

THE JUDICIAL COUNCIL OF THE SLOVAK  
REPUBLIC  
3RD TERM



**No. 502**

THE RESOLUTION OF THE  
JUDICIAL COUNCIL OF THE SLOVAK REPUBLIC

THE 24th OF JUNE 2015

on the Analysis of the number of courts and on the state of play of the individual  
agendas on courts

**The Judicial Council of the Slovak republic**

after the discussion on the Analysis of the number of courts and on  
the state of play of the individual agendas on courts

**s t a t e s   t h a t :**

The Courts of the Slovak republic are significant guaranties of the litigants' right for the judicial protection within a reasonable time. It is no doubt that the society is confronted with the reality of increasing of the incoming cases of more than one third (for example in 2010 the number of incoming cases was 1 206 224, in 2014 it was 1 386 622 cases).

Judges have no opportunities to change current state of play because they have exhausted their own personal reserves. The accountability of state for the effective administration of justice is undoubtful.

The Judicial Council of Slovak republic thinks that it is necessary to help to change this state of play by adopting personnel and legislative measures.

By personnel measures we mean:

- to determine the optimal and functional model of the judicial department (at the district court, at the district court in the town where the regional court has its seat as well, at the regional court and at the Supreme court),

- to clearly define how many cases could be solved by a judge or tribunal without the risk of undue delay and loss of the quality of decision-making,
- to keep the amount of the pending cases and to react immediately if this amount is exceeded,
- to create good working conditions for judges and the employees at courts, especially space conditions, for the proper administration of justice (respecting the Supreme Court's requirement for an separate court building),
- to take into account the specifics of particular courts when talking about personnel changes at these courts.

In legislation, we **propose** the Minister of justice of the Slovak republic after the discussion about proposed amendments of Act No. 385/2000 Coll. on judges and lay-judges; after the discussion about amendments of government's Edict No. 288/1995 Coll. on remuneration and compensation of bailiffs and after the discussion about the proposal to widen the Clause of selected influences:

**1. to present**

a proposal of an Act that will change the Act No. 385/2000 Coll. on judges and lay-judges and on changes and supplementation of the certain acts ;

**2. to make**

a change of government's edict that will change the Edict No. 288/1995 Coll. on remuneration and compensation of bailiffs in the part that deals about the compensation of bailiffs' expenses that were reasonably spent;

**3. to complete**

the Clause of selected influences, as an obligatory part of the legislative document, with the document called „The Influence on the administration of justice“;

**4. to prepare** the amendment of the Act No. 371/2004 Coll. on the seats and circuits of the courts of Slovak republic, the Edict of the Ministry of Justice No. 543/2005 Coll. on managing and office rules for the district courts, regional courts, Specialized court and military courts and the amendment of the Act No. 757/2004 Coll. on courts in these parts:

- Article no. 13 para. 2 that deals about the obligation to establish the separate department for the higher court officers,

- that deals about the opportunity to take over the whole judicial department by a new judge,
- that deals about the reorganization of the system of court by merging of so called „small courts“,
- to enact the principle according to which a significant increase of incoming cases will automatically cause the increasing of the number of judges and courts' employees at a particular court and on the other hand the decrease of the number of judges in connection with the inadequate decrease of incoming cases will preserve the original number of judges;

**5. to prepare** a proposal of an act on a new Consumers' Code;

**6. to prepare** a legislative changes that will deal about so called „retractions“ of a particular cases especially those which have lost the character of the dispute and have only the character of the administrative procedure and should be out of the scope of courts, e.g.:

- a transfer of the Business register agenda on Trade licensing offices,
- a change in the execution proceedings so that these proceedings will take place only at bailiffs' offices and courts will enter into these proceedings only on indictment,
- a transfer of the telecommunication arrears cases on the Telecommunication office,
- an introduction of an obligatory mediation in small claim cases arising from the consumers contract (up to 1 000 €).

**7. to delegate** a competence to lead discussions about the content of this resolution with the Prime Minister of Slovak republic and the President of the National Council of Slovak republic (parliament) on the President of the Judicial Council of Slovak republic.

