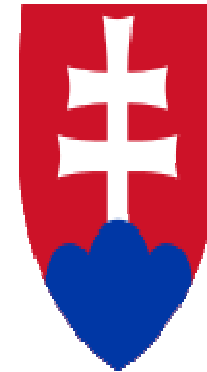
Comparative governance in CEE



SUNICOP



Slovak Republic



SUNICOP

CONSTITUTIONAL DEVELOPMENT

- 1918 – “Provisional Constitution”
- 1920 – Constitutional Charter of the Czechoslovak Republik
- 1948 – “Ninth-of-May Constitution”
- 1960 – Constitution of Czechoslovak Socialist Republik (several amendments)
- November 1989 – “Velvet Revolution”
- 1 September 1992 – Constitution of the Slovak Republik
- 1 January 1993 – split CZ - SLO
- 1 May 2004 – joined the EU

REVISIONS OF THE CONSTITUTION:

- 1) **14 July 1998** – the President could be elected on a suggestion of at least 8 MPs, some of the President's powers were transferred to the Speaker of the Parliament;
- 1) **14 January 1999** – the President was no longer voted by the Parliament, and began to be elected by popular vote for 5 years;
- 1) **23 February 2001** – related to enter the EU and NATO, introducing of ombudsman...;
- 1) **two revision in 2004** – change in relation to the European Parliament election, inconsistency of being an MP in the Parliament and in the European Parliament, extension of rights of the CC for ruling whether the election to the EP is constitutional...

Constitution

- Preamble + 9 titles, 156 articles

The Preamble

1. General Provisions
2. Fundamental Rights and Freedoms
3. The Economy of the Slovak Republik
4. Territorial Self-Administration
5. Legislative Power
6. Executive Power
7. Judicial Power
8. The Prosecutor'y Office of the Slovak Republik
9. Transitory and Final Provisions

BASIC CONSTITUTIONAL PRINCIPLES

- the rule of law
- separation of powers
- principle of a legal state
- principles of a democratic state

SEPARATION OF POWERS

- **LEGISLATIVE POWER:** one chamber (National Council) (150)
- **EXECUTIVE POWER:** Government
- **HEAD OF STATE:** President – elected directly for 5 years
- **JUDICIAL POWER:** CC and courts

---13 MEPs----

President of SR
- Ivan Gašparovič-



Prime minister
- Iveta Radicova-



NATIONAL COUNCIL

- [art. 86](#) – competences
- single-chamber
- **150 deputies** elected for a four-year period (citizen: who has the right to vote, 21 years,
- **proportional representation**
- permanent sessions

NATIONAL COUNCIL



ELECTORAL SYSTEM

- Parliament name: **Narodna rada Slovenskeje republiky**
- Structure of parliament: **Unicameral**
- LEGAL FRAMEWORK: Electoral Law 16 March 1990
Last amendment: 22.09.2005
- Mode of designation: **directly elected 150**
- Constituencies: **One nationwide constituency**
- Voting system: **Proportional**: Closed party list system **using Hagenbach Bischoff method** and greatest remainders calculation for leftover seats
- Voter requirements- age: 18 years
CANDIDATES. Eligibility- qualified electors
 - age: 21 years
 - Slovak citizenship (including naturalized citizens)
 - permanent residence in country
- **Incompatibilities**- President of the Republic
 - judges
 - public prosecutor
 - police and career military officers
 - prison or judicial guards
 - ombudsman
 - members of the European Parliament

PRESIDENT OF SR

- art.102 – competences
- head of state
- **direct elections** (first ballot / second ballot) – **5 years term**
- **passive electoral right:** citizenship, eligibility to vote, 35 years
- candidates should be nominated by:
 - a) at least 15 MPs
 - b) a petition signed by at least 15,000 citizens

GOVERNMENT

- [art. 119](#) – competences
- supreme body of executive power
- PM appointed and recalled by the President (respect of the election results)
- accountable to the National Council

LEGISLATION

DRAFT LAWS:

- a) Parliamentary committees
- b) MPs
- c) Government

THREE READING:

- 1) general debate – no amendments: return the bill for revision or second reading
- 2) the debate (for an amendment – at least 15 MPs)
- 3) only proposals for correction of legislative mistakes of a technical character/ grammatical mistakes/mistakes in writing or print – other amendments: min 30 MPs

An act should be signed by: the President of the SR
the President of the NC
the PM of the Government

TO PASS A DECISION:

QUORUM: more than half of MPs present

SIMPLE MAJORITY - minimum **39 votes**

ABSOLUTE MAJORITY - min **76 votes:**

- a) approving an international treaty - art.7 paras 3 and 4
- b) adoption of law returned by the President
- c) vote of no-confidence to G or its members
- d) election of speaker of NC

QUALIFIED MAJORITY OF 3/5 OF ALL DEPUTIES – min **90 votes:**

- a) adopting or amending the Constitution and constitutional law
- b) approving an international treaty – art. 7 para 2
- c) adoption of a resolution on plebiscite on the recall of the President
- d) bringing a prosecution of the President
- e) declaration of war on another state

FOREIGN POLICY MAKING

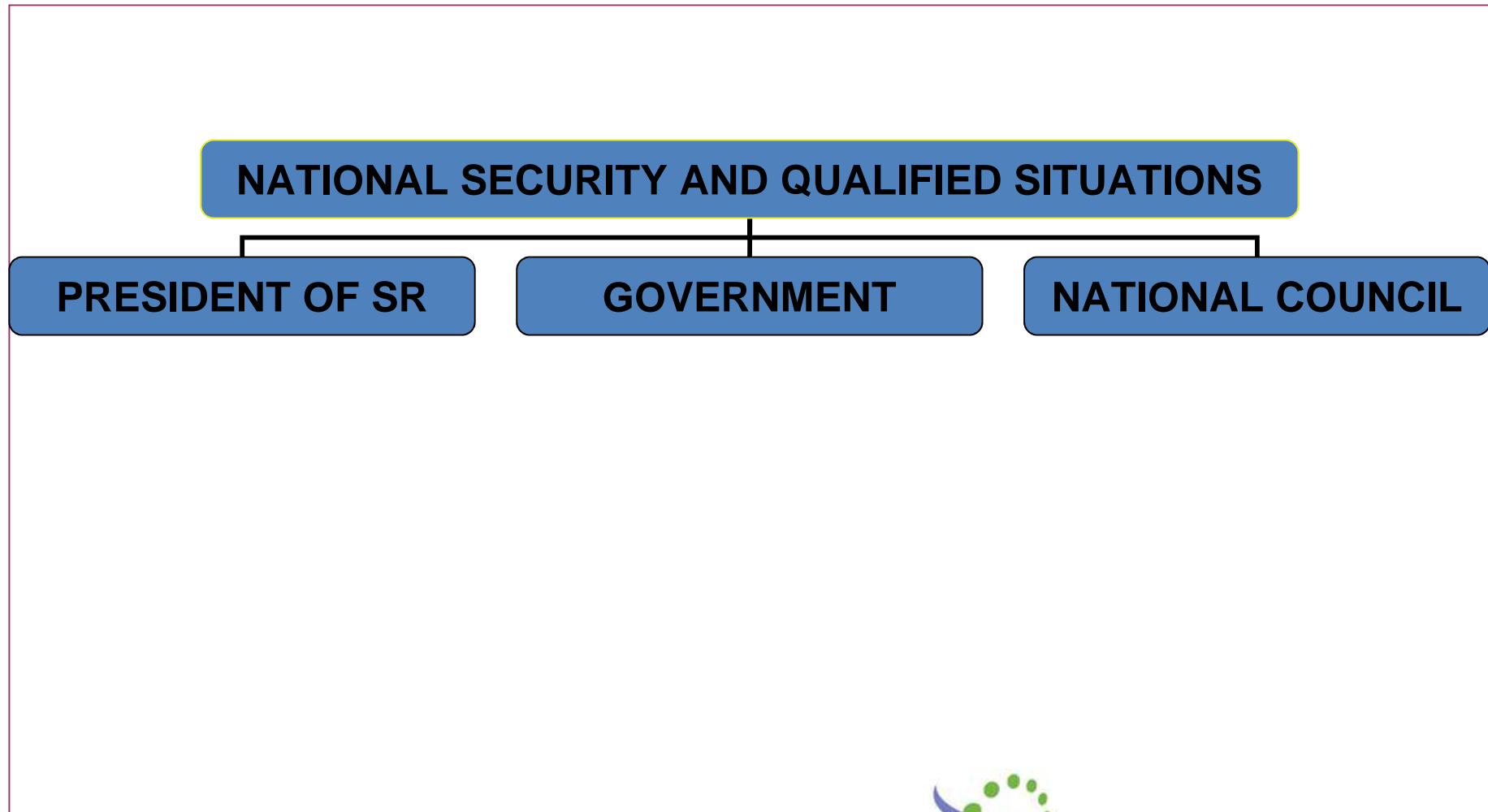
NATIONAL COUNCIL:

- approving int.treaties prior to their ratification;
- approving treaties on a union of the SR with other states;
- expressing consent – prior to ratification - with the int.treaties on HRs, of military nature, int.economic treaties...

PRESIDENT OF SR

- concludes and ratifies int.treaties;
- may fill with the CC a petition for a decision on the compliance of concluded int.treaty with the Constitution or a constitutional law;
- receives, accredits and recalls chiefs of diplomatic missions...

NATIONAL SECURITY



BUDGETARY POLICY

NATIONAL COUNCIL

- approves the state budget and checks its fulfilment
- approves the state closing account
- discusses the reports of the Supreme Audit Office

GOVERNMENT

- creates **major policy lines** on matters of national economy and social security;
- makes proposals on the state budget;
- prepares the annual closing account

PRESIDENT OF SR - GOVERNMENT

- THE GOVERNMENT IS APPOINTED BY THE PRESIDENT, on the recommendation of the PM
- the President appoints and recalls the PM

- INSTITUTE OF CO-SIGNING OF SOME LEGAL ACTS made by the President by the PM or relevant minister

PARLIAMENT - CC

- President of SR:
 1. high treason charges, or
 2. charges of deliberate violation of the Constitution;
- petition against the President – filled by the NC;
- CC decides

PARLIAMENT – PRESIDENT

PRESIDENT MAY DISSOLVE NC:

1. if the policy statement of the G is not approved within 6 months after its appointment;
1. if the NC failed to pass within 3 months a government draft law that the G tied with a vote of confidence;
1. if the NC was incapacitated to make decisions for more than 3 months;
1. if the session of the NC was interrupted for more than permitted by the Constitution

PRESIDENT - CC

- President may **submit a proposal** to the CC and initiate the relevant proceedings;

President **APPOINTS AND RECALLS:**

- the judges of the CC
- president and vice-president of the CC

President **CONDUCTS THE OATH** of the judges of the CC, of the General Prosecutor, judges....

PARLIAMENT - GOVERNMENT

- **CONSTITUTIONAL RESPONSIBILITY OF THE G TO THE NC:**



- interpellations
- suggestions
- comments
- questions


SAFEGUARDING THE CONSTITUTION


CC (1 January 1993)

- 10 judges;
- appointed by the **President** of SR for a period of 7 years (out of persons proposed to him by the NC);
- citizenship + who may be elected to the NC + **min 40 years** + law school graduate + practicing law for at least 15 years

CC



 **ÚSTAVNÝ SÚD SLOVENSKEJ REPUBLIKY**

 **CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC**

CC PROCEEDINGS

- CC initiates proceedings on the basis of a PROPOSAL by:
 1. the President of SR
 2. the Government
 3. the court
 4. the general prosecutor
 5. in cases listed under art.127 - anyone whose rights are to become the subject of inquiry

CC - COMPETENCES

- Art. 125-129
 - decides on the compatibility of laws/governmental ordinances/generally binding regulations/generally binding ordinances with the Constitution, constitutional laws and international treaties (to which a consent was given by the NC) ...

...Please read the relevant articles of the Constitution...