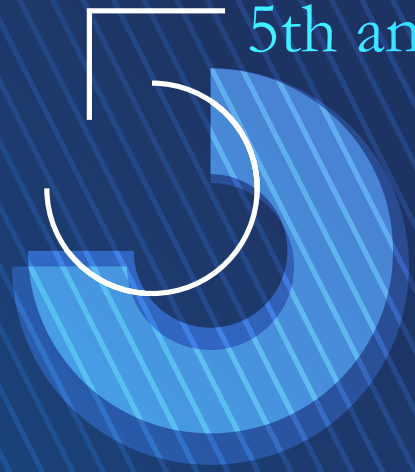
The Supreme Administrative Court of the Slovak Republic 2021 – 2025



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OF THE SLOVAK REPUBLIC

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OF THE SUPREME ADMINISTRATIVE
COURT OF THE SLOVAK REPUBLIC

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List of abbreviations

European Union – EU

European Court of Human Rights – ECHR

Faculty of Law of the Pan-European University – Faculty of Law of PEU

General Prosecutor's Office of the Slovak Republic – General Prosecutor's Office

General Prosecutor of the Slovak Republic – General Prosecutor

Judicial Academy of the Slovak Republic – Judicial Academy

Chancellery of the Supreme Administrative Court of the Slovak Republic – Chancellery of the Supreme Administrative Court

Chancellery of the Supreme Court of the Slovak Republic – Chancellery of the Supreme Court

Chancellery of the Constitutional Court of the Slovak Republic – Chancellery of the Constitutional Court

International Association of Supreme Administrative Jurisdictions – IASAJ

Ministry of Justice of the Slovak Republic – Ministry of Justice

Minister of Justice of the Slovak Republic – Minister of Justice

Supreme Administrative Court of the Slovak Republic – Supreme Administrative Court

Supreme Court of the Slovak Republic – Supreme Court

National Council of the Slovak Republic – National Council

Chamber of Notaries of the Slovak Republic – Chamber of Notaries

Faculty of Law of the Pavol Jozef Šafárik University in Košice – Faculty of Law of UPJŠ

Faculty of Law of the University of Trnava – Faculty of Law of TRUNI

Faculty of Law of the Matej Bel University in Banská Bystrica – Faculty of Law of UMB

Faculty of Law of the Comenius University in Bratislava – Faculty of Law of UK

President of the Slovak Republic – President

Slovak Bar Association – Bar Association

Judicial Council of the Slovak Republic – Judicial Council

Court of Justice of the European Union – CJEU

Constitutional Court of the Slovak Republic – Constitutional Court

Collection of Opinions and Judgements of the Supreme Administrative Court of the Slovak Republic – CSAC

Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union – ACA-Europe

From judicial practice – FJP

Legislation:

Constitutional Act No. 460/1992 Coll., Constitution of the Slovak Republic – Constitution

Act No. 99/1963 Coll., Civil Procedure Code – Civil Procedure Code

Act No. 71/1967 Coll. on administrative proceedings (Administrative Procedure Code) – Administrative Procedure Code

Act No. 757/2004 Coll. on courts and amending certain acts – Courts Act

Act No. 301/2005 Coll., Criminal Code – Criminal Code

Act No. 160/2015 Coll., Civil Procedure Code – Civil Procedure Code or CPC

Act No. 162/2015 Coll., Administrative Court Code – Administrative Court Code or ACC

Act No. 432/2021 Coll. on the Disciplinary Code of the Supreme Administrative Court of the Slovak Republic and amending certain acts (Disciplinary Court Code) – Disciplinary Court Code or DCC

Foreword by the President of the Supreme Administrative Court Pavol Nad'

Dear Readers,

I wish to address you at a time when we are taking stock of the first five years since the amendment to the Constitution that introduced a new judicial institution into our constitutional system – the Supreme Administrative Court.

It was an honour to be part of its inception in 2021, first as a candidate for the position of Judge and President of the Court and then at the helm of the Court in the initial, very important phase of its existence. It was not an easy time. The need for the new highest instance of administrative judiciary in Slovakia to immediately start adjudication, while exercising all the powers, especially in the cassation and disciplinary agenda, also meant that the President of the Court and the Head of the Chancellery had to devote their entire potential for the benefit of this flagship of administrative judiciary.

In my position as President, immediately after my appointment, I took the liberty of adding an alternative to this figurative expression for our Court – a house for the protection of subjective rights, where the party to proceedings is a guest and the judges are servants. Yes, we are servants of justice, and everything we do in pursuing our mission should be devoted and directed towards justice for every person and towards the protection of the weak – the addressees of the actions of public authorities. This is precisely how we wanted the public to perceive our new mission in the judiciary from the very beginning, with the aim to transform it into a lasting, effective 'house' of judicial oversight of public administration.

After a very difficult first two years of our work, the process of complete separation of the administrative judiciary from the general judiciary was completed with the establishment of three administrative courts in Bratislava, Banská Bystrica and Košice.

I have been asked many times whether this institutional change in the judiciary was necessary, whether it could not be done the old way. The answer was, and always will be, that change was desirable. Almost all the relevant expert views from the Constitutional Court, prosecutors, legal science, lawyers, etc. are in favour of the new judicial system allowing for independent conceptual solutions to achieve quality and prompt adjudication by administrative courts and the Supreme Administrative Court. These are 'resonance areas' in relation to the administrative judiciary, i.e. institutions with direct legal contact and with a reason to have a better understanding of how these important judicial powers are exercised by our judiciary.

The procedural, educational, personnel, methodological and informational foundations and links between the administrative courts and the Supreme Administrative Court are already a strong manifestation and promise of the healthy development of administrative judiciary in Slovakia in the coming decades.

On what is now our first anniversary, I cannot fail to mention what judicial oversight of public administration by independent administrative courts means to citizens as a guarantee inherent in the rule of law. It is important that it is not only the existence of the Supreme Administrative Court in our constitutional system

but also its essential kinds of powers that are enshrined in the Constitution. It is primarily about the rule of law and its stability and the predictability of legal solutions in public service relations, excluding excesses or even arbitrariness in the intervention in the subjective rights of natural and legal persons.

In addition to building good relations, professionally grounded and achieved mainly through memoranda of cooperation with the Constitutional Court, the Supreme Court, the administrative courts, the Judicial Academy, the Association of Judges of Slovakia and four law faculties, the Court's presidency also gave priority to international relations with the supreme administrative courts of the Czech Republic, Poland, Hungary and Austria when starting the Court's operation. It became apparent how important it is for further cooperation to align the values of the presidency of the Supreme Administrative Court with the legal views of our foreign partners. We are particularly grateful to our sister court in the Czech Republic, its three Presidents and its Vice-President. From the bottom of our hearts, we are grateful for your support since the birth of the idea of the Supreme Administrative Court.

The pursuit of legal quality and valuable results of the adjudication process has opened the door to broader cooperation with the General Prosecutor's Office, whose activities at the non-criminal section of the administrative judiciary are functionally related, with ministries, ombudsmen, professional chambers and other entities affected by the selection of case law. The Collection of Opinions and Judgements of the Supreme Administrative Court has become an inspiring source of knowledge in all areas of our adjudication, thanks to all those involved and the meticulous approach of the Court's Plenary.

On my journey as the first President of the Court, there has not been a more emotional experience than the first-ever visit of our Court's presidency to the CJEU in October 2022 and the visit of CJEU President Koen Lenaerts to our Court in May 2024. In the very short period of the operation of the Supreme Administrative Court, the highest instance of administrative judiciary in Europe has received positive reports about our Court. This is not only thanks to the two carefully prepared contacts focused on European law mentioned above but especially thanks to the knowledge of our national adjudication processes in a number of preliminary rulings.

Between 1 August 2021 and 31 December 2025, the Supreme Administrative Court has decided nearly 8,000 cases in all agendas. This would not have been possible if judges did not have their assistants ready to consistently deliver a quality legal performance in developing the legal basis for a substantive decision. The support of the Analytical Department is also indispensable for judges and the presidency in the exercise of justice and its continuous evaluation. But other professions as well – the staff of the Chancellery of the Court – devote themselves to creating the conditions necessary for us to fulfil our mission.

It would therefore seem natural for judges in all chambers, as well as the presidency, to feel satisfied and professionally fulfilled. However, this is not entirely the case, and it would not be right to establish a 'maintenance regime' based on complacency. In my opinion, the correct perception of a judge's mission, which includes strong elements of humility combined with a natural desire to improve in their judicial work, is the most appropriate personal motivational attitude. I would add to this a commitment to the values of goodness and justice, together with diligence. Our colleagues possess all of these qualities, which are also a guarantee of their judicial legitimacy.

I would therefore venture to say that the Plenary of the Supreme Administrative Court will be adequately prepared in the coming years to face all possible challenges and produce high-quality decisions in all panels that will enhance the Court's reputation.

Even if we do ask our partners for cooperation, we will do so in order to speed up and improve the quality of such value-based adjudication in the interest of the stability of the rule of law, as well as legality and constitutionality, while meeting the natural requirements for the protection of human rights and fundamental freedoms – to ensure that the people of our country can trust us and rely, above all, on the fairness and impartiality of our decisions.

Pavol Naď, President of the Supreme Administrative Court

Interviews

Interview with the President of the Supreme Administrative Court Pavol Nadˊ

You became the head of the Supreme Administrative Court by a unanimous decision of the Judicial Council. How do you remember it?

When, on 16 April 2021, after my hearing and presentation of the Supreme Administrative Court project, all seventeen members of the Judicial Council present gave me their vote of confidence, at first I did not see it as a personal achievement but rather as a huge commitment to be fulfilled.

The establishment of such an important institution for the functioning of the rule of law in a young democracy like Slovakia is a very serious event, whose social and legal scope and significance span decades, reaching into the very foundations of the state. A very important institution was created for our country, and suddenly, after being elected as its President, I saw a difficult, challenging path ahead of me.

Did you know what you were getting into? Would you go into this selection process today, after what you have experienced in your five years as President?

I had a feeling, and my premonitions about the thorny, bumpy surface of this path came true. However, I also knew I had to go through it to pave the way for the goal pursued both by myself and the newly created Plenary of our Court. It was and is about a positive idea to effectively protect the rights of the weak against the actions of public authorities, i.e. to systematically build a barrier to protect them against the actions of public authorities in our main cassation agenda.

I also knew at the outset in 2021 that it was necessary to put a great deal of energy into exercising our Court's new constitutional powers – disciplinary and electoral. I would face these great challenges head-on again and again, even if I knew everything that I had encountered over the past five years, including the inappropriate attacks on our Court, judges, and myself as President, primus inter pares. For me, fulfilling this defined mission is a spiritual fusion with the values of goodness and justice.

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Before, I couldn't even imagine that after 1989 any government would take such a serious step. **This is what you said about the establishment of the Supreme Administrative Court, which you also described as a celebration. Why did you consider its establishment a celebration?**

The answer to this question is related to the social and political development of our country after 1989 within Czechoslovakia and, since 1993, as an independent state. There is a big difference between declaring a vague intention to create an independent administrative judiciary and a sincere, realistic effort to set these things in motion, i.e. not just including it in the election manifesto of one or more political parties, but delivering on our promises to the citizens after the election.

Thus, after several elections in our country after 1989, the idea of a supreme administrative court fell into oblivion. That is why my scepticism turned into a feeling of celebration. A supreme court for the protection of subjective rights for the people of our country has been established and will be here, hopefully, for centuries to come.

> *A supreme court for the protection of subjective rights for the people of our country has been established and will be here, hopefully, for centuries to come.*

Let's take a moment to look back at the past. You became a prosecutor before 1989. Although joining the Communist Party was quite common in that environment, you didn't do it. What was it like?

This is a rather personal matter for me, and I am very sensitive to questions of this kind, but at the same time I am proud of my ancestors and myself. My grandfathers and my father refused to join the Communist Party, even though their personal qualities were by no means negligible. For them, it was a matter of principle and values. I had no problem following suit, even at the cost of a significant 'drop' in social status, as happened to my father – from the head of an agricultural cooperative to construction worker. In my case, in 1987, the leadership of the Regional Prosecutor's Office in Košice expected me to become politically involved by joining the Party, but this did not happen. What probably saved me was the quality of my work at the non-criminal section of the Prosecutor's Office, where experts were in great demand, and certainly also the 'Gorbachev era'.

When the Court was established, one of your first resolutions was that its work should be based on 7 panels and 21 judges. Wasn't that too bold?

When I accepted the offer to run for President, it was my duty to develop a project for establishing the Supreme Administrative Court. The composition of the Court, including the number of panels in each agenda, was, in my view, one of the basic requirements for the substantive quality of this project. The 7 three-member panels in the cassation agenda also corresponded to the actual number of judges of the Administrative Chamber of the Supreme Court in the last years of its operation before the establishment of our Court. I also considered numerous legal matters – the backlog of cases transferred from the Supreme Court from 1 August 2021 (1,932 cases) – as well as the legally guaranteed upper limit of 30 judges in the Plenary of the Supreme Administrative Court. I knew, and my five years of experience have confirmed this, that after the establishment of the Court we would have time to increase the number of judges to 30 over the next few years, ensuring the quality of the selection of future colleagues. The current number of judges is 23.

At the beginning you encountered mistrust. There were reservations that judgements in the Court would also be delivered by non-judges. Were you able to dispel these doubts?

Yes, there were, and still are, albeit to a much lesser extent, views questioning the ability of colleagues who were not judges before 2021 to perform judicial functions at the highest level of administrative judiciary. Through the professional quality of their daily work and their performance as judges in all our agendas, these colleagues dispelled, from the very first moment, any doubts about the validity of their election as judges and their competence to deliver judgements.

> *Our Plenary is professionally mature, and all panels have the potential to deliver judgements even in the most difficult cases that appear on their desks.*

I have repeatedly stated, especially in response to attacks that have also shown signs of malice, that our administrative judiciary is a specific judicial legal discipline requiring specific professional and personal qualities and a professional background of its main actors – 'administrative' judges. Finally, the Czech Republic's positive experience in establishing the Supreme Administrative Court confirms the accuracy of these statements.

How many of your new colleagues did you know personally in the early days?

I have never thought about this nice question. Before I answer, I would like to point out that at the Judicial Academy, which has been supporting us from the very first moment of our work, I organised a so-called 'zero' plenary session of the Court in June 2021, where all of us, the future judges of the Court, got to know each other in two days. We were full of determination to devote ourselves to this project.

And now for the specific answer: of the members of the future Plenary (21) at the time, there were only 6 colleagues that I did not know personally. Now, however, I have the pleasant feeling like I have known them all my life.

The Supreme Administrative Court did not start out in an easy position – it was born with 2,000 cases in its cradle. How have the judges and staff managed to cope with this over the years?

The answer to this question is a joyful one – to be able to emphasise all that our judges have accomplished during the first years of the Supreme Administrative Court's adjudication work, taking into account all the circumstances surrounding the Court's launch. I keep repeating, in all sincerity, how grateful I am for the work done by the Court and its Chancellery. After just two years of our work, we could declare that we had decided on almost 96% of the cases transferred from the Supreme Court. In addition to these, there were also a large number of 'new' cases that came to us after 1 August 2021. This would not have been possible without the enormous effort of the Panels and judicial assistants or the efficient assistance of the staff of the Chancellery of the Supreme Administrative Court.

The current backlog of cases, which has already exceeded the magic threshold of one thousand, speaks for itself. Only about one-sixth of them are cases that have been pending in our Court for more than one year, mainly due to demonstrable objective obstacles.

Where there's a will, there's a way, as the saying goes. Without the strong work ethic and high level of professionalism of our judges and their assistants, it would not have been possible to manage the initial phase of the Supreme Administrative Court's existence so excellently.

Do you recall your strongest memories of the early months of the Court?

Many experiences came to my mind when I thought of 2021. After the selection process for the position of judge, there was the aforementioned 'zero' plenary session and then the first actual plenary session on 3 August 2021, the first working day of our court in the Supreme Court building. The temporary premises and the transfer of the cases received, the so-called permanent forums of judges discussing various professional topics in the initial period so that we could grasp their depth and breadth. It was all very dynamic.

However, since 18 May 2021, the day I was appointed as President of the Court, I have been involved in a whirlwind of endless legal and administrative duties

of various kinds, first on my own and then with the Head of the Chancellery. In Zuzana Kyjac, I saw, and still see, how much energy she was and is able to devote to our institution on a daily basis.

All my memories of the Court's early period are therefore strong, the most powerful being those that gave matters a stamp of originality and uniqueness.

Now almost five years later – what is your strongest emotion in relation to your work as President of the Court?

Everything we are experiencing together at our workplace now, after almost five years, is a free continuation of the story that has already started. As in every family, we sometimes have to overcome obstacles and problems, some of which we may have caused ourselves, but that's how life goes.

Being the President of this Court, with this staff base and potential and with such a meticulous support and working conditions for judges, is a great honour for me. Even after almost five years, the best feeling is always meeting with the judges and Chancellery staff, especially informally in their offices, in the corridors, or in the lift. I will be grateful until my last breath for this enormous gift, which will find its place in my daily life even after my departure, in my memories of Bratislava and the Supreme Administrative Court.

The Court decides on the most difficult cases. Sometimes decisions are referred to the Grand Panel, other times they are deliberated by the Competence Panel. Can you explain the differences between them?

I am glad that this question has been asked. The authors of our procedural rules – the Administrative Court Code, effective from 1 June 2016 – placed great emphasis on ensuring the predictability of court decisions at the highest level in the new foundations for the functioning of administrative judiciary. As you mention, this applies in particular to the most legally complex cases. The Competence Panel, consisting of four judges of the Supreme Court and four judges of the Supreme Administrative Court, is an important arbiter in assessing jurisdiction, i.e. whether a case should be decided by an administrative court or a civil court. The agenda of the Grand Panel, which ensures the consistency of decisions and the consistent assessment of legal matters of the same or similar content, is completely different.

Since 2021, we have increased the intensity and professionalism of adjudication in these two key panels compared to the situation before our Court was established.

The disciplinary agenda is also very demanding, partly because people in the judiciary often know each other. In many cases, the Supreme Administrative Court is the final instance that decides on disciplinary matters. Can citizens rely on these decisions being completely objective?

You have touched on the most publicised part of our work, one of the key powers of the Supreme Administrative Court. Before 1 December 2021, when the Disciplinary Code came into effect, the handling of this agenda by the Judicial Council and its disciplinary panels was not smooth, encountering various obstacles that prevented the timely delivery of decisions against judges facing disciplinary proceedings. The situation is now completely different in terms of both the speed and quality of adjudication, as repeatedly confirmed by the Constitutional Court in proceedings concerning constitutional complaints against our disciplinary decisions. Of the approximately 240 cases decided in this agenda, only about one-fifth were contested through a constitutional complaint, and of these approximately 50 cases, the Constitutional Court identified grounds for partial acceptance of the constitutional complaint in only five cases and for full acceptance in one case. This is proof of the high quality of the decisions of our disciplinary panels.

On a human level, it must be said that none of our colleagues – members of disciplinary panels – enjoy dealing with disciplinary cases on their desks. However, they deserve a great deal of gratitude for the fact that their decisions are highly professional, based on the search for justice for the prosecuted judge, prosecu-

tor, bailiff, or notary, i.e. on ensuring absolute objectivity and acceptable speed of the judicial process and the quality of the final decision itself. Both the person facing disciplinary proceedings and the public have a right to such a decision.

However, I fear that the proposed amendment to the Disciplinary Code, due to come into force in 2026, will fundamentally change the conditions of disciplinary proceedings, will not have the desired effect, and will significantly prolong disciplinary proceedings.

One issue that experts are watching is the seat of the Court. What is the situation regarding a shared seat with the Supreme Court?

The Constitution places the Supreme Court and the Supreme Administrative Court on the same institutional level. It is my firm belief that both supreme courts should have representative seats of the same level. All my decisions in this specific matter are aimed at achieving this goal. At the same time, I have made a commitment, together with the Head of the Chancellery, to ensure the stability of our Court's current seat in Bratislava until the moment we can move to the centre of Bratislava.

Interview with the Vice-President of the Supreme Administrative Court Marián Trenčan

The Supreme Administrative Court was created, so to speak, out of thin air. Did you not have doubts in the beginning as to whether you belonged here?

Not at all. Before the Supreme Administrative Court was established, I served as a judge on the Administrative Chamber of the Supreme Court, so it was natural for me to continue working at the highest judicial instance of administrative judiciary. The same was expected of the other judges of the Administrative Chamber being closed down, but in the end only ten of us applied to enter the selection process for positions as judges of the Supreme Administrative Court, and nine of us were successful in the selection process.

There were doubts about the Court overall. It has been around for five years. If you had to name its greatest contributions over that period, what would they be?

A certain degree of doubt is always present when a new institution is established. In the case of the Supreme Administrative Court, the initial doubts were related to the fact that more experienced colleagues from the Supreme Court did not apply for positions as judges of the new court, and therefore there were concerns about maintaining continuity in adjudication. However, it turned out that the Judicial Council had done an excellent job of selecting the first judges of the Supreme Administrative Court and, in addition to career judges from various courts, also selected high-quality candidates from other legal professions in a public selection process. I personally consider the synergy between career judges and 'new' judges who previously worked as lawyers, at the General Prosecutor's Office, in public administration or academia to be perhaps the greatest contribution of our Court to the administrative judiciary and, more generally, to the legal culture in Slovakia.

> *During the first years of the Court's operation, the length of proceedings on cassation complaints against decisions of administrative courts was significantly reduced, and the consistency of case law in administrative court proceedings was also strengthened.*

The new disciplinary panels of the Supreme Administrative Court restored the functioning of the system of disciplinary proceedings against judges and successfully launched an adjudication practice in disciplinary proceedings against prosecutors, notaries, and bailiffs. I also consider the takeover of judicial oversight of the constitutionality and legality of municipal elections to be a positive development. This competence was transferred to us from the Constitutional Court. From the municipal elections held in November 2022, our panels received more than 100 so-called election complaints, which were duly decided.

The success of the Supreme Administrative Court in its first years of operation is evidenced in particular by the decisions of the Constitutional Court on constitutional complaints filed against the decisions of our panels in virtually all our agendas, which give us reason to believe that we are doing a good job. We also receive positive feedback informally from public authorities, lawyers and tax advisors.

What contributes most to the mission of the Supreme Administrative Court?

I would like to emphasise that the Chancellery of the Supreme Administrative Court continuously ensures that judges have excellent working conditions and personnel support in the form of high-quality assistants and employees of the Analytical Department, who, among other things, prepare analytical reviews of case law, overviews of the decisions of the Constitutional Court and European courts. Optimal conditions for adjudication and the work of judges and employees create the conditions for the Supreme Administrative Court to exercise its powers and fulfil its mission.

What are your strongest memories of your first months at the Court? What would you do differently today?

As you mentioned, the Supreme Administrative Court did indeed start its work on a 'greenfield'. Within a few weeks of the appointment of the Court's President, Pavol Nad, and the arrival of the Head of the Chancellery Zuzana Kyjac, the Court was successfully organised so that it could begin exercising its powers on 1 August 2021. I have vivid memories of taking over almost 2,000 unfinished cassation cases from the Supreme Court and distributing them to the newly created panels according to our Court's first work schedule. I also vividly remember taking over adjudication powers in disciplinary matters and the first disciplinary hearings in cases transferred from the Judicial Council. It was a new experience for virtually all of our disciplinary judges, and we watched with some tension to see how they would handle it. Another important moment was the relocation of the Court, including the transfer of cases, to its current seat

at Trenčianska 56/A in Bratislava. It was not easy, but the team of the Head of the Chancellery handled it excellently.

I think that in the initial phase of the Court's work, everything went as it should have. With what we know today, we would probably have asked the competent authorities from the outset to increase the number of staff at the Supreme Administrative Court, which was estimated at the time the Court was established and soon proved to be insufficient, which had to be compensated for by the enormous work effort of all those involved.

If you look back at those five years at the Court, what milestones come to mind?

I consider the takeover of 'open cases' from our predecessors and the first decisions of individual panels to be milestones. The relocation of the Supreme Administrative Court to a modern building, which is still the dignified seat of our institution, was also fundamental.

The successful establishment of the Supreme Administrative Court in international organisations of supreme administrative courts, the first visit of our delegation to the CJEU in Luxembourg in 2022, and especially the visit of the President of the CJEU, Koen Lenaerts, to our Court in 2024 were exceptional for me. I consider the successful handling of election complaints from the 2022 municipal elections and the launch of new administrative courts in Bratislava, Banská Bystrica, and Košice, which completed the separation of the administrative judiciary from the general judiciary, to be milestones in the Court's work.

Why did you personally choose administrative law those many years ago?

I admit that after ten years of serving as a civil judge at a district court, I was tired of the predominance of evidence-taking and fact-finding in the cases I heard. I needed a change. I successfully applied for a temporary assignment to the Administrative Chamber of the Regional Court in Bratislava and soon grew fond of administrative judiciary, as it is more or less purely legal work. I consider administrative law and administrative judiciary to be the most professionally demanding and dynamically developing part of the judiciary, as well as the area with the broadest application of EU law. This work requires continuous education, the application of new knowledge, and a good understanding of the structures of public authority and the organisation of public administration, which I find stimulating.

If you talk about your work to people who don't know much about administrative judiciary, do they understand you?

I usually simplify things by saying that I participate in deciding disputes between the state on one side and citizens or companies on the other. Even those who are not legally trained can usually understand that almost all of us occasionally pay taxes, apply for a pension, buy a flat, or build a house, which involves decisions by tax, cadastral, or building authorities or the Social Insurance Agency, whose decisions may interfere with someone's rights, and those people may turn to an administrative court to seek a remedy.

The Supreme Administrative Court deals with the decisions of the lower-instance courts. Can citizens not feel that it is distant from them?

Citizens may certainly feel that the Supreme Administrative Court is distant from their everyday lives, and in my opinion, that is fine. It is important to convince people through high-quality work and a well-thought-out communication strategy that if they come into contact with our Court, the matter concerning them will be handled in a timely manner and with the utmost attention and expertise, and that they can rely on the decision being lawful, as fair as possible, and, above all, clearly justified.

One of the important roles of the Court is to show the way to the lower courts. Does it manage to do so?

> *One of my priorities is to maintain the highest possible level of consistency in case law and to resolve existing discrepancies in the decisions of administrative courts.*

Several tools contribute to the unification of case law. Firstly, there is the publication of all our panel decisions on our website and, in particular, the regular publication of the Collection of Opinions and Judgements of the Supreme Administrative Court, which publishes the most important decisions included in the collection by the Court's Plenary. These decisions show the way forward for the application of similar cases or even partial legal problems. An important unifying tool is the adjudication of the Grand Panel, whose primary task is to resolve conflicts in the legal assessment of the same issues between the individual cassation panels of the Supreme Administrative Court. Judging by the decisions of lower administrative courts that come to us in cassation proceedings, I dare say that administrative courts follow and respect the case law of our Court.

When talking about the judiciary, a specific topic is the communication of judges with the public and the clarity of judgements for the public. That is, allowing them to understand not only what was decided, but also what it means to the person or organisation. How do you think the Court is doing in this respect?

I believe that it is not easy to write a court decision that is fully understandable to the lay public. This is also due to the fact that in the reasoning for our decisions, we respond to objections raised by parties represented by lawyers, since in administrative court proceedings, with a few minor exceptions, the parties must have legal representation. Nevertheless, I consider the comprehensibility of the decisions of all administrative courts to be a major issue, and despite some progress, we certainly have a lot of room for improvement in this area at our Court. Writing in sophisticated legal language as simply and concisely as possible without omitting anything important is a great skill. However, in my experience, with length of practice, judges tend to simplify their arguments because they are better able to distinguish between what is essential and what is less essential.

In international forums, you often talk to colleagues from other countries. How does our administrative judiciary system compare with others in Europe?

It is difficult to compare the efficiency of courts and the quality of judicial decisions from different countries, because conditions vary somewhat everywhere. If we consider the situation in EU Member States, I can say that we, as courts, have similar problems, we are united by EU law and often by similar legal cultures and traditions.

> *In my opinion, for example, we are better than most European countries in terms of the speed of proceedings at the highest level of administrative judiciary.*

On the other hand, what should we focus on more?

I believe that in other EU Member States there is greater interconnection between the adjudication of the supreme administrative courts and the legislature. In countries where the function of the supreme administrative courts is performed by state councils, these even perform *ex ante* compliance of draft laws with the existing constitutional and legal order. In countries with supreme administrative courts of our type, court decisions are usually a more frequent impetus and reason for legislative changes than is the case in our country, especially in areas regulated by EU law. I find this inspiring.

What are the biggest challenges you expect for the Court in the coming years?

The staffing of the Supreme Administrative Court, which currently has 23 judges out of a possible 30, remains an issue.

We expect that we will soon have to accept the agenda of deciding on judicial delays in administrative courts from the Constitutional Court. This will

certainly require certain changes in the organisation of work at our Court.

I am convinced that in the near future there will be an increase in the number of cassation cases from administrative courts due to the expected increase in the number of cases decided by these courts, partly as a result of the addition of judges and court staff, but also as a result of the streamlining of their activities and the gradual accumulation of experience, especially among the so-called new judges who, until recently, had not been adjudicating. If this happens, we will have to respond with personnel and organisational measures.

As regards the disciplinary jurisdiction of the Supreme Administrative Court, there will be fundamental changes in the organisation of the disciplinary judiciary and in the composition of disciplinary panels from 1 February 2026. A full double-instance disciplinary procedure will be introduced, only judges with at least 10 years of judicial experience will be able to sit on disciplinary panels, and the requirements for length of service will also be increased for lay judges in individual professions subject to the disciplinary jurisdiction of the Supreme Administrative Court. All this will lead to changes in the composition of first-instance and appellate disciplinary panels, in which judges from our Court will no longer have a majority. I hope that the changes in the disciplinary judiciary system will not undermine its current excellent quality.

Confidence in the judiciary in Slovakia has been low for a long time. The Supreme Administrative Court is also trying to change that with its decisions. Do you think that this scepticism will change one day?

When it comes to public confidence in the judiciary, I am optimistic. I am convinced that the Supreme Administrative Court contributes to increasing trust in the judicial system. This belief is based on the predominantly positive feedback from the legal community and professional public, which we focus on in our communication strategy. I believe that trust from professionals will be followed by general trust.

Interview with the President of the Constitutional Court Ivan Fiačan

Let's start by talking about you. Why did you decide to become a lawyer?

Originally, I considered studying archaeology at secondary school because I had always been interested in history, but later I realised that law is also connected with history and that there are many opportunities in the legal profession. So I applied to a law faculty and got in. I have never regretted this choice. My work is rewarding.

You are one of the few who returned to your hometown after studying in Bratislava and did not stay in the capital city full of opportunities. Why?

After completing my basic military service, I was looking for a job. I visited various companies and also the District Court in Liptovský Mikuláš, where I expressed interest in the position of a trainee judge. At that time, the profession of trainee judge was not lucrative due to the low salary. There were vacancies. I returned there the next day and signed a contract.

You went through the profession of judge, but you also worked as a lawyer and then returned to the position of judge. How did that move you forward?

All the knowledge and experience I have gained helps me in my work in terms of organisation and, in particular, decision-making. Experience in various legal fields or professions is always beneficial for the work of a judge and is highly desirable at the Constitutional Court. The situation is similar at the Supreme Administrative Court. It allows you to draw on experience from various situations, proceedings and procedures, and to look at things from multiple angles and with perspective, so to speak.

> *For me personally, there is one more thing that is important for the work of a judge – the ability to listen, and by that I do not mean only fellow judges, but especially our 'clients', i.e. parties to proceedings, to whom we are accountable for delivering legality, constitutionality and overall justice.*

The Constitutional Court is the highest court in the country, which stands independently and at the forefront of the fight to preserve the values of democracy and the rule of law and to protect constitutionality. Looking back to your student days, did you ever think that you would one day lead such an institution?

I wanted to be a judge, and that wish came true twice. First at the District Court in Liptovský Mikuláš and later at the Constitutional Court in Košice. But I never thought about becoming the President of the Constitutional Court. It is a huge commitment and a great responsibility. I accepted the offer to lead the Constitutional Court with respect and determination to do everything in my power, and since my election to the position, I have been fully committed to it. I have a vision that I am gradually presenting to my colleagues and which we are implementing after honest and often long and thorough discussions. However, I must say that our efforts are often limited by less than ideal legislation or financial constraints.

What is your communication and cooperation with the Supreme Administrative Court like?

We have signed a memorandum of cooperation with the Supreme Administrative Court, and we meet regularly at our international scientific conference *Constitutional Days* and at other scientific and professional events. When necessary, we communicate on an ad hoc basis at the presidency level, at the level of judges, and at the level of the staff of both courts. Networking is also necessary and useful in the judiciary. Without cooperation, there can be no results in terms of professional discussion, exchange of views and experience, or harmonisation of case law.

Judges of the Supreme Administrative Court often encounter the objection that judges from other legal professions also sit on the panels of this Court. Lawyers from other legal professions who did not serve as judges before their appointment also sit on the panels of the Constitutional Court. How do you see this?

As I have already mentioned, diversity of opinion leads to enrichment in reasoning, consensus, comprehensible decisions based on facts, and improvement in the quality of argumentation in the reasoning behind decisions. The Plenary of the Constitutional Court also includes judges with experience in various areas of law and from various legal professions, each of whom enriches the discussion with their own perspective. We are no exception in this regard; it is also common practice abroad.

> *In my opinion, it is crucial for the judiciary that judges are experts in the field of law with the necessary experience, moral profile and integrity.*

As long as they meet these requirements, their previous legal profession, if performed well, is irrelevant.

How do you see the upcoming fundamental change to the Disciplinary Court Code? The fact is that, under the current legislation, disciplinary proceedings are heard by five-member panels, which currently always include, in addition to judges of the Supreme Administrative Court, two lay judges from the Judicial Council database or from among prosecutors, notaries or bailiffs representing the profession of which the person subject to disciplinary proceedings is a member.

I do not wish to comment on the legal regulation in question. In general, it can be said that practice confirms on a daily basis that none of the models is completely ideal and that reservations can be made about each of them. A balance between functionality and fairness can be sought in expert analyses of the current situation and comparisons with other countries. The outcome should then be decided by thorough expert discussion among all interested parties.

The Constitutional Court has only overturned six judgements of the Disciplinary Panel of the Supreme Administrative Court. Can this be considered a good result?

This agenda also demonstrates the justification for establishing the Supreme Administrative Court. We can only welcome the fact that adjudication in disciplinary cases has accelerated and, without a doubt, its quality has also improved. Everyone knows how dysfunctional the previous disciplinary system was. And everyone concerned can form their own opinion on the quality of the Supreme Administrative Court's adjudication in this area, also in view of the number of judgements overturned by the Constitutional Court that you mentioned.

It is often said that it is closer from Košice to Bratislava than from Bratislava to Košice. Many judges find this distance too great. Is it good that the Constitutional Court is not located in the capital?

Definitely. The Constitutional Court protects constitutionality, fundamental rights and freedoms, and has a specific position in the judicial system. Its distance from the capital, where all important state institutions are located, is of strategic importance. Thanks to this, it can perform all its functions without unnecessary influences.

What do you think about the relatively frequent changes to the Slovak Constitution?

I believe that frequent changes to the Constitution are not beneficial to our country and send a mixed signal about the state and quality of discourse on important issues that should be fixed at the highest, i.e. constitutional, level. The mechanism for adopting constitutional changes should be sufficiently demanding to prevent opportunistic changes. At the same time, however, it should not pose a serious obstacle to changes that are truly necessary and are the result of societal development and consensus. Finding a balance between these requirements can be complicated, but we can draw inspiration from other EU countries and adopt what is most suitable for our constitutional system.

The number of cases brought before the Constitutional Court is significantly higher than in the past. Did you expect this trend? Is this also common abroad?

The Constitutional Court has seen a growing number of cases since it was set up. In general, this could be linked to people becoming more aware of their legal rights and, after exhausting all options in the general courts, seeking protection in proceedings before the Constitutional Court. On the other hand, it is certainly also related to the quality of legal protection provided to them by law enforcement authorities, whose decision-making precedes that of the Constitutional Court.

Where constitutional courts have the power to rule on individual constitutional complaints, as is the case in the Czech Republic or Germany, for example, the number of such complaints is also high, but nowhere near as high as in our country. However, we do not have detailed statistical comparisons in this area. They are mostly the subject of bilateral and multilateral working meetings of constitutional courts as part of the exchange of information on adjudication.

You have repeatedly stated that delays in court proceedings before general courts should be dealt with by lower courts. Why? Does the current draft amendment to the Courts Act correspond to your ideas on the 'delay' agenda?

As regards the draft amendment to the Courts Act, the Constitutional Court welcomes the proposed amendment to the competence to review delays in proceedings by hierarchically superior courts within the general and administrative court system. The situation where the Constitutional Court acts as the first and only institution in these matters is unsystematic and unsustainable in the long term. We are probably the only constitutional court in the EU that deals with delays at first instance and to such an extent. The Constitutional Court itself has long communicated the need for such a change and initiated it in professional discussions with the Ministry of Justice. The proposed amendment is the result of discussions in a working group set up for this purpose by the Ministry of Justice. Of course, every bill can have its shortcomings, but I believe that if there are any, they will be eliminated during the inter-ministerial comment procedure.

The transfer of the competence to review delays in proceedings to general and administrative courts will reduce the number of complaints in such cases and thus relieve the Constitutional Court of this extensive agenda, allowing it to devote itself fully to resolving fundamental constitutional issues raised in applications from entitled entities. It is precisely such judgements of the Constitutional Court that have a society-wide impact and significance.

In our country, applications to the Constitutional Court have often become a tool for politicians to respond to laws passed by parliament with which they disagree. Is this a natural trend?

Applications by entities entitled to initiate proceedings on the compatibility of legal regulations, including a qualified group of members of the National Council or the President, have always reflected social developments and, in many cases, political struggles. However, this also testifies to the importance and power of the Constitutional Court in view of its position and powers within our constitutional system. The judgements of the Constitutional Court can place legal restrictions on political decisions or efforts, which are reflected in the contested legislation, thereby inevitably bringing it into contact with these political struggles.

> *However, it must be said that all applications submitted to the Constitutional Court are an expression of the functioning of the rule of law, and my colleagues and I give them all due attention.*

Several laws have been brought before the Constitutional Court due to the non-standard procedure for their adoption. This is happening more often than in the past. In your judgements, you set certain limits for politicians and show them what the right path should be. And then it happens again. Why do you think this is the case?

It is a question of democratic political culture and the quality of the National Council's use of its rules of procedure. With the exception of one case, the Constitutional Court's judgements to date on the constitutionality of laws due to flaws in the legislative process have been cautious, based on respect for parliamentary autonomy. The responsibility for 'poor-quality' parliamentary work and poor-quality legislation lies primarily with MPs in relation to voters, who have the opportunity to express their opinion in parliamentary elections. Of course, we can also discuss whether this doctrinal approach of the Constitutional Court to constitutional review of the legislative process is good and whether the Constitutional Court should be stricter with parliament in this regard.

You often adjudicate under pressure from the media, society and politicians. How do you manage to distance yourself from this and maintain the calm and perspective that your judgements require?

When it comes to socially significant judgements, everyone naturally registers the expectations of the public and politicians. Even Constitutional Court judges do not live in a vacuum. However, we do not adapt the adjudication process or the judgements themselves to these expectations. Each of my colleagues has the age and experience to be able to maintain perspective. And each of us takes seriously our mission to adjudicate impartially and independently.

It is said that where there are two lawyers, there are at least three legal opinions. It is not unusual for experts to disagree on the interpretation of the law. How do you deal with this at the Constitutional Court? Your positions, opinions and judgements are final.

I have already mentioned that the Plenary of the Constitutional Court includes several legal professions – judges, lawyers, academics. During plenary and panel sessions, we present and compare our legal opinions. It is not unusual for judges to formulate different legal opinions on Constitutional Court judgements. This is fine. Different legal opinions promote transparency and openness in adjudication and are often a useful impetus for changes in legal theory or case law.

Some time ago, you said that public confidence in the judiciary depends on a comprehensible and predictable interpretation of the law. Do courts and judges do this? Are they comprehensible and predictable to the public?

My permanent task as President of the Constitutional Court is to ensure that the Constitutional Court issues professionally sound, thoroughly reasoned and comprehensible judgements and communicates them transparently to the public in all available forms, i.e. on our website, through social networks, as well as at press conferences and briefings. My colleagues and I have been fulfilling this role for more than half of the Constitutional Court's fourth term of office. On behalf of the Constitutional Court, I can therefore say that we are doing everything we can to ensure a comprehensible and predictable interpretation of the law, the source of which is primarily our judgements, including those by which we harmonise any differing legal opinions. Another source of interpretation, but also of support for the legitimacy of the court's judgements, is the participation of our judges in various professional conferences, their publishing work and their work in education, whether in the general judiciary or in the academic environment.

When you became President of the Constitutional Court in April 2019, the President said to you: *You are taking up your post at a time when the Constitutional Court is being severely tested and public mistrust in the state's ability to ensure justice persists. This is a time when society is calling for a change in approach, when it is asking for trustworthy institutions.* Do you think the situation has improved?

Together with my colleagues, we are doing everything we can to ensure that the Constitutional Court is perceived as one of the most trustworthy institutions in the state. This is evidenced not only by the number of judgements through which the fourth Constitutional Court has contributed to the protection of constitutionality, but also by its open and transparent communication. I believe that there has also been a shift in the quality and speed of the Court's adjudication. Everyone involved must acknowledge that there have been positive changes in this regard. Of course, this is not only my achievement, but first and foremost the achievement of my excellent colleagues, the judges who make up the current fourth Constitutional Court, as well as the staff of the Chancellery of the Constitutional Court. I would like to take this opportunity to thank them all.

Interview with Judge Emeritus of the Supreme Court Ida Hanzelová

For several years, you served as President of the Administrative Chamber and Panel President at the Supreme Court, and you are still active in administrative judiciary. What attracted you to administrative judiciary in particular?

I am not sure if my *ad hoc* activities can still be considered 'work' in administrative judiciary, but I am pleased to have the opportunity to spend some time here and there reflecting on administrative judiciary. You ask what attracted me to it?

As an employee of the Ministry of Justice, I had the opportunity to follow legislative deliberations and participate in some of the preparatory work on the restoration of administrative judiciary, which, especially after November 1989 and after the adoption of the Charter of Fundamental Rights and Freedoms, took place intensively at the Supreme Court of the Czech and Slovak Federal Republic, also in cooperation with the republic's ministries of justice, and resulted in a major amendment to the Civil Procedure Code by Act No. 519/1991 Coll. The Ministry of Justice

agreed with the idea of restoring administrative judiciary on the principle of a general clause with negative enumeration (negative enumeration of exclusions of administrative decisions from judicial review) and with the integration of the review of administrative judgements into the general judiciary. It was a great experience to listen to Dr Jehlička, Panel President of the Federal Supreme Court, who spoke about the future competence of courts in administrative judiciary.

What was your journey from the Ministry of Justice to the Supreme Court like?

At the Ministry, I became familiar with many management and decision-making processes in public administration, as my work also involved preparing analytical and legislative materials in cooperation with other ministries and also in cooperation with the Supreme Court and the General Prosecutor's Office. And since I had experience as both a judge and an employee of a central government body, I was delighted to accept the offer from the then Minister of Justice, JUDr. Poslucha, and Professor Plank, President of the Supreme Court, to start working as a judge in the newly established Administrative Chamber of the Supreme Court. I was convinced that the competence of the courts in administrative judiciary would expand in the future, thereby increasing the scope and content of judicial protection of the public subjective rights of citizens. My interest grew and was reinforced by the very performance of my duties.

What was the atmosphere and support from the presidency like during your time in the Administrative Chamber of the Supreme Court?

I must say that Professor Plank, as president of the court, created good conditions for the administrative chamber at that time by appointing judges and fostering an atmosphere of collegiality among the members of the chamber. I remember a case when a certain representative of a central public authority wrote a rather strong protest against one of the judgements of the Administrative Chamber, to which the president responded very assertively, emphasising the independence of the judiciary. I cannot recall any other case of similar intensity. Some administrative authorities really had to get used to the fact that their decisions could be challenged by administrative action and that the administrative authority might not be successful in court proceedings.

How did your experience influence your view of administrative judiciary?

Today, I see administrative judiciary in much broader terms.

> *The exercise of administrative judiciary requires perceiving and understanding developments in public administration, but at the same time it forces us to pay close attention to how these processes affect each of us.*

If you make decisions on large or small investment processes, you must expect disputes over the review of related decisions. If changes are made to social legislation, you must expect the possibility that they will manifest themselves in disputes over the interpretation of newly adopted regulations. Every legislative change brings new challenges not only for administrative but also for judicial practice.

Which period during your time in the judiciary do you remember most fondly?

It is quite difficult to name a specific period, as I remember mainly the positive aspects of each period in the judiciary. My beginnings in the judiciary in 1970 are connected with Levice and, above all, with Banská Bystrica. I was fortunate to have excellent colleagues, judges and the district and regional courts. I saw how they enjoyed every judgement confirmed by a higher court, but also how they accepted the return of a case for a new hearing. I saw what being a judge gave them as people and how it limited them. Meeting people in Horehronie during local inspections with Dr Cesnak or at lectures, which was a regular part of a district court judge's work, was a great experience. I also gained a lot from my short but intense internship at the Regional Court in Banská Bystrica. My subsequent work at the Ministry of Justice was very varied, and I was deeply impressed by the lingering cases of rehabilitation and compensation for imprisonment and punishment. I experienced seven ministers at the ministry (until 1992).

Which period during your time in the judiciary was the most critical for you?

I do not consider any period to be particularly critical. I do not fundamentally evaluate periods based on who was or was not in the position of president of the Supreme Court, president of the chamber, or minister. There were worse and better periods, sometimes things went smoothly and sometimes there were problems. In any case, things happened and we in the administrative chamber could never complain about a lack of work. It was not easy, especially when I also had to fulfil my duties as a member of the Judicial Council, or when we were preparing the act on judges or proposals for amendments to procedural rules in a working group. And so it was for many of my colleagues.

Let's take a look at the modern history of administrative judiciary. You were there when it began to take shape again after 1989. What were the most significant changes?

The year 1989 was significant not only for its groundbreaking political changes, but also for the long-awaited opening of the Supreme Court building (which was initially occupied by the ministry), but for the first time since its establishment (in 1970), the Supreme Court acquired its own seat (under construction since 1984), although not the administration of the building.

The years 1990–1992 were characterised by extensive legislative changes. The department in which I worked collaborated closely with the Ministry of Privatisation on the preparation of legislation concerning the privatisation of notarial work, on the preparation of documentation for the so-called big privatisation, on the organisational integration of commercial arbitration into the judicial system, and on the aforementioned major amendment to the Civil Court Code.

From April 1992, I served as a judge and subsequently as president of the administrative chamber panel. I must mention the first decision published in the Collection of Opinions and Judgements of the Supreme Court – R 44/2003, which concerned the decision of the Ministry for the Administration and Privatisation of National Property of the Slovak Republic and the exclusion of the court's jurisdiction in administrative judiciary to assess and approve privatisation projects; similarly, judgement R 45/2003 concerned privatisation (exclusion of the assessment of the list of operating units for auction).

What were the further developments and progress in terms of the publication of judgements?

With regard to the publication of judgements, it should be noted that, since 1 January 1993, the Collection of Opinions and Judgements of the Supreme Court has been a summary of the most important judgements of the supreme judicial authority of the independent Slovak Republic. In the beginning, individual issues of the collection contained judgements from all chambers, but since 2008, separate issues of the collection from individual chambers have been successfully introduced. The meetings of the chamber in connection with the assessment of proposals for judgements to be published in the collection were often combined with a professional seminar of judges of the administrative

chamber in Trenčianske Teplice, to which judges of regional courts and lecturers from ministries were invited when there were significant changes in the relevant legislation. I would like to return to the content of two publications concerning administrative judiciary. The first is a collection of papers, supplementary papers and discussion contributions by judges and members of the department from the seminar of the Administrative Chamber of the Supreme Court and the Department of Administrative and Environmental Law of the Faculty of Law of UK held on 13–14 October 2005 in Trenčianske Teplice. The second is a collection of contributions entitled *Current Issues in Court Proceedings and Adjudication in Administrative Judiciary* from an international conference held in Častá Papiernička on 21–22 May 2007 on the occasion of the 15th anniversary of administrative judiciary.

Can you tell us how you saw the situation in the work of a judge then and now, and what needs do you see in administrative judiciary?

At the time of my active service (until January 2014), it was not yet a matter of course that every Supreme Court judge had an assistant, but we were already quite close to that. I don't want to talk about the beginnings without court clerks, computers or a lack of literature. The need to build up the administrative level of work and professional support for adjudication was therefore always part of the working meetings and reports submitted to the ministry, the government and parliament in reports on the work of the Supreme Court and the courts or in draft state budgets. Unfortunately, the expected response was usually slower than the increase in the volume and complexity of the judicial agenda. And this is still the case today.

I would like to make two comments here, although they do not relate to my active service as a judge.

Firstly, I am pleased that the Supreme Administrative Court has relatively decent working conditions, even if it is located in an atypical building. However, due to the reconstruction of the building, the Supreme Court once again does not have a dignified seat. In a state governed by the rule of law, it should be a matter of course that, more than 55 years after its establishment (1970), *the genius loci* of the Supreme Court should be a reality. There is no justification for the current situation.

Secondly, although I have never doubted the need to select administrative court judges from among prominent public administration or academic figures, I regret that most experienced judges from administrative chambers have not been transferred to administrative courts (including the Supreme Court). However, I understand their decision not to apply for transfer. By setting the legislative and economic conditions for the transfer of judges to administrative courts, the government and parliament have given up on utilising the existing human resources and institutional memory of 30 years of work of administrative chambers and administrative judges. I cannot consider this a reasonable and fair solution.

What value do you think the Supreme Administrative Court should protect?

Currently, there is a lot of talk in the public sphere about the rule of law, justice, the independence of courts and judges, accountability for the performance of duties, and so on. All of this is the current meaning of its activities in each specific legal case. The level of protection against unlawful decisions and procedures by public authorities, regardless of whether they are of a collective nature or isolated and surprising cases, gives citizens the certainty they reasonably expect. Before the administrative court, they are on an equal footing with the authority that has decided on their rights or obligations in an authoritarian manner.

> *It is precisely this value of the equal status of citizens and other party to administrative proceedings with the status of public authority that I consider worthy of protection by every single act of the administrative court.*

The Slovak Republic has unfavourable indicators in terms of public confidence in the judiciary. How do you think confidence in the judiciary can be built?

This topic is so broad and multifaceted that I hardly dare to answer. All I know is that there is no judge who would not want the parties to accept his decision with understanding, regardless of the outcome. However, can every party to proceedings say that the judge did everything he or she should have done and said everything that was necessary, and therefore accepts the judgement even if they lost? Can everyone say that the judge could have been wrong, and that is why we have the possibility of appeal, cassation, constitutional complaint...?

Even then, if it is easier for a party to say that the judge did not do something, did not say something, or even accepted something in exchange for something else, then this is probably not a realistic picture of distrust of the judge, but rather a picture of the party's own idea of infallibility. And such a party will never accept even a well-reasoned judgement. Therefore, I consider it a mistaken assumption that trust stems solely from the persuasiveness of a judgement, but it does not mention that the assessment of the persuasiveness of a judgement is primarily up to the party. A judgement may be convincing to the evaluation committee or the selection committee, but if it fails to convince an unsuccessful party who is fortunate enough to receive media attention, then any effort to promote a positive view of the udgement's persuasiveness is probably futile.

Is there a way out of this?

We can only ask everyone who is asked by pollsters about their trust in the judiciary to talk about their own experience, about a specific result, and not about the evaluations of others that they have heard or read. We can also ask pollsters to ask whether the respondent is basing their answer on experience or just on what they have heard.

Judges undoubtedly strive to build trust through their actions and decisions; otherwise, the work of judges would be meaningless. However, they have no influence over whether a satisfied participant in proceedings recognises this and expresses it publicly (and why they would do so).

However, I am not an expert in research or marketing, so I expect the Ministry of Justice, as the judicial administration body, to find experts with knowledge of judicial work who will assess and present the current state of trust. However, the evaluation indicators for the activities of judges and courts must be established in close cooperation with those who perform these activities.

What role do you think the Supreme Administrative Court plays in building public trust in state institutions and the judiciary?

I associate the role of the Supreme Administrative Court in building trust in state institutions and the judiciary with the values it protects through its activities. Of course, there are political, legislative and economic circumstances that limit its position as a state institution.

I want to believe that the issue of trust in the Supreme Administrative Court is not and will not be assessed solely in relation to its power to act and decide in disciplinary matters. I do not in any way question the importance of this competence. It is, of course, up to the Supreme Administrative Court to present its key areas of adjudication to a greater extent. In this regard, I see positive developments, for example, in connection with the preparation of judgements for publication in the Collection of Opinions and Judgements of the Supreme

Administrative Court, where there is ample opportunity for the academic community and professional institutions to express their views.

In a way, the judgements of the Supreme Administrative Court also reflect the decisions of public authorities within their jurisdiction. The composition of the agenda, the results of court proceedings, the success of the parties to the proceedings, the content of the judgements themselves – all these are aspects that can say a lot about the level of trust in institutions, including the courts.

I still feel that the public is not sufficiently aware of the fact that the Supreme Administrative Court deals with very serious, economically complex and financially significant tax cases, which constitute a substantial part of the administrative courts' agenda. Equally important, although far fewer in number, are competition cases, public procurement cases, but also cases concerning aid and support from EU funds, environmental protection and others, which are only perceived by society if they have criminal law implications. However, administrative courts, and in particular the Supreme Administrative Court, deal with a number of interpretative issues not only in these areas, which require a relatively long period of study of factual and legal issues, but also on the basis of the case law of the CJEU and preliminary questions referred to the CJEU. The creation of a specially qualified team of experts is a prerequisite for preparing the background information for such a judgement. This is a topic for a scientific conference.

The second key area is health and social insurance, the fulfilment of contribution obligations, social assistance and social services, and healthcare. In addition to the economic context, we must also consider the profound ethical, social and medical implications, to which legislation alone does not always provide answers, and only judicial interpretation can move these issues towards generally acceptable solutions.

How do you see the introduction of the institution of constitutional complaints and its impact on administrative judiciary?

Together with Dr Majchrák, then Vice-President of the Supreme Court, I participated in some discussions at meetings of the working group of the Constitutional Committee preparing the amendment to the Constitution in 2000. At the time, I had mixed feelings; I could not imagine how the adjudication practice of the Constitutional Court would develop after the extension of the possibility to file a constitutional complaint against a final court judgement.

After the amendment was adopted, and thanks to a working meeting between judges of the Constitutional Court and judges of the Supreme Court, we became more aware of the limits of our possibilities, not only in assessing the legality of the judgements under review, but also the role of administrative judiciary in protecting the rights and legitimate interests of natural and legal persons from the point of view of constitutionality. Thanks to our assistants, the administrative chamber prepared detailed information on cases that had been reviewed by the Constitutional Court, and in cases where a case was returned for a new hearing, it was given priority. In my opinion, administrative judiciary before the Constitutional Court stood up well in terms of both the number and the outcome of proceedings before the Constitutional Court, as confirmed by the statements made by the judges of the Constitutional Court at the chamber's meetings and seminars. Moreover, it was not typical for parties in administrative cases to file constitutional complaints for delays in proceedings. I am all the more disappointed when I read the judgements of the Constitutional Court in cases of delay, which unfairly fall on the heads of the new judges of the newly established administrative courts.

The legislation currently being prepared aims to transfer the Constitutional Court's jurisdiction over delays in court proceedings to the general and administrative courts. In this context, however, I am missing an answer to the question of whether the state is capable of objectively determining the time within which the courts should decide on a submitted motion and, in the interest of this, also guaranteeing the personnel conditions for their activities. Currently, no such state mandate exists. Proceedings and judgements on complaints about delays should be based on the actual capabilities of the courts. Complaints about delays in proceedings are currently rather random in nature, depending on the patience of the party, which does not mean that the complaint cannot be justified. Such proceedings do not benefit a more patient party who filed their action on the same day or even earlier. As regards possible cases of delays in administrative judiciary, I believe that a fair assessment should begin at the level of the president of the administrative court, precisely from the point of view of verifying the subjective and objective causes of the length of the proceedings complained of by the party, and also taking into account all other participants in the same procedural position and stage of the proceedings.

What changes in the organisation of administrative judiciary do you still consider to be open?

Although there were fundamental changes in the organisation of administrative judiciary in 2021–2023, issues relating to the selection and training of administrative judges, as well as a number of organisational issues, the evaluation of the performance of administrative courts and judges, the staffing of courts, and so on, have not been sufficiently addressed.

How would you summarise your expectations for the new administrative judiciary?

I want to be optimistic that society will wait patiently for another two years until the new administrative court judges get their bearings in their positions and find the desired rhythm of adjudication, so that cases older than 4 to 6 months, depending on their nature, are the exception and only in particularly difficult cases will there be a longer processing time, especially if it is necessary to wait for a preliminary ruling from the CJEU. The state should create all the personnel and material conditions necessary to achieve this goal. Administrative judiciary should be perceived as an equal part of the judiciary, but at the same time the selection and training of administrative court judges and their staff should correspond to the content of their adjudication. Finally, the relevant state authorities should use the knowledge of the administrative courts in the creation of legislation for the benefit of us all.

History and Present of Administrative Judiciary in Slovakia

Administrative judiciary in Slovakia – the path to complete independence

I. Administrative judiciary in Slovakia

The requirement for the existence of administrative judiciary is an integral part of the rule of law, embedded in its very foundations[1]

Independent democratic Slovakia, as a state in the heart of Europe, has a very short history. It dates back to the beginning of 1993, with the constitutional foundations of the Slovak Republic enshrined in its Constitution of 1 September 1992.

If we start from the premise of assessing the social and legal quality of the state system, particularly from the perspective of the protection of human rights and fundamental freedoms that this system grants to legal entities (especially the weakest and most vulnerable), then we can point without hesitation to the positive developments in the protection of these rights since the very creation of the Slovak Republic. These are purposeful shifts in state policy with a clear trend towards effective convergence with the modern legal models of EU countries. This undoubtedly also affects the administrative judiciary as the part of the judiciary which is in direct contact with public authorities with a mandate to exercise oversight of them as given by the Constitution. All public authorities deciding on the rights and obligations of subjects of administrative-legal relations must be aware in their own adjudication process of the existence of the administrative judiciary as an independent oversight mechanism for the protection of the subjective rights of parties to proceedings, which is consistently emphasised by the administrative courts in our country in their case law.

So what is the Slovak administrative judiciary like in terms of specific legal values, the procedural arrangement of relations between administrative courts and parties to proceedings and other entities involved in court proceedings, and what is its actual effectiveness, quality and speed?

Without serious doubt, the Slovak administrative judiciary can be characterised as a modern and reasonably effective legal system of judicial oversight of the exercise of public law relations entering the subjective sphere of natural and legal persons. It has strong constitutional and legal foundations, with proceedings before administrative courts in our country clearly emphasising the need for constitutionality and legality of public authority legal acts and procedures, but predominantly with regard to the impact of possible unconstitutionality and illegality on the subjective rights of participants in legal relations turning to the administrative court. It can only be initiated within the statutory period, and judicial review before an administrative court may only be initiated in the types of court proceedings provided for by law in accordance with the Administrative Court Code. Such court proceedings have their 'breadth and depth' because they are primarily governed by the principle of dispositive law.

In practice, this means, for example, that the strict and general formulation of the grounds for action or cassation leads to the administrative court dealing with the case only in the appropriate level of detail.[2]

1 JUDr. Michal Mazanec, Správní soudnictví, Prague, Linde 1996, p. 38.

2 *The degree of specificity of the statement and justification of the cause of action in administrative judiciary undoubtedly determines the required degree of specificity and detail of the court's response to such a cause of action.* Ruling of the Constitutional Court Case No. III. ÚS 469/2014 of 12 May 2015.
If the plaintiff proposes in the statement of action only the annulment of the decision of the first-instance administrative authority and designates this authority as the defendant, but the action and its annexes contain clear information about which authority and by what decision decided on his appeal against this first-instance decision, the administrative court shall proceed in accordance with Section 59(1) ACC and invite the plaintiff to correct, clarify or supplement the action. Ruling of the Supreme Administrative Court Case No. 10Asan/18/2019 of 29 September 2021.

On the other hand, certain legal gaps in the existing Slovak model of administrative court proceedings are known both in the judicial environment and in legal science. However, the most striking legal 'cracks' in the system of judicial oversight in public administration in terms of its effectiveness were particularly evident during the COVID-19 epidemic, when the most vulnerable recipients of state power or administrative courts did not have adequate legal means at their disposal – ways of protecting themselves against the authoritative intervention of the state in the subjective rights of natural persons subject to previously unprecedented strict legal regulation.[3]

Shortcomings can also be seen in the broad procedural concept of participation in proceedings, which often prevents administrative courts from dealing with cases within a reasonable time, as well as in other procedural aspects.

Our clear intention is to maintain the positive development of the protection of subjective rights at the national level, significantly protecting human rights and fundamental freedoms in a manner consistent with EU law.[4]

3 These were primarily measures taken by the Public Health Authority of the Slovak Republic, characterised by the Constitutional Court as hybrid administrative acts. In its ruling Case No. IV. ÚS 459/2020 of 24 September 2020, the Constitutional Court concluded that such measures, the review of which was sought by the parties before the Constitutional Court, are, as hybrid administrative acts, reviewable by the administrative court in proceedings concerning a so-called general administrative action. However, the persons concerned did not receive effective judicial protection in this way. *In the case under consideration, the plaintiff quite clearly seeks an urgent measure under Section 324 et seq. CPC, although she does not derive its justification from a private law relationship. In part of her argument, she cites Section 145 of the Education Act in conjunction with the Anti-Discrimination Act, but in fact she criticises the defendant for insisting that the plaintiff comply with the obligations imposed on her by the decree of the public health authority. A substantial part of the plaintiff's objections is directed precisely against these obligations. Her key arguments are based on the alleged conflict between the relevant decree and higher-order legal norms. However, as already mentioned, this is not relevant for the assessment of the competence of the administrative court. What is essential is that, according to § 2 and § 6 ACC, the administrative court does not have competence to decide on urgent measures or other similar procedural means of protection* (ruling of the competence panel of the Supreme Court and the Supreme Administrative Court, Case No. 1Skomp/6/2021 of 8 December 2021).

4 An example of such a procedure was the legal case brought before the CJEU under C-419/2010 (Križan et al.), also known as the 'Pezinská landfill' case, in which the CJEU, in preliminary proceedings based on a proposal by the Supreme Court, emphasised the need to protect the rights of the public concerned in the protection of the environment, or cases C-240/09 and C-185/23.

II. Development of administrative judiciary

Slovakia transitioned from the Hungarian (Transleithanian) legal system of administrative judiciary with the establishment of the first Czechoslovak Republic in 1918 to the Austrian (Cisleithanian) system, which guaranteed a broader scope of legal protection against public authority.

It is not possible to provide a comprehensive basic description of administrative judiciary in Slovakia in its current form without providing some historical context regarding the legal basis for the protection of subjective rights in public administration in our part of Europe. Until 1918, the territory of Slovakia was part of Hungary (Transleithania) in the Austro-Hungarian Monarchy, and administrative judiciary in our territory was governed by the legal rules of Hungarian law. In practice, this meant that until 1918, there were three county administrative courts operating in our territory – in Bratislava, Banská Bystrica and Košice – as part of the Hungarian legal system of administrative judiciary.[5] In 1918, these three administrative courts ceased to exist and, with the establishment of the Czechoslovak Republic, the territories of Slovakia and Ruthenia, as part of Czechoslovakia, 'inherited' the pre-Austrian legal system of administrative judiciary practised since 1876 by the Supreme Administrative Court in Vienna.[6]

The legal foundations of administrative judiciary in Slovakia were thus influenced mainly by the following factors:

5 The beginnings of administrative judiciary in Hungary date back to the adoption of Act XLIII/1883, which established the Administrative Court in Budapest with effect from 1 January 1884, but only for financial matters. It ruled only on cases expressly specified by law against decisions of a financial authorities. On 1 May 1897, it became part of the general administrative court established under Act XXVI/1896.

6 Act No. 36/1876 Coll. on the Administrative Court of 22 October 1875. It should be noted that this first procedural legal regulation of administrative judiciary in the Austrian part of the monarchy (Cisleithania) was a very modern procedural law used throughout Cisleithania, including Galicia as a historical territory in today's south-eastern Poland and western Ukraine.

- The establishment of the Czechoslovak Republic on 28 October 1918 as a new unitary state of Czechs, Slovaks and members of ethnic minorities.
- The unsustainability of maintaining constitutional and, in particular, procedural dualism respecting the historical legal development in both parts of the collapsed monarchy.

In 1918, this initial conclusion was also linked to the anticipated existence of a single administrative court – the Supreme Administrative Court of the Czechoslovak Republic in Prague – without the establishment of lower administrative courts. Even the subsequently adopted law introducing a system of lower administrative courts at the county level in 1920 never came into effect.[7]

The enthusiasm for revolutionary change in 1989 in Czechoslovakia resulted in a whole series of legal reforms marking a return to the real protection of citizens' rights against public authority. These included Act No. 519/1991 Coll. amending and supplementing Act No. 99/1963 Coll. Civil Procedure Code, and Act No. 323/1992 Coll. on notaries and notarial activities (Notarial Code). In its fifth part, the administrative judiciary was restored in Czechoslovakia after 39 years.

In 1992, the administrative chambers of the regional courts and the Supreme Court of the Czechoslovak Republic began to write the first pages of its modern history. However, on 1 January 1993, Czechoslovakia split up, leading to gradually increasing differences in the legal regulations of the new states, while preserving the historical roots of administrative judiciary from the period of the first Czechoslovak Republic from 1918 to 1938.

Until 2002, court proceedings in regional courts in the administrative agenda were single-instance, with a substantial amendment to Act No. 99/1963 Coll. Civil Procedure Code implemented by Act No. 424/2002 Coll., introduced not only a two-instance court procedure but also the power of administrative courts to act and decide with full competence. This means that the court could now intervene in the decision-making powers of public authorities in cases defined by law and also decide on the merits of the case, replacing the decision of the administrative authority. This applies in particular to administrative penalties, where the administrative court in Slovakia could decide on the severity of the penalty itself.

The Administrative Court Code, effective from 1 July 2016, capitalised on the experience of the Administrative Chamber of the Supreme Court and regional courts from 1992 to 2015 and, from a new legislative perspective, paved the way for judicial proceedings in administrative judiciary in a qualitatively different form.

The basic legal principle of the historically inherited and currently existing legal model of administrative judiciary in Slovakia is the so-called general clause set out in Section 2(2) ACC, according to which anyone who claims that their rights or legally protected interests have been violated or directly affected by a decision of a public authority, a measure of a public authority, inaction of a public authority or other intervention of a public authority may, under the conditions laid down by this Act, seek protection in an administrative court.

The purpose of judicial protection in administrative judiciary is also the value criterion that judges are obliged to take into account at all times in proceedings before Slovak administrative courts. The Constitutional Court expressed this as follows: *Administrative judiciary is primarily a means of protecting the subjective rights of the addressee of public administration in its various forms. Only secondarily is the legality of public administration activities a criterion for providing this protection. In other words, administrative judiciary in a system of the rule of law is not intended to remedy illegality in public administration without any regard for the impact of any illegality found on the subjective legal position of the person concerned. The purpose of administrative judiciary is not to remedy illegality in public administration, but to effectively protect the subjective rights of a natural person or legal person against whom public administration is exercised in a particular case.*[8]

7 Act No. 158/1920 Coll. on administrative judiciary at district and county offices.

8 Ruling of the Constitutional Court No. III. ÚS 502/2015 of 6 October 2015.

Right now, in these years, we are writing new chapters in the history of judicial protection in public administration in Slovakia. This involves the establishment of the Supreme Administrative Court in 2021 and three administrative courts in Bratislava, Banská Bystrica and Košice from 1 June 2023. It is also the constitutional basis of the powers of the Supreme Administrative Court and the powers of the administrative courts in relation to public administration and the connection between the basic and supreme instances of administrative judiciary through subsequent cassation proceedings.[9]

At the same time, however, the Slovak model of administrative judiciary has been supplemented since 2021 by important powers of the Supreme Administrative Court in disciplinary proceedings against judges and prosecutors (a power granted by the Constitution), as well as against bailiffs and notaries on the basis of the law. According to the amendment to the Constitution, the Supreme Administrative Court has also assumed from the Constitutional Court, starting in 2021, the power to review the constitutionality and legality of municipal elections. The Constitution also directly enshrined in the 2020 amendment the competence of the Supreme Administrative Court to decide on the dissolution or suspension of a political party or political movement.

In connection with this, it can also be stated that, following the changes in 2020–2023, the Slovak administrative judiciary is completely separated from the general judiciary in terms of organisation.

The statutory staffing limits for administrative courts (Supreme Administrative Court – 30 judges, Administrative Court in Bratislava – 40 judges, Administrative Court in Banská Bystrica and Administrative Court in Košice – 23 judges each) are almost filled.

Slovakia's legal history will remember this period as an important institutional milestone – the establishment of an independent administrative judiciary in Slovakia.

9 Act No. 151/2022 Coll. on the establishment of administrative courts and amending and supplementing certain acts.

III. Proceedings before the administrative court

Administrative action against a decision or measure of a public authority is by far the most frequently used form of judicial protection in Slovakia. The Administrative Court Code, effective since 1 July 2016, was procedurally based on the need to define in detail the legal requirements for a general administrative action (Section 177–193 ACC) while specifying the legal differences in proceedings before administrative courts related to:

- administrative penalties (Sections 194–198 ACC),
- social cases (Sections 195–199 ACC),
- asylum, detention and administrative expulsion (Sections 206–241 ACC).

A. General administrative action

A natural or legal person who claims that, as a party to administrative proceedings, their rights or legally protected interests have been infringed by a decision or measure of a public authority may seek judicial protection.[10] Such an action may also be brought by a public prosecutor if his protest has not been upheld, and also by the interested public, [11] in connection with the protection of the public interest in the field of the environment.

A special subtype of general administrative action is the administrative action of an omitted participant, which may be filed by anyone who claims that they

10 According to Section 3(1)(c) ACC, a measure of a public authority for the purposes of this Act (ACC) is understood as an *administrative act issued by a public authority in administrative proceedings which directly affects or may affect the rights, legally protected interests or obligations of a natural or legal person*. It is therefore not a decision issued by a public authority as a legal act formally designated as a decision.

11 Section 42 ACC.

have not been served with a decision or measure of a public authority, even though they should have been treated as a party to the proceedings.

An action against the defendant administrative authority that decided the case at the final instance must be filed within two months of notification of the decision or measure of the public authority and must meet the requirements prescribed by law. The plaintiff may also request that the administrative action be granted suspensive effect in cases defined by law. The Administrative Court Code introduced a special legal regime in connection with the possibility for the administrative court to impose a financial penalty in cases concerning access to information.[12]

Unless otherwise provided by law, the situation that existed at the time of the contested administrative decision is relevant for judicial review.

B. Administrative action in administrative penalties cases

Although the differences from general administrative actions are only mentioned in five paragraphs, they are very important for the proceedings and judgements of the administrative court. Although, in the alternative, the provisions of the Administrative Court Code on general administrative actions apply in cases of administrative penalties, in such proceedings before the administrative court, the principle of disposition and the principle of equality of the parties to the proceedings are overridden by the principle of officiality, especially in relation to the determination of the facts of the case, the question of the extinction of liability in cases of administrative penalties, the application of the principles of criminal proceedings[13] and the principles of imposing penalties, as well as the legal regime of so-called full competence, when the administrative court enters into the powers of a public authority with the authority to exercise penalty moderation, i.e. to reduce the imposed penalty or to refrain from imposing it.

What the principle of full competence means for Slovak judicial practice and what was the reason for its inclusion in the Administrative Court Code is evident from the commentary on the Administrative Court Code, as well as from opinions in legal science.[14] It is important to note that administrative courts in Slovakia are generally bound by the principle of disposition, which is overridden in the indicated direction by the principle of officiality. In this regard, the administrative court may supplement the evidence taken by the administrative authority in administrative proceedings, without being bound by the motions of the parties to the proceedings.

C. Administrative action in social cases[15]

The specifics of this type of proceedings before an administrative court are primarily determined by the nature of the social agenda, which is closely linked to the basic livelihood of people, especially pensioners and persons with disabilities. The Administrative Court Code identified nine types of authorities whose decisions and measures are subject to judicial review under the legal regime of this type of action and established 'softer' procedural conditions for court proceedings, according to which the plaintiff does not have to be represented by a lawyer, the administrative court takes into account the specific needs arising from the health and social status of the party to the proceedings and provides them with information on their procedural rights and obligations. Unlike a general administrative action, the scope of an action in a social case may be amended or supplemented by a natural person until the administrative court has delivered its judgement, which, moreover, is not bound by the points of the action and may, even without a motion, take evidence if this is not contrary to the purpose of administrative judiciary.

D. Administrative action in asylum, detention and administrative expulsion cases

Similar to administrative proceedings in social cases, the legal regulation of the procedural conditions for this type of proceedings respects the specific nature of proceedings involving foreigners, in most cases in a very difficult human situation caused by forced emigration, its causes and consequences across the entire spectrum of the issue.

The Administrative Court therefore assesses the action informally, is not bound by the grounds for the action and, contrary to the generally applicable principle, is guided by the state of affairs at the time of the announcement or issuance of the decision. In particular, the Administrative Court Code has regulated the procedural rules for proceedings in asylum, detention and administrative expulsion cases, taking into account the content-related differences in the procedural aspects and the judgements concluding the proceedings in each of the above subsets of cases concerning foreigners.[16]

A relatively short period of slightly different legal and social developments in public law relations in the Czech Republic and Slovakia since the establishment of independent states was sufficient to result in a different approach to the procedural regulation of other specific types of proceedings before administrative courts.

The preparation of the Administrative Court Code in Slovakia in 2015 also resulted in detailed regulation of specific types of proceedings, which are:

- proceedings against the inaction of a public authority,
- proceedings concerning actions against other interventions by public authorities,
- proceedings in electoral cases,
- proceedings in local government cases,
- proceedings in political rights cases,
- proceedings concerning competence actions,
- proceedings concerning applications in other cases.

The reason why it was necessary to incorporate similar legal provisions for individual types of special proceedings into the procedural rules of administrative jusdiciary is, in my opinion, clearly understandable.

Inaction and unlawful intervention by a public authority are unlawful situations in public administration that differ from the substantive handling of administrative cases, and the very nature of such disturbances in public law relations requires a special procedural approach by administrative courts. Despite the significantly lower incidence of administrative actions against inaction and other interference compared to judicial review of decisions and measures of public authorities, in terms of the intensity of the impact on subjective public rights, there is no doubt that the depth of the protected interests of natural and legal persons is the same.

12 Section 192 and 193 ACC.

13 Ruling of the Supreme Administrative Court, Case No. 5Asan/12/2020 of 25 May 2022.

14 Lukáš Tomáš: Štát a právo 2-3/2022, p. 196, 197.

15 For this type of action, it is necessary to re-emphasise the historical legal dimension of judicial review of decisions by public authorities, even at a time when there was no administrative judiciary in Czechoslovakia (1953–1991). Court decisions in relation to the state administration of the then legal regime were an exception and included issues of expropriation, placement in a psychiatric institution, supply and purchase of agricultural products, voting rights and eviction orders, but in practice, the most numerous cases were judicial reviews of pension decisions before administrative courts in social cases

16 It is important to note the very short deadlines enforced by the administrative courts for both filing an action and issuing a court judgement. The most striking and burdensome deadlines for the courts are those in proceedings concerning detention, where the action must be filed within 7 days of delivery of the detention decision and the administrative authority is obliged to submit such an administrative action to the court within 5 working days of its filing, together with its own statement and administrative file. Subsequently, thereis a period of 7 working days for the administrative court to deliver a judgement, and the same period must also be observed by the Supreme Administrative Court as the court of cassation in the event of a cassation complaint.

The special types of proceedings listed in points 3 to 7 complement the legal scope of administrative judiciary in Slovakia, as they concern specific issues of judicial review requiring specific procedural rules for administrative courts in each of these types of proceedings. Last but not least, the legislator also sought to prevent differences in the manner of hearing cases and their substantive handling at individual first-instance administrative courts by precisely and thoroughly defining specific types of proceedings (points 1–7). The legislator paid particular attention to proceedings in cases of local government in connection with the role of prosecutors in these proceedings.

Proceedings before administrative courts are single-instance proceedings. However, the large number of disputes in administrative judiciary in our country has long resulted in judicial proceedings continuing in cassation proceedings before the Supreme Administrative Court. The percentage of cassation complaints filed against the decisions of three administrative courts (previously eight regional courts) is very high. Similarly high is the proportion of unsuccessful cassation complaints due to their groundlessness, i.e. the absence of relevant legal grounds for using a cassation complaint as an extraordinary remedy.

IV. Supreme Administrative Court

A. Basic powers

The need for its establishment, which had been predicted for almost 30 years, was fulfilled in Slovakia by a significant amendment to the Constitution in 2020 concerning the judiciary. The establishment of the court was accompanied by strong symbolism in socio-political events – a house for the protection of subjective rights, the flagship of the Slovak judiciary, was created.

The court is built on three constitutional pillars that firmly anchor it in the country's judicial sphere.

The three basic powers of the Supreme Administrative Court arising from the Constitution are:

- the agenda of protecting subjective rights in cassation proceedings,
- the disciplinary agenda,
- electoral and political agenda.

The 2020 amendment to the Constitution added this very important top-level judicial institution to our court system. In addition to the cassation agenda transferred from the Supreme Court[17] and legal cases representing the substantive and functional competence of the Supreme Court, in which this court ruled in single-instance proceedings,[18] our newly established court was entrusted with further powers, namely ruling on:

- the constitutionality and legality of elections to local government authorities,
- the dissolution or suspension of a political party or political movement,
- the disciplinary responsibility of judges, prosecutors (under the Constitution), bailiffs and notaries (under the law).

17 By 1 August 2021, the Supreme Administrative Court had reveived 1,932 files from the Supreme Court – undecided cases in cassation proceedings against judgements of regional courts issued in the exercise of administrative judiciary.

18 According to Section 11 ACC, the Supreme Administrative Court decides
a) on administrative actions against decisions of the National Council Committee for the Review of Decisions of the National Security Authority,
b) in proceedings concerning the registration of candidate lists for elections to the National Council and for elections to the European Parliament,
c) in proceedings concerning the acceptance of a candidate for the office of president,
d) in proceedings concerning an action for refusal to register a political party or political movement (hereinafter referred to as "political party"),
e) in proceedings concerning an action brought by the General Prosecutor for the dissolution of a political party,
f) in proceedings concerning the constitutionality and legality of elections to local government authorities,
g) in proceedings concerning competence actions,
h) on cassation complaints.

B. Agenda of protecting subjective rights in cassation proceedings

In the context of single-instance proceedings before administrative courts, the matter that preoccupies unsuccessful parties to proceedings that have been legally concluded before an administrative court is the possible grounds for potentially challenging its judgement on one of the strictly defined grounds for filing a cassation complaint as an extraordinary remedy. All ten possible grounds for initiating cassation proceedings before the Supreme Administrative Court[19] were based by the drafters of the procedural provisions of the Administrative Court Procedure Code on the very logical and correct requirement to remove from the agenda of the Supreme Administrative Court those remedies which, in terms of their content, would be ordinary appeals against judgements of administrative courts and, without the existence of qualified legal grounds, would burden the highest institutional authority of administrative judiciary.

The legitimate vision of the Supreme Administrative Court as a doctrinal court, dealing almost exclusively with legal issues of fundamental importance, pointing to its consistent, substantively coherent case law, is currently creating justified pressure for the expected amendment of the Administrative Court Code in the part concerning cassation proceedings.[20] The result of possible legislative changes should be a more precise definition of the procedural grounds for rejecting a cassation complaint as inadmissible, while maintaining the prohibition of *denegatio iustitiae*.

The cassation agenda is by far the most numerous in terms of scope in the adjudication of the Supreme Administrative Court. It has long been dominated by financial, mainly tax cases, which account for approximately 35% of the total number of cases each year. This is followed by social cases (approximately 25%), general administrative court cases, administrative penalties, international protection, etc.

19 Section 440(1)(a) to (j) ACC.

20 Despite the relatively clearly defined procedural grounds for filing a cassation complaint, cassation complainants often interpret the wording of the law manipulatively and attempt to invoke, for example, the existence of a cassation ground relating to an incorrect legal assessment of the case [Section 440(1)(g) ACC], while in fact they argue on the basis of factual grounds relating to the content of the evidence taken.

C. Collection of Opinions and Judgements of the Supreme Administrative Court

Starting in 2022, the Supreme Administrative Court has been publishing a collection of its own case law, which has undergone a selection process by the Case Law Council, headed by the President of the Court, and a subsequent process of approval of case law proposals in the Plenary of the Supreme Administrative Court.

This fulfils an important competence of our Court, which is to ensure legal predictability, unity and legality of judgements in a constitutionally and internationally defensible manner, in addition to issuing judgements in all agendas in individual legal cases. The Supreme Administrative Court therefore has a fundamental legal obligation under the Constitution and also under Section 20, second sentence, of the ACC to monitor and evaluate the legally binding decisions of administrative courts and, in the interests of uniform adjudication by administrative courts, to adopt opinions on their and its own adjudication.

Our Collection of Opinions and Judgements is published quarterly, with the aim of achieving a bimonthly frequency. Between 2022 and 2025, a total of 96 case laws were adopted and published in electronic form (on the website www.nssud.sk) and in paper form. It is sent to administrative courts, the Supreme Court, relevant central public authorities, law faculties, the Bar Association and other professional legal associations, and other entities.

V. Visions and challenges for the administrative judiciary in Slovakia

Between 2021 and 2023, Slovakia underwent a legal reform of the judiciary, including the separation of the administrative judiciary. In areas of the judiciary other than the administrative judiciary, the reform was met with widespread discontent and resistance from the judges concerned. On the other hand, the reform measures of the previous government and parliament in relation to the administrative judiciary, i.e. the establishment of a separate system of administrative courts, were met with only occasional but nevertheless existing criticism. This criticism came from within the general judiciary and from the new political representatives, but not from broader legal circles and civil society. In a survey of institutional trust in top state institutions, the Supreme Administrative Court (included in the assessment for the first time) was ranked third, ahead of the Supreme Court and the Constitutional Court. Although this is an examination of the legal parameters of the functioning of the Supreme Administrative Court and its independence as provided for by the Constitution and laws, the actual results, i.e. the judgements of our court, must comply with these legal conditions, which, in my deep conviction, is indeed the case.

At the legislative level, within the framework of possible legal solutions *de lege ferenda* in relation to our procedural code, the professional code of judges, and the activities of the Judicial Academy, the Supreme Administrative Court has a number of findings and proposed solutions. The Ministry of Justice and the Judicial Council are also aware of these from the content of our official urgent letters, and we are prepared to cooperate in order to improve the protection of the rights of parties to proceedings.

The vision of three fully functioning administrative courts is being fulfilled in Košice, Banská Bystrica and Bratislava.

The Supreme Administrative Court, as a doctrinal court dealing with legal cases of fundamental importance in its adjudication processes and significantly relieved of any ineffective agenda and the backlog of cassation cases that do not respect the stable, clearly defined case law of the Supreme Administrative Court and the administrative courts. This vision must be fulfilled through current legislative activities, patiently and continuously explaining the far-reaching significance of the proposals submitted for the speed and quality of adjudication before administrative courts.

At the same time, the presidency of the Supreme Administrative Court is pushing for an improvement in the quality of legal and administrative services for its judges and an increase in the number of their assistants from one to two per judge of the Supreme Administrative Court. It will be important to intensify the activities and staffing of the Analytical Department as an important organisational unit of the Supreme Administrative Court, which, in addition to preparing solutions to topics requested by judges, also deals with specific legal cases in all agendas of our Court, but especially in cassation casess. A certain degree of resistance will always help us. It serves to constantly inspire us and act as a bulwark against inaction and resignation to the status quo, which will not improve unless we fight for change.

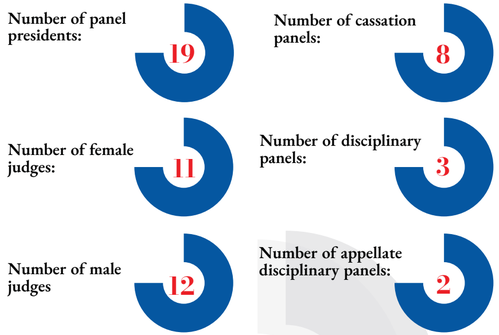
After all, the judiciary has an irreplaceable place in a democracy. The strength and effectiveness of a democratic environment in a country can be gauged, among other things, by the extent to which the state provides protection for the vulnerable in the public sphere. If the government is more or less confident in its serious political intentions to work for the benefit of the people, citizens and companies in the country, it is also open to scrutiny of its intentions and actions. Based on the tripartite division of state power according to Montesquieu's Spirit of Laws, there is no doubt , even taking into account historical developments in Europe, that judicial oversight carried out by administrative courts, with their institutional oversight by supreme administrative courts, is the most effective way to protect human rights from the influence of public power of any kind.

Pavol Naď, President of the Supreme Administrative Court

Profiles of Supreme Administrative Court judges and interviews with them

Judicial staff of the Supreme Administrative Court

The Supreme Administrative Court currently has 23 judges out of a possible total of 30. All judges perform their adjudication within individual panels, according to the current work schedule of the Supreme Administrative Court, which is published on the institution's website.



JUDr. Pavol Naď (*1962)

Judge and President of the Supreme Administrative Court since 18 May 2021, Panel President since 18 May 2021

Why did you decide to pursue a career in administrative judiciary?

My prophecy of administrative justice unfolded during my final year at university. At that time, I wrote and defended my thesis on the topic of *General Supervision of the Public Prosecutor's Office in Public Administration*. My work at the district prosecutor's office in the non-criminal section, i.e. in the area of public administration control, was the practical start of my career in administrative judiciary. A loose continuation came unnoticed in the cases I handled as a lawyer. The legal cases on my desk pointed me in a new direction, which led to the regional court, then the Supreme Court, and finally the Supreme Administrative Court.

How would you like the Supreme Administrative Court to be perceived?

The Supreme Administrative Court is a young institution, but I know that it is already perceived as a trustworthy element at the top of the Slovak judicial system. In a very short time, we have managed to get our adjudication off to a good start, and I believe that society has noticed this and evaluated it positively.

What were your expectations when you joined the Supreme Administrative Court?

I had a desire to become a judge in our Court, and I had no idea that I would also preside over it. I had to change my original idea of being a 'valid player on the team' to a commitment to myself to master one of the most demanding tasks in my professional life – to take all measures as president of the Court to ensure its establishment. Halfway through my term, all my expectations had been fulfilled. A house for the protection of the subjective rights of our country's citizens had been created.

What do you think is the most important value that the Supreme Administrative Court should protect?

The philosophical legal basis of administrative judiciary is the protection of the weak against public authority. This also determines the values underlying our Court's adjudication. We are obliged to protect subjective rights in public administration, in particular the fundamental human rights and freedoms enshrined in the Constitution and international treaties.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

The ability to listen to your partner in a professional dialogue and take their opinions into account when making a final judgement is perhaps the most valuable thing for me on a professional level. In general, I particularly value the 'humanity' of my colleagues, their empathetic attitudes towards people in the workplace. This is one of the guarantees of a healthy working environment, which we all need so much when working for the benefit of those affected by our judgements.

After graduating from the Faculty of Law of UPJŠ, Pavol Naď worked from 1984 to 1987 as a trainee at the Prešov District Prosecutor's Office and the Trebišov District Prosecutor's Office, and later for three years as a prosecutor at the Regional Prosecutor's Office in Košice in the department of general and civil supervision. From 1990 to 1992, he was a district prosecutor at the Michalovce District Prosecutor's Office. From 1993 to 2006, he worked as a lawyer registered with the Bar Association and the Czech Bar Association.

He was appointed judge in 2006 at the Michalovce District Court, and from 2008 he worked at the Košice Regional Court. From 2011, he was a Panel President of the Košice Regional Court, and from 2014, he was the president of the administrative chamber of the Košice Regional Court. From 2013 to 2016, he was a member of the Disciplinary Panel of the Supreme Court, to which he returned in 2021 for an internship at the Administrative Chamber.

JUDr. Marián Trenčan (*1969)

Judge and Panel President of the Supreme Administrative Court since 1 August 2021 and its Vice-President since 12 October 2021

Why did you decide to pursue a career in the judiciary?

To be honest, administrative judiciary attracted me after ten years of practice as a civil judge at a district court. At that time, I felt the need to devote more attention to the interpretation and application of law than to the conduct of evidence at hearings. When I first realised as an intern at the administrative chamber of the regional court that the role of an administrative judge is to protect individuals and their rights from the illegality of the exercise of public power, I knew that I wanted to devote myself to administrative judiciary. It has remained attractive to me to this day.

How would you like the Supreme Administrative Court to be perceived

I very much want the Supreme Administrative Court to gain the greatest possible trust from both the professional and lay public, because this increases the legitimacy of court judgements. The Slovak judiciary has always had a problem with insufficient credibility. I will strive to ensure that our court maintains a reasonable distance from any political representation in the country and is perceived as a professional judicial authority whose judgements are wise, fair and, at the same time, understandable to everyone concerned.

What were your expectations when you joined the Supreme Administrative Court?

Within the court, I believed that we would create an open, discussion-oriented and collegial working atmosphere, which did work out, especially at the beginning, because practically all judges and employees were enthusiastic and determined to create something new and valuable. I expected that the Court would soon become a respected supreme institution of administrative judiciary on the domestic constitutional scene, working primarily on the gradual unification of inconsistent case law. At the same time, I was convinced that we would quickly establish ourselves at the level of international associations and supreme administrative courts. We are gradually succeeding in this and improving.

What do you think is the most important value that the Supreme Administrative Court should protect?

Compliance with the legal framework of freedom for individuals and legal certainty for all.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

I appreciate my colleagues' willingness to share their professional knowledge and experience and discuss common legal issues, their ability to stand by their opinions while also being open to the opinions of others. I consider this to be the basis for creating high-quality case law and for personal advancement. In collegial relationships, I particularly value honesty, integrity and loyalty.

What is your philosophy of life?

It changes over time. Recently, I came across the idea of an Indian philosopher that the key to inner freedom is not to resist the present moment and what it brings. It resonates with me now, but we'll see what life brings...

Immediately after graduating from the Faculty of Law of UK, Marián Trenčan joined the judiciary as a trainee judge. He became a judge in 1996, spending the first 10 years as a single judge in civil law at one of Bratislava's district courts. He entered the field of administrative law and administrative judiciary in 2006, when, after a short internship, he became a judge of the administrative chamber of the Regional Court in Bratislava. In 2017, he took up the position of judge on the administrative chamber of the Supreme Court, and from 2019 to 2021 he served as a panel president.

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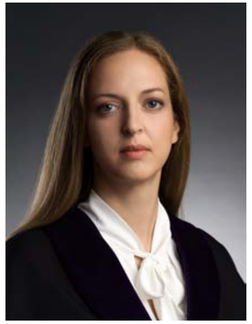
Mgr. Kristína Babiaková (*1980)

Judge of the Supreme Administrative Court since 20 July 2021 and Panel President since 15 December 2022, member of the Judicial Council of the Supreme Administrative Court

What has your life journey been like?



After graduating from the Faculty of Law of TRUNI, I started working as a trainee lawyer in 2003 and then practised as a lawyer until my appointment as a judge in 2021. During my practice, I provided legal assistance and advice mainly to civic associations and active citizens, particularly in administrative law and human rights protection. I was also involved in drafting and commenting on legislation and publishing, for example in environmental protection and access to information. At the Faculty of Law of TRUNI, I also taught a course called *Legal Clinic for Communities.*

What is 'your' topic within administrative judiciary?

As a judge responsible for the environment and access to information, I am most deeply involved in these topics. I am also interested in tax law and procedural issues of administrative law.

What challenges have you encountered at the Supreme Administrative Court?

Given the broad scope of administrative law, the daily challenge is to correctly apply specific legislation to the facts of the case, i.e. to find the right legal methodology when applying the law to a specific case while upholding the values and principles of the rule of law. Deciding on disciplinary matters is also a huge challenge and responsibility.

If you had to describe working at the Supreme Administrative Court in one sentence, what would it be?

Daily diversity accompanied by responsibility, challenges, but also enthusiasm.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

I see the most important role of the Supreme Administrative Court as unifying adjudication in administrative law, which is key to maintaining legal certainty.

If you were to advise a 'fresh' judge on why they should apply for a job at the Supreme Administrative Court, what would you say to them?

Administrative law is so broad that each case can bring new challenges and problems that need to be addressed, which advances both the judge and administrative law itself, and you could be part of that.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding job?

I balance my demanding work with sports and hiking, which I enjoy with my family.

Kristína Babiaková graduated in law from TRUNI in 2003 and practised as a solicitor from 2007 to 2021. During her law studies and throughout her legal practice, she worked mainly with civic associations and active citizen initiatives, providing legal assistance and advice, particularly in administrative law and human rights protection. She was also involved in drafting and commenting on legislation, including as a member of legislative working groups set up by the Ministry of Justice and the General Prosecutor's Office, for example on laws relating to environmental protection and laws governing judges and prosecutors. At the Faculty of Law of TRUNI, she taught a course entitled *Legal Clinic for Communities* and also served as a student supervisor.

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JUDr. Katarína Benczová (*1969)

Judge and Panel President of the Supreme Administrative Court since 1 August 2021, President of the Judicial Council of the Supreme Administrative Court from 4 August 2021 to 22 October 2024

What has your life journey been like?

The decision to study law was not the result of any long-term preferences or family tradition. Before finishing secondary school, I was looking for a more humanities-oriented field of study. It was only after I managed to get into the Faculty of Law of UPJŠ with a slight delay that I realised the enormous impact that knowledge and application of law has on society. After graduating, it seemed logical to apply for a trainee judge position, with the idea that, based on the knowledge and experience I had gained, I would later be able to perform the function of a judge. My preference was commercial law. After passing the judicial exams, I was appointed as a temporary judge and later as a permanent judge, and I gradually moved from commercial law to administrative law, depending on the needs of the court where I had been working since 2005. Basically, I have spent my entire working life in the judiciary.

What is 'your' topic within administrative judiciary?

My area of expertise has basically changed according to the type of proceedings that needed to be reviewed in the assigned agenda. For a relatively long period of time, I dealt with a considerable amount of social agenda at the Regional Court in Trnava, later it was restitutions, cadastral proceedings, reviewing decisions under the Foreigners Residence Act, and tax matters. Recently, proceedings in cases of competition and public procurement have been a major challenge.

What challenges have you encountered at the Supreme Administrative Court?

When it was established and understaffed, the Supreme Administrative Court took on a relatively large number of cases, some of which had been pending in the general courts for several years, and some of the court judgements had been repeatedly reviewed by the Constitutional Court. From a professional point of view, it was and still is extremely difficult to study such a file and prepare a convincing judgement reflecting the previous course of the proceedings, re-evaluate the case and justify a judgement that may be unexpected or controversial for some.

If you had to describe the work of the Supreme Administrative Court in one sentence, what would it be?

The enormous scope of legal issues, where a judge can never be sure that they have encountered all types of cases and that they have mastered them, while being aware of the serious consequences of their judgements.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

The Supreme Administrative Court should be the highest judicial institution, composed of judges who are mature both personally and professionally,

whose adjudication is supported by a credible and high-quality apparatus at all levels. The result of its activities should be judgements whose expertise, comprehensiveness and moral unquestionability are evident not only to the direct addressees but also to the public. It should be emphasised that this institution is also competent to rule on disputes concerning constitutionality and legality, decides on matters such as proposals to dissolve political parties or electoral matters, acts as a disciplinary court of both instances, and it is the court that ensures oversight of the activities of public authorities. It therefore has enormous powers, and the demands on the work of all persons involved in adjudication and in making its results available must correspond to this.

If you were to advise a 'new' judge on why they should apply for a job at the Supreme Administrative Court, what would you say to them?

I am not convinced that I would generally recommend that 'new' judges apply for a job at the Supreme Administrative Court right away. In my opinion, the basic prerequisite for applying for a job at this top judicial institution should be not only a certain amount of knowledge in one or more areas of administrative law, but also an overview of the institutional and historical background of the judiciary, as well as the ability to comprehensively and impartially evaluate and consider all relevant circumstances of the case under consideration and to translate the results of the deliberations in the panel into a judgement of the required quality. From personal experience, I would say that acquiring the ability to make competent judgements and justify them in a cultivated, convincing, and comprehensible manner is usually the result of a lengthy process.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding work?

I admit that I am probably not the best example of finding this balance. As far as possible, I try to engage at least occasionally in activities of a more manual or creative nature, during which I 'switch off' the part of my brain responsible for solving work problems. I am also helped by my personal conviction that the quickest justice is not always the best, and that it is better to think through or rework the most complicated things several times, because from the moment we release a judgement into the world, it takes on a life of its own, including consequences that we may not even have thought of.

After graduating from the Faculty of Law of UPJŠ, Katarína Benczová worked as a trainee judge from 1993 to 1996 and then for over a year as a single judge in the commercial law section of the Regional Court in Bratislava. From 1997 to 2002, she was the president of a first-instance panel and a lay judge of the appellate panel of the commercial law department at the Regional Court in Trenčín. From 2005 to 2016, she served as a single judge and panel president in administrative justice cases, and from 2013 also as a panel president in commercial justice cases at the Regional Court in Trnava. From 2015 to 2021, she worked at the Supreme Court, first for one year as a temporarily assigned judge, then as a judge of the administrative chamber, and since 2019 as a panel president.

During her career, Katarína Benczová has participated in several study visits and internships abroad, for example at the Court of Justice of the European Union, the National School for the Judiciary in Paris, and as a representative of the relevant courts at events organised by the Academy of European Law (ERA), the European Judicial Training Network (EJTN) and ACA-Europe.

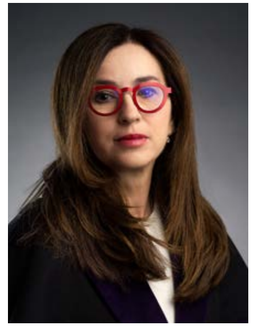
Since 1 December 2021, she has been the President of the Disciplinary Appeals Panel of the Supreme Administrative Court.

JUDr. Elena Berthotyová, PhD. (*1967)

Judge and Panel President of the Supreme Administrative Court since 1 August 2021

What has your life journey been like?

My professional journey is closely linked to the judiciary, to which I have devoted my entire working life. Since joining the judiciary in 1991 until my current position at the Supreme Administrative Court, I have gone through several levels of the judiciary, which has brought me not only professional growth but also a deeper understanding of the importance of justice in people's everyday lives. The profession of a judge is a demanding and noble mission that requires lifelong learning, responsibility, patience and a human approach. I believe that trust in the judiciary is built not only through judgements, but also through how a judge acts externally, especially in difficult moments.



What is 'your' topic within administrative judiciary?

My area of expertise within administrative judiciary is asylum and immigration law. I have been working in this field since 2003. I deal with it systematically not only in my adjudication, but also in a broader professional context. It is a dynamic and legally and humanly demanding area in which judgements are made about the fundamental rights and freedoms of individuals in an extremely vulnerable position. At the same time, it is a legal agenda with significant international and European implications, which makes it professionally challenging but also extremely stimulating. In addition to my adjudication, I have also been involved in training judges in this area through the Judicial Academy for a long time. I publish professional articles and collaborate on the preparation of professional publications aimed at contributing to the unification of practice and deepening understanding of asylum law.

What challenges have you faced at the Supreme Administrative Court?

One of the most significant challenges we faced was the need to create a complex and functional judicial team in completely new conditions. The court was established as a new institution, and career judges were joined by experts from academia, lawyers and prosecutors with professional backgrounds in public administration or various government agencies. It was a great opportunity, but also a significant personnel and professional challenge. Each of these groups brought with them their own experiences, perspectives and work experience. The key was to find a common professional language, create internal harmony of values, and establish cooperation in the panels and plenary sessions so that the new court could fully fulfil its constitutional mission as soon as possible. This process required openness, mutual respect and a willingness to learn from one another. Today, I see this meeting of different professional experiences as enriching. The conditions of its creation required the harmonisation of different professional cultures, which, however, contribute to greater plurality of opinions and an overall strengthening of the quality of the court's adjudication.

If you had to describe your work at the Supreme Administrative Court in one sentence, what would it be?

It is a job in which I feel the weight of society's trust and responsibility for fair and lawful judgements every day, as well as a place where the law meets responsibility and public trust.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

The Supreme Administrative Court is the highest body of administrative judi-

ciary and plays an irreplaceable role in reviewing the legality of public administration decisions, protecting the fundamental rights and freedoms of individuals, and unifying case law in the field of administrative law. In this position, it is an important element of legal certainty and predictability of adjudication. Its powers are extensive – in addition to ruling on cassation appeals in administrative judiciary, it also intervenes in areas of significant constitutional importance, such as ruling on electoral matters, the dissolution of political parties, and the disciplinary responsibility of judges, prosecutors and other legal professions.

Asylum and immigration law occupies a special place among the agendas of the Supreme Administrative Court. This area is particularly sensitive, as it combines legal, international legal and human rights aspects with the specific life stories of individuals. The court's judgements in this area have a direct impact on the fundamental rights of people who are often fleeing persecution, war or other serious injustices. Through its adjudication in asylum matters, the Supreme Administrative Court also shapes a value framework that balances the need to protect the public interest with the protection of the dignity and rights of each individual. It is in this area that its role as not only a supervisory but also a value-oriented court, contributing to the preservation of the balance between law and justice, is particularly evident.

If you were to recommend to 'new' judges why they should apply for a job at the Supreme Administrative Court, what would you say to them?

From the perspective of a long-standing judge, I can say that working at our court is an exceptional combination of expertise, responsibility and meaningfulness. It is a place where different types of legal experience meet – judicial, academic, bar and administrative – and where everyone has the opportunity to actively contribute to shaping legal practice and court culture. For a young judge, it is a unique opportunity to work on judgements that affect not only individual lives but also the shape of administrative judiciary in Slovakia. If they are looking for an environment that is challenging but also stimulating and value-driven, they have found the right place.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding job?

With a heavy workload, it is important for me to find time for active rest and to recharge my batteries with my family, who provide me with support and stability. In addition, moments of solitude help me to reflect in peace, gain perspective and calm my mind. These moments of balance help me to maintain the concentration and inner peace that are essential in the demanding and responsible work of a judge.

After graduating from the Faculty of Law UK, Elena Berthotyová worked as a trainee judge at the Municipal Court in Bratislava from 1991 to 1994, and later as a judge at the District Court Bratislava I from 1994 to 2003. From 2003 to 2005, she was a judge at the Regional Court in Bratislava, and from 2015 to 2021, she served on the administrative chamber of the Supreme Court, first as a judge and, from 2015, as a panel president.

Elena Berthotyová has also been a member of the Judicial Council since 2014, appointed by the president in 2014 and appointed president in 2019.

Since 2006, she has been an external lecturer at the Judicial Academy in administrative judiciary and judicial ethics. Elena Berthotyová also lectures, for example for the Migration Office of the Slovak Republic, the Police Force of the Slovak Republic and to students of the Faculty of Law of UK, the Faculty of Law of TRUNI and the Faculty of Law of UPJŠ.

She is the winner of the *2017 Judgement of the Year* award for the judgement of the Panel of the Administrative Chamber of the Supreme Court in Case No. 10Sza/12/2016.

JUDr. Katarína Cangárová, PhD., LL.M. (*1985)

Judge of the Supreme Administrative Court since 26 August 2021

Why did you decide to pursue a career in the judiciary?

Before my appointment as a judge, I worked as a solicitor in an international company providing legal and tax advice. In addition to my work as a solicitor, I was also involved in scientific and research activities in the field of EU law, with an emphasis on the provision of state aid to selected companies. I have therefore always been interested in the relationship between the individual and the state, and I considered the profession of judge to be the most beautiful and meaningful of all legal professions.

How would you like the Supreme Administrative Court to be perceived?

As a reliable institution, deciding matters fairly, within a reasonable time and in accordance with the law, the Constitution and the obligations of the Slovak Republic under international and European law. As an institution that citizens and companies who feel aggrieved by unlawful decisions of public authorities will not hesitate to turn to.

What were your expectations when you joined the Supreme Administrative Court?

The expectations I had when I joined our court were both objective – based on the further development of stable case law and the enrichment of administrative judiciary with an external element – and subjective – based on finding meaning in my own professional life. Today, I can say that both my objective and subjective expectations have been fulfilled. I believe that we have managed to overcome the initial challenging start-up period, and being part of the creation of the supreme administrative court fills me with a sense of sincere joy.

What do you think is the most important value that the Court should protect?

I see the Supreme Administrative Court as an important pillar of the rule of law, because it oversees the legality of the executive power in the state, as well as an important pillar of democracy, because it decides on electoral matters and monitors, for example, the constitutionality and legality of municipal elections.

What attributes do you value most in your colleagues – judges?

Expertise, professionalism and high work commitment, often at the expense of their free time, in order to ensure that participants receive a lawful judgement within a reasonable time. I also value their human qualities, especially their willingness to discuss and share their expertise and experience.

What helps you relax from work and gain perspective?

Visiting a cottage in the Little Carpathians and spending time in nature, running, and classical music concerts at the Slovak Philharmonic. A great passion of mine, which also energises me and broadens my horizons, is travelling and discovering new countries.

What is your philosophy of life?

There is no shame in falling, the shame is in not trying to get up.

During her studies at the Faculty of Law of UK, Katarína Cangárová completed a semester at the University of Copenhagen and an internship in the United Kingdom. After graduating in 2008, she worked as an internal doctoral student and later as a lecturer at the Faculty of Law of UK, where she taught European and international law. In 2012, she completed her postgraduate LL.M. studies at Erasmus University in Rotterdam with honours. In 2013, she was awarded a PhD degree based on her dissertation on the topic of *Member State liability for violations of European Union law with a focus on state aid*. After completing her legal training at renowned law firms, she was registered in the list of lawyers maintained by the Bar Association. Until 2021, she worked as a lawyer and later as a manager in an international consulting company belonging to the 'Big Four'. In her legal practice, she focused on commercial, competition, tax and labour law. She is the author of the book State Aid Law (C.H. Beck, 2020) and several professional publications. She has participated in numerous domestic and international educational events. She is an external lecturer for the Judicial Academy and the C. H. Beck Academy in access to information, state aid and the provision of contributions from EU funds. She is a member of the working group on tax law of the Association of European Administrative Judges.

JUDr. Rastislav Dlugoš, PhD. (*1975)

Judge of the Supreme Administrative Court since 1 June 2023

Why did you decide to pursue a career in administrative judiciary?

I got into the judiciary because, after about ten years as a criminal judge in a court of first instance, I began to feel a strong need for a change of agenda. Since I had already 'tried out' the agenda of a civil judge in the distant past, to which I did not plan to return, in 2016 I responded to a call for applications for a vacant position as a judge of the administrative chamber of the Regional Court in Trenčín. I have been part of the administrative judiciary system since 2017, and I do not regret this change in my professional direction.

How would you like the Supreme Administrative Court to be perceived?

As a stable part of the judicial system in the Slovak Republic, as a guarantor of the protection of the rights and legally protected interests of those who turn to it.

What were your expectations when you joined the Supreme Administrative Court?

My basic expectations included the opportunity to gain a different, unifying perspective on resolving disputes between natural and legal persons and public authorities, more intensive work with the case law of the EU Court of Justice and the Constitutional Court, and the application of thought processes that were not so widely used in the administrative court of first instance. I intended to capitalise on my experience as a criminal judge in my work in disciplinary panels. These expectations are gradually being fulfilled to a greater or lesser extent.

What do you think is the most important value that the Supreme Administrative Court should protect?

Legal certainty in public administration.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

The diversity of personalities within the team I have become part of is particularly inspiring. For some, the dominant characteristic is a passion for administrative justice, while for others it is a willingness to take the road less travelled when necessary. Other qualities I perceive as positive include diligence, a willingness to go above and beyond the call of duty, general knowledge, language skills and a sense of humour.

What helps you relax from work and gain perspective?

In my opinion, the ability to relax from work depends directly on a person's ability to separate their work life from their private life. Thanks to the presence of two small children in my life, whose upbringing involves a number of routine duties, activities and unexpected life challenges, I have no choice but to succeed at this. To gain perspective, I need time and distance from the issue at hand. For example, when I can't solve a case and I don't have the opportunity to consult with a colleague immediately, what works for me is to take a break and focus my attention on another case, knowing that I will return to it later, usually with different ideas.

What is your philosophy of life?

In recent years, with increasing polarisation of society and scepticism and disillusionment among part of the population stemming from the actions and statements of certain representatives of power in the public sphere, I am sometimes reminded of Jacques Prévert's idea: *Il faudrait essayer d'être heureux, ne serait-ce que pour donner l'exemple, meaning: We should try to be happy, if only to set an example.*

From 2003 to 2006, Rastislav Dlugoš worked at the District Court in Trnava as a senior court clerk. In 2006, he was appointed judge at the District Court in Trenčín, first as an enforcement judge and later entrusted with criminal cases. He then served as a criminal judge from 2008 to 2017 at the District Court in Nové Mesto nad Váhom, from where he moved to the Regional Court in Trenčín to the administrative chamber, where he served as a panel president from 2020 and was also a member of the local judicial council from 2022.

JUDr. Michal Dzurdzík, PhD. (*1979)

Judge of the Supreme Administrative Court since 1 January 2023 and Panel President 21 June 2024, member of the Judicial Council of the Supreme Administrative Court

Why did you decide to go into administrative judiciary?

It was basically a coincidence. First and foremost, it was a challenge for me to change my agenda, and I preferred the assessment system to the evidence system. I also knew colleagues at the Regional Court in Bratislava and the Supreme Court who were involved in administrative judiciary, and they motivated me.

How would you like the Supreme Administrative Court to be perceived?

As one of the highest judicial authorities in the Slovak Republic. When it was established, the term 'small constitutional court' was mentioned.

What were your expectations when you joined the Supreme Administrative Court?

I wanted a smooth transition, to establish myself within the team and to integrate into the Panel. Since I had been involved in the agenda and had been working in the judiciary for some time, I had a certain idea in mind, and this was essentially fulfilled.

What do you think is the most important value that the Supreme Administrative Court should protect?

The protection of subjective rights and freedoms.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

I respect every colleague and appreciate their willingness and effort to resolve issues, whether within the panel or in the context of the unified adjudication of the entire court. Each colleague is an individual and autonomous personality.

What helps you relax from work and gain perspective?

I try to exercise and study English and French on a daily basis. I find foreign languages relaxing. Last but not least, there is my family, which provides me with the necessary support and the knowledge that there are other important things in life.

What is your philosophy of life?

The *joy of thinking and understanding is nature's most beautiful gift.* This quote is attributed to Albert Einstein, whom I greatly admire.

After graduating from the Faculty of Law of UK and a short period of practice in the private sector, Michal Dzurdzík joined the judiciary in 2005, working as a senior court clerk at the District Court of Bratislava II, where he worked in the civil and criminal sections. In 2010, he passed the judicial exams. He became a judge in 2013 and was assigned to the civil section of the court. In 2017, he transferred to the Regional Court in Bratislava to the administrative chamber, where he began to focus on administrative judiciary. Two years later, he became a panel president and in 2020 the president of the administrative chamber at the Regional Court in Bratislava. Since 2022, he has been a member of the Bar Association's examination committee.

JUDr. Marián Fečík (*1974)

Judge of the Supreme Administrative Court since 20 July 2021 and Panel President since 1 June 2022

Why did you decide to pursue a career in administrative judiciary?

I have been working as a non-criminal prosecutor in administrative judiciary for over 20 years. As one of the creators of the Administrative Court Code, I wanted to experience this 'procedural framework' first-hand and see how it copes with the 'day-to-day terrain' of ensuring the legality of decisions made by public authorities.

How would you like the Supreme Administrative Court to be perceived?

As a place where not only the administrative judiciary process is completed, but also as a place of discourse where not only legality but also justice is sought. The Supreme Administrative Court should not be a 'file factory' but a court that reflects on the essence and perhaps even formulates its opinions *de lege ferenda.*

What were your expectations when you joined the Supreme Administrative Court?

In my previous practice as a prosecutor, I identified several procedural and substantive issues that could be figuratively described as *hic sunt leones.* It was precisely these unresolved issues that I aspired to (jointly) resolve through case law. In some cases, I succeeded, but a judge is essentially a 'hostage to the case (file)' and must wait until luck smiles on him in this regard.

What do you think is the most important value that the Supreme Administrative Court should protect?

The material rule of law.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

Humanity and a sense of justice.

What helps you relax from work and gain perspective?

There are several things. But first and foremost is my family. My son, who is graduating from secondary school, and my daughter, who is just learning to talk, show me that all problems are relative. I also enjoy cultural monuments and trips to visit them, during which I ask myself what our generation will leave behind for the world. I also enjoy the humour of older British television series with excellent Czech dubbing, such as *Yes, Prime Minister*, *Blackadder* and *Red Dwarf*. It's incredible how they can still be relevant today, even after so many years.

What is your philosophy of life?

I believe that outside of religion, there is no such thing as absolute truth. That's why I don't accept so-called owners of the truth, because in principle, there can be multiple legitimate opinions on any given matter. That's why I like Marcus Aurelius' statement: *Everything we hear is just an opinion, not a fact. Everything we see is just a perspective, not the truth.*

After graduating from the Faculty of Law of UK, Marián Fečík began his career at the Military District Court in Banská Bystrica, where he worked from 1997 to 1998. He then worked as a lawyer in the cadastral department of the District Office in Trenčín from 1998 to 1999. He joined the District Prosecutor's Office in Trenčín in 1999, where he first worked as a trainee and then as a prosecutor from 2001. From 2004 to 2007, he was a prosecutor at the Regional Prosecutor's Office in Trenčín. From 2007 until his appointment as a judge of the Supreme Administrative Court, he served as a prosecutor in the non-criminal department of the General Prosecutor's Office.

Since 2024, he has been a member of the Judicial Council elected by judges.

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JUDr. Anita Filová (*1972)

Judge of the Supreme Administrative Court since 1 August 2021 and Panel President since 10 December 2021, member of the Judicial Council of the Supreme Administrative Court

Why did you decide to pursue a career in administrative judiciary?

My previous experience at the Supreme Court, where I worked as a judicial assistant, led me to administrative judiciary. It was here that I had my first experiences with administrative judiciary, which significantly influenced my future direction, not only in the judiciary. It is administrative judiciary alone to which I want to devote the rest of my professional career.

How would you like the Supreme Administrative Court to be perceived?

I was very pleased with the establishment of the Supreme Administrative Court, because I believe that its existence was necessary for the proper functioning of administrative judiciary. Therefore, I would like the Supreme Administrative Court, as the highest judicial authority, especially in the field of administrative judiciary, to be perceived as a solid and irreplaceable pillar of the judicial system of the Slovak Republic. Of course, it is up to us to contribute to its credibility and authority through our judgements.

What were your expectations when you joined the Supreme Administrative Court?

I don't know if I had expectations. It was more a sense of respect, a challenge. I became a judge of the highest court of law for administrative judiciary. I realised that our judgements were fundamental and final. I felt, and still feel, a great responsibility for every judgement I am involved in. On the other hand, I am glad that I chose the Supreme Administrative Court and was able to be there at its inception. This will never happen again.

What do you think is the most important value that the Supreme Administrative Court should protect?

Legal certainty.

What attributes do you value in your colleagues – the judges of the Supreme Administrative Court?

I am satisfied with the composition of judges at the Supreme Administrative Court. I must say that their professional expertise constantly pushes me forward, leading me to work on myself and not rest on my laurels. However, it is not only professional expertise, but also empathy, sincerity and directness that I value in my colleagues.

What helps you relax from work and gain perspective?

I do a lot of sports, I run, play tennis, try to learn French, enjoy dancing and also like to attend various sporting and cultural events.

What is your philosophy of life? What is your favourite motto?

These two principles have served me best in life: Experience is not transferable. Every cloud has a silver lining.

After graduating from the Faculty of Law of UK, Anita Filová worked as a lawyer for the Trnava Municipal Property Administration from 2001 to 2004. From 2004 to 2009, she was a senior court clerk at the Trnava District Court, later becoming a judicial assistant on the administrative chamber of the Supreme Court. For the next three years, she was a prosecutor in the non-criminal section of the Bratislava II District Prosecutor's Office. In 2017, she moved to the Regional Court in Trnava, where she worked until 2021, first as a judge of the commercial and administrative chamber, later as its president. She lectures, writes textbooks and commentaries on the Administrative Court Code and the Civil Procedure Code.

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JUDr. Jana Hatalová, PhD., LL.M. (*1965)

Judge and Panel President of the Supreme Administrative Court since 1 August 2021

What has your life journey been like?

My life journey: studies, family, district court, regional court, Supreme Court and Supreme Administrative Court.

What is 'your' topic within administrative judiciary?

Administrative penalties, land registry cases.

If you had to describe your work at the Supreme Administrative Court in one sentence, what would it be?

Demanding, responsible, work discipline.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

A huge variety of issues that need to be resolved.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding job?

Many years of experience and continuous education, but also my family background.

Jana Hatalová graduated from the Faculty of Law of UK in 1987, where she completed her doctoral studies in administrative law between 2003 and 2008. After successfully defending her dissertation on the topic of *Administrative Judiciary, Current Status and Perspectives*, she was awarded a PhD in science and education.

In 1992, she successfully passed the judicial examination and until 2002 she worked as a judge at the District Court Bratislava I in the commercial dection. Subsequently, in 2003, she joined the Regional Court in Bratislava in the administrative chamber. From 2004 to 2021, she served on the Administrative Chamber of the Supreme Court, first as a judge, then as a panel president from 2008, and as deputy president of the Administrative Chamber from 2014. From 2015 to 2019, she also served as a member of the Scientific Council of the Faculty of Public Administration of UPJŠ. Since 2019, she has also been a substitute member of the examination board of the Judicial Academy for administrative law, administrative judiciary and financial law, and since 2009 a member of the examination board of the Bar Association.

She has participated in seminars organised by the Administrative Chamber of the Supreme Court, as well as in international conferences. In addition to her judicial activities, she is also involved in publishing and lecturing. She is a member of the team of authors of the commentary on the Administrative Court Code.

Since 1 December 2021, she has been the President of the Disciplinary Appeals Chamber of the Supreme Administrative Court. In 2023, she completed her education by graduating from the Institute of Education and Personal Development in Bratislava (LL.M.).

Mgr. Peter Mach, PhD. (*1980)

Judge of the Supreme Administrative Court from 1 June 2023

Why did you decide to pursue a career in administrative judiciary?

It is not easy to avoid clichés when answering such a question. Certainly, administrative judiciary as a corrective mechanism against errors in the exercise of public administration is a fundamental element of our legal system, and frankly, I am honoured to be able to contribute to this. However, what I find particularly intellectually challenging is the multidimensional nature of the issues dealt with by administrative courts, where our task is usually to distil and identify one or two key legal issues for a specific case.

How would you like the Supreme Administrative Court to be perceived?

Any court in a democratic society can be widely respected when its judges are independent and impartial, and its judgements are comprehensible and credibly justified. This is especially true for a court whose main task is to control the executive power and protect against its missteps.

What were your expectations when you joined the Supreme Administrative Court?

Since I had the opportunity to work as a judicial assistant at the Court of Cassation before my appointment as a judge, I was not surprised that a constructive working atmosphere prevails in the panels.

What do you think is the most important value that the Supreme Administrative Court should protect?

The system of values of the rule of law cannot be reduced to a single one. Like human and social life, it has several components, and their priorities change over time and in different situations. One of the main considerations in our work should probably be to protect the legitimate expectations of individuals and other entities that the executive power will not commit injustices and wrongdoings against them, and if it does, that they will find an institutional remedy.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

In addition to normal, correct and friendly collegial communication, what is important to me is the willingness and readiness of my colleagues to discuss our sometimes conflicting views on a matter. In such challenging discussions, we seek the best possible answers to the problems at hand, and I very much hope that we often come close to finding them.

What helps you relax from work and gain perspective?

With my wife and children, it's certainly not possible to switch off completely, but I do manage to take my mind off work worries when I'm with them. I'm also grateful for every opportunity to exercise and spend time in nature, and music and films can also help a lot.

What is your philosophy of life?

Like most people, I try to live in such a way that I don't have to worry about my conscience. Recently, I've been thinking a lot about a quote attributed to Confucius: *A man who wants to move a mountain begins by carrying away small stones.* Every day brings opportunities for small improvements and small joys.

Peter Mach graduated from the Faculty of Law of TRUNI in 2003. He continued his doctoral studies at the same faculty and obtained a PhD in Roman law. Until 2017, he also taught this subject at the Faculty of Law of TRUNI and developed it in several scientific projects. In addition, he also graduated in classical languages from the Faculty of Philosophy at the same university. He also participated in various educational activities and scientific conferences.

He entered the judicial environment in 2016 as a judicial assistant at the Supreme Court's administrative chamber. From 2021, he continued in an assistant position at the newly established Supreme Administrative Court. In 2022, he was appointed judge of the then District Court Bratislava I, where he worked in the civil law section until his transfer to this Court.

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JUDr. Jana Martinčeková

Judge of the Supreme Administrative Court since 20 August 2021 and Panel President since 10 December 2021

Why did you decide to pursue a career in administrative judiciary?

I was assigned to the appropriate section of the regional court due to a shortage of judges in that section; my original focus was civil law. Over time, however, I found that this branch of law suited me better, so I remained faithful to it.

How would you like the Supreme Administrative Court to be perceived?

As an independent judicial institution, subject only to the law and a fair view of the world.

What were your expectations when you joined the Supreme Administrative Court?

I wanted to see the proper fulfilment of duties in adjudication, which is the fundamental task of the court, as well as correct interpersonal relationships. Both of these wishes have been fulfilled.

What do you think is the most important value that the Supreme Administrative Court should protect?

In my opinion, our court should be considered the guardian and guarantor of legality for everyone, including natural and legal persons as well as state authorities.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

Professional expertise and friendly relationships in the workplace. I appreciate my colleagues' willingness to discuss legal issues and their openness to other points of view.

What helps you relax from work and gain perspective?

Caring for the roses in my garden, my interest in history and sport.

What is your philosophy of life?

My favourite motto is a quote from Václav Havel: *Hope is not the conviction that something will turn out well, but the certainty that something makes sense – regardless of how it turns out.*

After graduating from the Faculty of Law of UPJŠ, Jana Martinčeková worked as a trainee judge at the Regional Court in Banská Bystrica from 1994 to 1996, and then as a judge at the District Court in Žilina from 1997 to 2009. In 2007, she was temporarily assigned to the Regional Court in Žilina. From 2009 to 2020, she worked at the Regional Court in Žilina as a single judge and member of the panel focusing on administrative judiciary, and then from 2013 as a panel president in the administrative and civil sections focusing on enforcement matters. From 2020, she held the position of president of the administrative chamber of the Regional Court in Žilina. In 2021, she moved to the Supreme Court, where she was temporarily assigned to perform the duties of a judge on the administrative chamber.

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JUDr. Michal Matulník, PhD. (*1975)

Judge of the Supreme Administrative Court since 26 August 2021 and Panel President since 15 December 2022

Why did you decide to pursue a career in administrative judiciary?

Before being appointed judge of the Supreme Administrative Court, I worked as a solicitor for over twenty years. A large part of my litigation and non-litigation agenda at that time had administrative law implications. I had respect and admiration for the judiciary. Over time, this affinity turned into an ambition to become part of it.

How would you like the Supreme Administrative Court to be perceived?

As a stable and reliable element of the judicial system, whose adjudication is clear and comprehensible.

What were your expectations when you joined the Supreme Administrative Court?

Given the circumstances surrounding the establishment of this court (the timing, the composition of the staff, the social context), it was clear that it would be a great challenge to harmonise the newly created team of career judges and judges coming from other professional backgrounds. This was particularly true given the number of cases transferred to the court from the Supreme Court, as well as the scope of the new agenda. I am very pleased that we have mastered this challenge, which is one of my expectations that has been fulfilled.

What do you think is the most important value that the Supreme Administrative Court should protect?

To ensure that state authorities act in accordance with the Constitution, within its limits and to the extent and in the manner prescribed by law.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

High expertise and professionalism combined with humanity and collegiality. I particularly appreciate the approach of my colleagues – career judges with whom I work in individual panels and who, at the beginning of my tenure at the Supreme Administrative Court, contributed significantly to my smooth integration into the new system.

What helps you relax from work and gain perspective?

Sport, literature, travelling. I like to 'clear my head' by paddling on the Danube or 'running stairs' in Horský park.

What is your philosophy of life?

I once answered this question with a bon mot: *Not to have a motto, not even this one.* Basically, nothing fundamental has changed in this regard since then.

Michal Matulník is a graduate of the Faculty of Law of UK. In 2003, he completed a two-year postgraduate course in English and EU law at the University of Cambridge. He began his career in law in 1996, working for the first two years as a legal assistant and later as a trainee lawyer. From 2002, he worked as a lawyer in cooperation with several international law firms, and subsequently in his own legal practice. In 2021, he defended his PhD thesis at the Faculty of Law of TRUNI. In the past, he served as an advisor to a judge of the Constitutional Court.

Mgr. Michal Novotný (*1983)

Judge of the Supreme Administrative Court since 20 August 2021 and Panel President since 1 June 2022

What is your life journey?

Son – student – husband – lawyer – father – judge.

What is 'your' topic within administrative judiciary?

All topics that are 'interdisciplinary', i.e. not only related to administrative law.

What challenges have you encountered at the Supreme Administrative Court?

Social security issues, disciplinary justice and maintaining consistency in adjudication.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

The same as any other court, yet special due to its constitutional status and constitutional tasks.

If you were to advise a 'fresh' judge on why they should apply for a job at the Supreme Administrative Court, what would you say to them?

Not to be afraid of any challenge, but to constantly work hard on themselves. Because knowledge and experience do not come automatically with any position.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding job?

My family. And also interesting books, although mostly from areas related to my work.

Michal Novotný is a graduate of the Faculty of Law of TRUNI. From 2009 to 2014, he also studied at Johannes Kepler University in Linz. He began his career as a lawyer – he passed his bar exams in 2009 and worked as a lawyer from 2010 to 2014. From 2012 to 2014, he also worked as a legal advisor at the Constitutional Court. From 2014 to 2020, he entered the judiciary, serving in the early years as a judge at the District Court in Dunajská Streda and later as a judge at the Regional Court in Trnava. From 2020 to 2021, he was State Secretary at the Ministry of Justice.

prof. JUDr. PhDr. Peter Potásch, PhD. (*1980)

Judge of the Supreme Administrative Court since 26 August 2021 and Panel President since 1 June 2022

What is 'your' topic within administrative judiciary?

Given my publishing activities and academic work in the field of administrative judiciary, I like to focus on topics such as general administrative proceedings – in particular the basic rules of proceedings, changes in the interpretation of their purpose and content – as well as issues of administrative punishment.

What challenges have you encountered at the Supreme Administrative Court?

Although it cannot be considered a challenge in the true sense of the word, since the beginning of my career (as a judge), I have tried to place special emphasis on ensuring that the work outputs I draft are formulated in such a way that they cannot be misinterpreted in practice in the future.

If you had to describe your work at the Supreme Administrative Court in one sentence, what would it be?

Responsible, dynamic, but also diverse.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

The basic tasks performed by the Supreme Administrative Court arise from objective law. Since the Supreme Administrative Court is part of the administrative judiciary, based on Section 2 of the SSP, it undoubtedly provides primary protection for the rights or legally protected interests of natural persons and legal entities. On this basis, however, administrative courts also exercise external control over the exercise of public administration in a broader sense. That is why, for me, administrative judiciary – and within it the Supreme Administrative Court – is not only a place where specific disputes are resolved, but I also see it as a tool for improving the quality of public administration *pro futuro* in general.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding work?

If the question is about my leisure activities, relaxation and, paradoxically, often also a stimulus for my work as a judge, it is teaching.

Peter Potásch is a graduate of the Faculty of Law of UK. He completed his doctoral studies (PhDr.) in political science at the Faculty of Philosophy at Constantine the Philosopher University in Nitra. In 2012, he successfully completed his habilitation procedure and was awarded the scientific and pedagogical title of associate professor. He was appointed professor of administrative law by the president in 2019.

After completing his law studies, he worked at the Police Academy in Bratislava until 2009, and since 2009 he has been working as an internal lecturer at the Faculty of Law of PEU. He also collaborates with other law faculties in Slovakia and abroad, including the Faculty of Law of UK, particularly in administrative law at the third level of university study and in habilitation /inauguration proceedings. At the Faculty of Law of TRUNI, he is currently a member of the Commission for the Evaluation of Scientific and Research Activities and Habilitation and Inauguration Proceedings as an advisory body to the dean of the faculty in matters of science and research. From 2010 to 2014, he taught at the Faculty of Law of the University of Vienna, where he taught administrative law of selected EU countries in a comparative regime.

He has been practising law since 2009, first as a trainee lawyer and then, from 2012 until his appointment as a judge of the Supreme Administrative Court, as a lawyer.

In the past, he was a member of several appeals committees, for example at the Ministry of Environment of the Slovak Republic, the Ministry of Education, Science, Research and Sport of the Slovak Republic, and the Public Procurement Office.

JUDr. Petra Príbelská, PhD. (*1974)

Judge and Panel President of the Supreme Administrative Court since 1 August 2021, President of the Judicial Council of the Supreme Administrative Court

What has your life journey been like?

My life journey has been linked to administrative judiciary since 2006, when I started working at the Regional Court in Trnava. This connection has continued ever since. I have worked at the Administrative chamber of the Regional Court in Bratislava and at the Administrative chamber of the Supreme Court, meaning that I have devoted almost 20 years of my professional life to public law.

What is 'your' topic within administrative judiciary?

My area of expertise has become financial law, but I also lean towards administrative punishment.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding work?

I find balance in music. I have been playing the piano since I was a child, I sang in Lúčnica, and I currently sing in the Tirnavia choir.

After graduating from the Faculty of Law of UK in 1997, Petra Príbelská worked as a trainee lawyer and has been a lawyer since 2003. From 2001 to 2011, she also worked at the Faculty of Law of TRUNI as a university lecturer in the Department of Civil and Commercial Law, where she taught civil procedural law.

In 2004, she became a judge at the District Court in Trnava, where she worked in the civil and commercial section. She has been involved in administrative judiciary as a judge since 2006, first as a temporary assignment to the Regional Court in Trnava (where she worked concurrently in the civil and administrative divisions), then from 2007 as a judge at the Regional Court in Trnava in the administrative section, and from 2010 as a panel president. Two years later, she became the panel president of the administrative chamber of the Regional Court in Bratislava. In 2014, she was temporarily assigned to the administrative chamber of the Supreme Court, where she served as a judge from 2015 and as a panel president from 2017 to 2021.

From 2014 to January 2017, she served as a member of the first-instance disciplinary panel of the Supreme Court. From January 2017 to November 2020, she was a member of the Judicial Council of the Supreme Court. Since December 2024, she has been the President of the Judicial Council of the Supreme Administrative Court. She also works as an external lecturer at the Judicial Academy, gives lectures and publishes.

From November 2019 to November 2023, she was a member of the Judicial Council elected by judges.

JUDr. Zuzana Šabová, PhD. (*1977)

Judge of the Supreme Administrative Court since 20 July 2021 and Panel President since 21 June 2024

Why did you decide to pursue a career in administrative judiciary?

I have spent my entire working life in the public sector – first in a state administration body that applied administrative law, and later in the Civil Service Council in the field of human resources management and state institutions. I see the opportunity to work at the highest administrative court as a natural continuation of my professional career, in a position focused on the quality of adjudication by public authorities. I am drawn to working in the public sector, seeking solutions that benefit society as a whole and setting up the functioning of public affairs in the long term.

How would you like the Supreme Administrative Court to be perceived?

As a well-functioning, professional and trustworthy institution that will, on the one hand, protect individuals and legal entities and, on the other hand, be a partner for state authorities, helping them to guide their own activities through predictable and high-quality adjudication practices. From an international perspective, as a dignified representative of our country.

What were your expectations when you joined the Supreme Administrative Court?

I saw it as an extraordinary opportunity to participate in the creation of an institution that would build on the work of the Administrative chamber of the Supreme Court and at the same time be enriched by influences from other areas where administrative law is applied. My expectations have been fulfilled; I have the opportunity to work with inspiring people, share my knowledge and learn many new things.

What do you think is the most important value that the Supreme Administrative Court should protect?

The balance between protecting the individual and the proper functioning of public affairs for the benefit of society as a whole.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

We come from different backgrounds and have different work and life experiences. I really appreciate the willingness to share opinions, discuss issues and work together to find the best solutions.

What helps you relax from work and gain perspective?

The company of close friends, nature and art.

What is your philosophy of life?

To maintain an optimistic view of the world.

Zuzana Šabová is a graduate of the Faculty of Law of UK, where she later participated in scientific, research and teaching activities. From 2000 to 2018, she worked at the Antimonopoly Office of the Slovak Republic, where she worked as a lawyer for the first three years. From 2003, she worked as the director of the second-instance proceedings department, and later also as the director of the legal and foreign relations department. She focused mainly on assessing cases of agreements restricting competition, abuse of dominant position and merger control, preparing competition legislation, creating conceptual and methodological materials, and representing the office at foreign forums. In 2018, she joined the Office of the Civil Service Council and in 2019 she was elected a member of the Civil Service Council. She focused mainly on ethics in the civil service and several areas of civil service management. She also served as an ethics advisor for selection procedures for the Ministry of Culture of the Slovak Republic and conducted ethics training for several institutions. She is the author of numerous professional articles and publications in competition law and civil service.

JUDr. Viola Takáčová, PhD. (*1963)

Judge and Panel President of the Supreme Administrative Court since 1 August 2021

What is 'your' topic within administrative judiciary?

I have been involved in administrative judiciary since 1997. When I think back to the beginning of my career, what comes to mind above all is the strong team spirit of the judges of the administrative chamber of the Supreme Court, whose cooperation was inspiring both professionally and personally. I remember colleagues without whom administrative judiciary would not be where it is today.

If you had to describe your work at the Supreme Administrative Court in one sentence, what would it be?

The Supreme Administrative Court is characterised by a specific intermingling of the younger and older generations.

The Supreme Administrative Court inherited a huge number of files and the workload is enormous. What would you wish for the court and its judges?

I believe that the difficult period when this court inherited a huge number

of files and the workload was enormous was not demotivating for the younger generation of judges. I would like to see the Supreme Administrative Court staffed by high-quality individuals from the field of justice in the Slovak Republic.

Viola Takáčová graduated from the Faculty of Law of Charles University in Prague in 1986. In 1987, after passing a doctoral examination at this university, she was awarded the title *of iuris doctoris*. In 1995–1996, she completed a two-semester specialised course *in Business and Trade* at the Institute for the Education of Lawyers at the Faculty of Law of Charles University in Prague. She completed her doctoral studies at the Faculty of Law of UK in administrative law between 2006 and 2010, where she was awarded the scientific and pedagogical title of PhD.

She entered the judiciary in 1990 at the District Court in Komárno, where she worked until 1998, first as a trainee judge and, from 1991, as a judge in the civil and commercial division. In 1998, she was transferred to the Regional Court in Nitra, where she was a judge in the administrative, civil and commercial divisions until the end of 2015. From 2015, she served at the Supreme Court as a judge and later as a panel president. Since 1 December 2021, she has been the President of the Disciplinary Panel.

As part of her academic activities, she has collaborated with the Constantine the Philosopher University in Nitra as an external lecturer for several years.

JUDr. Martin Tiso (*1986)

Judge of the Supreme Administrative Court since 21 November 2022

Why did you decide to pursue a career in administrative judiciary?

During my university studies, I was already inclined towards public law, and in particular administrative law, which interested me because of the diversity of individual processes affecting virtually all spheres of social life. I was fortunate that after graduating from university in 2011, I started working as a senior court clerk at the Regional Court in Trnava, assigned to the commercial and administrative department with a primary focus on administrative law. I think that from the very first moment, I felt that this type of specific agenda suited me internally. Subsequently, in 2016, I moved to the Supreme Court to the administrative chamber, where I had the opportunity to acquire further professional knowledge, which subsequently helped me in my further professional advancement.

How would you like the Supreme Administrative Court to be perceived?

As a key element in protecting constitutionality, legality and the rights and legitimate interests of natural and legal persons in relation to public authority.

What were your expectations when you joined the Supreme Administrative Court? Which of them have been fulfilled?

Even though I was 'raised by the judiciary' with relatively long-standing judicial experience in administrative law, I still considered the transition from judicial assistant to judge a challenge. In some respects, the two positions are similar, while in others they are, understandably, fundamentally different. First and foremost, I wanted to build on the work I had done as a judicial assistant, especially in terms of the quantity and quality of cases handled. However, I quickly got used to the new work system and the new approach to performing my duties, for which I am, of course, very grateful to my colleagues, especially my colleagues from the panel in which I am assigned , with whom I 'clicked' not only professionally but also on a personal level.

What do you think is the most important value that the Supreme Administrative Court should protect?

Above all, the legality of decision-making processes carried out by public authorities in relation to natural and legal persons.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

Professionalism and a collegial approach.

What helps you relax from work and gain perspective?

First and foremost, sporting activities. I have been running for many years, mainly long distances, or various types of trail running. I also enjoy mountain hiking, cross-country skiing, travelling and discovering new countries, primarily in Northern Europe. In addition to physical activities, I enjoy literature and music, which have been my hobbies for many years.

What is your philosophy of life?

It may sound strange, but I don't have a motto that motivates me in any particular way.

Martin Tiso is a graduate of the Faculty of Law of TRUNI. He completed his university studies in 2011 and was awarded the title of Mgr. In 2012, he defended his doctoral thesis at the Department of Commercial Law of the same faculty and was awarded the title of JUDr. In 2017, he successfully passed the professional judicial examination.

From 2011 to 2015, he worked at the Regional Court in Trnava as a senior court clerk in the commercial and administrative chamber. Later, from 2016 to 31 July 2021, he worked at the administrative chamber of the Supreme Court as a judicial assistant in a panel originally specialising in the general and social agenda and, since 2018, exclusively in social affairs.

From 1 August 2021 until his appointment as a judge, he worked at the Supreme Administrative Court as a judicial assistant in a panel specialising in the general and social agenda.

prof. JUDr. Juraj Vačok, PhD. (*1983)

Judge of the Supreme Administrative Court since 20 July 2021 and Panel President since 15 December 2022

Why did you decide to pursue a career in administrative judiciary?

Before joining the court, I was involved in administrative judiciary as part of my academic work, and I also encountered it as a trainee solicitor. I considered applying for the position of judge at the Supreme Administrative Court to be a great professional challenge. Another challenge was participating in the establishment of a new court.

How would you like the Supreme Administrative Court to be perceived?

As a guarantor of legality and protection of the rights of administered entities in the performance of individual public administration activities.

What were your expectations when you joined the Supreme Administrative Court?

As part of my academic work, I worked closely with several judges from the administrative chamber of the Supreme Court. I had an idea of the work they did and knew it would not be easy. I think the new court got off to a relatively quick start. We certainly make mistakes, but I think we all give our work our best effort.

What do you think is the most important value that the Supreme Administrative Court should protect?

I consider legality to be that value.

What attributes do you value most in your colleagues – the judges of the Supreme Administrative Court?

I greatly respect the entire team of judges. I particularly appreciate their meticulousness, attention to detail, willingness to discuss issues and high level of professionalism.

What helps you relax from work and gain perspective?

My family, cycling and playing in musical orchestras.

What is your philosophy of life?

The greatness of things does not come from the touch of fate, but from the daily fulfilment of duties (Cirkus Humberto).

Juraj Vačok graduated from the Faculty of Law of UK, where he has been working at the Department of Administrative and Environmental Law since completing his postgraduate studies. First as a researcher, from 2012 as an assistant professor, from 2015 as an associate professor, and since 2021 as a professor. His research focuses primarily on administrative proceedings and administrative judiciary.

From 2006 to 2021, he was a trainee lawyer, passing his bar exam with honours in 2010. In the past, he also served as a member of appeals committees and a member of the State Commission for Elections and Oversight of Political Party Financing. From 2018 to 2021, he was a candidate for membership of the selection committee for the selection of judges appointed by the Minister of Justice.

JUDr. Monika Valašiková, PhD., LL.M.

Judge and Panel President of the Supreme Administrative Court since 1 August 2021

What is 'your' topic within administrative judiciary?

I like administrative judiciary as a whole; in my opinion, it is a truly beautiful and broad branch of law, but I am most inclined towards administrative penalties.

What challenges have you encountered at the Supreme Administrative Court?

The challenge for me is my work as a whole. Every case is different, opening up opportunities for development, education, reflection, and connecting knowledge and practice.

If you had to describe your work at the Supreme Administrative Court in one sentence, what would it be?

Demanding and responsible.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

The answer to this question is provided by the Constitution and the laws.

If you were to recommend to a 'fresh' judge why they should apply for a job at the Supreme Administrative Court, what would you say to them?

The answer would be the same as for the second question. It is a branch of law which, given the broad scope of novice judges, will really teach them to navigate the world of law.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding job?

I don't feel that I have lost my balance. I have been working in the judiciary for 36 years, so I am used to having a lot of work. I think it's about your personal approach and ttitude to work, but above all, it's necessary to have a system at work and to continuously fulfil your duties.

Monika Valašiková graduated from the Faculty of Law of UK in 1989 and was awarded the title of JUDr. In 1991, she passed the state arbitration exam. From 2006 to 2010, she completed her doctoral studies at the Faculty of Law of UK and was awarded the scientific and pedagogical title of PhD.

From 1989, she worked as a trainee at the State Arbitration Court for the capital of the Slovak Republic, Bratislava, and later, after passing the arbitration exam, as a state arbitrator. In 1992, she joined the Regional Court in Bratislava as a judge, and from 2007 she served as president of the administrative section of the court. Between 2017 and 2021, she worked at the Supreme Court, first as a judge of the administrative chamber and, since 2016, as panel president.

Monika Valašiková was a member of the Judicial Council of the Supreme Court from 2020 to 2021. From 2021 to 2024, she was a member of the Judicial Council of the Supreme Administrative Court.

JUDr. Juraj Vališ, LL.M. (*1978)

Judge of the Supreme Administrative Court since 20 July 2021 and Panel President since 15 December 2022, Vice-President of the Judicial Council of the Supreme Administrative Court

What has your career path been like?

My professional career before being appointed judge of the Supreme Administrative Court began at one of the so-called 'big four' auditing and consulting companies, where I worked while still a university student and then as a tax advisor assistant. I continued as a trainee solicitor and head of the legal and compliance department of a securities trader. I am glad that as a judge I can pass on my professional experience and knowledge for the benefit of the Slovak administrative judiciary. What is 'your' topic within administrative judiciary?

What is 'your' topic within administrative judiciary?

Since the beginning of my career, I have been attracted to the combination of law, information technology and economics. I enjoy dealing with issues of financial and tax law, securities and cryptocurrencies. Therefore, my area of expertise is taxes and tax administration.

What challenges have you encountered at the Supreme Administrative Court?

Given my long experience in consulting and advocacy, the biggest challenge for me was the shift from thinking like a lawyer who finds arguments to support the correctness of a client's actions to thinking like a judge who deals with specific claims and complaints and carefully considers the arguments presented by the parties and the consequences of his decisions on the uniformity of the interpretation of the law.

If you had to describe your work at the Supreme Administrative Court in one sentence, what would it be?

It is intellectually enriching and demanding work, in which there is no room for routine given the scope of administrative law.

What is the role of the Supreme Administrative Court within the Slovak judiciary?

As the highest judicial authority in the field of administrative judiciary, the Supreme Administrative Court should ensure not only the protection of the subjective rights of the parties in individual cases, but above all the uniformity of interpretation of administrative law. Its role as a disciplinary court is also significant.

The Supreme Administrative Court has inherited a huge number of files and the workload is enormous. What helps you personally to find balance in this demanding job?

In my free time, I like to relax with a good book. I am interested in information technology, so in my free time I follow developments in this field, such as artificial intelligence.

Juraj Vališ is a graduate of the Faculty of Law of UMB. He completed postgraduate studies in international taxation at the Institute for Austrian and International Tax Law at the Vienna University of Economics and Business.

From the beginning of his career, he focused on tax and financial law, working as a tax advisor assistant at an international consulting company and as a trainee lawyer at a law firm. He served as head of the legal and compliance department of a securities trader. In 2006, he passed the tax advisory exam and in 2008 he passed the bar exam. From 2008 to July 2021, he was a lawyer and tax advisor in his own law practice focused on providing legal services in financial, commercial and tax law.

Juraj Vališ teaches at the Faculty of Economic Informatics at the University of Economics in Bratislava and at the Faculty of Law of UK, where he leads professional seminars in taxation. He also teaches at the Judicial Academy and the Slovak Chamber of Tax Advisors.

Judges Emeritus of the Supreme Administrative Court

JUDr. Zdenka Reisenauerová (*1957)

JUDr. Zdenka Reisenauerová served as a judge and Panel President of the Supreme Administrative Court from 1 August 2021.

Zdenka Reisenauerová graduated from the Faculty of Law of UK in Bratislava in 1976–1980, where she passed her doctoral examination in 1982, following which she was awarded the title of JUDr.

From 1980 to 1984, she worked as a trainee judge at the Regional Court in Bratislava, and later, from 1984 to 1988, as a judge at the District Court Bratislava – vidiek in the civil law section in the position of panel president. From 1989 to 1994, she was a panel president of the District Court Bratislava IV in the civil law section. From 1994, she worked at the Regional Court in Bratislava and, from 1997, at the Regional Court in Trnava in the administrative judiciary section and, at the same time, in the civil law section. In 2006, she moved to the Supreme Court for an internship, where she worked as a judge from 2007 and as president of the administrative chamber from 2009 to 2021.

She passed on the expertise she gained during her judicial practice as an external lecturer at the Faculty of Law of UK in Bratislava in substantive and procedural civil law and administrative judiciary from 1995 to 2007. She lectured as an external lecturer for the Judicial Academy from 1997 to 2006. In 2005, she lectured several times at the University of Žilina for court experts. In 2006, she also lectured as an external lecturer in social law and administrative judiciary at the Slovak Psychotherapy Institute in Modra. From 2002 to 2004, she lectured on administrative law and administrative judiciary as an external lecturer for the Institute of Education at the Ministry of Interior of the Slovak Republic.

JUDr. Zuzana Mališová (1964 – 2024)

JUDr. Zuzana Mališová served as a judge of the Supreme Administrative Court from 1 August 2021 and as Panel President from 10 December 2021.

Zuzana Mališová graduated from the Faculty of Law of UK in 1987, when she was also awarded the title of JUDr. Before entering the judiciary, she worked from 1989 to 1991 at Czechoslovak Radio Bratislava, the Bratislava I District National Committee and the Czechoslovak Press Agency.

From 1991 to 1994, she worked as a trainee judge at the Municipal Court in Bratislava, and later, from 1994 to 2014, as a judge at the District Court Bratislava I. From 2015 to 2020, she was a judge at the Regional Court in Bratislava. From 2020 to 2021, she worked at the Administrative Chamber of the Supreme Court, first as a temporary judge and then as a judge.

During her judicial career, Zuzana Mališová participated in numerous training sessions and courses organised by the Judicial Academy.

Judge Zuzana Mališová will remain in my memory as a humane, hard-working and empathetic colleague until the very end of her life. As a woman who came to terms with her illness, which prevented her from continuing to live according to her ideas and expectations. As a humble human being who was able to bear her fate until the last breath of her life. As a sincere, warm-hearted and kind colleague (Pavol Naď, President of the Supreme Administrative Court).

Zuzka Mališová was an excellent judge and a wise and kind person. It was always pleasant to be with her and talk to her. Her humanity and positive energy remain with us (Vice-President of the Supreme Administrative Court Marián Trenčan).

Interview with Judge Emeritus of the Supreme Administrative Court Zdenka Reisenauerová

You served as Panel President at the Supreme Court for several years and are still active in administrative judiciary. What attracted you to administrative judiciary?

This is a very complex question because when I joined the Regional Court in Bratislava in 1994, administrative judiciary was just getting started. It was not known to either the professional or lay public. As I joined as a young judge and the administrative chambers were not fully staffed, it was only natural that I was assigned there. Then, as now, it was not easy to move from one panel to another or from one department to another. Even then, the work of the panels at each regional court was divided into committees (civil, (commercial, criminal and administrative). Until then, I had always worked in the civil section, and the presidency at the time felt that civil law and civil cases were closest to administrative law, so – with my consent, of course – I was transferred to the administrative chamber.

From the very beginning, when I started to familiarise myself with the administrative judiciary agenda, I have not regretted this decision, because the administrative judiciary is a specific department in terms of its work and judicial review of the legality of decisions made by administrative authorities.

Law students at universities often have a healthy respect for the subject of administrative law. What would you say to them?

When I studied law at the University of Bratislava, administrative law was also a source of fear. Perhaps it is a mistake in the teaching approach that practice was not linked to theory. It is very difficult to learn such a large amount of material from substantive and procedural law when students do not have the opportunity to become more familiar with it in practical application. When I was a judge at the Supreme Court, there was a link between the Department of Administrative Law and the Administrative Chamber of the Supreme Court thanks to Professor Juraj Vačok. Students were assigned a tutor with whom they could work, and they were bound by confidentiality, which allowed them to look into court files and thus get closer to the agenda of administrative judiciary.

I also had a problem with administrative law at university, and I think it was Professor Michal Gašpar who said to me: *Dear colleague, I will give you a C, but you must promise me that you will never work in administrative law.* (laughter)

I managed to get a better grade on my state exam, but I was convinced that I would definitely not work in administrative law. And that is precisely the law of the opposite of fate. When I entered the legal profession in the 1980s, there were more lawyers than there were vacant legal positions. I was threatened with joining the national committee, which I was extremely afraid of because of administrative law. I was lucky enough to get a job at the court as a judicial trainee, and I was able to continue in this job until I retired.

> *Administrative judiciary has its charm, among other things, because it has an extremely broad scope. Not only must a judge be familiar with the procedural rules of the individual sections of administrative proceedings based on the Administrative Court Rules, but they must also be familiar with the differences in procedural rules in a given area, such as construction.*

Administrative judiciary, although very broad, is very interesting, and those who work in it gain a very broad perspective. This can be dangerous if many cases overlap. It is therefore important for judges to 'clear their memory' of previous judgements so that the amount of information they have acquired does not lead to chaos.

I therefore recommend that every student devote themselves fully to this subject and take the opportunity to attend court hearings or arrange an internship with administrative authorities, where they can gain an insight into the practicalities of working with administrative law. It is only through practical experience that students can gain a real idea of what working in public administration is like, and this can then lead to the formation of a relationship with the field of administrative law. Of course, some students will find this interesting and others will not.

What period during your time in the judiciary do you remember most fondly?

The work of a judge, although demanding, is definitely the most beautiful legal profession. Like everyone else, I have gone through periods of failure and periods of recovery. The most beautiful period was during my time at the District Court in Bratislava-vidiek. At that time, we were all 30 years old, we were an excellent team, and we were all in the same position. I have never encountered such collegiality at higher levels of the judiciary.

At that time, it was a medium-sized court with amazing cooperation, where legal opinions on individual cases were exchanged. There were not as many cases at that time as there are today. In the civil division, we knew almost all of each other's cases and were able to discuss them without any prejudice. It was a really nice and productive period.

Following on from the previous question, did you also have a critical period during your career?

I didn't have a particularly critical period. A more difficult period came in the 1990s, when many judges left the judiciary to go into private practice. For the remaining judges, this meant an unbearable workload. I always found support in my family and was fortunate in life that I never had to fight on both fronts at once.

I knew one minister who wanted to get deeply involved in the justice system, even though he had never worked in it before. He came up with the idea that courts should also hold hearings on Saturdays and Sundays. Among other things, he claimed that as judges, we must learn to erase our memories. I think this comes naturally. If you have 300 cases assigned to you and you have to decide on a certain number of them each month, then in order to get into new issues and study new cases the following month, it is definitely necessary to forget what came before. At the beginning of my career, I was able to remember in detail a case I had already decided, even a year later. However, gradually, in order to protect my subconscious, I began to erase things that had already been decided. A judge who learns this suddenly has a clear memory and can focus on new things.

What advice would you give to judges starting out in administrative judiciary at the newly established administrative courts?

I would advise them to do honour to their office and their profession. To find out their strengths and weaknesses and consider whether they can perceive this work as a profession with a mission to perform their work honestly, conscientiously and, on that basis, to decide fairly and lawfully. I would also advise them not to be discouraged by the failures they encounter, nor by various slanders and accusations, or even uncritical assessments by the media.

> *The beauty of this profession is that judges can perform their work truly freely and independently. This is not just a phrase, and when a judge truly embraces this and takes it deep into their subconscious, they will realise that this work is wonderful in that respect.*

If a judge studies a case from both a substantive and procedural point of view and forms a certain legal opinion about it, and also conducts an investigation to establish a conclusion on the basis of which he or she will decide, he or she can decide truly independently and freely. Of course, judges are bound by the judgements of the Constitutional Court and the Supreme Court, and they should definitely respect them. As I have also written in my judgements, judges cannot view existing case law as absolute. Existing case law should be an aid to judges in forming their legal opinion and reaching a conclusion on a judgement in a specific case. However, the judgement of the Constitutional Court and the Supreme Court only becomes binding on a judge when his or her judgement in a particular case is overturned by the Constitutional Court or the Supreme Court. In that case, he or she has no other choice and is bound by the legal opinion of the higher court.

I therefore advise novice judges in administrative courts not to be afraid to make judgements. Everyone has to start somewhere, and everyone has the right to make mistakes; only those who do nothing are infallible.

At any age and in any section of the court, a judge should not forget that he or she is human. And when working with the parties to the proceedings and the administrative and court files, he or she should not forget that he or she is deciding on people's fates. He or she should treat each party and the case itself humanely.

How would you like the Supreme Administrative Court to be perceived by both the professional and lay public?

I believe that every judge of this Court and every employee of its Chancellery would like the Supreme Administrative Court to be perceived only positively, both nationally and internationally.

This can only be achieved if the Supreme Administrative Court decides fairly and lawfully. For every judge or lawyer with adjudication powers, Articles 1 and 46 of the Constitution should be the be-all and end-all. If we want to remain a state governed by the rule of law, we must base our judgements on the material truth in order to establish the facts that are decisive for the judgement in the case. This must be the basis for a judgement with material justice. If we proceed from the fact that the duty of administrative courts is to review the legality of judgements and procedures of administrative authorities, then for judges of the Supreme Administrative Court, this legality is perhaps even more important than for other courts and judges.

What do you consider to be the most crucial moments in the development of administrative judiciary in the Slovak Republic?

The amendment to the Civil Procedure Code, which enshrined administrative judiciary in its fifth part, is the first significant milestone in the establishment of administrative judiciary, influencing its further development for many years to come. An important moment was the adoption of the Administrative Judicial Code in 2015, which, although it incorporated some parts of the Civil Judicial Code in terms of content – naturally responding to social and legal developments in the field of administrative judiciary – which were taken into account in it, it laid the foundations for the further development of administrative judiciary on the basis of its own legislation. The Administrative Court Procedure Code has its limitations and will certainly be subject to amendments in the future.

Another important development is the creation of separate administrative courts and a supreme administrative court, because separating administrative judiciary from the general courts is important, above all, for separating the perception of the courts' activities by both professionals and the lay public. Unfortunately, despite the fact that administrative judiciary has existed for more than 30 years, the public had no idea what the role of administrative courts was. And, sadly, neither did the judges when dealing with various cases. Many citizens have no idea how such an administrative action should be written, so they wrote it as best they could. When the action was delivered to the district court, colleagues who did not work with administrative judiciary had no idea what the plaintiff was requesting and where the case should be referred.

The legal regulation is the same in that if a natural or legal person exercises their rights, the time limit is preserved even if they file an administrative action with the wrong court. However, when an action was brought for judicial review of a decision by a public authority and it reached the administrative regional court after three years, the judicial review often lost its purpose because, with the passage of time, the protection of the claimant's subjective rights could no longer be realistically fulfilled.

How do you see the introduction of the two-instance system of administrative judiciary in 2004?

When administrative judiciary was launched in 1992, there was a single-tier system of judicial review, but it was stratified in such a way that regional courts, as courts of first and last instance, mainly decided cases in the areas of cadastral, land and construction law. Financial matters were decided by the Supreme Court as the court of first and final instance. In 2004, the legislature allowed all financial matters to be transferred from the Supreme Court on the grounds that judicial proceedings are always two-tiered. Only judicial review of decisions by public authorities was single-instance and final, which allegedly did not comply with Article 46 of the Constitution, i.e. that everyone has access to the courts.

However, I never fully agreed with this, because judicial review is actually the third stage of reviewing a decision or procedure of a public authority in a specific case.

When the Administrative Court Procedure Code was adopted, it was based on two-instance adjudication before the administrative authority and reintroduced the principle that the judgement of the (administrative) regional court is final, but that a certain review is possible on the basis of a cassation complaint. The Supreme Court, and today the Supreme Administrative Court, whether on the basis of an appeal or a cassation complaint, is almost equally burdened with cassation complaints, whereas a cassation complaint was supposed to be perceived as an extraordinary remedy, similar to what an appeal used to be. In reality, however, it replaces the second level of judicial review of the legality of decisions or procedures of public authorities.

How do you see the introduction of the institution of constitutional complaints and its impact on administrative judiciary?

Any party to proceedings who is dissatisfied with the judgement of any court has the right to lodge a constitutional complaint if they believe that their fundamental rights and freedoms have been violated, including in relation to adjudication in administrative judiciary. It should be noted that the Constitutional Court is not a continuation of the activities of general and administrative courts,

but an independent institution whose purpose is to intervene in the adjudication of courts when a judgement has violated the constitutional rights of the complainant. It is, of course, up to the complainant, or rather the legal skills of their lawyer, to justify the constitutional complaint in such a way as to achieve success.

There has been a flood of constitutional complaints recently. Every dissatisfied party to the proceedings files a constitutional complaint against the judgement of the local court, justifying it by saying that, in their opinion, the Supreme Administrative Court decided on the basis of an incorrect legal assessment of the case, that its judgement is arbitrary and unconstitutional, and that it violated fundamental human rights.

However, if we look at the judgements of the Constitutional Court, which most often rejects constitutional complaints concerning our judgements, it should be noted that it only actually overturns them if the Supreme Administrative Court has deviated from substantive law or violated the procedural rights of the parties to the proceedings in a constitutionally untenable manner.

The judgements of the Constitutional Court in relation to our court fill me with inner satisfaction that the Constitutional Court does not replace the activities of the Supreme Administrative Court or the general courts, but focuses on whether our judgements have violated the constitutional rights of the complainant. If we take into account the years of activity of the Supreme Administrative Court, the number of judgements that have been overturned could probably be counted on the fingers of one hand.

Lay judges

The Disciplinary Panel of the Supreme Administrative Court, which decides on the disciplinary responsibility of several legal professions in the first instance, consists of the President of the Disciplinary Panel (who may only be a judge of the Supreme Administrative Court), two judges of the Disciplinary Panel (who may also only be judges of the Supreme Administrative Court) and two lay judges of the Disciplinary Panel.

The presidents and judges of disciplinary panels are appointed by the President of the Supreme Administrative Court from among the judges of that Court in a work schedule for a period of three years, after which the composition of disciplinary panels must be fundamentally changed. On the other hand, lay judges of disciplinary panels are selected on an *ad hoc* basis from the so-called database of lay judges, always upon registration of a disciplinary application and separately for each disciplinary application.

The legal regulation of the establishment of the position of lay judge of the Disciplinary Panel, the conditions for election to the position, the termination of the position, the length of the term of office, the databases of lay judges and other important aspects related to the status of lay judges are contained in the Disciplinary Court Code.

The Disciplinary Court Code explicitly stipulates that, in addition to the President of the Disciplinary Panel and the judges of the Disciplinary Panel, a lay judge selected for the Disciplinary Panel in accordance with this Act is also a lawful judge for the purposes of disciplinary proceedings.

The principle applies that two lay judges from the Disciplinary Panel are always of the same profession as the person subject to disciplinary proceedings, with the exception of disciplinary cases concerning judges, where the members of the panel are three judges of the Supreme Administrative Court and the lay judges are law professionals from another sphere, such as lawyers or academics.

This arrangement is intended to ensure the necessary degree of transparency of the proceedings and the legitimacy of the members of the Disciplinary Panel.

Associate judges are selected from databases of lay judges, and for the purposes of forming disciplinary panels, databases of lay judges are created from among

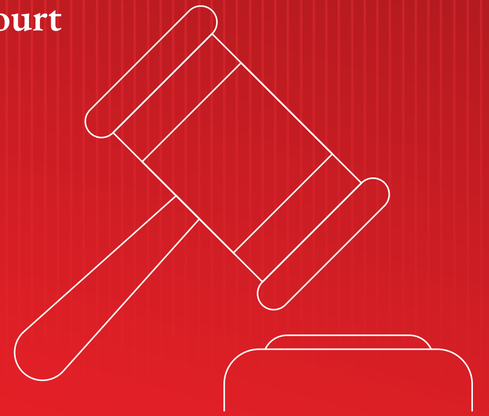
- prosecutors elected by the Council of Prosecutors of the Slovak Republic,
- bailiffs elected by the Presidium of the Slovak Chamber of Bailiffs,
- notaries elected by the Presidium of the Chamber of Notaries,
- other persons elected by the Judicial Council.

The term of office of a lay judge is three years and begins on the date of his election to the relevant database of lay judges.

The total number of lay judges as of 31 December 2025 is 94, including those (7) whose term of office has already expired but who, in accordance with Section 10(6) DCC, are still lay judges due to the need to complete the case.

Under the Act, each database must contain at least 15 lay judges. If the database does not contain the required number of lay judges, the President of the Supreme Administrative Court shall immediately request the relevant authority to hold a supplementary election.

Adjudication of the Supreme Administrative Court



Adjudication of the Supreme Administrative Court

Financial agenda

When it was established in August 2021, the Supreme Administrative Court assumed the extensive agenda of financial cases from the Administrative Chamber of the Supreme Court, which enabled it to continue its previous adjudication. Financial cases account for approximately one-third of the Court's agenda, with tax disputes related to the denial of entitlement to deduct value-added tax constituting the largest part.

Through its judgements in financial cases, the Court has already contributed to the observance of the procedural rights of tax entities. The Court's adjudication on the notification of the tax administrator's doubts is particularly noteworthy, as it allows tax administrators to collect evidence effectively at the stage of the tax audit (Judgement Case No. 1Sžfk/10/2020 of 24 February 2022, 18/2022 CSAC).

Significant progress has been made in the creation and unification of case law related to value-added tax. Court judgements have enforced the requirement to clearly specify the reason why a taxpayer is not entitled to deduct tax in order to avoid any unacceptable mixing of these reasons (Judgement Case No. 2Sfk/68/2022 of 30 March 2023).

As a result of the application of the judgements of the CJEU, progress has been made in harmonising the interpretation of the conditions for exercising the right to deduct value-added tax, resulting in the Slovak Financial Administration shifting its focus from assessing the fulfilment of substantive conditions for tax deduction to proving the involvement of tax entities in value-added tax fraud (e.g. Judgement Case No. 2Sžfk/31/2019 of 31 January 2022, 17/2022 CSAC and Judgement Case No. 3Sžfk/15/2020 of 30 June 30 2022, 23/2022 CSAC).

The creation of new adjudication related to the assessment of the involvement of tax entities in value-added tax fraud in the financial agenda is one of the successes of the Court in financial cases. In an effort to introduce the professional public to this issue, the Court, in cooperation with the Supreme Court, organised a professional event entitled *Interdisciplinary Perspectives on Tax Fraud*, held on 24 October 2023.

The Grand Panel of the Court plays an invaluable role in unifying case law for financial cases, deciding mainly on issues related to the fiction of delivery (Judgement Case No. 19SVs/3/2023 of 4 December 2023), to assessing the appropriateness of suspending tax proceedings as a result of international exchange of information (Judgement Case No. 19SVs/4/2023 of 27 March 2024) and to refunding income tax overpayments (Judgement Case No. 19SVs/2/2024 of 26 March 2025).

In interpreting EU law in financial cases, the Court referred two requests for preliminary proceedings to the CJEU, namely in case C 151/23 ZSE Elektrárne, s.r.o. (Ruling Case No. 1Sžfk/4/2021 of 30 January 2023) and in case C 201/24 A.En. Slovensko s.r.o. (Ruling Case No. 5Sžfk/10/2021 of 29 February 2024).

What challenges await the Court in the future? It will be necessary to continue to unify case law and consistently apply the judgements of the CJEU. Another challenge will be the new issue of transfer pricing and the fight against aggressive tax planning related to international taxation in cases currently being reviewed by administrative courts.

JUDr. Juraj Vališ, PhD., Panel President of the Supreme Administrative Court

Asylum and immigration agenda

The dilemmas faced by asylum judges balance between strict laws and compassion for the tragic fate of refugees, between deciding individual cases and considering the general consequences. As Pavel Holländer writes: *However much asylum decisions must be linked to a clear legal understanding of their purpose and the integration potential of the country, ultimately the judge is left alone in the face of the need to make a decision.*

For almost five years, judges serving on panels specialising in the asylum and immigration agenda at the Supreme Administrative Court have been trying to find a way out of this judicial dilemma – offering a perspective representing *ratio*, a perspective that includes the key parameters for adjudication of asylum issues contained in laws, international treaties and EU legal acts, while at the same time attempting to appeal to humanity, compassion and empathy in their judgements.

Whether we succeed in balancing *ratio* and *ethos* can be judged from the selection of judgements published in the Collection of Opinions and Judgements of the Supreme Administrative Court. They allow readers to follow interpretative trends in asylum and immigration case law, which are already firmly anchored in the first collection.

A. Judgements of the Supreme Administrative Court from the Collection of Opinions and Judgements of the Supreme Administrative Court No. 1/2022: administrative expulsion and revocation of residence permit

In its judgement published under No. 6/2022 CSAC (Judgement Case No. 10Žak/14/2020 of 29 September 2021), the Supreme Administrative Court emphasised that although the burden of proof lies with the administrative authority, the foreigner must actively provide information about possible obstacles to expulsion. At the same time, the administrative authority has a duty to verify whether the return of the foreigner would endanger his or her life or freedom.

In its judgement published under No. 7/2022 CSAC (Judgement Case No. 10Žak/ 3/2021 of 28 October 2021), the Supreme Administrative Court clarified, in its interpretation of the provisions of the Act on the Residence of Foreigners, when the administrative authority may revoke a residence permit – only if it has clear evidence that the foreigner obtained the permit fraudulently (e.g. by providing false information). The judgement corrected the administrative authority's incorrect interpretation of the law and established clear rules for such cases.

B. Judgements of the Supreme Administrative Court from the Collection of Opinions and Judgements of the Supreme Administrative Court No. 3/2022: refusal of military service – different reasons, different legal conclusions

In its judgement published under No. 31/2022 CSAC (Syria) (Judgement Case No. 2Sak/8/2022 of 27 June 2022), the Supreme Administrative Court ruled that concerns about military service due to the generally poor security situation and fear of conscription into the army are not sufficient grounds for granting asylum if the refusal is not based on religion, political views, ethnic origin or membership of a particular social group.

In its judgement published under No. 32/2022 CSAC (Turkey) (Judgement Case No. 2Sak/5/2021 of 31 January 2022), the Supreme Administrative Court acknowledged that if military service involved participation in repression against one's own ethnic group, the applicant could be persecuted on grounds of ethnicity. In such cases, the administrative authority must carefully assess

whether refusal to serve constitutes grounds for international protection.

These judgements show that the motivation for refusing military service is key when assessing asylum applications.

C. Judgements of the Supreme Administrative Court from the Collection of Opinions and Judgements of the Supreme Administrative Court No. 1/2023 concerning asylum: a particular social group, the right to a hearing, the prospect of persecution, information about the country of origin, subsidiary protection

In 2022, the Supreme Administrative Court dealt with several important legal issues in cases that also had a strong human dimension. These mainly concerned refugees from Afghanistan evacuated to Slovakia thanks to a well-known Afghan film director. After the Taliban took power in Kabul in 2021, she helped bring several endangered artists, teachers, and Afghan Film collaborators to safety. Their stories, involving resistance to Taliban ideology and the promotion of women's rights, later reached the Supreme Administrative Court and, together with judgements on detention, filled an entire collection (No. 1/2023).

- Asylum seeker – collaborator of a well-known Afghan film director

The Supreme Administrative Court, in its judgement published under No. 39/2023 CSAC (Judgement Case No. 2Sak/12/2022 of 26 October 2022), dealt with the case of an asylum seeker who arrived in Slovakia in August 2021 together with a well-known Afghan film director and other persons at risk after the Taliban took power. The applicant claimed that because of his collaboration with a well-known Afghan film director and his work in the film industry, he might be perceived by the Taliban as having undesirable imputed political views. He was not granted asylum, only subsidiary protection. The administrative court rejected his claim, but the Supreme Administrative Court reversed its judgement and remanded the case to the administrative authority for further proceedings.

The Supreme Administrative Court recognised that persecution may also arise from imputed political views – regardless of whether the applicant actually holds these views. This interpretation is in line with the case law and means that collaboration with a prominent figure of Afghan culture whose work fights for women's rights can be perceived as an imputed political view, i.e. a ground for asylum. Three key legal opinions have been published from the judgement, according to which:

(i) membership of a social group must be clearly defined;

(ii) the concept of a particular social group cannot be interpreted in an unlimitedly broad manner to include groups of persons who are not objectively linked by any characteristic, or, conversely, persons who are persecuted for other asylum reasons (such as religion or political views);

(iii) if the reason for persecution is political views, it should be assessed on that basis and not on the basis of membership of a particular social group

- Asylum seeker – Afghan teacher and unreliable reports about the country

The judgement published under No. 40/2023 CSAC (Judgement Case No. 2Sak/15/2022 of 28 November 2022) concerned an asylum seeker from Afghanistan seeking protection as a teacher whose profession had been made impossible by the Taliban. She was also the daughter of a soldier and the wife of an interpreter for the US Army. She argued that the Migration Office had based its decision on outdated reports about the country, pointing to an Amnesty International report on the deterioration of women's rights under Taliban rule. The Supreme Administrative Court agreed with her, overturned the decision not to grant asylum, and remanded the case for further proceedings.

Key legal opinions have been published from the judgement, emphasising that *information about the country of origin must be, to the greatest extent possible, (i) relevant, (ii) credible and balanced, (iii) up-to-date and verified from various sources, and (iv) transparent and traceable, i.e. indicating the source from which the administrative authority obtained its information.*

- Asylum seeker – actress from a film by a well-known Afghan film director

In its judgement published under No 41/2023 CSAC (Judgement Case No. 2Sak/16/2022 of 28 November 2022), the Supreme Administrative Court dealt with the case of an asylum-seeker from Afghanistan who had appeared in a film by a well-known Afghan film director. She was not granted asylum, only subsidiary protection. The administrative court rejected her claim. The applicant argued that she had not been heard in the presence of a Dari interpreter, although she had requested it, and that the court had wrongly concluded that she was not entitled to asylum simply because she had not been persecuted in the past. She succeeded in the Supreme Administrative Court.

The Supreme Administrative Court emphasised:

(i) the right to a hearing is crucial to a fair trial;

(ii) for asylum, the risk of future persecution, not necessarily past persecution, is assessed;

(iii) both the subjective fear and the objective circumstances must be thoroughly examined.

Key legal opinions have been published from the case, emphasising the importance of hearing the applicant and respecting the principle of equality of arms.

- Russian asylum seeker – subsidiary protection

The judgement published under No. 42/2023 CSAC (Judgement Case No. 2Sak/18/2022 of 31 January 2023) concerned the case of an asylum seeker from the Russian Federation who claimed that he was at risk of persecution because of videos he had filmed about the welfare of Russian railway employees. He initially stated that he had worked for various Russian opposition politicians. He also claimed that he feared violence as a result of the war in Ukraine.

Due to his contradictory and unreliable statements, he was granted neither asylum nor subsidiary protection. The administrative court rejected the claim. The Court of Cassation rejected the plaintiff's cassation complaint. The published key legal opinions emphasise that:

(i) for subsidiary protection, it is first necessary to assess whether there is an armed conflict in the country;

(ii) the absence of international or internal armed conflict in the country of origin precludes the assessment of other conditions within the meaning of the law (i.e. the existence of a serious and individual threat to life or physical integrity due to indiscriminate violence and its intensity)

D. Judgements of the Supreme Administrative Court from the Collection of Opinions and Judgements of the Supreme Administrative Court No. 1/2023 concerning detention

It follows from the judgement published under No. 43/2023 CSAC (Judgement Case No. 2Sak/5/2022 of 21 March 2022) – from the key legal opinion – that if the administrative authority extends detention in accordance with Section 88(4) of Act No. 404/2011 Coll. on the residence of foreigners and amending and supplementing certain acts on the basis of the foreigner's statement that he is not in danger in his country of origin and that he left for economic reasons, general statements about the poor security situation in the country are too vague to conclude that there are obstacles to departure that would call into question the purpose of detention or its extension.

It follows from the judgement published under No. 44/2023 CSAC (Judgement Case No. 2Sak/11/2022 of 28 September 2022) – from the key legal opinion – that if the complainant objects to the ineffectiveness of detention

for the purpose of administrative expulsion in accordance with Section 88(1)(b) of Act No. 404/2011 Coll. on the residence of foreigners and amending and supplementing certain acts, and claims that his expulsion to his country of origin is impracticable, it is his responsibility to provide evidence of the impracticability of the expulsion. If the administrative file does not reveal any reasons for the impracticability of expulsion and the complainant has not presented evidence of a threat to his life or freedom in his country of origin, his objection to the ineffectiveness of detention, especially after he has been expelled, is unfounded.

It follows from the judgement published under No. 45/2023 CSAC (Judgement Case No. 1Sak/12/2022 of 22 July 2022) – from the key legal opinion – that, given the incompatibility of Section 89(2) of Act No. 404/2011 Coll. on the residence of foreigners and amending and supplementing certain acts with EU law, this part of the legal regulation cannot be applied. Administrative authorities must always consider less severe measures under Section 89(1) of the Act on a case-by-case basis. Detention should be a last resort *(ultima ratio)*, not an automatic procedure. If it is not necessary and proportionate to the circumstances of the case, it constitutes arbitrary detention.

E. Judgement of the Supreme Administrative Court from the Collection of Opinions and Judgements of the Supreme Administrative Court No. 4/2023 concerning asylum: applicant from Morocco unsuccessful with the argument of 'refugee on the spot'

The judgement published under No. 61/2023 CSAC (Judgement Case No. 2Sak/1/2023 of 30 March 2023) concerned a Moroccan asylum seeker who feared persecution in his country of origin because he was under investigation in Ukraine on suspicion of having contacts with radical organisations. After the war, he left Ukraine and applied for asylum in Slovakia. He was not granted asylum or subsidiary protection, as the alleged risk was based on suspicion rather than persecution for exercising his rights and freedoms outside his country of origin.

The Supreme Administrative Court rejected the cassation appeal and clarified in its key legal opinion that a refugee *sur place* (refugee on the spot) is a person who becomes a refugee as a result of new circumstances in their home country during their absence. A foreigner finds themselves in this kind of situation if, outside their home country, they are exposed to the risk of persecution by state authorities upon their return, such as by exercising their fundamental rights and freedoms. However, if an asylum seeker does not prove that they have exposed themselves to this risk, they cannot be considered a refugee *sur place*.

F. Judgement of the Supreme Administrative Court from the Collection of Opinions and Judgements of the Supreme Administrative Court No. 1/2024 concerning asylum: minor asylum seeker

It follows from the judgement published under No. 67/2024 CSAC (Judgement Case No. 2Sak/5/2023 of 29 May 2023) that a minor asylum seeker has the right to be heard in accordance with the principle of the best interests of the child. The administrative authority is obliged to inform the minor of this right and provide them with objective information about the proceedings. Particular attention must be paid to interviews with unaccompanied minors, which must be conducted by a qualified person and adapted to the age and maturity of the child. If the minor is unable to provide relevant information, objective factors such as the situation in the country of origin or family ties must be taken into account, always with regard to the best interests of the child.

G. Judgement of the Supreme Administrative Court from the Collection of Opinions and Judgements of the Supreme Administrative Court No. 1/2025 concerning asylum: a particular social group

It follows from the judgement published under No. 96/2025 CSAC (Judgement Case No. 2Sak/4/2024 of 31 July 2024) – from the key legal opinion – that belonging to the social group of homosexuals fulfils the first prerequisite for asylum, but this is not sufficient for it to be granted; the condition of a well-founded fear of persecution on this ground must also be met. This fear must arise either from the applicant's personal experience or from the persecution of the group in question in the country. If the applicant fails to prove that both conditions are met, they cannot be considered persecuted on the grounds of membership of a particular social group.

A few words in conclusion

We judges should not forget that together we can contribute to creating a fairer and more inclusive legal framework for all those who, for various reasons, have decided to leave their homes and embark on a perilous journey to a safer environment, which we, fortunately, do have in Slovakia.

The British-Somali poet Warsan Shire writes in her poem Home: *No one leaves home unless home is the mouth of a shark, no one puts their children in a boat unless the water is safer than the land*.

If circumstances changed, anyone could be a refugee. You and I could be refugees.

JUDr. Elena Berthotyová, PhD., Panel President of the Supreme Administrative Court

Social agenda

The Supreme Administrative Court, as the primary court of cassation in its capacity as the court of last resort, decides disputes that essentially affect all areas of public life in which the state and the authorities it represents, in the form of external manifestations of executive power, influence the position of natural and legal persons, their rights, legally protected interests and obligations in their various forms.

These manifestations can be felt particularly strongly in relation to citizens seeking protection of their rights in areas where the state implements its social policy, trying to cover various social events (such as the birth of a child, reaching a certain age, poor health, loss of employment, death) which in principle affect every single citizen, regardless of whether they are of pre-productive, productive or post-productive age. For this reason, as well as due to the relatively enormous number of cases brought to the social register, it can be said with full seriousness that the social agenda forms the cornerstone of administrative judiciary. At the same time, it is a relatively special agenda, as evidenced (among other things) by the establishment of a special type of action in social matters in the Administrative Court Code and also by the related special procedural rules, such as the absence of mandatory legal representation, exemption from fees, 'unrestricted' grounds and scope of administrative actions and cassation complaints, etc.

In the social agenda, the most important group of disputes are those falling within the scope of the social security system, which in the Slovak Republic is based on three pillars, namely (i) the insurance system (a contribution system tied to the performance of economic activities enabling a natural person to be insured and thus to fulfil their obligations related to social security contributions if a social event occurs), (ii) the state social support system (the process of providing state benefits; not conditional on engagement in social insurance legal relationships or on the income of eligible persons) and (iii) the social assistance system

(based primarily on income, these are so-called means-tested benefits provided to those who, given their social and economic situation, are in real need of them).

More specifically, adjudication in the social agenda primarily concerns decisions on benefit matters (pension provision, including disputes with a foreign element with a primary emphasis on EU law), non-benefit matters of social insurance, social security for members of the armed forces, pension entitlements arising from civil service employment, special relationships of judges and prosecutors, health insurance, health care, state social benefits (parental benefit, childbirth benefit and others), social assistance (material need), employment services, unemployment or insolvency insurance, social services, family support, compensation under rehabilitation laws, and others. Equally important in this regard, also with regard to the human factor in light of understanding and respecting human nature, is judicial review of decisions in areas where the Offices of Labour, Social Affairs and Family are the competent authority deciding on cash benefits compensating for the social consequences of severe disability related to mobility and orientation, communication, increased expenses incurred in connection with severe disability and self-care. These are relatively sensitive proceedings affecting the status of persons with severe disabilities and fundamentally influencing their way of life, quality of life and opportunities for participation in various social relationships, including with their family members.

It can be concluded that disputes falling within the scope of social law cover a wide range of cases which, in essence, affect each of us in terms of their scope and significance. Regardless of whether these are decisions of the Social Insurance Agency related to pension benefits and other benefits provided to natural persons, of the relevant social security departments in matters of employment or of the Offices of Labour, Social Affairs and Family and other public authorities exercising powers related to social affairs defined by special legal regulations, it is always necessary to bear in mind that at the end of each such (adjudication) process is a citizen for whom, and for whose loved ones, such a decision may have serious consequences that fundamentally affect their way of life and quality of life. This fact also highlights the fundamental role of the administrative judiciary and, in particular, the Supreme Administrative Court as the court that reviews individual decision-making processes across the entire public administration and ensures the unity and legality of adjudication in the administrative judiciary.

The fundamental role of the Supreme Administrative Court is illustrated and highlighted by the conclusions of the Supreme Administrative Court's Judgement No. 6Ssk/21/2021 of 12 January 2023.

According to this judgement, the competent Office of Labour, Social Affairs and Family did not grant the plaintiff's application and did not award her a cash benefit for caring for a natural person.

The reason given was that caregiving must be provided exclusively in person, on a daily basis and throughout the day. The caregiver must be available to the person being cared for during the day, precisely when they need it. According to the labour office, this condition was not met, as it was proven that the plaintiff had concluded a fixed-term employment agreement on 24 May 2020 (from 25 May 2020 to 31 December 2020) to work as a waitress (serving lunch), with an agreed working time of up to 10 hours per week, according to the employer's needs. The defendant's administrative file also contained a confirmation from the plaintiff's employer dated 16 October 2020, stating that the plaintiff's working hours were flexible, up to two hours per day, and that the plaintiff had the option of leaving the place of work as needed. The relevant confirmation also showed that the plaintiff worked 21 days in August 2020, Monday to Friday from 11:00 to 12:00, and 20 days in September 2020, Monday to Friday from 11:00 to 12:00. It was also undisputed that the plaintiff's commute to and from work took a maximum of three minutes by car (court note: verifiable based on publicly available sources), and during the plaintiff's absence, the plaintiff's mother or sister cared for the natural person with a severe disability.

The Central Office of Labour, Social Affairs and Family, as the appellate administrative authority, rejected the plaintiff's appeal and upheld the first-instance administrative decision of the labour office.

The issue at stake in this case was whether the plaintiff's employment prevented her from fulfilling the purpose and scope of caring for a person with a severe disability, which is one of the conditions for granting a cash benefit for care.

After reviewing the case, the Supreme Administrative Court concluded that the administrative authorities had not acted correctly in refusing to grant the applicant a cash benefit for care solely on the grounds that the employment performed by the applicant (the court notes that this was so to a marginal extent) was contrary to the purpose and scope of caring for a person with a severe disability.

In this regard, the Supreme Administrative Court emphasised that the decisive factor is whether the employment is consistent with the purpose and scope of caring for a person with a severe disability, as provided for in Section 40(13) of Act No. 447/2008 Coll. on cash benefits to compensate for severe disabilities and amending and supplementing certain acts. For this purpose, it is desirable for the competent labour office to assess the caregiver's employment strictly on an individual basis, taking into account the circumstances of the specific case and the situation of the caregiver and the person being cared for, with the assessment criteria including the nature and character of the specific employment, whether the caregiver has a permanent employment contract or a part-time employment contract, fixed working hours or flexible working hours, or whether they perform work on the basis of one of the agreements on work performed outside of an employment relationship (agreement on the performance of work, agreement on work and agreement on student work). These criteria may also include the distance from the employer or from the place of work (provided that the employer's registered office and the place of work are different). Working from home is therefore not the only and exclusive way to suitably combine employment with caregiving.

It also pointed out that the cash benefit for caregiving is a social benefit that cannot be considered income replacement. Furthermore, the granting of this type of cash benefit is limited in such a way that the monthly income from this employment cannot exceed twice the minimum subsistence level for one adult natural person as established by a special regulation [Section 2(a) of Act No. 601/ 2003 Coll. on the minimum subsistence level and amending and supplementing certain acts], which is why it can be appreciated that the plaintiff made an effort to increase her income in a form other than the possible and exclusive receipt of a cash benefit for caregiving, in addition to caregiving. As for the defendant's reference to the fact that the health condition of the natural person being cared for required permanent, 24-hour, i.e. continuous care, nursing and supervision by another person, i.e. the caregiver must be available to the person being cared for whenever they need it, the Supreme Administrative Court emphasised that requiring 24-hour care for a person with a severe disability exclusively from the caregiver is not objectively possible and within human capabilities. Full-time care for the person being cared for cannot mean giving up any personal life for the caregiver, nor can it mean a time limit for caregiving that exceeds the daily tolerable level of caregiving. It must be taken into account that the equivalent of caregiving is a caregiving benefit, not remuneration corresponding to the time worked. At the same time, it stated that the natural person being cared for was properly cared for by the plaintiff's sister during the plaintiff's (short) absence, which was ultimately confirmed by the defendant itself.

In conclusion, the Supreme Administrative Court stated that the wording of the law cannot be interpreted in isolation, outside the meaning and purpose) of the law, or the objective of the legal regulation that the law pursues. Even the legislator itself, for understandable reasons, cannot respond in a relevant manner to all situations that are revealed and uncovered in their individual form by life itself. It is therefore the task of the court to assess, also in view of the circumstances of the specific case, whether the strict application of the legal norm or legal norms to a specific case is approaching the limit of excessive formalism and adherence to unconditional compliance with a legal norm that is distant from real life and its diverse forms.

We can also mention the Court's Judgement Case No. 7Ssk/61/2021 of 27 September 2023, which dealt with the plaintiff's claim for maternity benefits.

It was not disputed in the case that the plaintiff was in four employment relationships from 2017 until 23 October 2018 which entitled her to sickness insurance, and that she had submitted four applications for maternity benefits from sickness insurance arising from these employment relationships.

The Social Insurance Agency granted her entitlement to maternity benefits

from the total assessment bases as an employee in relation to two employment relationships in one decision, and decided that the applicant was not entitled to maternity benefits in relation to the other two.

The dispute concerned the interpretation of Section 58(1) of Act No. 461/2003 Coll. on social insurance, according to which entitlement to sickness benefits is assessed separately for each sickness insurance scheme, and therefore whether separate sickness insurance should be understood as insurance linked to each legal relationship as an employee or whether such parallel (simultaneously existing) legal relationships with all employers together only constitute one sickness insurance.

In this regard, the Supreme Administrative Court referred to the provision of Section 20(1) of Act No. 461/2003 Coll. on social insurance, according to which the compulsory sickness insurance of an employee referred to in Section 4(1) of this Act is established from the date of the establishment of the legal relationship giving rise to the right to income referred to in Section 3(1)(a), (2) and (3) and terminates on the date of termination of that legal relationship.

However, it concluded that the provision in question allows for two possible interpretations. According to one of these interpretations, health insurance is always established with the establishment of such a specific legal relationship, i.e., the relationship between one employee and one employer, mirroring this relationship and terminating at the moment this legal relationship ends. This interpretation was essentially also supported by the Social Insurance Agency, which pointed out that each such legal relationship (its establishment) gives rise to separate sickness insurance and that claims from each separate sickness insurance must be assessed separately in accordance with the above Section 58(1).

However, according to the Supreme Administrative Court, Section 20(1) also allows for a different interpretation, in which the terms legal relationship, its establishment and termination are not understood as the legal basis and manner of establishment of sickness insurance, but characterise the employee for the purposes of the establishment, duration and termination of sickness insurance. The cited provision can therefore also be interpreted to mean that an employee's sickness insurance is established on the day on which any legal relationship arises that establishes their status as an employee within the meaning of Section 4 of Act No. 461/2003 Coll. on social insurance. It then terminates on the day on which the legal relationship establishing this status terminates. In other words, the cited provision of Section 20(1) may also be interpreted as meaning that as long as a person is and remains an employee, their sickness insurance continues on the basis of this provision. However it is irrelevant for this purpose whether they are considered such employees based on the duration of a single legal relationship or on the basis of successive parallel or at least overlapping establishments and terminations of legal relationships during this period. According to this interpretation, what matters is whether this person remains an employee in at least one such legal relationship, and as long as they remain so, they are compulsorily insured for sickness.

Furthermore, the Supreme Administrative Court stated that tying compulsory sickness insurance to one specific legal relationship of employment leads to unequal treatment of certain persons only depending on whether they are in one such relationship or several such relationships, even though they may be in an identical situation in all other respects. Such a 'distribution' of sickness insurance may lead to a situation where two persons who perform work in a legal relationship of employment under completely identical conditions (working hours, earnings and other conditions) may find themselves in completely different situations simply because one of them performs all their work in a single legal relationship of employment, while the other performs it in several parallel relationships.

The Court agreed with the plaintiff that social reality must also be taken into account when interpreting the above legal norms. It is typical for this reality that more people than in the past are currently engaged in gainful activity in multiple employment relationships, and it is only thanks to this that they are able to secure a standard of living that others are able to secure within a single such relationship (low-paid jobs often performed by unskilled workers, such as various types of unskilled labour, where it is not even possible to be in employment or other employment relationship on the labour market for the usual 40-hour working week, it is only possible to be in several such relationships with shorter working hours). However, the social status and thus the protection of such employees does not differ in any way from that of employees who are in a single employment relationship. The only difference between an employee who earns their entire income from gainful activity in a single legal relationship and an employee who earns it in several legal relationships is the number of legal acts (contracts, agreements) establishing the individual relationships. However, from the perspective of the protective purpose of sickness insurance within the meaning of Section 2(a) of Act No. 461/2003 Coll. on social insurance, as amended, there is no difference between these employments.

The interpretation presented by the Supreme Administrative Court more consistently respects the principle of merit in sickness insurance. On the one hand, it ensures that in the case of several parallel legal relationships, none of their assessment bases will be disregarded simply because that relationship has ended in the meantime and only the other ones continue. On the other hand, it also ensures that the assessment bases of all such relationships will always be taken into account, even if it would be more advantageous for the employee to only take into account their current relationship and not their previous relationships. The merit of the sickness insurance system is not only the merit in favour of the insured person, i.e. their right to receive the highest possible benefits if it is advantageous for them. Merit is the principle according to which the benefit under the statutory benefit scheme should reflect as accurately as possible the insured person's assessment base in the relevant reference period.

The Supreme Administrative Court subsequently amended the judgement of the administrative court and overturned both decisions of the Social Insurance Agency, stating that the plaintiff's entitlement to maternity benefits would be reassessed in further proceedings on the basis that all her legal relationships as an employee constitute a single sickness insurance.

JUDr. Martin Tiso, Judge of the Supreme Administrative Court

Administrative penalties agenda

The adjudication practice of the Supreme Administrative Court related to administrative penalties largely followed the adjudication practice of the Administrative Chamber of the Supreme Court.

At the same time, given the initial period of its operation (2021), the Supreme Administrative Court also had to address relatively new aspects of administrative penalties, which were mainly related to the legal regulation of the COVID-19 pandemic, particularly in the context of administrative offences associated with it. The judgements in question are of particular importance in view of the constitutional perspective from which which these unlawful acts and the penalties for them were interpreted (e.g. Judgement Case No. 4Stk/5/2024 of 23 October 2024, Judgement Case No. 5Stk/10/2023 of 27 February 2024, Judgement Case No. 7Svk/16/2021 of 31 May 2023, Judgement Case No. 3Stk/4/2023 of 28 November 2024, Judgement Case No. 8Stk/2/2023 of 30 May 2024, Judgement Case No. 2Stk/7/2023 of 30 April 2024, Judgement Case No. 4Stk/23/2022 of 27 March 2024, Judgement Case No. 1Stk/15/2022 of 18 August 2023).

The Supreme Administrative Court has also clarified the applicability of certain legal rules in its adjudication related to administrative penalties. Here, for example, we can refer to the Court's conclusion that criminal law principles cannot be fully applied to administrative penalties *[The provisions of Section 195(c) and (d) ACC do not specify which principles of criminal proceedings and sentencing need to be taken into account in a particular area of administrative penalties when imposing a penalty. On the contrary, the wording 'which must be applied' implies that it is necessary to examine in each individual case which of these principles should be applied in a specific administrative proceeding, taking into account the purpose pursued by each principle* (Judgement Case

No. 5Asan/ 12/2020 of 25 May 2022, 25/2022 CSAC).], with which the Supreme Administrative Court confirmed the need to examine the relevance of individual criminal law principles to administrative penalties and, conversely, did not accept their blanket and unlimited implementation in punishing perpetrators of administrative offences.

One of the panels of the Supreme Administrative Court pointed out that administrative penalties are (among other things) typically characterised by the application of so-called administrative reasoning, as well as the fact that administrative penalties also involve the application of vague legal norms or the interpretation of vague legal terms. Based on this premise, it did not accept that any vagueness in a legal regulation should automatically mean that the subject cannot be punished for an administrative offence [for example, Judgement Case No. 5Stk/5/2022 of 27 April 2023: *With regard to the interpretation and application of Section 3(1)(c) of the Advertising Act, it is clear that the provision in question contains legal terms (nudity, offensive manner) which may understandably give rise to controversy as to their content or the manner or aspects from which they must be viewed. However, the mere fact that the legislation also contains vague legal terms (the presence of which is ultimately desirable due to the diversity or specific nature of the factual circumstances of the advertising cases reviewed) should not be confused with the ambiguity of the legal regulation, which should result in its interpretation in favour of the party to the proceedings. It should be noted that the interpretation of these terms takes place within a certain thought process in which the relevant public authorities exercise their powers – administrative reasoning. (...) At this point, the Court of Cassation also points out that it can be admitted that the decisions of public authorities in this regard may be upheld even if they do not contain an explicitly formulated justification of this issue (an exact definition of the term – the phrase 'depiction of nudity in an offensive manner'), but it is clear from the context of the entire justification why the inadmissibility of the advertisement in question reaches the required level of intensity, or, given the factual circumstances of the case, its offensive nature is quite obvious (...)*].

On the other hand, the Court compensated for the vagueness of the legal regulation with a judicial interpretation of certain legally relevant vague terms. In this context, reference can be made, for example, to the term 'deliberateness' for the purposes of the Act on Offences: *The term 'deliberateness' referred to in Section 49(1)(d) of Slovak National Council Act No. 372/1990 Coll. on offences is an undefined legal term which, precisely because of the possible consequences in the form of tort liability of a specific person, must always be interpreted restrictively. Deliberateness should be understood as conduct that grossly disrupts peaceful and proper coexistence, whereby the grossness of such conduct may consist, for example, in verbal aggression, physical aggression not reaching the intensity of minor bodily harm, or in causing other sufficiently serious consequences. Only grossly aggressive conduct (grossly aggressive behaviour) is punishable as an offence* (Judgement Case No. 1Asan/12/2019 of 30 September 2021, 12/2022 CSAC).

The judgement of the Supreme Administrative Court (Judgement Case No. 7Ssk/26/2023 of 26 June 26 2024) in the case of related administrative offences is also significant in terms of administrative penalties. The Supreme Administrative Court, accepting criminal law principles, ruled that even if a final judgement had been made on the tort liability of a certain entity (illegal employment), and another person had accepted work from this entity to be performed by an illegally employed person (as a domestic supply of work), this other person will be able to object in proceedings concerning their own administrative offense (acceptance of illegal work) to all facts relevant to the assessment of the tort liability of their service provider (even if a final judgement about this has already been made): *(...) the condition for conduct to qualify as accepting illegal work within the meaning of Section 7b(5)(b) of the cited Act is that the domestic supply of work is provided through a natural person whom the service provider employs illegally. In the opinion of the defendant and the administrative court, this condition was also fulfilled by the fact that Heisenberg was found guilty of illegal employment under Section 2(2)(c) of the cited Act, as evidenced by the final decision of the Trenčín Labour Inspectorate of 13 May 2021. On the contrary, since the plaintiff was not a party to the proceedings, it does not feel bound by this decision and, in its opinion, has the right to challenge the legal assessment or acquittal of the service provider. This matter has not been explicitly addressed in the practice of the Court of Cassation. (...) In the case under consideration, it is essential to assess whether the defendant could, as a preliminary question, assess the fulfilment of the condition of illegal employment of the service provider Heisenberg, or whether it was bound by this decision within the meaning of Section 40(1) of the Administrative Procedure Code. Since the administrative proceedings in this case are administrative penalty proceedings, one of the fundamental procedural principles of criminal proceedings, namely the assessment of preliminary questions within the meaning of Section 7 of the Criminal Code, must also be taken into account in these proceedings. In criminal proceedings, the rule applies that the criminal justice authorities and the court assess separately preliminary questions that arise in criminal proceedings. The resolution of a preliminary question is only relevant to the criminal proceedings in the case. A decision on a preliminary question cannot be applied to other types of proceedings. A preliminary question is a fact which is not itself the subject of criminal proceedings, but whose resolution is a prerequisite for proceedings and a judgement in the case itself. If another authority has already made a final decision on the preliminary question, the law enforcement authority and the court will only assess the question separately if it is about deciding whether the accused is guilty. In the case of the plaintiff, it is the resolution of the question of whether the service provider Heisenberg illegally employed third-country nationals, because this assessment is one of the elements of the facts of the case, i.e. the assessment of his 'guilt' (or liability in the case of an offense based on strict liability). The defendant is therefore not bound by a final decision imposing a penalty for another administrative offence of illegal employment within the meaning of Section 40(1) of the Administrative Procedure Code and will assess this issue itself, but only for the purposes of proceedings concerning another administrative offence committed by the plaintiff. The relevant legal provisions (88/2024 CSAC) read as follows: In proceedings to decide on an administrative offence under Section 7b(5)(b) of Act No. 82/2005 Coll. on illegal work and illegal employment and amending and supplementing certain acts, the administrative authority is not bound by a final decision imposing a penalty for another administrative offence of illegal employment for which the service provider is responsible, within the meaning of Section 40(1) of the Administrative Procedure Code, and shall assess this issue itself, but only for the purposes of proceedings concerning another administrative offence of the party to the proceedings. In proceedings concerning its 'own' other administrative offence, the party to proceedings will have the opportunity to object to all facts relevant to the assessment of the tort liability of its service provider. In this way, the party will be guaranteed the right to be heard (...), since it was not a participant in the proceedings concerning another administrative offence of illegal employment, but as a result of the existence of such a decision, it may be found guilty of its 'own' other administrative offence.*

Taking into account the legal standards arising from the Convention for the Protection of Human Rights and Fundamental Freedoms and the related ECHR adjudication practice, the Supreme Administrative Court has pointed out in its adjudication practice the need to protect the procedural rights of the accused, regardless of the stage of the proceedings or clarification at which the public authority act is carried out in relation to the subject, i.e. that the protection of his rights must be provided even as part of non-formalised offence proceedings *[(The right to refuse to testify (as part of the right of defence under Section 2(9) of the Criminal Code) forms part of the fundamental principles of criminal proceedings within the meaning of Section 195(c) ACC, which must be applied at least in those cases of administrative penalties which fulfil the elements of a criminal charge within the meaning of Article 6(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms. According to the case law of the ECHR, this right belongs to the accused from the moment when there is sufficient suspicion against him, regardless of whether the (administrative) criminal proceedings are at a formalised stage or not. When reviewing a decision of a public authority to impose a penalty, the administrative court must therefore – irrespective of the points of the action which it is not bound by in this*

respect (cf. Section 134(2) ACC) – review whether the plaintiff affected by the decision, commented (testified) in a situation in which he had the right to refuse to testify and whether he was informed of his right to refuse to testify. If the plaintiff had this right but was not duly informed of it, then the administrative court must review whether the information obtained by the public authority from such statement(s) constituted a decisive basis for imposing a penalty on the plaintiff or whether his liability is also safely established by other evidence taken by the public authority (Judgement Case No. 7Ssk/49/2021 of 31 May 2023, 74/2024 CSAS)].

The preliminary question referred by the Grand Panel of the Supreme Administrative Court (Ruling Case No. 1SVs/ 2/2022 of 16 August 2023 – in proceedings on a cassation complaint in Case No. 2Asan/1/2020) to the CJEU in the context of the Charter of Fundamental Rights of the EU. The question asked essentially (among other things) whether the court of cassation (deciding on an extraordinary remedy against a final judgement of the administrative court) may or should take into account changes (in favour of the perpetrator of an administrative offence) that occurred during the cassation proceedings. It has already been legally established that legal changes in favour of the perpetrator of an administrative offence must be taken into account in proceedings before an administrative court (after the final conclusion of administrative proceedings). However, the Supreme Administrative Court had to examine the relevance of changes in favour of the perpetrator at the stage of proceedings on extraordinary remedies in the judicial system, i.e. in cassation proceedings. The preliminary question answered by the CJEU on the basis of the Supreme Administrative Court's ruling then represents a significant breakthrough in the perception of cassation complaints in administrative penalty cases, in the sense that any changes in objective law (in favour of the plaintiff) that occurred after the final judgement of the administrative court (of first instance) must be taken into account in cassation proceedings, which represents a significant departure from the formal perception of cassation complaints as an extraordinary remedy. The judgement in question is all the more significant in that it establishes an interpretative rule in relation to all relevant courts of the EU Member States [C-544/23 – 1. (...) 2. *The last sentence of Article 49(1) of the Charter of Fundamental Rights of the EU must be interpreted as meaning that it may apply to an administrative penalty of a criminal nature imposed on the basis of a rule which, after the penalty is imposed, is amended in a manner more favourable to the person penalised, provided that that amendment reflects a change in the approach to the criminal classification of the acts committed by that person or to the penalty to be imposed. 3. The last sentence of Article 49(1) of the Charter of Fundamental Rights of the EU must be interpreted as meaning that a court ruling on a cassation complaint against a judgement rejecting a remedy against an administrative penalty of a criminal nature falling within the scope of EU law is, in principle, required to apply to the convicted person a more favourable national law that entered into force after that judgement was delivered, regardless of the fact that the judgement is considered final under national law.*].

prof. JUDr. PhDr. Peter Potásch PhD., Panel President of the Supreme Administrative Court

Electoral matters agenda

The Supreme Administrative Court decides on electoral cases in several proceedings. In accordance with Section 11(b), (c) and (f) ACC, the Supreme Administrative Court rules in proceedings concerning the registration of candidate lists for elections to the National Council and for elections to the European Parliament, in proceedings concerning the acceptance of nominations for the office of president, and in proceedings concerning the constitutionality and legality of elections to local government authorities. The competence of the Supreme Administrative Court to rule on the constitutionality and legality of elections to local government bodies is also enshrined in Article 142(2)(a) of the Constitution. In addition to the above powers, in accordance with Section 11(h) ACC, the Supreme Administrative Court decides on cassation complaints against judgements of the Administrative Court in Banská Bystrica, the Administrative Court in Bratislava and the Administrative Court in Košice in electoral cases in which the Administrative Court Code establishes the first-instance jurisdiction of these courts.

Proceedings in electoral cases are regulated in Title III of Part IV of the Administrative Court Code. This title contains six proceedings. These are: (i) proceedings in cases concerning permanent voter lists and voter lists, (ii) proceedings in cases concerning the registration of candidate lists for elections to the National Council and for elections to the European Parliament, (iii) proceedings in cases concerning the acceptance of a presidential candidate nomination, (iv) proceedings in cases concerning the registration of candidate lists for elections to regional self-government authorities, (v) proceedings in cases concerning the registration of candidate lists for elections to municipal, city, and city district authorities, and (vi) proceedings in cases concerning the constitutionality and legality of elections to local government authorities.

These proceedings mainly concern the review of the conditions for exercising the right to vote and the right to be elected. An exception is made for elections to local government authorities, where the constitutionality and legality of the election process itself is also reviewed.

The electoral agenda is special in that the actions in individual proceedings are linked to a specific type of election. Actions are therefore usually filed during the preparation of elections, particularly during the candidate registration phase, and in the case of elections to local government authorities, relatively shortly after the elections. Another specific feature is that the Administrative Court Code sets relatively short deadlines not only for the parties to the proceedings to file actions, but also for the courts to rule on them. In proceedings concerning permanent voter lists and voter lists, as well as in registration proceedings, this is to ensure that persons with active or passive voting rights can participate in the elections despite the judicial review. In proceedings reviewing the constitutionality and legality of elections to local government authorities, this is to ensure that any constitutionality or legality defects are remedied as soon as possible after the elections. This is also linked to the requirement that persons who have been elected in violation of the Constitution or the law should not hold office in local government authorities.

In terms of numbers, the number of cases heard by the Supreme Administrative Court concerning permanent voter lists and voter lists, as well as the registration of candidates for individual types of elections, is low. These actions are rather rare, but it must be said that they do occur.

An example is the action in the case concerning the acceptance of a presidential candidate nomination, on the basis of which the Supreme Administrative Court issued Ruling Case No. 11Svp/1/2024 of 16 February 2024. This ruling accepted the plaintiff's presidential candidate nomination. The registering authority in this case rejected the plaintiff's nomination as it had questioned the number of signatures on the petition submitted by the plaintiff. The Supreme Administrative Court did not agree with this. In this regard, it stated the following in relation to the objection concerning individual signatures: *When the defendant stated that the signatures contained on 57 sheets were not the handwritten signatures of the specific citizens mentioned, it should have*

elaborated on these fundamental findings and at the same time stated the specific reasons on the basis of which it had reached this conclusion (...) the analysis of handwriting (...) with the aim of determining the author of the documents or determining the authenticity or inauthenticity of the written expression under consideration is the exclusive domain of the scientific field of handwriting analysis.

Despite the small number of proceedings, this case also demonstrates that judicial review in registration proceedings concerning individual types of elections is justified. This review protects the subjective rights of persons with voting rights.

In terms of numbers, the majority of cases concern proceedings on the constitutionality and legality of elections to local government authorities. This was particularly true after the 2022 elections, when the Supreme Administrative Court heard several dozen actions.[21] In nine proceedings, the elections were declared invalid, and in five proceedings, the decision of the local election commission was overturned and another candidate was declared the winner. The Supreme Administrative Court found several violations in the above proceedings. Some of them will be highlighted below.

These violations included, for example, a violation of the secrecy of the vote. In its judgement Case No. 11Svp/18/2022 of 25 January 2023, the Supreme Administrative Court declared the mayoral elections invalid for this reason. In its reasoning, based on the case law of the Constitutional Court, it stated: *The purpose of secret voting is therefore to enable voters to choose a candidate or list of candidates truly freely, at their own discretion and without fear that they could later be punished in any way for their decision.* In the case in question, a violation occurred in that several voters were present in the designated area for conducting the elections at the same time, and the chair and other members of the local election commission tolerated this. This manner of conducting the elections violated one of the fundamental principles of elections – secret voting.

Other violations include the successful candidate's failure to meet the conditions for passive voting rights. In its judgement Case No. 11Svp/6/2022 of 18 January 2023, the Supreme Administrative Court declared the mayoral election invalid. The reason was that the elected candidate did not meet the statutory condition for passive voting rights (i.e. the right to be elected) set out in Section 6(b) of Act No. 180/2014 Coll. on the conditions for exercising voting rights and amending and supplementing certain acts, because at the time of the election he had been convicted of an intentional criminal offence and his conviction had not been expunged. The Supreme Administrative Court stated in this judgement: *In proceedings concerning election complaints (...), the theory of so-called 'absolute defects' in the electoral process, i.e. violations of the electoral law that would result in the automatic annulment of the elections (...), does not apply. In view of this fact, all possible errors and defects in the electoral process must be considered relative and their significance must be considered or taken into account according to their impact on the result of the elections to the representative authority or on the result of the election of a particular candidate.* The violation in question had an impact on the legality of the election results.

Among the violations found by the Supreme Administrative Court was the failure to list candidates on the ballot in the manner prescribed by law. In its judgement Case No. 11Svp/9/2022 of 18 January 2023, the Supreme Administrative Court declared the election of members of the municipal council in one of the constituencies invalid. It found a violation of the principle of free competition of political forces in that the candidate had conducted his entire political campaign under a specific serial number, while the ballot paper listed a different serial number, in violation of the law. This constituted a violation of the law to an extent that directly interfered with the principles of electoral law. The Supreme Administrative Court found that the violation in question had disrupted the free competition of political forces.

21 The Constitutional Court subsequently overturned the decision of the Supreme Administrative Court in only one case (Ruling of the Constitutional Court Case No. II. ÚS 169/2023 of 6 August 2023 overturned Judgement of the Supreme Administrative Court Case No. 13Svp/16/2022 of 12 January 2023) – this was an electoral case (mayoral election) in which the Constitutional Court did not agree with the conclusions of the Supreme Administrative Court in assessing the severity of the violation of electoral law, and therefore overturned the judgement declaring the election invalid and ordered the Supreme Administrative Court to re-examine the case.

In its judgement Case No. 12Svp/17/2022 of 30 January 2023, the Supreme Administrative Court declared the mayoral and municipal council elections invalid due to suspicions of persons registering for permanent residence in the municipality for the purpose of influencing the elections. It was assessed whether the voter base had been compiled in a manner that violated constitutional principles. The court pointed out that 22 persons had registered for permanent residence within ten days prior to the elections. Most of these voters did not intend to establish a permanent relationship with the municipality. Seventeen of them did not change their identity cards and, after the elections, registered at the same permanent residence address they had had previously. The increase in the total number of voters before the elections was more than 30%. When assessing the purpose of registering for permanent residence in order to influence the elections, the Supreme Administrative Court pointed out the need to meet three conditions. The first is the registration of a significant number of residents for permanent residence, the second is the absence of any connection to the place of permanent residence, and the third is registration for permanent residence immediately before the elections. After evaluating all these criteria, the Supreme Administrative Court concluded that the registration for permanent residence in the municipality was carried out with the aim of negating the constitutional concept of the formation of municipal authorities.

Several lawsuits are heard each year in the proceedings in question, as so-called supplementary elections to local government authorities are held every year. It should also be noted that the actions filed usually concern smaller municipalities. This can be attributed to the fact that it is precisely in small municipalities that elections are decided by a margin of a few votes. Before the establishment of the Supreme Administrative Court, this competence was exercised by the Constitutional Court, whose adjudication was continued by the Supreme Administrative Court.

prof. JUDr. Juraj Vačok PhD., Panel President of the Supreme Administrative Court

Disciplinary agenda

According to Article 142(2)(c) of the Constitution, the Supreme Administrative Court also decides on the disciplinary responsibility of judges, prosecutors and, if so provided by law, other persons. The cited provision constitutes the constitutional basis for the exercise of disciplinary competence by the Supreme Administrative Court, which, alongside the Constitutional Court, is the only court whose specific competence is enshrined directly in the Constitution.

The Supreme Administrative Court began its operation on 1 August, and the Disciplinary Court Code came into effect on 1 December 2021. In accordance with Section 3 DCC, the Supreme Administrative Court rules on the disciplinary responsibility of judges, prosecutors, notaries or bailiffs and imposes disciplinary measures in disciplinary panels. Their composition has been regulated since the beginning of their effectiveness in Section 5 of this Act, according to which the disciplinary panel has five members and consists of three judges of the Supreme Administrative Court (one of whom is the president of the panel) and two lay judges who are selected from databases. Persons are elected to these databases by various authorities depending on whether the person facing disciplinary charges is a judge, prosecutor, notary or bailiff.

On the basis of this legislation, the President of the Supreme Administrative Court issued Measure No. 5 of 10 December 2021 on the work schedule, establishing three disciplinary panels with nine judges of the Supreme Administrative Court and two appellate disciplinary panels with a total of ten judges. At the same time, the competent authorities elected the necessary number of lay judges in December 2021 and January 2022, so that the disciplinary panels could begin their adjudication.

In accordance with Section 46 DCC, the Supreme Administrative Court was primarily required to complete ongoing disciplinary proceedings against judges

that were pending before the disciplinary panels or appellate disciplinary panels established at the Judicial Council as of 31 July 31. On the basis of this provision, the Supreme Administrative Court continued a total of 23 appeal proceedings. In addition, another 48 disciplinary applications were transferred to it or received in 2021, but it did not manage to decide any of the cases.

In 2022, a total of 78 disciplinary cases (including motions for the temporary suspension of judges) were brought before the Supreme Administrative Court. At the same time, it ruled on 82 cases this year, with the fastest ruling taking one day (on a motion for temporary suspension from office) and the longest case taking 370 days. The average length of proceedings decided in 2022 (calculated from 16 December 2021, when the cases were assigned to the constituted disciplinary panels) was 190 days. However, if only proceedings initiated after this date were taken into account, their average length was 167 days, which is less than the six-month statutory period set out in Section 31 DCC.

In 2023, a total of 50 disciplinary cases (including motions for temporary suspension) were brought before the Supreme Administrative Court, but it ruled on a total of 73 cases. The proceedings in these cases lasted from 3 to 649 days, with an average of 261 days. The length of proceedings in decided cases was negatively affected mainly by the need to suspend them and wait for final judgements in other cases. The median value of 234 days was then close to the average length. In addition, in 2023, the first six cases were appealed to the disciplinary panels, of which two were decided within 244 and 299 days, respectively.

In 2024, the Court received a total of 37 disciplinary cases (again including motions for temporary suspension) and decided on 49 cases during that year. The fastest decision was made in 5 days (again on a motion for temporary suspension), while the longest proceedings decided in that year lasted more than 944 days, but these were proceedings that had been suspended for a long time. Partly because of this, the average length of proceedings in these cases was 303 days. However, the median value in that year was 181 days, which means that half of the proceedings were completed within the statutory period, and the negative development in the average length of proceedings was mainly due to long-term suspensions. In addition, in 2024, the appellate disciplinary panels received four cases but decided five cases, with the average length of appeal proceedings in cases concluded in this way being 333 days.

The adjudication in these years can be supplemented with indicators used to compare the effectiveness of the judiciary, for example the CEPEJ. The first is the available time, i.e. the theoretical time that the court would need to handle all pending cases if it handled them at the same pace. At the end of 2022, a total of 67 first-instance cases remained pending, so the available time was 67/82 of a year, or 298 days. At the end of 2023, only 44 cases remained pending, so the available time was reduced to 44/73 of a year, or 220 days. Finally, the Supreme Administrative Court ended 2024 with 32 pending disciplinary cases, 15 of which had been suspended for a long time. After excluding suspended proceedings, the available time was 17/49 of a year, or 126 days.

Since the beginning of their operation, the panels of the Supreme Administrative Court which deal with the disciplinary agenda have sought to take a responsible approach to the interpretation and application of the new legal provisions on disciplinary responsibility. Right from the start, the disciplinary panels had to deal with their personnel competence, especially in relation to disciplinary proceedings received against judges whose positions had since been terminated by dismissal or reaching retirement age (Judgement Case No. 33D/13/2021 of 16 March 2022, 46/2023 CSAC). Similarly, the disciplinary panels dealt with a more detailed definition of the conditions under which a judge is bound by the legal opinion of a higher court or the Constitutional Court (Judgement Case No. 33D/17/2021 of 17 October 2022, 47/2023 CSAC). A large group of cases dealt with by disciplinary panels concerned delays caused by judges, prosecutors and bailiffs. Gradually, the opinion has become established in case law that the assessment of delays involves a conflict of duties to handle all cases without undue delay (or within specified periods). Therefore, when examining whether delays in a particular case constitute a disciplinary offence, it is always necessary to examine whether the judge, prosecutor or bailiff had to and could act in that case, or whether there were other cases in which they had to and should have acted, even at the cost of not acting in another case (Judgement Case No. 31D/ 9/2021 of 3 May 2022, Case No. 32D/21/2021 of 12 September 2022, or Case No. 33D/19/2021 of 6 July 2022). Similarly, disciplinary panels have sought from the outset to define more precisely the so-called prerequisites for judicial competence, especially the nature and intensity of a judge's conduct that are necessary in order to be able to speak of non-compliance with these conditions (Judgement Case No. 31D/ 7/2022 of 22 November 2022 and Ruling Case No. 41Do/2/2023 of 31 October 2023). In connection with disciplinary proceedings against prosecutors, the disciplinary panel also turned to the Constitutional Court with doubts about the constitutional status of lay judges from among prosecutors, with which, however, the Constitutional Court did not agree (Ruling Case No. PL. ÚS 2/2023 of 14 June 2023).

The purpose of disciplinary responsibility is not to punish severely, but rather to draw attention to shortcomings in work and encourage the person facing disciplinary charges to remedy them. Therefore, the Supreme Administrative Court also sought to ensure that judges, prosecutors, notaries and bailiffs could familiarise themselves with its adjudication from the outset. To this end, shortly after the Court began its operation, a special issue of the Collection of Opinions and Judgements of the Supreme Administrative Court (2/2023) was compiled, in which some disciplinary judgements were published. Not only the case law published in this collection, but all the above judgements now form a stable basis for the daily adjudication practice of the disciplinary panels of the Supreme Administrative Court.

It is no exaggeration to say that although the disciplinary agenda was new, as was its legislation, the Supreme Administrative Court has handled its work in this area with honour. At the time of writing, the National Council passed a law amending and supplementing the Disciplinary Court Code, which is expected to bring about fundamental changes both in the composition of disciplinary panels and in the disciplinary proceedings themselves. This in itself will be a major challenge for the Court in all respects. We can therefore wish it every success in ensuring that the assessment of its work remains equally favourable after another five years.

Mgr. Michal Novotný, Panel President of the Supreme Administrative Court

Addressing procedural issues in administrative court proceedings 5

The significant progress made in the administrative judiciary in the Slovak Republic in recent years is inextricably linked to the adoption of a comprehensive procedural code, namely the Administrative Court Code. It was precisely this 'procedural independence' of the administrative judiciary that created the basis and prerequisite for its subsequent institutional separation from the general judiciary, first in the form of the establishment of the Supreme Administrative Court and subsequently also of administrative courts.

The establishment of the Supreme Administrative Court and the administrative courts was ultimately reflected in the relevant amendments to the Administrative Court Code. In this regard, it is important to note the amendment made by Act No. 423/2020 Coll. on amending and supplementing certain acts in connection with the reform of the judiciary, which, in addition to incorporating the Supreme Administrative Court into the text of the law, also regulated, in accordance with constitutional law,[22] new proceedings in cases of the constitutionality and legality of elections to local government authorities.[23]

With regard to the Administrative Court Code, it is necessary to point out its fundamental contribution, which consists in the clear definition of the types of proceedings according to their subject matter of review or the subject matter of the adjudication. This was achieved primarily by legally defining the relevant terms defining the subject matter of the review (Section 3 ACC).

The brief period of uncertainty associated with the Constitutional Court's Ruling Case No. III. ÚS 593/2022 of 7 February 2023, resulting in a possible conflict between general administrative actions or administrative actions

22 Article.142(2)(a) of the Constitution

23 Section 312a – 312k ACC.

on the one hand and actions against inaction on the other, was promptly 'remedied' by the legislator with the contribution of the Supreme Administrative Court in the amendment to the Administrative Court Code by Act No. 239/2023 Coll. through a negative definition of inaction.[24] This amendment also (among other things) removed the shortcoming in the original wording of the law concerning participation in administrative court proceedings if the decision or measure of a public authority challenged by the action was delivered to the defendant by public notice.

We can also mention the amendment to the Administrative Court Code by Act No. 289/2024 Coll., which introduced new proceedings in cases of the representativeness of higher-level collective agreements.[25] Other amendments to the Administrative Court Code adopted and effective since the establishment of the Supreme Administrative Court were more or less of a legislative technical or marginal nature.

It should also be noted that, in addition to the aforementioned cooperation on the amendment to Act No. 239/2023 Coll., which represents the first major 'service pack' of the Administrative Court Code, the Supreme Administrative Court also participated in its continuation, which is currently in the legislative process and whose primary ambition is to accelerate and streamline the protection of subjective rights within the administrative judiciary. At the same time, an amendment to the Administrative Court Code is also in the legislative process, the purpose of which is to implement the Pact on Migration and Asylum.

However, the case law of the Supreme Administrative Court played a decisive role in relation to procedural issues concerning the Administrative Court Code.

It can be clearly stated that the common denominator of this case law was the effort to make administrative court proceedings a tool for ensuring the protection of subjective rights and legality, rather than a procedural labyrinth in which the purpose of administrative judiciary is lost. It goes without saying that there were different views among the panels and judges in this regard, and it could be added, with a slight exaggeration, that some court judgements adhered to the interpretation of procedural rules with 'Prussian austerity', while others glided on them with 'Romanesque detachment'.

Ruling of the Grand Panel Case No. 19SVs/1/2022 of 29 March 2023:[26]

Given the constitutional dimension of the right to a statutory judge and the single-instance nature of administrative court proceedings, the Grand Panel concluded that the question of whether a judge acted and ruled instead of the panel at the regional court should be examined by the Court of Cassation ex officio, i.e. even without the complainant raising this issue in the grounds for complaint.

Ruling Case No. 4Sžk/28/2021 of 14 December 2021 (20/2022 CSAS):[27]

1. *In proceedings concerning an action against another intervention by a public authority, the administrative court, with reference to Section 135(2)(a) of the SSP, finds itself in the position of a court of fact and must reflect any change in the factual circumstances of the case under consideration until a decision on the merits is made. However, the administrative court assesses the legality of the intervention according to the legal situation at the time when the intervention occurred or when the intervention lasted.*

24 Section 3(1)(d) sentence after semicolon ACC.

25 Section 411a – Section 411j ACC.

26 In my opinion, the most interesting procedural issue decided in this case was not that the schedule for the provision of emergency dental services pursuant to Section 8b of Act No. 576/2004 Coll. on healthcare, services related to the provision of healthcare and amending and supplementing certain acts, is not another intervention within the meaning of Section 3(1)(e) of ACC, but is a measure of a public authority pursuant to Section 3(1)(c) ACC (point 26 of the grounds), but the above 'interim' conclusion (point 16 of the grounds). Since the basic axiom of administrative judicial proceedings should be adjudication in the relevant types of proceedings, and since this purpose can only be achieved indirectly and partially by examining the question of the lawful judge, de lege ferenda, the Administrative Court Code should also be amended in this regard.

27 Pursuant to this decision, the procedure for other intervention was eventually amended in the Administrative Court Code by Act No. 239/2023 Coll. to explicitly allow such a possibility of amending the action (Section 257(2) and Section 260 ACC)..

2. *If a change in the facts occurs during administrative court proceedings concerning a negative action for interference, the administrative court is obliged to allow the plaintiff to amend the statement of claim, i.e. from a negative action to a declaratory action. This is also relevant in the case of a negative interference action during proceedings in which another interference has already ended.*

Judgement Case No. 1Svk/63/2022 of 29 October 2024 (FJP 4/2025):

1. *The active legal standing of a natural or legal person in a general administrative action is linked to active procedural standing and active substantive standing.*
2. *Active procedural standing is held by a plaintiff who proves (in principle) that two cumulative conditions have been met, namely that (i) they were a party to the administrative proceedings in which the contested decision of the public authority was issued and, at the same time (ii) claims that this decision infringed upon their own subjective rights. Obvious lack of active procedural standing results in the dismissal of the action pursuant to Section 98(1)(e) ACC. Active procedural standing is examined by the administrative court ex officio as a procedural condition throughout the proceedings.*
3. *The plaintiff has active substantive standing if, under substantive law, he is the holder of a subjective right that was infringed by the defendant's decision. The effects of such a decision may directly affect the plaintiff or an item owned by the plaintiff or to which the plaintiff has another right. Active substantive standing is a question of the merits of the action, so failure to prove it results in the dismissal of the action without substantive consideration.*

JUDr. Marián Fečík, Panel President of the Supreme Administrative Court

Grand Panel of the Supreme Administrative Court

The material rule of law and the requirement of legal certainty for parties to proceedings and other addressees of judgements of the Supreme Administrative Court were key reasons for the creation of the Grand Panel of the Supreme Administrative Court and its procedural involvement in adjudication processes in administrative judiciary in Slovakia. Starting on 1 June 2016, this panel was part of the procedural structure of the administrative chamber of the Supreme Court.

Since 1 August 2021, it has been a panel of the Supreme Administrative Court. It has seven members, its president is the vice-president of the Supreme Administrative Court, three other members are appointed by the President of the Court in the work schedule, and three other judges are judges included in the cassation panel, which submitted the case to the Grand Panel of the Supreme Administrative Court for a decision. The unifying activity of the Grand Panel of the Supreme Administrative Court concerns exclusively cassation proceedings.

Of the three procedural reasons for initiating proceedings in the Grand Panel of the Supreme Administrative Court[28], the one that has long dominated judicial practice is when a three-member panel in cassation proceedings has reached a legal opinion in its judgement that differs from the legal opinion expressed in another judgement of the Supreme Administrative Court.

The efforts of the judges of our eight cassation panels to ensure the predictability and substantive stability of the judgements of the Supreme Administrative Court lead the panels to initiate proceedings before the Grand Panel of the Supreme Administrative Court significantly more often than before the establishment

28 Section 22(1)(a), (b), (c) ACC.

of the Supreme Administrative Court.

In the five years since it began issuing judgements, the Grand Panel has dealt with 24 legal cases, and its case law to date has concerned the activities of the Legal Assistance Centre, the employment of professional soldiers, social and tax matters, misconduct proceedings, the assessment of the conditions for representing a party to proceedings before the Court of Cassation, etc. The other proceedings that have been initiated (9 cases), which have not yet been decided on their merits, also concern the assessment of important legal issues, the unification of which will be of fundamental importance not only for the cassation panels of the Supreme Administrative Court, but also for lower administrative courts and public authorities. Information on some of the important judgements of the Grand Panel can be found in the following text.

In its ruling Case No. 19SVs/1/2022 of 29 March 2023, the Grand Panel ruled on the nature of the provision of dental emergency services designated by self-governing regions, which it assessed as a measure of a public authority, while defining the boundaries between a measure and other intervention by a public authority for the purposes of judicial review of their legality.

Another important judgement is the judgement of the Grand Panel Case No. 19SVs/4/2023 of 27 March 2024, in which it took a position on certain issues relating to the suspension of a tax audit due to a request for international exchange of information to another EU Member State.

By ruling Case No. 19SVs/ 3/2024 of 9 December 2024, the Grand Panel unified the assessment of the issue of entitlement to accident benefits for work-related accidents for the purposes of the Social Insurance Act and defined the possibilities, methods, and consequences of the employer's exemption from liability for work-related accidents.

In its ruling Case No. 19SVs/5/2024 of 30 April 2025, it defined the relationship between the Grand Panel and the Competence Panel in assessing questions of competence relating to the jurisdiction of courts and designated the judgements of the Competence Panel as a priority and binding also for the Grand Panel.

Finally, in its ruling Case No. 19Svs/7/2024 of 30 April 2025, the Grand Panel unified the adjudication practice regarding the assessment of the start of the period for the interested public to file an administrative action.

The Grand Panel played an important role in activating the preliminary proceedings before the CJEU in Case C-544/23 (BAJI Trans s r.o.), which was decided by its Grand Panel on 1 August 2025. You can read more about these *preliminary proceedings in the Preliminary proceedings before the CJEU* section.

Competence Panel of the Supreme Court and the Supreme Administrative Court

5

The Competence Panel (originally established at the Supreme Court) consists of four judges of the Supreme Court and four judges of the Supreme Administrative Court following the establishment of the Supreme Administrative Court. Its administrative and material-technical support is provided by the Supreme Administrative Court, and its president has been the president of this Court since the beginning of its adjudication.

The procedural basis for proceedings before the Competence Panel of the Supreme Court and the Supreme Administrative Court is, in addition to other provisions (e.g. Section 10 ACC), in particular Section 18(4) of ACC, according to which if a court refers a case to an administrative court which disagrees on the grounds that it does not fall within the jurisdiction of the administrative courts, the administrative court shall submit it for decision to the Competence Panel, whose decision is binding on the courts. The same procedure may be chosen by a civil court if it disagrees with the referral of the case to an administrative court.

Proceedings of this type involve legal considerations relating to the assessment of borderline situations concerning the subject matter of the proceedings and the requested judicial protection, at the intersection of private and public law. The decision as to whether legal proceedings should take place before a general or administrative court (or even another body) is often a matter of sensitive legal assessment of the content of the arguments of both disputing courts (bodies) refusing jurisdiction. This is why the statutory determination of an even and relatively high number of members of the Competence Panel of the two supreme judicial institutions was the clear intention of the legislator.

From the outset (beginning with Ruling Case No. 1KO/10/2021 of 8 December 2021), the Competence Panel has emphasised in its case law that the definition of a private law dispute and a private case within the meaning of Sections 3 and 4 CPC is not determined by the essence of the action (application), but rather the relevant substantive law governing the legal relationship from which the rights or obligations that are the subject of the dispute in the case arise or are to arise. However, if the subject matter of the proceedings is a right or obligation that is based not on substantive law but exclusively on procedural law, then it cannot be considered a private law dispute or a private law matter. Such a case is also an urgent measure, which is a procedural institution regulated in Section 324 et seq. CPC (rulings Case No. 1SKomp/2/2021 of 8 December 2021, Case No. 1SKomp/3/2021 of 8 December 2021, and Case No. 1SKomp/4/2021 of 21 April 2022).

The subject of the Competence Panel›s adjudication was also, repeatedly, disputes concerning the payment of various contributions under Act No. 5/2004 Coll. on employment services and amending and supplementing certain acts. Its adjudication practice has gradually developed in such a way that if the entitlement to a contribution arises from the law and no contract (agreement) has been concluded in this regard, the administrative courts have competence to resolve disputes concerning it (rulings Case No. 18SKomp/3/2022 or Case No. 1SKomp/27/2022 of 6 October 2022). Conversely, if such a contribution is based on an agreement between its recipient and the relevant public authority, it is generally a private law dispute (cf. rulings Case No. 18/SKomp/23/2024 and Case No. 18/SKomp/24/2024 of 5 February 2025).

Judgements in cases concerning disputes between athletes and sports clubs or sports associations were also significant in practice. In ruling Case No. 1SKomp/38/2022 of 6 October 2022, the Competence Panel ruled that the Arbitration Commission of the Slovak Ice Hockey Association is not a body to which a dispute between a club and its player over the payment

of remuneration could be referred under Section 10 CPC. In another ruling, Case No. 18SKomp/7/2024 of 20 November 20, the Competence Panel explained in detail why the disciplinary bodies of sports associations cannot be considered public authorities under Section 4 CPC and why their judgements are not reviewed by administrative courts.

As regards the scope of its agenda, as of 1 August 2021, the Competence Panel had received a total of six undecided cases, and by 31 December 2021, it had received another 14 cases. During the same period, it completed a total of 13 cases (using all methods).

In 2022, the number of cases (the largest ever) totalled 48, which corresponded to a record high of 48 cases completed. In 2023, the Competence Panel received a total of 15 cases and managed to complete 20 cases. In 2024, a total of 24 cases were brought before it, and it completed a total of 17 cases. Finally, in 2025, a total of 21 cases were brought before the Competence Panel, and it completed a total of 25 cases.

Mgr. Michal Novotný, Panel President of the Supreme Administrative Court

Preliminary proceedings before the CJEU

Preliminary proceedings are a key mechanism of EU law and a form of close cooperation between the CJEU and the judicial authorities of the Member States in the interpretation and application of EU law. The purpose of preliminary proceedings is to ensure the uniform interpretation and application of EU law by the courts of the Member States.

The Supreme Administrative Court is relatively active in initiating this type of proceedings before the CJEU – since 2021, it has filed a total of seven requests for preliminary proceedings, five of which have been decided by the CJEU, with two being considered by the Grand Panel of the CJEU and having a significant impact on the interpretation of law throughout the EU.

- Ruling of the CJEU of 5 October 2023 in the case C-151/23 (ZSE Elektrárne, s.r.o.)

The reference for preliminary proceedings concerned the interpretation of Article 183(1) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value-added tax. The request was made in the context of a dispute between ZSE Elektrárne, s.r.o. and the Financial Directorate of the Slovak Republic concerning a claim for interest on late payment in connection with the refund of excess VAT.

The CJEU ruled that Article 183(1) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value-added tax must be interpreted as meaning that *a taxable entity is entitled to have the national tax authority pay interest on late payment in the case of an excess VAT deduction, if that tax authority has not refunded the excess deduction within a reasonable period of time. The methods of applying that interest fall within the procedural autonomy of the Member States, which is limited by the principles of equivalence and effectiveness, and national rules relating in particular to the date from which any interest due is to be calculated must not result in the taxable entity being deprived of adequate compensation for the loss caused by the delay in refunding that excess deduction.*

- Judgement of the Grand Chamber of the CJEU of 29 July 2024 in case C-185/23 (protectus s.r.o.)

The reference for preliminary proceedings concerned the interpretation of Articles 47 and 51(1) and (2) of the Charter of Fundamental Rights of the European Union. The reference was made in the context of a dispute between the commercial company protectus s. r. o. (formerly BONUL, s.r.o.) and the National Council Committee for Reviewing Decisions of the National Security Authority concerning the rejection of an appeal lodged by that company against a decision of the National Security Authority to revoke its industrial security clearance and withdraw its industrial security certificate.

The Court asked preliminary questions about the applicability of the Charter of Fundamental Rights of the EU in the proceedings in the case. Assuming that it would apply to the proceedings in the case, the Supreme Administrative Court asked the CJEU a question about the compatibility of Slovak legislation and practice concerning access to classified information in proceedings challenging the revocation of an industrial security clearance or industrial security certificate with Article 47 of the Charter of Fundamental Rights of the EU.

Under Slovak law and practice, such information is accessible without restriction to judges who are to rule on appeals against decisions based on it, but is not part of the file accessible to the plaintiff in the main proceedings. The plaintiff's lawyer in the main proceedings may only become acquainted with these facts after obtaining the consent of the authority that established the relevant classified information, and the grounds for refusing to grant such consent are not subject to judicial review. In addition, that lawyer remains bound by a duty of confidentiality and therefore cannot disclose to his client the content of the classified information with which he has become acquainted.

The Grand Panel of the CJEU ruled that

1. *Article 51(1) of the Charter of Fundamental Rights of the European Union must be interpreted as meaning that:*
   - *where a national court reviews the legality of a decision withdrawing an industrial security clearance allowing access to classified information of a Member State, the subject matter of that review is not an act implementing EU law within the meaning of that provision,*
   - *where such a court reviews the legality of a decision which, as a consequence of the revocation of that industrial security clearance, also entails the withdrawal of an industrial security certificate allowing access to EU classified information in accordance with Article 11 and Annex V to Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information, the subject matter of that review is an act implementing EU law within the meaning of Article 51(1).*
2. *Article 47 of the Charter of Fundamental Rights of the EU must be interpreted as meaning that:*
   - *on the one hand, it does not preclude national legislation and practice under which a decision to withdraw security clearance for a facility within the meaning of Decision 2013/488 does not state the classified information justifying that withdrawal, in view of urgent reasons relating, for example, to the protection of national security or international relations, it is nevertheless provided that the court competent to review the legality of that withdrawal has access to those facts and that the lawyer of the former holder of that facility security clearance may have access to those facts only with the consent of the national authorities concerned and on condition that their confidentiality is guaranteed, provided*

that that court ensures that the non-disclosure of the facts is limited to what is strictly necessary and that the former holder of that facility security clearance is in any event informed of the substance of the reasons for that withdrawal in a manner that takes due account of the necessary confidentiality of the evidence,

- *on the other hand, assuming that Article 47 of the Charter of Fundamental Rights of the EU would preclude such a legal provision and such a practice, that article does not require the competent national court itself to disclose certain classified information to the former holder of the facility security clearance, or, where appropriate, through his lawyer, if the non-disclosure of that information to that former holder or his lawyer does not appear to be justified. Alternatively, the competent national authority may do so. If that authority does not give its consent to such disclosure, the court shall proceed to review the legality of the withdrawal of that facility security clearance solely on the basis of the reasons and evidence that have been disclosed.*

- Judgement of the CJEU of 21 November 2024 in Case C-370/23 (City of Rimavská Sobota)

The reference for preliminary proceedings concerned the interpretation of Article 2(b) of Regulation (EU) No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market. The request was made in the context of a dispute between the town of Rimavská Sobota and the Ministry of Agriculture and Rural Development of the Slovak Republic concerning the legality of a fine imposed on the municipality for failing to establish a due diligence system within the meaning of Article 4(2) and Article 6 of that regulation.

The CJEU ruled that Article 2(a) to (c) of Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market must be interpreted as meaning that *a natural or legal person who concludes a contract authorising its contractual partner to harvest raw timber or fuelwood in accordance with its instructions or under its supervision must be regarded as an 'operator' who 'places on the market' 'timber and timber products' within the meaning of that provision, if, in accordance with the applicable national law, that contractual partner does not become the direct and automatic owner of the harvested timber simply by felling the trees, but, in the performance of that contract, the person who still holds the ownership right to that timber transfers this ownership right to the aforementioned contracting partner after harvesting.*

- Judgement of the Grand Panel of the CJEU of 1 August 2025 incase C-544/23 (BAJI Trans Ltd.)

The reference for preliminary proceedings concerned the interpretation of the last sentence of Article 49(1) and Article 51(1) of the Charter of Fundamental Rights of the EU. The reference was made in the context of a dispute between the plaintiff, a natural person, and BAJI Trans s.r.o. on the one hand, and the National Labour Inspectorate on the other, concerning an administrative fine imposed by the National Labour Inspectorate on the plaintiff, a natural person.

The Supreme Administrative Court (Grand Panel) referred preliminary questions to the CJEU concerning the interpretation of the Charter of Fundamental Rights of the EU, both in terms of its scope and the substantive interpretation of the scope and application of the *lex mitior* principle contained therein.

The Grand Panel of the CJEU ruled that

1. *Article 51(1) of the Charter of Fundamental Rights of the European Union must be interpreted as meaning that a Member State exercises EU law within the meaning of that provision if, on the one hand, in accordance with Article 19(1) of Council Regulation (EEC) No 3821/ 85 of 20 December 1985 on recording equipment in road transport, as amended by Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006, and Article 41(1) of Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport and repealing Council Regulation (EEC) No 3821/ 85 on recording equipment in road transport and amending Regulation (EC) No. 561/2006 of the European Parliament and of the Council on the harmonization of certain social legislation relating to road transport, imposes an administrative penalty on the driver of a vehicle on the ground that that driver has infringed the obligations laid down in those regulations and, secondly, subsequently makes use of the option afforded to it by Article 3(2) of the latter regulation to exempt certain road transport vehicles from those obligations.*
2. *The last sentence of Article 49(1) of the Charter of Fundamental Rights of the EU must be interpreted as meaning that it may apply to an administrative penalty of a criminal nature imposed on the basis of a rule which, after that penalty was imposed, was amended in a manner more favourable to the person penalised, provided that that amendment reflects a change in the approach to the criminal classification of the acts committed by that person or to the penalty to be imposed.*
3. *The last sentence of Article 49(1) of the Charter of Fundamental Rights of the EU must be interpreted as meaning that a court ruling on an appeal against a judicial decision rejecting an appeal against an administrative penalty of a criminal nature falling within the scope of EU law is, in principle, required to apply to the convicted person a more favourable national law that entered into force after that court judgement was delivered, regardless of the fact that that judgement is considered final under national law.*

- Ruling of the CJEU of 28 April 2025 in case C-201/24 (A.En. Slovensko s.r.o.)

The reference for preliminary proceedings concerned the interpretation of Article 4(1) and Article 9 of Council Directive 2009/133/EC of 19 October 2009 on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares between companies of different Member States and to the transfer of the registered office of an SE or an SCE between Member States.

The reference was made in proceedings between A.En. Slovensko s.r.o., on the one hand, and the Office for Selected Economic Entities and the Financial Directorate of the Slovak Republic, on the other, concerning the application of a special levy on capital gains resulting from non-monetary contributions made by A.En. Slovensko s.r.o. to some of its subsidiaries established in the Slovak Republic.

The CJEU ruled in the case that it did not have jurisdiction to answer the questions referred to it by the Supreme Administrative Court.

Two pending preliminary proceedings are being conducted before the CJEU at the time of publication of this document in the following cases:

- C-717/24 (Social Insurance Agency)

The reference for a preliminary ruling concerns the interpretation of Article 51(1) of Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

The reference was made in the context of a dispute between the plaintiff, a natural person, and the Social Insurance Agency, Head Office, concerning the assessment of the employment of a miner employed in the Czech Republic and the entitlement to a construction pension.

The Supreme Administrative Court referred the following questions to the CJEU for preliminary proceedings:

Is Article 51(1) of Regulation (EC) No. 883/2004 of the European Parliament

and of the Council of 29 April 2004 on the coordination of social security systems to be interpreted as applying to an old-age pension which is decided by the competent institution of a Member State,

1. *only if the legislation of that Member State provides for a 'special scheme for employed or self-employed persons',*
   1a. *and if so, what are the characteristics of such a 'special scheme' (for example, that it is operated by a separate institution, that it is financed separately, that it is intended only for a specific group of employed or self-employed persons),*

   or

2. *2. also if the legislation of that Member State does not provide for such a 'special scheme' but merely provides that a specific group of persons who have completed periods of insurance solely by pursuing a specific activity (for example, miners in deep mines) may be, on the basis of such periods, obtain an old-age pension on more favourable terms than other persons pursuing different activities as employed or self-employed persons?*

- C-556/25 (Haluška, s.r.o.)

The reference for a preliminary ruling concerns the interpretation of Article 8(1) and (3) and Article 9(1) of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 concerning common rules for the internal market in electricity and amending Directive 2012/27/EU (recast).

The reference was made in the context of a dispute between the company Haluška, s. r. o and the Ružomberok District Office, Cadastral Department, in proceedings concerning the registration of a statutory easement on another person's land, related to activities significantly facilitating business in the energy sector and access to the market.

The Supreme Administrative Court asked the following preliminary questions:

1. *Does national legislation by which the national legislature has automatically excluded small electricity producers operating under the simplified procedure referred to in Article 8(3) of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 concerning common rules for the internal market in electricity and amending Directive 2012/27/EU (recast) from access to entitlements granted under national law corresponding to easements facilitating the conduct of business in the energy sector and granted to all other electricity producers fall within the scope of EU law, having regard to Article 194(1)(a) of the Treaty on the Functioning of the European Union, Article 8(1) and (3) and Article 9(1) of the directive in question?*
2. *If the answer to the first question is in the affirmative, must Article 8(1) and (3) of Directive 2019/944, read in conjunction with Article 9(1) of that directive, be interpreted as meaning that: 1 of Directive (EU) 2019/944 of the European Parliament and of the Council in such a way that it is precluded by national legislation whereby the national legislature has automatically excluded small electricity producers operating under the simplified procedure referred to in Article 8(3) of the directive in question from access to the rights granted by national law corresponding to easements which facilitate business in the energy sector and which it grants to all other electricity producers?*

Proceedings on the compatibility of laws with the Constitution

During its existence, the Supreme Administrative Court has also contributed to the issue of the compatibility of legal regulations with the Constitution. A total of three applications were filed to initiate proceedings under Art. 125(1)(a) of the Constitution, namely in cases conducted under Case No. 10Žak/11/2019, Case No. 2Snr/1/2020 and Case No. 2Sak/2/2021.

Both applications to declare incompatibility, which the Constitutional Court granted, were 'written' by Elena Berthotyová – in one case as the President of the Panel of the Administrative Chamber of the Supreme Court and in the second case as the President of the Panel 2S of the Supreme Administrative Court.

- Application concerning Act No 480/2002 Coll. on asylum and amending and supplementing certain acts

The first application was filed in the context of the cassation appeal against the judgement of the Regional Court in Košice, which dismissed the action by which the plaintiff sought review of the decision of the Migration Office of the Ministry of the Interior of the Slovak Republic not to extend subsidiary protection. The decision was based solely on the opinion of the Slovak Information Service, according to which the plaintiff posed a security risk to the Slovak Republic.

The President of the Panel emphasised in the application that if an administrative authority decides on the basis of evidence (classified facts) with which the party to the proceedings cannot become familiar with or express an opinion on them, there is a fundamental violation of the principle of equality of parties, the principle of adversarial proceedings and the principle of equality of arms, which constitute an integral part of the right to a fair trial.

The Supreme Administrative Court therefore considered it constitutionally unacceptable that the decision on granting asylum, providing or not extending subsidiary protection should be based solely on the opinion of the Slovak Information Service or Military Intelligence, which contains only agreement or disagreement without stating reasons. According to the court, such an approach makes it impossible for the person concerned to become familiar with the essence of the reasons for the decision and thus deprives him of the possibility of effective defence.

The above procedure therefore represents a fundamental violation of Art. 48(2) of the Constitution, which guarantees the right of the party to express his opinion on all evidence presented, as well as Art. 46(1) and (2) of the Constitution, which guarantee the right to a fair trial.

The Constitutional Court agreed with this argument and, in its ruling PL. ÚS 15/2020 of 15 March 2023, stated that the provisions of Section 13(5)(c), Section (13c)(4)(d) and Section 19a(10) of the Asylum Act, in the part that tied the decision on subsidiary protection to the opinions of the intelligence services, are not in accordance with the Constitution.

In the opinion of the Constitutional Court, the contested provisions of the Asylum Act significantly limited the possibility of an applicant for subsidiary protection to familiarise himself with the reasons on the basis of which he was designated as a security risk in the opinion of the intelligence services. Such an opinion formed the basis for the decision of the Ministry of Interior of the Slovak Republic on granting or not granting subsidiary protection.

The Constitutional Court stated that the non-disclosure of evidence to the opposing party fundamentally threatens the right to a fair trial. In proceedings involving classified facts, it is therefore necessary to seek a balance between

two equally legitimate, but mutually contradictory interests – the protection of a fair trial for the person whose security capability is being assessed and the protection of the public interest through the secrecy of sensitive information.

In its ruling, the Constitutional Court emphasised that the legislator is obliged to adopt a legal regulation that achieves an appropriate balance between constitutionally protected values – fundamental rights and freedoms of individuals on the one hand, and the effective implementation of the public interest on the other.

In the conclusion of the ruling, the Constitutional Court stated that the security interests of the Slovak Republic remain secured even after the declaration of non-compliance of the provisions in question, through the obligation of the Migration Office of the Ministry of the Interior of the Slovak Republic to request the opinion of the Slovak Information Service and Military Intelligence (Section 19a(9) of the Asylum Act as amended by the Constitutional Court). The difference compared to the previous, constitutionally incompatible legal regulation lies in the fact that the deciding authority will now assess the question of whether the applicant poses a danger to the security of the Slovak Republic [Section 13(5)(a) and Section 13c(2)(a)]. d) of the Asylum Act], autonomously – i.e. without being bound by the opinion of intelligence services.

- Application concerning Act No. 404/2011 Coll. on the residence of foreigners and amending and supplementing certain acts

The Constitutional Court ruled on the second application of the Panel of the Supreme Administrative Court, represented by its President Elena Berthotyová, at a plenary session on 13 December 2023, by declaring the inconsistency of certain provisions of the Act on the residence of foreigners with the Constitution.

Their unconstitutionality was challenged in the context of proceedings in which the police department revoked the permanent residence of a foreigner based on the dissenting opinion of the Slovak Information Service.

The President of the Panel argued in the application that a decision based solely on the opinion of the intelligence services without the participant being able to familiarise himself with the basis of the reasons is constitutionally unacceptable. Even if the state has a legitimate interest in protecting classified information, such a procedure must be appropriate and must respect the principle of proportionality inherent in the rule of law.

In the proposal, the President of the Panel stated that the Supreme Administrative Court is aware of the fact that the provision of complete information in its authentic form, which is often the result of the operational activities of the Slovak Information Service or Military Intelligence and is subject to the secrecy regime, could jeopardise the very purpose of secrecy, in particular the protection of state security. Therefore, if making the full text of such information available to a party to the proceedings would mean denying the objective pursued by the Act on the Protection of Classified Information, it can be accepted that the police department will communicate to the foreigner only the relevant part of the information in an appropriate form, for example through anonymized or aggregated data.

However, the Supreme Administrative Court asked itself a fundamental question, namely whether it is possible, by referring to the protection of state interests and sovereignty, which fall within the competence of intelligence services, to restrict the constitutionally guaranteed rights of a participant in administrative and subsequent judicial proceedings to the extent that the contested legal regulation of the Foreigners Residence Act allowed.

The court acknowledged that the protection of certain information from access by the persons concerned may be generally legitimate. At the same time, however, it stated that the manner in which this objective was achieved in the legal regulation was manifestly disproportionate to the purpose pursued. In the opinion of the Supreme Administrative Court, the legislator is obliged to proceed in accordance with the principle of proportionality, which is a fundamental element of the rule of law, and to create such a legal regulation that ensures a balanced relationship between the protection of fundamental rights and freedoms of individuals and the effective achievement of the objective of the law, which is the protection of classified information.

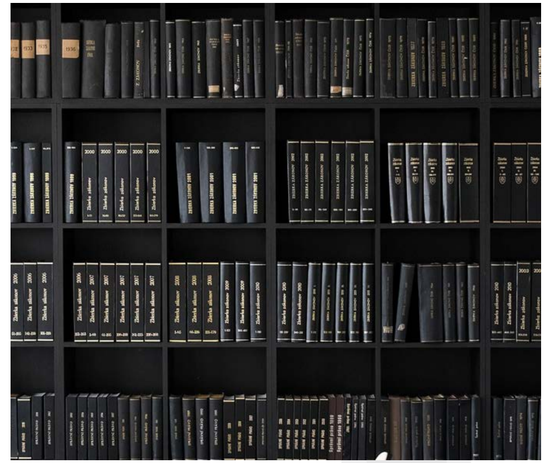
The Supreme Administrative Court also referred in its application to the case law of the ECtHR – Liu v. Russia (judgement of 26 July 2011, No. 29157/09), Al-Nashif v. Bulgaria (judgement of 20 June 2002, No. 50963/99) and C. G. and Others v. Bulgaria (judgement of 24 July 2008, No. 1365/07), as well as to the judgement of the CJEU in the case ZZ (C-300/11). These decisions confirm that even in cases affecting state security, the right of an individual to know at least the essence of the reasons for a decision and to have the opportunity to file an effective remedy cannot be completely denied.

The Constitutional Court agreed with this opinion and the ruling of PL. ÚS 17/2022 of 13 December 2023 declared the provisions of Section 33(6)(o) and Section 48(2)(h) of the Act on the residence of foreigners to be in conflict with Article 46(1) and (2) in conjunction with Article 13(4) of the Constitution.

The ruling confirmed that even in proceedings where classified facts are present, the legislator must enable the participant to know at least the essence of the reasons that led to the interference with his rights. The Constitutional Court recalled that in some states (for example, in the United Kingdom) the solution is the institute of a so-called special lawyer, who has access to classified information and can effectively represent the interests of the person concerned without endangering the security interests of the state.

Both decisions of the Constitutional Court are of fundamental importance, because their consequence is a direct interference with the validity of legal regulations. If the Constitutional Court declares that a law or part of it is inconsistent with the Constitution, these provisions shall lose their effect. The bodies that issued them must ensure their compliance with the Constitution and the international obligations of the Slovak Republic within six months of the announcement of the ruling. If they fail to do so, the contested provisions shall lapse from the legal order – they shall lose their validity after the expiry of this period.

JUDr. Elena Berthotyová, PhD., Panel President of the Supreme Administrative Court



Statistical data on the adjudication of the Supreme Administrative Court and information on applications filed with the Constitutional Court

A. Adjudication in the cassation agenda

Number and share of cases transferred and new cases in 2021:

	Transferred	New	Total
Financial cases	854 42,68 %	251 35,60 %	1105 40,83 %
Social cases	349 17,44 %	190 26,95 %	539 19,92 %
Administrative penalties	211 10,54 %	38 5,39 %	249 9,20 %
International foreigners protection and residence	11 0,55 %	10 1,42 %	21 0,78 %
Other cases	576 28,79 %	216 30,64 %	792 29,27 %

Number and share of new cases in 2022–2025:

	2022	2023	2024	2025
Financial cases	687 34,09 %	436 32,88 %	339 29,48 %	391 29,46 %
Social cases	373 18,51 %	325 24,52 %	251 21,83 %	291 21,93 %
Administrative penalties	107 5,32 %	58 4,37 %	90 7,83 %	104 7,84 %
International foreigners protection and residence	44 2,18 %	36 2,71 %	29 2,52 %	24 1,81 %
Other cases	804 39,9 %	471 35,52 %	441 38,34 %	517 38,96 %

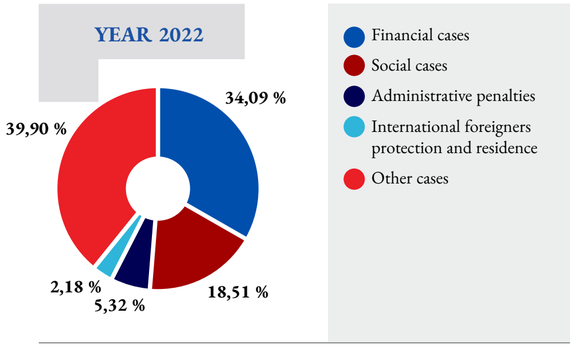
Number and share of decided (completed) cases in 2021–2025:

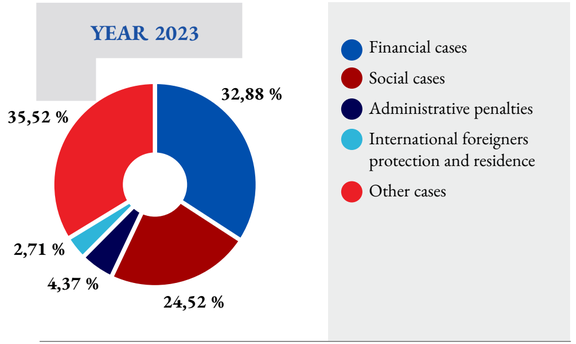
	2021	2022	2023	2024	2025
Financial cases	177 29,50 %	575 30,42 %	698 37,41 %	641 36,21 %	581 34, 96 %
Social cases	123 20,50 %	425 22,49 %	422 22,62 %	362 20,45 %	350 21,06 %
Administrative penalties	65 10,93 %	141 7,46 %	118 6,32 %	89 5,03 %	122 7,34 %
International foreigners protection and residence	9 1,50 %	42 2,22 %	39 2,09 %	37 2,09 %	24 1,44 %
Other cases	226 37,57 %	707 37,41 %	589 31,56 %	641 36,22 %	585 35,2 %

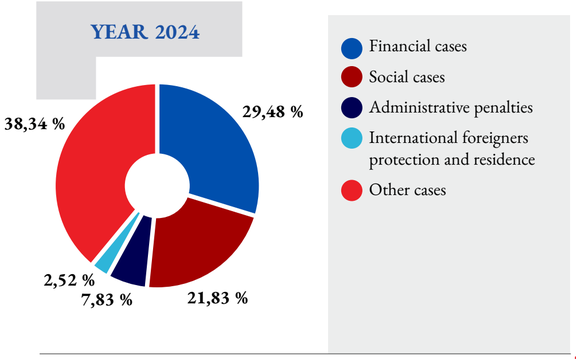
Average length of proceedings in 2022–2025:

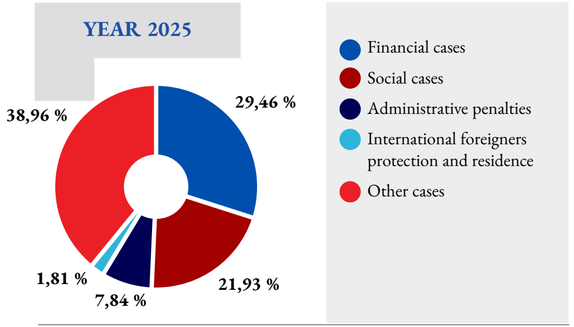
	2022	2023	2024	2025
Financial cases	471 days	436 days	420 days	305 days
Social cases	490 days	427 days	430 days	292 days
Administrative penalties	468 days	457 days	428 days	347 days
International foreigners protection and residence	272 days	453 days	414 days	365 days
Other cases	480 days	442 days	437 days	309 days
Average length of proceedings for all completed cases	436 days	443 days	426 days	324 days

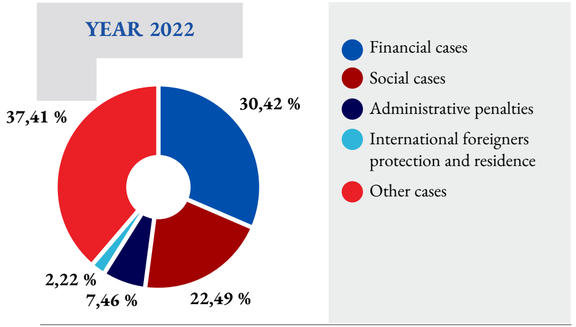
Overview of the share of new cases in 2022–2025:



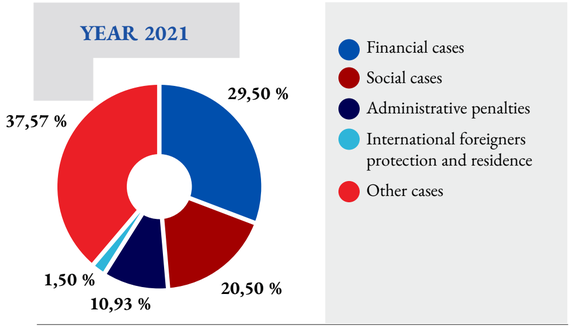


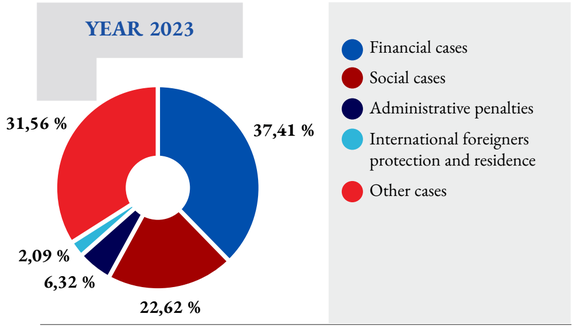


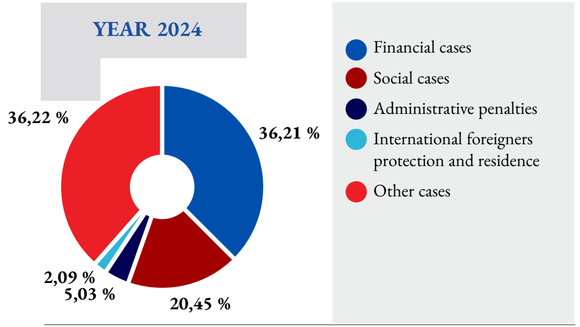


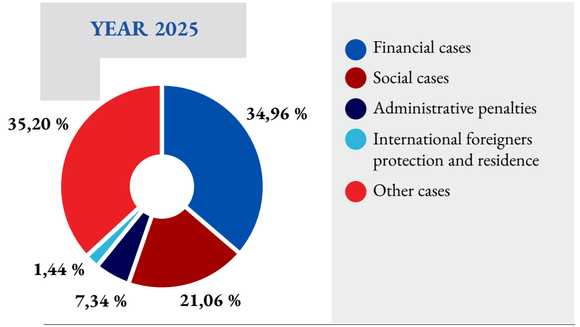


Overview of the share of decided (completed) cases in 2021–2025:









B. Adjudication in the disciplinary agenda

Number of disciplinary proceedings transferred in 2021: 69

Number of disciplinary proceedings (first-instance and second-instance) before the Supreme Administrative Court in 2021–2025:

	2021	2022	2023	2024	2025
Number of contested cases	71[29]	78	56	41	37
Number of decided (completed) cases	0	82	75	54	34

Number of disciplinary appeals[30] before the Supreme Administrative Court in 2021–2025:

2021	2022	2023	2024	2025
0	0	6	4	4

Average length of disciplinary proceedings[31] until 2025: 237 days

29 Consisting of transferred cases and new cases, i.e. cases contested after the creation of the Supreme Administrative Court.

30 Contested.

31 Made up of cases contested at first and second instance.

The three most frequent filers of disciplinary applications in the entire existence of the Court (along with the number for each filer):

1. The Minister/Minister of Justice: 147
2. President/President of the Judicial Council: 12
3. President of the Chamber of Notaries: 10

Number of disciplinary proceedings by profession:

- Judicial Enforcement Officer: 77
- Judge: 75
- Notary Public: 35
- Public Prosecutor: 16

Representative of which legal profession is most often subject to disciplinary charges? – judge (54,04 % completed cases)

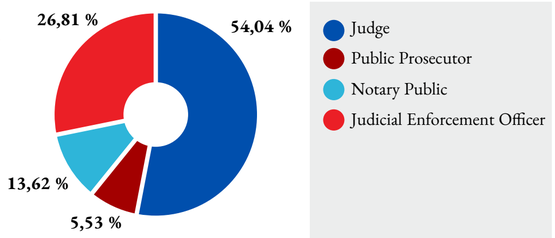
The three most common types of disciplinary penalties imposed in 2022–2025, along with the numbers:

2022		2023		2024		2025	
1.Warning [32]	14	1. Financial penalty	21	1. Financial penalty	11	1.Monetary penalty	6
2. Financial penalty	12	2. Salary reduction	9	2. Salary reduction	8	2. Salary reduction	6
3. Salary reduction	7	3. Written reprimand[33]	8	3. Written reprimand/ Warning/ Suspension	2	3. Written reprimand	2

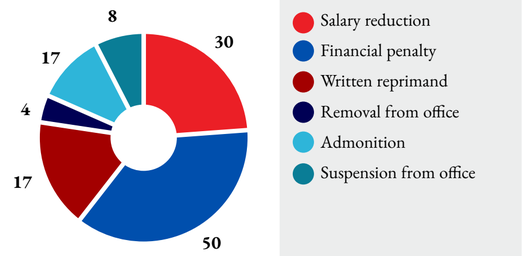
32 Pursuant to Act No. 385/2000 Coll. on judges and judicial assistants and amending and supplementing certain acts

33 Pursuant to Act No. 233/1995 Coll. on bailiffs and enforcement (Enforcement Procedure Code) and amending and supplementing certain acts.

Overview of the share of disciplinary proceedings by legal profession[34]:



Overview of the share of types of penalties imposed in disciplinary proceedings:



34 Based on resolved cases.

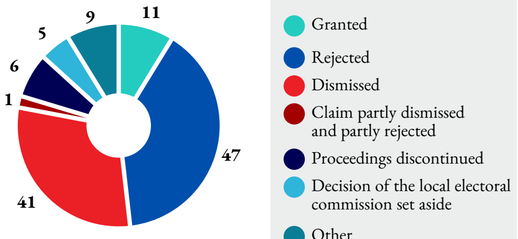
C. Adjudication in electoral and political rights cases

Number of contested cases: 120

Number of completed cases: 120

Decision type:

- Granted: 11
- Rejected: 47
- Dismissed: 41
- Claim partly dismissed and partly rejected: 1
- Proceedings discontinued: 6
- Decision of the local electoral commission set aside: 5
- Other: 9



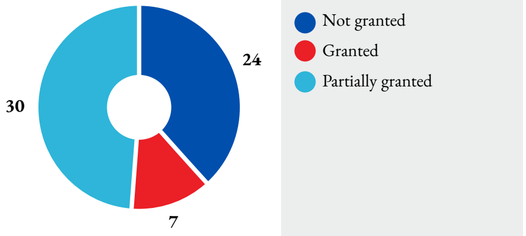
D. Constitutional complaints

Total number of Constitutional Court rulings in the Supreme Administrative Court cases: 61

Decision type:

- Not granted: 24
- Granted: 7
- Partially granted: 30

Overview of the types of judgements of the Constitutional Court in cases before the Supreme Administrative Court:



Chancellery
of the Supreme Administrative Court

Interview with the Head of the Chancellery of the Supreme Administrative Court Zuzana Kyjac

The Supreme Administrative Court was established as part of judicial reform as the highest authority in cases of the administrative judiciary. The Chancellery, which performs the function of court administration, had to be built from scratch in a short period of time. What thoughts went through your mind after you decided to accept this position?

My first thoughts were that it was a very short time (less than two months before the court began operating) and that we had to manage it. At the same time, however, I was looking forward to being able to reset the processes in a state institution, with the aim of creating a good working environment, emphasising education, transparency and fairness in remuneration. Naturally, I also relied on my previous experience and knowledge of the environment, as I had worked for almost 12 years in the Chancellery of the Supreme Court and was familiar, to a certain (albeit limited) extent, with an agenda other than my primary agenda, which helped me immensely and continues to help me to this day. However, I must admit that gradually gaining a comprehensive understanding of everything that is required and the enormous amount of responsibilities that the Supreme Administrative Court must fulfil was far removed from my initial idea.

Which of your previous experiences helped you most in creating a new state institution?

It was a combination of my experience as a regular employee, as the 'head' assistant of the criminal division, and, to a large extent, the invaluable experience I gained through several years of close cooperation with the then president of the criminal division. In addition to the above, the experience I gained in other areas, which I did not shy away from during my time at the Supreme Court, was certainly an advantage. Without my knowledge of the judicial environment and several years of experience working in it, I would definitely not have been able to cope with my role at that time.

What were your main priorities and first steps in your position as head of the Supreme Administrative Court?

Learning how a state budgetary organisation is created was an absolute priority. Subsequently, it was necessary to deal with many administrative matters at several offices, handle various registrations and, at the same time, secure the necessary personnel and material and technical equipment. It was not easy to obtain the funds without which the Chancellery of the Supreme Administrative Court could not begin its work. There were moments when I thought that, due to the zero balance in the account and the complications associated with the initial acquisition of funds, the launch of the judiciary on 1 August 2021 would be seriously jeopardised. At the beginning, there were several situations that could not be foreseen and were beyond our control or work commitment, but all of them could have thwarted our efforts and ultimately meant that we would not achieve our goal.

I will never forget my first days and weeks in office, when I was doing the work of about six or seven employees on a daily basis and literally jumping from topic to topic, or rather from one priority task to another, throughout the day. It is not possible to describe all the priorities and initial activities, but at least some of them can be mentioned here in general terms: preparing the first internal acts, including the Organisational Rules, securing the website and determining its content, securing the relevant information systems, e-mail, cleaning, occupational health and safety and fire protection obligations, meals, record keeping and much more.

Subsequently, when the institution was not yet fully operational, it was necessary to find a new building, as the building on Župné námestie, where we had been based together with the Supreme Court for the first few months, had to be vacated at the beginning of 2022 due to its unsuitable condition. This again involved a large number of gradual, partial steps, and looking back, I consider it a great stroke of luck, or rather a success, that we found a suitable building in such a short time and moved the entire institution into it in a short time.

To summarise and simplify, the main priorities were to 'build' the institution, staff it, relocate it and do everything possible to ensure that the executive branch could function at 100% capacity. Setting up and refining processes and fulfilling all other duties came later.

Looking back, what do you consider to be the biggest challenge in building a new state institution?

I am quite clear about that: setting up all the processes, correctly determining the sequence of steps, selecting the staff, resisting pressure and accepting the fact that not everything is possible at once. Of all these things, I would highlight the staff, because everything else depends on them. I am very demanding of myself and those around me, and I need to be surrounded not only by hard-working people, but also by people with the right values. As far as the court administration itself is concerned, there are almost exclusively irreplaceable positions that require comprehensive knowledge. When we add to this the initial onslaught of all the responsibilities and the need to set up the processes correctly from the outset, it is clear that is not 'for everyone'. If I could be very personal in my conclusion, I would say that, with hindsight, I definitely consider maintaining the same attitude, approach and enthusiasm for things to be the biggest personal challenge.

You are known to participate in interviews when selecting all employees for the Court's Chancellery. How did you approach the selection and building of the team of employees? What is most important to you when selecting new colleagues?

Yes, I participated in almost all of them. It was very important to me that I did not come to an existing institution with employees, but had the opportunity to participate in building a new staff – with the exception of delimited employees. I saw the selection of new employees as one of my fundamental tasks, and I still have great respect for this task. I have gained a wealth of experience in this regard, thanks in part to our head of human resources, who participates in almost all personal interviews with me.

> *As far as the key aspects of selection are concerned, we try to find professionally competent employees for whom work is not just a job, even though this may sound rather abstract.*

In the case of court administration staff, we also consider attention to detail, a responsible approach to work and the ability to cope with stressful situations to be extremely important. For judicial assistants, who constitute the largest group of employees, we try to determine, above all, their legal reasoning and potential for further professional growth during personal interviews.

New employees are welcomed with a number of helpful measures and assurances during their first days on the job. They settle into their new workplace knowing that everything is ready for them to start working immediately and that all the necessary material and technical resources are in place. Before starting, they receive a letter from you along with a schedule for their first day. This is not common practice. What led you to adopt this approach?

We developed all these steps gradually with the personnel department, and the goal was to make the employee feel welcome, to help them adapt as quickly as possible and to understand all the established processes. In this respect, we consciously go beyond our legal obligations, not only for civil servants but also for employees working in the public interest. We have currently thought through the onboarding of employees in detail and everything necessary is covered. If I were to join a company as a new employee, this is the kind of onboarding I would want – and this was also the motivation behind all the gradual steps leading up to the current situation.

The work of the Chancellery employees and the Court's work is governed by a number of internal acts. How are proposals for their creation generated?

It varies greatly, but in principle, the impetus should come from, and the substantive wording of internal acts should be submitted by, the relevant organisational units. The adoption of some internal acts is also required by law. I consider internal acts to be the basis for the functioning of the Chancellery of the Supreme Administrative Court, which is why I place great emphasis on their content and form. This is reflected in the large amount of time spent on their creation. However, it is not just a matter of initiatives or finding enough time to prepare them, but in the case of several internal acts, the time had to be right for their issuance, so to speak; it was necessary to let the processes mature, gain certain experience, and so on.

How did you secure the premises and necessary infrastructure for the Court's Chancellery and the Court itself in its first months of operation? What were the greatest successes and joys?

Our first premises were in a building on Župné námestie, where there were several vacant offices left by the Ministry of Justice, which had moved out earlier. As for securing the necessary infrastructure, this was extremely challenging in the early months of operation, especially considering the fact that I was the only employee of the Court's Chancellery at the beginning and later there were only a few employees to ensure that everything necessary was in place by 1 August 2021. It was then that more than 60 employees (mostly transferred) and judges joined the court. However, what I feared most from the outset was building the necessary IT infrastructure (we had no networks, servers, IT equipment, licences or software), as I had limited experience and knowledge in this area.

When it comes to the most significant achievements of the Court's Chancellery, I would definitely include, in addition to the launch of the court and its relocation to its current headquarters, obtaining funding for better salaries for employees and adding more jobs than initially anticipated.

> *And what has given me the greatest pleasure? There are two things in particular: satisfied employees and successfully completing a complex task or project.*

During its five years of operation, the Supreme Administrative Court has undergone several audits and inspections. Can you comment on their results? What comes to mind when you think back on them?

First of all, I generally believe that every external inspection or audit, as well as internal audits, can be very helpful in building an institution, whether by helping to set up processes correctly or by drawing attention to shortcomings that need to be avoided in the future. Inspections are very important and justified. Financial management in particular needs to be under scrutiny and subject to the broadest possible control – by the general public – which is also reflected in current legislation (mandatory publication of invoices, orders and contracts on websites).

And now, more specifically, to the audits to which the Chancellery of the Supreme Administrative Court has been subjected to date. The first thing I would like to mention is that these audits required an enormous amount of time and energy, as it was necessary to prepare and scan a large number of documents, write many detailed statements, and so on, in addition to the need to continuously and smoothly fulfil a number of other necessary duties, while still 'only' in the process of building a new state institution. From this perspective, 2024 was the most demanding year overall, as we underwent a total of four inspections/audits, some of them simultaneously. However, their results are undoubtedly a nice report card for us.

> *It is particularly gratifying that the inspections/audits did not find any financial irregularities in the Chancellery of the Supreme Administrative Court, which was often cited as an example in many processes.*

Among other things, these conclusions can be considered perhaps the best response to some of the misleading information that had been circulating about the Chancellery's financial management.

From a retrospective and more comprehensive perspective, taking into account the often considerable time pressure, the onslaught of various initial duties and the minimum number of court administration staff, the results of the extensive review carried out mainly by the Supreme Audit Office and the government audit, when the former ended without findings and the latter with only a minimum of technical reservations, are nothing short of a minor miracle and testify to the extraordinary dedication and approach of all relevant employees of the Chancellery of the Supreme Administrative Court.

The Chancellery of the Supreme Administrative Court works like a well-oiled machine. Individual court administration employees know what they have to do. They regularly consult with you on important steps. The policy of open doors and direct communication is also not common nd everywhere. Is personal knowledge of employees, their strengths and weaknesses, essential?

A well-functioning machine where everyone knows what to do – in my opinion, that is the basis of any well-functioning organisation. Wanting to see the essence and depth of everything, trying to listen to everyone, being direct and also open to criticism – that is related to my attitude and way of working. I put my stamp on many things, which is natural, and so it will be with every future statutory representative. Primarily, the organisation will 'look' and function according to what that person is like and what they emphasise. However, I certainly do not think that this suits or can suit everyone. Nevertheless, I try to do my best, moving forward in some areas and doing things differently than I did at the beginning. There is always something new to learn in the area of managing people and working with them.

When it comes to the 'breadth' of a manager's personal knowledge of their employees, this is (logically) highly dependent on the number of employees under them. Personally, I would definitely not be able to rely on someone I did not know well enough in important matters, nor would I be able to properly 'lead' someone I did not know. In my opinion, it is equally essential for managers to be role models for their subordinates, both in terms of their values and approach to work, as well as in terms of their expertise and knowledge of the agenda. I am convinced that

the sum of these aspects can be the basis for success, but it is not, of course, a guarantee of its achievement, as working with people is extremely demanding and there are many variables that come into play.

A more personal question. You come to team meetings with a list of tasks written down in great detail. How do you create these lists? Where do you think about them?

They are usually created in the evening, when I have more peace and quiet and can summarise things, but also partially 'on the go' during the day (even while walking down the corridor, eating, and so on). I think about work practically all the time, but I need to let some ideas settle for a while, and they run in the background of my mind while I'm primarily focused on other things. Whenever an idea matures or something important occurs to me that I need to deal with, or an external stimulus for something relevant comes up, I immediately write it down on a piece of paper, which I am literally surrounded by. Then I go through the pieces of paper before the meeting and summarise them. I have pieces of paper for almost everything, divided by people, topics, meetings, deadlines, etc. It helps me to have them constantly in front of my eyes, and I like the feeling when I shred them at the end (when the matter is resolved). Based on these notes, I also create a precise schedule for the day, week or month. Lists help me to be efficient, plan, organise and meet/track a number of deadlines. It is my long-term way of functioning on a daily basis, which has proven very useful in my current colossal pile of tasks and responsibilities.

Do you have any advice or tricks on how to be organised down to the smallest detail, so to speak, to think for others as well?

This way of functioning has been completely natural to me since childhood, as responsibility, perfectionism and systematicity are part of my personality structure. I must admit, however, that I have not always perceived this as a positive characteristic, but rather as a 'cross to bear'. Sometimes I feel like my head works like a machine, and over the years it has become even more refined. But I must say that if I am surrounded by organised people, it is much easier for me, and vice versa. As for tips or tricks, I can mention what works for me, namely the aforementioned lists that I constantly keep, add to and check, compiling a precise schedule for the day/week/month and, in principle, dealing with all incoming emails, phone calls and requests from other sources. However, everyone may prefer something different, but what is important for progress is the effort and willingness to work on it.

What do you consider to be the greatest expectations and challenges for the Chancellery of the Supreme Administrative Court in the coming years?

Given the enormous amount of energy and time that has been invested in building the institution so far, I expect, or rather hope, that there will be continuity in the Court's Chancellery in the coming years, that things will not be changed just for the sake of it, that everything that has been set up correctly will be maintained, and that what has been started will be continued (including the construction of a new, stable headquarters for the institution).

At the same time, however, it is impossible to rest on one's laurels and think that things that are already running and have been built up to a certain state no longer need to be taken care of. Everything is evolving, and laws and the obligations arising from them are also changing frequently – so it is necessary to be constantly informed, alert and adapt to these changes. Perhaps the fastest developing areas are information technology and the use of artificial intelligence, which go hand in hand the need for continuous development of IT infrastructure, whose current complexity and level of security, if not continuously maintained and cared for, may soon be a thing of the past, which could have fatal consequences in today's digital age with an ever- nd increasing number of security threats and attacks (and, it should be added, increasingly sophisticated ones).

Finally, the Court's Chancellery faces major challenges, not only in the coming years, in finding and retaining high-quality staff, which is an extremely difficult task.

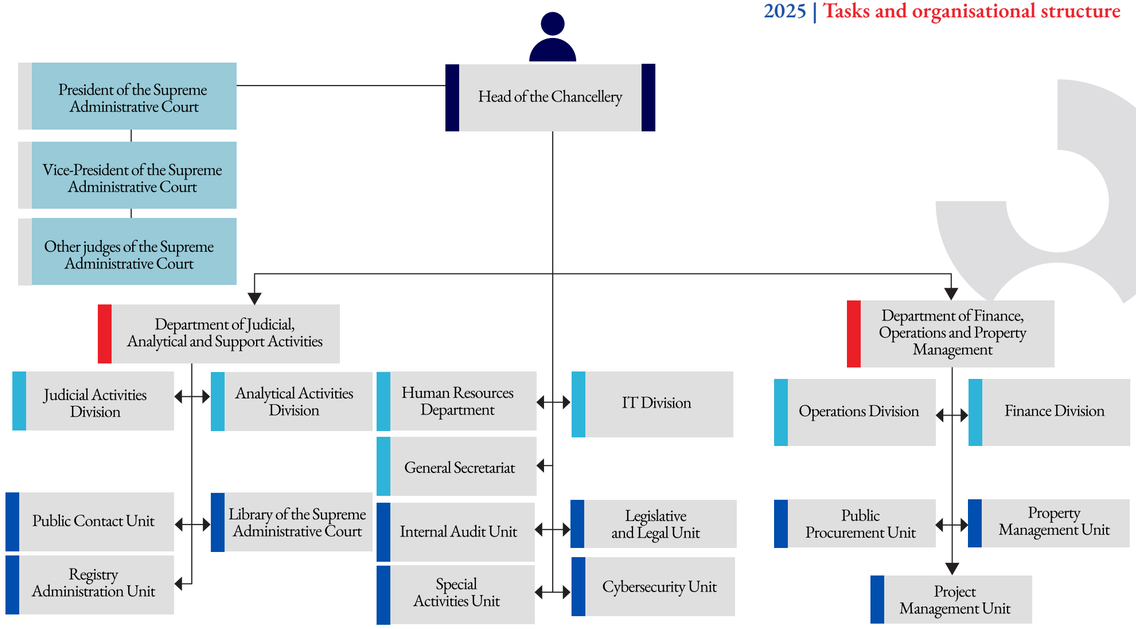
Tasks and organisational structure of the Supreme Administrative Court

The Chancellery of the Supreme Administrative Court was established *de jure* with effect from 1 January 2021 (by Act No. 423/2020 Coll. amending certain acts in connection with the reform of the judiciary), as was the Supreme Administrative Court itself. However, it could only (*de facto*) begin to perform its statutory duties after the appointment of the Head of the Chancellery as its statutory body and, at the same time, its first employee. This was done by the president of the court on 10 June 2021, with the Supreme Administrative Court beginning to perform its activities on 1 August 2021.

In general, it can be said that the Chancellery of the Supreme Administrative Court, as a state budgetary organisation, performs tasks related to the professional, organisational, personnel, economic, administrative and technical support of the work of the Supreme Administrative Court (Section 24f(2) of the Courts Act).

More specifically, this involves the following activities:

- management of allocated budgetary resources as a separate budget chapter,
- performing financial control,
- keeping accounts,
- carrying out public procurement,
- procuring material equipment,
- ensuring the administration of state property,
- ensuring the creation and use of the social fund and concluding collective agreements,
- performing internal audits,
- ensuring occupational health and safety, occupational health services and fire protection,
- ensuring civil protection of the population,
- ensuring the protection of classified information,
- ensuring the protection of personal data,
- ensuring information security,
- procuring, deploying and using information systems and technologies,
- providing library and information services, acquiring, processing, storing, protecting and disposing of library collections,
- ensuring the operation of archives and registries,
- ensuring proper staffing and handling personnel matters,
- ensuring professional training for judges and employees performing tasks in the administration of justice,
- responsibility for the effective use of human and financial resources,
- supervising judicial departments,
- ensuring the use of the state language in accordance with specific regulations,
- ensuring the provision of information on activities to other public authorities and the public,
- being responsible for the timely publication of court decisions,
- ensuring the creation of internal legislation.



The above, currently valid organisational structure of the Chancellery of the Supreme Administrative Court is part of the organisational rules (as an annex thereto) of 2 May 2023, effective from 1 June 2023, issued pursuant to the Courts Act by the head of the Chancellery of the Supreme Administrative Court. The organisational rules of the Supreme Administrative Court are its basic internal management act, regulating in particular the organisational structure of the Chancellery, the activities of individual organisational units and the mutual relations between them, the rules for the representation of employees and the scope of powers, duties and responsibilities of senior staff.

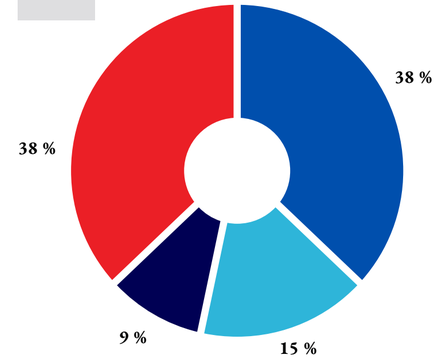
Statistical data on employees of the Chancellery of the Supreme Administrative Court

Total number of employees of the Chancellery of the Supreme Administrative Court	79[35]
Performing civil service	67
Performing work in the public interest	12

Position	Number
Judicial assistants	30
Panel assistants	12
Legal analysts	7
Other court administration staff	30

35 Of this number, three positions are 'temporary' (from 1 November 2023 to 30 June 2026) – for the duration of the project *entitled Building analytical capacities for the availability of the case law of the Supreme Administrative* Court from the Recovery and Resilience Plan. Another 6 positions were added to the Chancellery of the Supreme Administrative Court from 1 July 2025.

CHANCELLERY STAFF



Judicial assistants

Under Section 24c(1) of the Courts Act, a judge of the Supreme Administrative Court may be assigned at least one assistant.

Judicial assistants of the Supreme Administrative Court are civil servants with the rights and obligations of senior court clerks. Organisationally, they are part of the judicial activities department, which falls under the judicial, analytical and support activities division.

A judicial assistant is a close collaborator of the judge in ensuring adjudication. Their primary activity is primarily professional – according to the instructions of a specific judge. Most often, these are tasks consisting of checking the fulfilment of the conditions for proceedings, preparing legal analyses and preparing draft decisions. Other activities include, for example, monitoring and analysing the adjudication of the Constitutional Court, the CJEU the ECHR, or providing assistance to the Analytical Department in the preparation of legal analyses, comparative studies and research. In relation to administrative activities, it is important to note the checking of anonymised decisions prior to their publication, the performance of background checks and the delivery of correspondence to parties to proceedings.

Assistants are the judges' right-hand men. They know their working style and help them to manage their workload effectively. This close cooperation requires expertise and professionalism. The legal (basic) requirement for a judicial assistant is a university degree in law, but other essential and key requirements include analytical thinking, the ability to recognise and identify legal problems and propose solutions, knowledge of legislation, case law and court files themselves in order to quickly and correctly abstract the essence. Good command of legal information systems and the ability to search them is also essential.

Finally, the Chancellery of the Supreme Administrative Court also requires knowledge of at least one foreign language (German, English or French) at B2 level.

The work of a judicial assistant is not only demanding and responsible, but also extremely stimulating. It deepens legal knowledge, develops personal skills and provides the opportunity to be part of the adjudication process at the highest level of administrative judiciary.

Since its establishment, a total of 57 assistants have worked at the Supreme Administrative Court, 18 of whom have already become judges, representing 32% of the total number.

Analytical Department

The term 'legal analyst in the judiciary' is still a relatively new concept for many, including the professional public. The work of an analyst in the Analytical Department of the Supreme Administrative Court is fundamentally different from that of an analyst in a ministry. At the same time, there are also minor differences between the work of analysts at different court instances. Analysts have been part of the organisational structure of the Supreme Administrative Court from the very beginning. .

Legal analysts in the Chancellery of the Supreme Administrative Court primarily prepare research and legal analyses for judges, thereby seeking answers to current questions in 'live' cases. As part of the international agenda, through European and international associations and societies, they communicate with the highest courts in other countries and also prepare international questionnaires several times a year. In addition to the above, analysts also participate in the creation of an internal record-keeping system. The analytical activities department regularly compiles overviews of established adjudication and monitors legislation. Finally, the analytical activities department also participates in the publication of the Supreme Administrative Court's peer-reviewed journal, *the Journal of Administrative Judiciary*, and, in cooperation with the Case Law Council, the Collection of Opinions and Decisions of the Supreme Administrative Court.

Number of outputs (by type) of the Analytical Department in 2021–2025:

	2021	2022	2023	2024	2025
Research and analysis	1	13	23	52	36
International questionnaires and responses within foreign cooperation	8	15	12	20	9
ECHR and ECJ overviews	4	6	6	24	20
Monitoring of legislation and case law	12	40	9	38	45

After the initial stages of preparing the necessary administrative, organisational and technical arrangements and signing memoranda of mutual cooperation with three law faculties (the Faculty of Law of UK, the Faculty of Law of TRUNI and the Faculty of Law of PEU), a pilot project was launched in June 2023 in the form of student internships in the Analytical Department.

These are free professional internships, usually lasting one semester, with a minimum of 8 hours per week. Interns primarily participate in the preparation of regular overviews of the case law of the CJEU and the ECHR, monitoring Slovak legislation and preparing background materials for research and legal analyses. However, they also have the opportunity to participate in the preparation of questionnaires and, if they have a good knowledge

of a foreign language, in the translation of professional texts.

After two years of student internships at the Supreme Administrative Court, the project was judged as successful, and the Court therefore called for possible future cooperation with other law faculties in Slovakia and the Czech Republic. On 16 June 2025, the latest memorandum in this series was signed with the Faculty of Law of UPJŠ.

Representation of individual law faculties of universities in the internship programme:

	2023	2024	2025
Faculty of Law of UK	4	6	10
Faculty of Law of TRUNI	2	9	2
Faculty of Law of PEVŠ	1	0	0
Faculty of Law of UPJŠ	0	0	2

Representation of university degree levels in the internship programme:

	2023	2024	2025
1st level	5	10	7
2nd level	2	5	6
3rd level	0	0	1

International cooperation

Since its inception, the Supreme Administrative Court has taken several important steps towards its integration into European and international structures. It is an active member of international associations of administrative courts, participates in professional conferences abroad and develops bilateral relations with administrative judiciary institutions abroad. Through its activities, it contributes to the sharing of experience, the improvement of judicial practice in Slovakia, the strengthening of legal dialogue between countries, and the building of the court's reputation at the international level.

I. Membership in international associations

- Cooperation with ACA-Europe:

ACA-Europe plays a key role in promoting dialogue between the supreme administrative courts of EU Member States. It supports the mutual exchange of knowledge, opinions and experiences in the field of legal science, the organisation and functioning of the judicial and/or advisory bodies of its members, particularly in relation to EU law.

The Supreme Court has been a member of ACA-Europe since 2004. After its establishment in 2021 and the transfer of the administrative judiciary agenda from the Supreme Court, the Supreme Administrative Court applied for membership in the association, whose aim is to actively shape administrative judiciary in Europe.

The activities resulting from membership in the association are primarily divided into two groups. The first group consists of professional seminars for members, which serve to educate, exchange good practices and strengthen contacts. The Supreme Administrative Court participates in professional seminars every year, and in its first year of membership in ACA-Europe, the Vice-President of the Court, Marián Trenčan, attended an event in Italy.

The second important benefit of the Supreme Administrative Court's membership in the association is the opportunity for judges to complete internships in the jurisdictions of other European countries. Thanks to membership in ACA-Europe, Judge Kristína Babiaková, Judge Anita Filová and Judge Juraj Vališ have completed internships at the Czech Supreme Administrative Court, Judge Juraj Vačok at the Polish Supreme Administrative Court, Judge Michal Novotný at the Federal Administrative Court in Germany, and Judge Petra Príbelská at the Supreme Administrative Court of Austria.

The Supreme Administrative Court reciprocally hosts judges from administrative courts in European countries. Through ACA-Europe, Ana Paula de Fonseca Lobo, a judge of the Supreme Administrative Court of Portugal, and Raffaelle Greco, an Italian judge of the Council of State, completed internships at the Supreme Administrative Court. Both completed a two-week internship at the court, which included meetings at the Supreme Court, the Public Procurement Office and with representatives of the Judicial Council, in addition to the programme at the Supreme Administrative Court.

- Cooperation with IASAJ:

IASAJ was founded in 1983. It brings together more than 100 supreme administrative courts from all continents. Its aim is to promote cooperation on legal issues falling within the remit of administrative courts of last instance. The association facilitates the exchange of knowledge and experience in judicial practice at international level.

Another association of which the Supreme Administrative Court has become a member is IASAJ – the International Association of Supreme Administrative Jurisdictions. One of the activities organised for its members is a congress held every three years , where participants attend workshops on current issues and challenges in the judiciary. The President of the Supreme Administrative Court attended the congress held in Belgium in 2022. This format of meetings provides participants with an opportunity to compare themselves with other jurisdictions and creates a platform for a better understanding of other judicial institutions as well as their own.

Membership allows judges of the Supreme Administrative Court to participate in foreign internships, including in countries outside the EU. The purpose of these internships is to familiarise representatives of the judiciary with the legal system of the country concerned and to discuss topics that are most relevant to the country and the period in question. At the end of 2024, Supreme Administrative Court judge Peter Potásch took part in an internship at the Supreme Administrative Court of the Kingdom of Thailand. During the exchange, he took part in a number of expert consultations, with particular attention being paid to the importance of administrative judiciary in environmental protection, topics with a financial and legal focus, and information on positive legal developments in both countries in selected areas of administrative law.

Conversely, in 2024, Eirini Spanaki, a trainee judge from the Greek State Council, completed an internship at the Supreme Administrative Court. During her internship, she had the opportunity to discuss her questions with judges of the Supreme Administrative Court, representatives of the Supreme Court, the Public Procurement Office of the Slovak Republic and the Antimonopoly Office of the Slovak Republic. The internship also provided an opportunity to compare the administrative law systems in Slovakia and Greece, specifically during Ms Spanaki's presentation, which she prepared for representatives of the local court and judges.

- Other international cooperation:

The Supreme Administrative Court is also a member of other international associations, namely the EU Judicial Network (RJEU) and the Network of Supreme Courts (SCN).

The Judicial Network of the EU (RJEU) was created on the initiative of the President of the CJEU together with the presidents of the constitutional and supreme courts of the EU Member States. Its main objective is to share and centralise information, disseminate European law as interpreted by the CJEU and the courts of the Member States, and promote mutual knowledge and understanding of the laws of the Member States. Thanks to its membership, the Supreme Administrative Court has access to the association's non-public platform, which, in addition to the above, also contains national decisions applying European law and various other reports and studies.

The Network of Supreme Courts (SCN), on the other hand, is a platform launched under the auspices of the ECtHR, and the Supreme Administrative Court became a member in 2021. The main objective of this group is to deepen the dialogue between the ECtHR and national supreme courts through the mutual exchange of knowledge and information in the field of the Convention for the Protection of Human Rights and Fundamental Freedoms and related issues. As a member, the Supreme Administrative Court actively participates in the preparation of contributions to comparative studies, as well as other activities arising from its membership.

In 2025, talks began on the possible membership of the Court in the European Law Institute (ELI). The aim of this association is to initiate, carry out and strengthen research in legal areas and to provide guidance to its members on the development of European law. The association carries out numerous projects covering all areas of law – substantive, procedural, public and private law. Based on communications between the presidency of the Supreme Administrative Court and the leadership of the association, the Supreme Administrative Court applied for membership.

II. Cooperation with the CJEU

A major milestone in the development of relations with European courts was the visit of representatives of the local court to the CJEU in 2022, which provided an opportunity to present the activities of the Supreme Administrative Court at this important judicial institution. The meeting had a significant impact on the gradual anchoring of the Supreme Administrative Court on the international stage and its establishment in the international environment.

In the same year, the Supreme Administrative Court was represented at the celebrations of the 70th anniversary of the ECJ in Luxembourg, which also included a forum of judges. This forum takes the form of a colloquium, which is held annually with the aim of maintaining fundamental links between the ECJ and the courts of the Member States. The central theme of the meetings and seminars was bringing justice closer to citizens.

In 2024, the Supreme Administrative Court was also represented at the extraordinary forum of judges for the presidents of the supreme judicial authorities of the EU Member States on the occasion of the 20th anniversary of the enlargement of the EU by 10 new Member States. Thematically, the EU SD forum focused on social policy, personal data protection and the use of artificial intelligence in supporting judicial activities.

A significant moment in 2024 was the visit to the local court by the President of the CJEU, Koen Lenaerts, together with CJEU Judge Miroslav Gavalec. During the two-day visit, the judges and court staff had the opportunity to discuss the case law of the CJEU relating to asylum and its application in the decisions of the Supreme Administrative Court. President Lenaerts also addressed the issue of the protection of the EU's financial interests in the case law of the CJEU.

III. Cooperation with courts in neighbouring countries

The Supreme Administrative Court established cooperation with the supreme courts of neighbouring countries at the very beginning of its operation. In 2022, as part of the development of bilateral relations with the Czech Supreme Administrative Court, a delegation from the Slovak court accepted an invitation to meet with its representatives, at which the basic principles of the functioning of the highest administrative court in the Czech judiciary were presented.

In the same year, President Pavol Naď accepted an invitation to the celebrations of the 100th anniversary of the establishment of the Polish Supreme Administrative Court, and his participation opened up space for discussions on possible closer cooperation between the Supreme Administrative Courts of Slovakia and Poland.

The year 2023 was a significant year in terms of cooperation with judicial institutions in neighbouring countries. Representatives of the Slovak Supreme Administrative Court were invited to a bilateral meeting of supreme administrative courts, which has been organised by the Czech and Polish supreme administrative courts since 2011. The aim of these events is to create a space for regular dialogue between judges and the exchange of current knowledge and challenges in their adjudication. Participants discussed the Common European Asylum System (CEAS), the problem of double taxation and the legal aspects of strategic construction projects.

Following the invitation of the Slovak delegation to a bilateral meeting of the Czech and Polish Supreme Administrative Courts, the first ever trilateral meeting was organised at the local court in 2024. In addition to the presidents

and working groups of the Czech and Polish supreme administrative courts, EU Court of Justice judge Miroslav Gavalec also accepted the invitation to this event. The meeting was divided into three working blocks with topics in the area of administrative penalties in the adjudication of the supreme administrative courts, in the area of asylum with an emphasis on unaccompanied minors in asylum proceedings, and in the area of state social support.

The Supreme Administrative Court, together with its Czech partner, regularly organises plenary meetings of both courts. This format of meetings contributes not only to the exchange of knowledge and experience, but also to the deepening of mutual professional and partnership relations. In 2024, the meeting was organised by the Czech Supreme Administrative Court in Pozlovice. A year later, the local court was reciprocally responsible for organising the traditional plenary meeting, focusing on the differences between Czech and Slovak procedural law governing administrative judiciary after 1993 and considerations *de lege ferenda*, disciplinary judicial agenda and the topic of judicial bias with a specific emphasis on adjudication.

In addition to this cooperation, in December 2023, representatives of the Administrative Court of the Republic of Austria visited the Supreme Administrative Court, and in February 2024, bilateral meetings with neighbouring administrative courts of the highest instance were concluded with a visit by representatives of the Hungarian Curia to the local court.

Internships abroad	
2022	3
2023	3
2024	2
2025	1

Internships for foreign representatives of the judiciary	
2022	1
2023	1
2024	1

Foreign business trips	
2021	3
2022	24
2023	14
2024	20
2025	11

Vice-President of the Supreme Administrative Court Marián Trenčan at the ACA-Europe seminar in Versailles. (December 2024)

President of the Administrative Court of the Republic of Austria Rudolf Thienel and President of the Supreme Administrative Court Pavol Nad. (December 2023)

Judge of the Court of Justice of the EU Miroslav Gavalec and the Presidents of the Supreme Administrative Courts of the Slovak Republic, the Republic of Poland and the Czech Republic Pavol Naď, Jacek Chlebny and Karel Šimka at the Trilateral Meeting. (October 2024)

Joint photo of the delegations from the Supreme Administrative Court and the Curia of Hungary, composed of President András Zs. Varga, Vice-President Katalin Böszörményiné Kovács. (February 2024)

Lecture by Judge Tomáš Langášek on the legal regulation of disciplinary justice in the Czech Republic. (January 2024)

Delegation of the Supreme Administrative Court visiting the Supreme Administrative Court of the Republic of Poland. (March 2024)

The leadership of the Supreme Administrative Court together with a delegation from the CJEU represented by President Koen Lenaerts and Judge Miroslav Gavalec. (May 2024)

Visit to the Supreme Administrative Court of Austria. (December 2023)

Visit of representatives of the Supreme Administrative Court of the Slovak Republic in Luxembourg. (November 2022)

President of the Czech Supreme Administrative Court Karel Šimka and President of the Slovak Supreme Administrative Court Pavol Naď after signing a memorandum of cooperation between the Czech and Slovak Supreme Administrative Courts. (March 2024)

Participants of the Trilateral Meeting of the Presidents and Working Groups of the Supreme Administrative Courts of the Czech Republic, the Republic of Poland and the Slovak Republic in Bratislava. (October 2024)

Cooperation with institutions in Slovakia

Despite the separation of administrative judiciary from the Supreme Court, the two highest judicial authorities continue to cooperate closely. Their relationship has resulted, for example, in the joint organisation of a professional symposium on *Interdisciplinary Perspectives on Tax Fraud* in 2023. An audience of judges from both organising institutions and representatives from the Financial Directorate of the Slovak Republic, the Slovak Chamber of Tax Advisors, the Ministry of Finance of the Slovak Republic, the General Prosecutor's Office and the newly established administrative courts listened to presentations on the differences between 'financial' tax fraud and the factual basis of the criminal offence of tax fraud, as well as on the responsibility of statutory bodies for tax obligations.

In 2025, another joint symposium was organised, this time on the topic of *Bankruptcy and Restructuring in Civil Litigation and Administrative Court Proceedings*. The lectures covered topics such as the admissibility of declaratory actions, the purpose of declaratory and exclusionary actions, preliminary rulings, the registrability of documents, mutual suspension of proceedings, and many others.

After the establishment of the Supreme Administrative Court, cooperation with the Public Defender of Rights began in 2021, when the court's presidency met with Ombudswoman Mária Patakyová and, in 2024, with Ombudsman Róbert Dobrovodský.

Finally, the intensive cooperation with the Judicial Academy cannot be overlooked. In addition to judges and staff regularly participating in training provided by this institution, some judges of the Supreme Administrative Court also actively participate in training by providing lectures and are also involved in developing the Judicial Academy's study plan.

Cooperation with this institution ultimately led to the organisation of the *first* ever *Administrative judiciary Days* at the Judicial Academy's branch in Omšenie in 2024. The purpose of this event was to create a unique platform for administrative court judges to deepen their knowledge and professional discussion in areas of administrative judiciary that reflect the current needs of court practice. Based on the positive feedback and success of the event, it was organised again in 2025.

President of the Supreme Administrative Court Pavol Naď and Public Defender of Rights Róbert Dobrovodský. (January 2024)

Minister of Justice Viliam Karas, President of the Judicial Council Ján Mazák, President of the Constitutional Court Ivan Fiačan, Speaker of the National Council Boris Kollár, Prime Minister Eduard Heger, President of the Supreme Court Ján Šikuta, and President of the Supreme Administrative Court Pavol Naď at the Opening of the Judicial Year. (February 2023)

Memoranda of cooperation

Since its establishment, the Supreme Administrative Court and its Chancellery have intensively established and gradually deepened relations with partner institutions for the purpose of implementing diverse cooperation aimed at both streamlining the administration of justice and supporting activities aimed at fulfilling the fundamental objectives of the court and its Chancellery.

In order to formally establish and frame the basic areas of cooperation, the Supreme Administrative Court and its Chancellery have concluded several memoranda of mutual cooperation with judicial institutions, law faculties of Slovak universities, as well as other entities that contribute positively to fulfilling the mission of the Supreme Administrative Court and its Chancellery.

The first in a series of memoranda on mutual cooperation was signed with the Judicial Academy in June 2021. When signing the memorandum, the President of the Court, Pavol Naď, and the Director of the Judicial Academy, Peter Hulla, emphasised the importance of high-quality training for judges, prosecutors and court officials, as well as the highly professional and impartial exercise of justice.

An important step by the court in developing relations with judicial authorities at home was undoubtedly the signing of a memorandum with the Constitutional Court and its Chancellery in October 2022. The document reflects the necessity of public trust in the judiciary, judges and the impartial administration of justice, as well as the need for practical, day-to-day guidance in the extensive adjudication of the courts. Among other things, the cooperation focuses on the exchange of information, mainly through professional events that facilitate discussion on important and current legal issues.

The signing of a memorandum with the Czech Supreme Administrative Court in March 2024 formally established the close cooperation that had been ongoing between the Slovak court and its Czech partner since the early months of the Supreme Administrative Court's existence. The cooperation between the supreme courts is focused on the mutual exchange of information, knowledge and experience relating to their activities. The aim is to implement specific cooperation in professional events and educational activities, as well as cooperation in publishing activities. The exchange of information, knowledge and experience on the basis of the memorandum is currently also taking place at the level of the analytical departments of both courts, primarily through the provision of translations of legal documents drawn up in the course of the activities of each court and legal documents and studies to which the courts have access through international networks. In the future, the intention is to strengthen cooperation between judicial departments and cooperation in the field of library and information services.

As part of the pilot year of the Administrative Judiciary Days event, memoranda of mutual cooperation were signed in Omšenie at the end of September 2024 between the Supreme Administrative Court and its Chancellery and all three administrative courts, which set out the specific content and forms of cooperation between the administrative courts and the Supreme Administrative Court. In the memorandum, the courts declared their interest in exchanging information, knowledge and experience in their field of activity, primarily through professional events, educational activities and joint analytical projects.

The most recent memorandum with judicial institutions is the memorandum on mutual cooperation concluded in July 2025 with the Supreme Court and its Chancellery. In addition to a more significant exchange of information, knowledge and experience, the main objectives of the cooperation between the institutions concerned are to create the conditions for further joint action in specific areas. A specific area of future cooperation agreed upon is mutual cooperation and the development of activities related to the potential new headquarters of both parties to the memorandum (two separate parts in one building). The memorandum also establishes cooperation at the level of analytical departments, through which the exchange of information, analytical documents, knowledge and experience will be ensured.

In an effort to link theory with practice, the presidency of the Supreme Administrative Court and its Chancellery also signed memoranda of mutual cooperation with Slovak law faculties, specifically with the Faculty of Law of TRUNI, the Faculty of Law of UK and the Faculty of Law of PEU (signed in June 2023). Two years later, in June 2025, cooperation with universities was extended to include the Faculty of Law of UPJŠ. The court is also open to cooperation with other law faculties, not only in Slovakia but also in the Czech Republic.

The memoranda with law faculties aim to deepen cooperation in the area of publishing, information exchange and the already well-established practice of cooperation in the creation of the Collection of Opinions and Decisions of the Supreme Administrative Court. Thanks to the memoranda, law students have been given the opportunity to actively participate in the work of the Analytical Department to a limited extent through free professional student internships. The signing of the memoranda also opens up opportunities for university teachers, researchers, judges of the Supreme Administrative Court and other Court Chancellery employees interested in establishing links with academia.

Finally, we must not forget the memorandum on mutual cooperation that the Supreme Administrative Court concluded at the end of 2024 with the Association of Judges of Slovakia for the purpose of promoting and protecting the independent and impartial exercise of justice, improving the judicial system, and strengthening the rule of law and trust in the judiciary.

I. Memoranda of cooperation with courts

- Memorandum of mutual cooperation between the Constitutional Court and the Chancellery of the Constitutional Court and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 13 October 2022)
- Memorandum on mutual cooperation between the Supreme Administrative Court of the Czech Republic and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 14 March 2024)
- Memorandum on mutual cooperation between the Administrative Court in Bratislava and the Supreme Administrative Court and the Chancellery

of the Supreme Administrative Court (date of signature: 27 September 2024)

- Memorandum on mutual cooperation between the Administrative Court in Banská Bystrica and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 27 September 2024)
- Memorandum on mutual cooperation between the Administrative Court in Košice and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 27 September 2024)
- Memorandum on mutual cooperation between the Supreme Court and the Chancellery of the Supreme Court and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 3 July 2025)

President of the Supreme Administrative Court Pavol Naď, President of the Supreme Court František Mozner after signing the memorandum.
(July 2025)

Representatives of the administrative courts in Banská Bystrica, Bratislava and Košice, the Chancellery of the Supreme Administrative Court and the Supreme Administrative Court in Omšenie after signing bilateral memoranda.
(October 2024)

II. Memoranda on cooperation with law faculties

- Memorandum on mutual cooperation between the Faculty of Law of PEU and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 27 June 2023)
- Memorandum on mutual cooperation between the Faculty of Law of UK and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 28 June 2023)
- Memorandum on mutual cooperation between the Faculty of Law of TRUNI and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signature: 29 June 2023)
- Memorandum of mutual cooperation between the Faculty of Law of UPJŠ and the Supreme Administrative Court and the Chancellery of the Supreme Administrative Court (date of signing: 16 June 2025)

Signing of a memorandum with the Dean of the Faculty of Law of PEU, doc. JUDr. Katarína Šmigová, PhD., LL.M. (June 2023)

Signing of a memorandum with the Dean of the Faculty of Law, Comenius University, prof. JUDr. Eduard Burda, PhD. (June 2023)

Signing of a memorandum with the Dean of the Faculty of Law TRUNI prof. JUDr. Mgr. Andrea Olšovská, PhD. (June 2023)

Dean of the Faculty of Law of UPJŠ Miroslav Štrkolec, President of the Supreme Administrative Court Pavol Naď and Head of the Chancellery of the Supreme Administrative Court Zuzana Kyjac.
(June 2025)

The Supreme Administrative Court has had a short but very fruitful period in terms of content, both in terms of its protective nature against public authority and its disciplinary powers. During its short existence, this court has effectively established itself as a key authority in the field of administrative judiciary, contributing to the building and development of the rule of law in Slovakia.

The development of administrative judiciary depends not only on high-quality adjudication practice, but also on systematic professional discussion and links with the academic community. In this regard, the cooperation between the Supreme Administrative Court and Slovak law faculties, including the Faculty of Law of PEU, which was formalised by a memorandum of cooperation, is of particular importance.

Mutual cooperation contributes to the education of a new generation of lawyers, who have the opportunity to familiarise themselves with the functioning of the highest institution of administrative judiciary during their studies. At the same time, it promotes legal awareness of the position and role of administrative judiciary in the legal system of the Slovak Republic.

The partnership between the Supreme Administrative Court and the Faculty of Law of PEU can be considered an example of good practice in linking the theoretical and practical dimensions of legal education, which ultimately strengthens the quality and authority of administrative judiciary in Slovakia.

On this anniversary, we wish the Supreme Administrative Court professional mastery of the challenges that await it and the adoption of further fair decisions, so that administrative judiciary in Slovakia continues to be an irreplaceable part of the system of protection of the rights of individuals and legal entities in relation to public administration.

doc. JUDr. Katarína Šmigová, LL.M, PhD., Dean of the Faculty of Law of PEU

Whenever judicial reform becomes the focus of political interest, however it is named and justified with lofty phrases, every expert should take notice. Although we may have different opinions on the judicial reforms of several years ago, we mostly agree that these steps have achieved one good thing that can improve public administration and contribute to a better life for people, and that is the creation of an independent administrative judiciary system, including the Supreme Administrative Court.

Especially at the time when the competence of the Supreme Administrative Court was being established and its first judges were being appointed, there was much speculation about how it should operate in Slovakia. Today, however, we can confidently say that the Supreme Administrative Court and other administrative courts have fulfilled expectations in the best sense of the word, becoming transparent guardians of legality and predictability of legal solutions in public administration.

I can only confirm that the Faculty of Law of UK is proud of its cooperation with the Supreme Administrative Court, which is reflected not only in the partial personnel links between judges and the faculty, but also in institutional cooperation, including cooperation in the education of new generations of lawyers.

We wish the Supreme Administrative Court and other administrative courts that in the coming decades they will maintain not only the formal but also the actual high level of authority that they have managed to achieve in the short time they have been in operation.

prof. JUDr. Eduard Burda, PhD., Dean of the Faculty of Law of UK

The Constitution, as our value totem, contains several powerful sentences. One of the most powerful is that about the freedom and equality of all people in dignity and rights. It offers us a perspective for looking at other people, society, and ourselves through the concepts of human rights and needs. If we add to this the sentence that the Slovak Republic is a democratic and legal state, we create a lens through which we can see our country's past as a story.

In that story, the democratic institutions of the state, created by the will of the people, are limited by legal and human rights requirements. Democracy is limited by law, and law is limited by human rights values. This ensures that we are not only a democratic state, but also a state governed by the rule of law.

And a state governed by the rule of law is not possible without an administrative judiciary. That is why the administrative judiciary has historically emerged and disappeared with changes in regimes. It disappeared, for example, in the 1950s, reappeared at least partially in 1968, and then disappeared again, only to reappear after the Velvet Revolution and become the subject of attention as a protection against the state. This is because the protection of individuals against state authorities, democratically legitimised executive bodies – both central government and local government – is the basis for the protection of freedom, dignity and equality. Therefore, administrative judiciary performs a function similar to that of constitutional courts, as German doctrine reminds us. That is why the Supreme Administrative Court is a 'small constitutional court', as Czech colleagues formulate the idea based on the German model.

The establishment of the Supreme Administrative Court and the administrative court system, which perform this protection against acts of the executive in a concentrated and focused manner, is a great thing that the country's population deserves.

The Faculty of Law of TRUNI is naturally proud that several of its talented graduates and teachers have become judges and assistants at the Supreme Administrative Court, and that Dr Kyjac, a graduate of our doctoral programme, has significantly contributed to the launch and practical operation of the court.

However, the connection between the academic sphere and a specific judicial body does not arise primarily through personal links. The mainstay is expert dialogue and joint work on promoting the values of the rule of law. This is facilitated by the openness of the court – from the accessibility of its decisions, through the exchange of views at seminars and other forums, to the possibility of student internships, where future lawyers gain invaluable experience by observing the live functioning of administrative judiciary. We are most pleased with this interconnectedness and cooperation, and we sincerely thank you for this opportunity, trust and openness.

doc. JUDr. Marianna Novotná, PhD., univ. prof., Dean of the Faculty of Law of TRUNI

The Supreme Administrative Court is celebrating five years of existence. Its creation has placed the Slovak Republic among the group of democratic states governed by the rule of law, in which the highest administrative judiciary has been separated from the highest general judiciary at the highest level.

On behalf of the Faculty of Law of UPJŠ, I am pleased that several judges of the newly established Supreme Administrative Court are graduates of our faculty, whether at the master's level or in rigorous proceedings.

Since its inception, our faculty has worked closely with the Supreme Administrative Court, both in the area of scientific and educational events and in the area of commenting on draft decisions for publication in the Collection of Opinions and Decisions of the Supreme Administrative Court.

The signed memorandum of cooperation opens up opportunities for its expansion into the area of student internships. We particularly appreciate this opportunity, as it creates suitable conditions for our students to deepen their knowledge in the areas of administrative law, constitutional law, tax law and administrative judiciary.

We are convinced that the cooperation between the Supreme Administrative Court and the faculty will continue in the established trend, and we wish the court every success in fulfilling its constitutional mission and exercising its powers for the benefit of society as a whole.

prof. JUDr. Miroslav Štrkolec, PhD., Dean of the Faculty of Law of UPJŠ

III. Memoranda of cooperation with other entities

- Memorandum of mutual cooperation between the Judicial Academy and the Supreme Administrative Court (date of signature: 23 June 2021)
- Memorandum on mutual cooperation between the Association of Judges of Slovakia and the Supreme Administrative Court (date of signature: 7 November 2024)

Communication policy

Since its inception, the Supreme Administrative Court and its Chancellery have been informing the public about their activities, primarily through their website. The primary objective of the communication policy of both institutions is to communicate the adjudication of the Supreme Administrative Court to the public in a transparent and comprehensible manner, thereby bringing it closer to both the lay and professional public. Another important aspect of the communication policy is to educate the public about administrative judiciary, to promote the activities of the court at domestic and international events, and thereby to build trust in the judiciary and the rule of law.

In 2024, a new website was launched, the appearance, layout and content of which we believe reflects the vision of a modern state institution while respecting legislative requirements – accessibility standards aimed at making websites accessible to disadvantaged groups of the population. From the outset of work on the new website, our intention was to organise it in such a way that users could easily navigate its subpages. Communication of adjudication is a priority area for the presidency of the Supreme Administrative Court and its Chancellery, which is why press releases are posted on the website.

Our LinkedIn profile is also a communication tool for us. Its content largely mirrors the content of posts published on the website. Available statistics show that our followers on social media are mainly interested in professional legal outputs, such as the Collection of Opinions and Decisions of the Supreme Administrative Court, the peer-reviewed journal *Journal of Administrative Judiciary* (Žurnál správneho súdnictva) and the document entitled *Legal Questions and Answers of the Grand Panel*. We also use social media to publish open positions at the Court Chancellery.

At the end of 2025, we launched *the Administrative Podcast* with the aim of reaching a wider audience. The aim of each podcast episode is to feature interviews with prominent figures from the Slovak and international legal community.

As far as communication with the media is concerned, the Supreme Administrative Court welcomes the active participation of media representatives in hearings. The communication role of the public relations specialist (spokesperson) also ensures that journalists' questions are answered comprehensively and in a timely manner in cooperation with judges and Court Chancellery staff.

Information requests agenda

Since its establishment, the Chancellery of the Supreme Administrative Court has processed more than 450 information requests. The number of information requests is growing every year. This increase is also justified by the Chancellery's approach, which simplifies the process for applicants to request access to information – most recently by launching the relevant form on its website.


ELEKTRONICKÝ FORMULÁR ŽIADOSTI O SPRÍSTUPNENIE INFORMÁCIÍ

Polia označené hviezdičkou (*) sú povinné a je nutné ich vyplniť.

Fyzická osoba Právnická osoba

Meno a Priezvisko:*

Adresa trvalého pobytu:*

Požadované informácie:*

Spôsob sprístupnenia:*

—Zvoľte prosím možnosť—

Dátum narodenia:

dd.mm.rrrr

Telefónne číslo:

E-mail:*

Doplňujúce informácie k žiadosti:

ODOSLAŤ →

The vast majority (more than 85 %) of the requests received were processed by providing access to the information. In cases where decisions were made not to disclose information, appeals were filed in less than 10 cases.

In terms of the nature of the information requested, applicants most often request access to older decisions of the administrative chamber of the Supreme Court, procedural information on court files and the status of court proceedings, or request the screening of court proceedings concerning specific legal entities. In the first information request received on 22 July 2021, the applicant requested information on the timetable for the launch of the electronic mailbox and website of the Supreme Administrative Court. However, the Chancellery of the Supreme Administrative Court also encountered atypical requests for information, which were not granted. These included, for example, a request for information on the vaccination and testing of judges of the Supreme Administrative Court in relation to COVID-19.

When deciding on the disclosure of information, the Chancellery of the Supreme Administrative Court prefers an open approach and strictly adheres to the central idea of Act No. 211/2000 Coll. on free access to information and amending and supplementing certain acts (the Freedom of Information Act) – everything is public (accessible) unless the law stipulates otherwise.

Library of the Supreme Administrative Court

The Library of the Supreme Administrative Court is a working and educational space that plays an important role in the daily functioning of the court. It combines the tradition of education with modern technologies and an open atmosphere that promotes the exchange of knowledge and the continuous professional development of judges and Court Chancellery staff.

The library provides a wide range of services. Its collection consists of more than 2,500 publications in the fields of domestic law, international law and EU law, as well as philosophy, legal ethics, history and other social sciences. The library currently subscribes to a total of 21 Slovak and foreign periodicals on a regular basis.

Although the library *primarily* serves as a place for studying scientific literature and borrowing books, its function certainly does not end there. It is equipped with professional audiovisual technology, which allows for various professional training courses, seminars and even podcast recording and streaming of hearings to be held there.

In addition to its professional function, the library also has a social dimension, as at least once a year it is transformed into a space for informal meetings where judges and Court Chancellery staff can slow down and engage in conversation in a friendly atmosphere.

In conclusion, it can be said that the library of the Supreme Administrative Court is not only a quiet refuge for study and education, but also the living heart of the institution – a place that brings people together and contributes to building the ‘community spirit’ of the court.

Internal educational events

From the outset, one of the main objectives of the Chancellery of the Supreme Administrative Court was to materialise and develop the idea of implementing ‘supplementary’ training at the local court, which would be intended for both the judges of the Supreme Administrative Court and the Court Chancellery staff. The main purpose of this effort was to expand knowledge in areas that are not covered (or are only partially covered) by the training provided by the Judicial Academy.

These efforts were fully realised in 2023, when the Chancellery of the Supreme Administrative Court launched an internal training project, which included various educational events, seminars, symposiums and workshops were organised on the court premises (library), with the participation of both lecturers from within the court and invited experts in the relevant fields.

During the pilot year, several training courses were held at the court, including Microsoft WORD and Microsoft EXCEL training, Slovak for everyone, training in working with Court Presidency, and training focused on working with individual legal information systems.

An important event organised by the Supreme Administrative Court in cooperation with the Supreme Court was a professional symposium on the topic *of Interdisciplinary Perspectives on Tax Fraud*. The event featured professional contributions not only from judges of these institutions, but also from representatives of the academic community. The main objective of the symposium was to create a space for discussion between (not only) individual legal professions on the constantly topical and undoubtedly interdisciplinary topic of tax fraud.

At the end of the year, judges were given the opportunity to attend training focused on media training, specifically verbal communication, linguistic and interpreta-

tive stylistics, presentation and public speaking.

The conduct of disciplinary proceedings and related issues were the subject of an event at which judges from the disciplinary panels of the local court had the opportunity to discuss with Martin Bargel and Peter Štift, judges from the criminal division of the Supreme Court.

In view of the insufficient knowledge of French among persons working in the Slovak judiciary, the Chancellery of the Supreme Administrative Court has decided to provide French language training for beginners to judges and certain Court Chancellery staff from 2024 onwards. The aim of this language training is to provide judges and selected employees with language training in French from level A1 to level B2, which will enable them to continue their free specialised training (e.g. legal terminology, conversation, etc.) through the activities of the Judicial Academy.

In 2024, in addition to the French language course, other important educational events took place, among which it is worth mentioning the discussion between judges of the local court and former judge of the Czech Supreme Administrative Court Tomáš Langášek (currently a judge of the Constitutional Court of the Czech Republic) on the topic of disciplinary justice. During the event, Judge Langášek outlined the legal framework of disciplinary justice in the Czech Republic, described the perceived problems of legislative anchoring, and also created space for debate on substantive and procedural issues and questions that judges face when deciding disciplinary matters.

The training conducted by Martin Bargel, a judge of the Criminal Division of the Supreme Court, on the topic of *Concurrent Offences and Their Punishment (Aggregate/Total Punishment)* was also related to issues arising in disciplinary proceedings.

Other educational events also focused on the basics of personal data protection, cyber security, and selected aspects related to the application of the Anti-Discrimination Act.

At the end of 2024, the Supreme Administrative Court, in cooperation with the Whistleblower Protection Office, organised training to familiarise participants with the procedures for reporting anti-social behaviour and the powers of the office.

The year 2025 brought new visions and challenges. In addition to continuing French language courses and deepening knowledge in the area of personal data protection, an important topic was corruption, which was addressed in April 2025 at the local court by Patrik Príbelský, a judge of the Criminal Division of the Supreme Court.

Autumn 2025 saw the second annual joint professional symposium co-organised with the Supreme Court, this time on the topic of *Bankruptcy and Restructuring in Civil Litigation and Administrative Proceedings.*

Finally, other areas that were the subject of training in 2025 were the judgements of the Court of Justice of the European Union, which were presented by Judge of the General Court JUDr. Beatrix Ricziová, together with an employee of the Supreme Administrative Court currently serving as a seconded national expert at the CJEU, Mgr. Daniel Staruch, and the other area was ethics, with a specific focus on the Code of Ethics for Civil Servants, communication with persons with disabilities, and integrity, independence and impartiality as key elements of the role of a judge during the 'Ethics Day' at the end of the year.

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