



**Conference of the States Parties
to the United Nations
Convention against Corruption**

Distr.: General
5 July 2023

Original: English

**Implementation Review Group
Resumed fourteenth session
Vienna, 4–8 September 2023
Agenda item 4
State of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

Addendum

Contents

	<i>Page</i>
II. Executive summary	2
Slovakia	2



II. Executive summary

Slovakia

1. Introduction: overview of the legal and institutional framework of Slovakia in the context of implementation of the United Nations Convention against Corruption

Slovakia signed the United Nations Convention against Corruption on 9 December 2003 and ratified it on 1 June 2006.

The implementation by Slovakia of chapters III and IV of the Convention was reviewed in the second year of the first review cycle, and the executive summary of that review was issued on 3 May 2013 (CAC/COSP/IRG/I/2/1/Add.14).

International treaties that do not require implementing legislation and those that directly confer rights to or impose duties on natural or legal persons take precedence over domestic law (art. 7 (5) of the Constitution).

The country's main sources of law are the Constitution, constitutional laws, ordinary laws, presidential decrees, parliament and government resolutions, and orders issued by ministries, other State institutions and local authorities.

Relevant legislation includes the Constitution, the Civil Service Act, the Act on the Execution of Work of Public Interest (Public Service Act), the Act on the Remuneration of Certain Workers Working in the Public Interest, the Act on the Conditions of Electoral Law, the Election Campaign Act, the Act on Political Parties and Movements, the Whistle-blower Protection Act, the Act on Judges and Lay Judges, the Act on Courts, the Act on the Constitutional Court, the Act on Prosecutors and Trainee Prosecutors, the Act on the Public Prosecution Service, the Act on the Protection of Public Interest in the Performance of Offices by Public Officials (Conflict of Interest Act), the Public Procurement Act, the Accounting Act, the Act on Proof of Origin of Property, the Freedom of Information Act, the Anti-Money-Laundering Act, the Criminal Code, the Code of Criminal Procedure and the Civil Procedure Code (also known as the Code on Contentious Proceedings).

Institutions with mandates relevant to preventing and countering corruption include the Government Office and its Corruption Prevention Department, the Ministry of Justice, the Public Procurement Office, the Whistle-blower Protection Office, the Ministry of Finance, the Ministry of Interior, the Supreme Audit Office, the Supreme Administrative Court, the National Crime Agency of the Presidium of the Police Force, the financial intelligence unit, the Asset Recovery Office and the General Prosecutor's Office, including its Special Prosecution Office.

2. Chapter II: preventive measures

2.1. Observations on the implementation of the articles under review

Preventive anti-corruption policies and practices; preventive anti-corruption body or bodies (arts. 5 and 6)

The national anti-corruption policy for the period 2019–2023, developed by the Corruption Prevention Department, prioritizes the promotion and protection of public interest by reducing opportunities for corruption and improving the quality of the legislative and regulatory environment and conditions for entrepreneurship. Monitoring of the policy is carried out by the Corruption Prevention Department, which collects data and information on its implementation. An annual summary evaluation is conducted by the Government Office and submitted to the Government, but is not published. The Government manifesto for the period 2020–2024 defines anti-corruption efforts as a government priority; such manifestos are issued by each successive Government. Sectoral anti-corruption programmes aimed at addressing the corruption risks of individual institutions on the basis of a voluntary methodology for the management of corruption risks are implemented by ministries in areas under their responsibility. Draft integrity principles were being developed by the Corruption

Prevention Department at the time of the country visit.¹ A new anti-corruption policy is expected to be prepared in 2024.

The Corruption Prevention Department coordinates the implementation of the anti-corruption policy, with the support of a board of anti-corruption coordinators, and the implementation of the government anti-corruption agenda, as well as conducting awareness-raising activities and disseminating knowledge.

Civil society organizations are involved in policymaking processes on an ad hoc basis and publish corruption prevention tools. Stakeholder consultations, in the form of sectoral and public consultations, were part of the development process for the anti-corruption policy.

Legal instruments and administrative measures against corruption are evaluated as necessary, and reviews may be initiated by ministries or on the basis of recommendations by international bodies. The national anti-corruption programme, developed in line with the anti-corruption policy, provides for the establishment of corruption-proofing clauses in reports on the impact of draft legislation (task 6 of the programme), although the task has not yet been implemented.

The Government Office, in particular the Corruption Prevention Department, is the main preventive anti-corruption body. The Department has coordination and methodological functions in relation to public administration bodies.

Slovakia implements corruption prevention activities, including awareness-raising seminars and training.

There are no specific regulations, including selection or removal criteria, for the Head of the Government Office, who is appointed by the Government (art. 7 of the Statute of the Government Office) and is not independent. The Corruption Prevention Department is an organizational unit of the Government Office and is subordinate to the Head of the Office. The Office allocates funding to the Department through the State budget. The funding allocated to the Office's anti-corruption activities is subject to change and there are reportedly insufficient human resources. Training, including on integrity, is provided to Department staff.

Public sector; codes of conduct for public officials; measures relating to the judiciary and prosecution services (arts. 7, 8 and 11)

The Civil Service Act, the Public Service Act and the Labour Code regulate the employment of civil servants and public employees. The civil service and public service are partially decentralized. The Civil Service Act defines the basic principles of the civil service as legality, transparent hiring, effective management, impartiality, stability, equal treatment, transparent and equal remuneration, professionalism and political neutrality (arts. 1–9).

The selection procedures for civil servants are defined in articles 39 to 47 of the Civil Service Act. Applicants for permanent positions and most temporary positions are, in principle, subject to open selection procedures. Vacancies for such positions are published online. The Act does not apply to individuals appointed on the basis of political nominations.

Basic salaries are regulated by law. A new remuneration system within the civil service was being developed at the time of the country visit.

Removal and disciplinary procedures are regulated by articles 71 to 82 of the Civil Service Act. There is no formal promotion system within the civil service, except for regulations on career advancement for the police, and there is no formal retirement system. However, public officials are covered by the general Slovak pension system,

¹ The integrity principles were adopted by Government Resolution No. 49/2023 on 31 January 2023.

which includes mandatory pension insurance, a funded old-age pension scheme and a voluntary supplementary pension saving scheme.

Slovakia has not systematically identified positions vulnerable to corruption, and there are no rules pertaining to the selection, training and rotation of persons in such positions. Systematized training for civil servants based on integrity principles was being planned at the time of the country visit.

Criteria concerning candidature for and election to public office, including eligibility and disqualification criteria, are set out in the Constitution (arts. 74 and 103) and the Act on the Conditions of Electoral Law (sects. 6, 132 and 164). The criteria do not include specific elements related to integrity, such as the absence of a previous conviction related to criminal conduct or corruption. The State Commission for Elections and the Control of Political Party Financing only proactively verifies the eligibility of candidates for the National Council.

The funding of candidatures for public office and political parties is regulated by the Act on Election Campaigns and the Act on Political Parties and Movements. The State Commission for Elections and the Control of Political Party Financing is mandated to control the financing of political parties and the funding and management of election campaigns. Donations are regulated by the Act on Political Parties and Movements (sects. 23 and 24). Since parties and movements are required to maintain donation registers that include information on the identity of donors, anonymous donations are implicitly prohibited. Donations are restricted to 300,000 euros per donor per year. In-kind donations are permitted, subject to certain conditions. Political parties and movements are required to submit annual reports to the Commission, including a report produced by an independent auditor; those reports are made available to the public. Section 19 of the Act on Election Campaigns and section 31 of the Act on Political Parties and Movements contain provisions on sanctions for non-compliance that may be imposed by the Commission.

There are ethical codes and guidelines for public officials, which were under revision at the time of the country visit. They include specific codes for judges, prosecutors and members of the financial administration. There is no code of conduct for parliamentarians; gifts, hospitality and other benefits are regulated, to a limited extent, by the Conflict of Interest Act, as described below. Violations of the Code of Ethics for Civil Servants are investigated pursuant to article 9 of the Code, and, if required, disciplinary procedures may be initiated pursuant to article 118 (1) of the Civil Service Act.

The framework for the reporting by public officials of acts of corruption and other unlawful activities is established in the Whistle-blower Protection Act. There is an independent Whistle-blower Protection Office. Ministries, central government offices, other public bodies and legal entities in the private sector must establish internal reporting systems and assign a person to be responsible for the system (art. 10 of the Act). Moreover, public officials can report corruption externally, to the Whistle-blower Protection Office or the prosecution service. Submission of a whistle-blowing report, either internally or externally, qualifies the reporting public official for protection under the Whistle-blower Protection Act. Challenges identified include limited awareness of the reporting systems, a lack of training, shortcomings in existing procedures and a lack of leadership by central government representatives.

The Conflict of Interest Act regulates conflicts of interest for a range of public officials (enumerated in section 2), albeit not for the police. The Act defines conflicts of interest, although the definition excludes potential conflicts, and also regulates incompatibilities, with some exceptions regarding the private sector (art. 5 (2) and (3)), prohibits the acceptance of gifts, with some exceptions (art. 4 (2)), and provides for the declaration of personal interests, offices, positions of employment, activities, economic standing, and gifts and benefits (arts. 5–7). In addition, the Act establishes mechanisms for the prevention and resolution of conflicts of interest and sanctions for non-fulfilment or breaches (art. 9). The Code of Ethics for Civil Servants also defines conflicts of interest, including potential conflicts (sect. 4). Although the

acceptance of gifts and other benefits is prohibited, subject to certain exceptions (sect. 7), different thresholds apply to different categories of civil servants and public officials.

The Civil Service Board is authorized to oversee adherence to the Code of Ethics for Civil Servants, including with regard to matters related to conflicts of interest. Disciplinary sanctions may be applied in accordance with section 118 (1) of the Civil Service Act when violations are identified or reported. Some training is provided on conflicts of interest.

Basic principles of judicial independence are laid down in the Constitution (art. 144 (1)) and the Act on Judges and Lay Judges. Articles 144 to 148 of the Constitution provide for lifetime appointments, prohibitions on judges being appointed as members of a political party or movement or engaging in incompatible activities, a ban on recalling or transferring judges against their will, and judicial immunity.

The Judicial Council, which is an independent body established by the Constitution (art. 141a), plays a central role in the appointment, suspension, dismissal, assignment and transfer of judges, and in judicial ethics. Article 145 (2) of the Constitution and section 5 of the Act on Judges and Lay Judges define the statutory requirements for candidates for judicial appointments. Vacancies are published on the Council website. The appointment of judges to the Constitutional Court is regulated by article 134 of the Constitution and section 14 of the Act on the Constitutional Court. Hearings are public. Judges are appointed by the President for an indefinite term and may be removed by the President, on the recommendation of the Council (art. 102 of the Constitution).

Conflicts of interest within the judiciary are regulated by the Constitution (art. 54), the Conflict of Interest Act and the Act on Judges and Lay Judges (sects. 23 and 34, para. 10). There are no restrictions on speaking engagements or secondary employment in the fields of academia, science and the arts. Specialized training, including components on integrity, is provided to professional judges.

The independence of the prosecution service is guaranteed by the Constitution (art. 54), the Act on Prosecutors and Trainee Prosecutors (sect. 26) and the Act on the Public Prosecution Service (sect. 8 (3) (d)). Its budget is approved directly by the National Council, to which the Prosecutor General is accountable. The Prosecutor General and the Special Prosecutor are elected by the Parliament for non-renewable terms of seven years. Vacancies for prosecutors are published. Prosecutors are promoted on a competitive basis by the Prosecutor General. Selection boards have been established.

The Act on Prosecutors and Assistant Prosecutors regulates the Prosecutor's Code of Ethics and the Ethics Commission (sect. 217 a–d). The Prosecutor's Code of Ethics was under revision at the time of the country visit. The Prosecutor's Code of Ethics, the list of members of the Ethics Commission and the Commission's annual activity reports, opinions, recommendations and statements are published online. Training, including on integrity, is provided to prosecutors.

Public procurement and management of public finances (art. 9)

Slovakia transposed the following directives of the European Parliament and of the Council into national law through the Public Procurement Act: Directive 2014/23/EU on the award of concession contracts; Directive 2014/24/EU on public procurement; Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors; and Directive 2009/81/EC on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security.

The Public Procurement Act defines conditions of participation and selection criteria, which are further specified in contract notices (art. 38). All participants must register in the register of public sector partners (art. 11) and demonstrate personal status

eligibility, including the absence of a corruption conviction (art. 32), their financial and economic status (art. 33), and their technical or professional competence (arts. 34–36).

The country's public procurement system is centralized and overseen by the Public Procurement Office. The Office publishes a journal of public procurement containing information on contract subjects, the tender dossier and other documentation, evaluation criteria, submission deadlines and other information.

The electronic public procurement and electronic marketplace system, used for public procurement, is administered by the Government Office. An electronic marketplace administered by the Government Office and the Ministry of Interior is also used, in addition to several private systems approved by the Public Procurement Office. The procurement thresholds are defined in the Public Procurement Act. Low-value procurement can also be carried out without publication in the journal (art. 117 of the Act).

The Freedom of Information Act provides for the publication of all public tender contracts (sect. 5a).

The Public Procurement Act sets out review procedures, including procedures for requesting explanations and remedies and filing appeals with the Public Procurement Office and contracting entities (arts. 48, 164, 165 and 170). Aggrieved persons may appeal to the Council of the Public Procurement Office, whose members are appointed by the Government in accordance with article 143 of the Act. Legal recourse and remedies may also be sought through the courts.

Conflicts of interest in this area are regulated by section 23 of the Public Procurement Act. Procurement officials are required to notify the public contracting authority of conflicts of interest and the contracting authority must take appropriate measures to exclude interested persons or modify their duties and responsibilities (art. 23 (5)). The Central Coordinating Body of the Office of the Deputy Prime Minister for Investments, Regional Development and Informatization has issued a methodological instruction with recommendations for managers and officials.

As part of their methodological and supervisory work, authorities are focusing on strengthening the conflict of interest framework, compliance with eligibility conditions, tender evaluation criteria and record-keeping, as well as avoiding the artificial division of contracts, as highlighted in recent European Union monitoring reports.

The general government budget for three years is drawn up by the Ministry of Finance and sent to the Government and then to the National Council for approval. The Act on the State Budget contains the main part of the budget and its provisions on revenues and expenditures are binding. There is no public input regarding the budget. The Ministry of Finance publishes the budget, including a concise version, once it has been approved. Off-cycle budgetary expenditures are possible and are subject to the same approval process. Annual summary reports on the State budget are published, covering all government entities and state-owned enterprises.

The Ministry of Finance is responsible for the legislative setting of financial control, internal audits and government audits (art. 7 of Act No. 575/2001 Coll. on the Organization of Government Activities and the Organization of Central Government; Act No. 357/2015 Coll. on Financial Control and Audit). In addition to the financial control carried out by every public authority, State budget chapter administrators (mainly ministries) have internal audit units whose role is to, inter alia, assess potential risks associated with financial management and recommend improvements. The Ministry of Finance and the Government Audit Office carry out government audits that are aimed at, inter alia, verifying and evaluating the risk management system, identifying and assessing the potential risks associated with financial management and other activities, and verifying and assessing the economy, effectiveness, efficiency and expediency of the management of public funds. The Supreme Audit Office audits the management of funds and property of the State.

Sanctions may be applied for non-compliance with the Financial Control and Audit Act (art. 28) and the Act on Budgetary Rules of the Public Administration (sects. 31 and 32).

The Budget Accountability Board reviews the implementation of budgetary accountability rules.

The provisions of the Accounting Act outline requirements and standards for recording, storing and preserving the integrity of accounting documents and entries.

Public reporting; participation of society (arts. 10 and 13)

The right to information is enshrined in the Constitution (art. 26). Access to information is regulated by the Freedom of Information Act, which applies to State and local authorities, municipalities and natural and legal persons and lists the types of information that the Government is obliged to disclose proactively (art. 5). Requests for information can be filed with the respective institution (art. 14). There is no central coordinating body for access to information and the reporting of data on the granting of requests is not required. Appeals may be filed with the institution from which information was requested, or, subsequently, with the courts (art. 19).

The National Agency for Network and Electronic Services is supporting the development of eGovernment services, including a central Government portal and a platform for information exchange among State institutions. Some State institutions, including the Ministry of Justice, have simplified their administrative procedures.

The Corruption Prevention Department has introduced an electronic questionnaire on corruption risk management for ministries and central authorities. Sectoral corruption risk assessments are conducted and published. Reports on the risks of corruption in public administration are not published regularly. A website on “integrity data” is being developed.

Civil society organizations may contribute to decision-making processes through an interministerial comment procedure, which is open for public comments and proposals. Slovakia has joined the Open Government Partnership. Efforts have been made to strengthen measures aimed at promoting the right to seek, receive, publish and disseminate information about corruption.

Suspected corruption offences may be reported, including anonymously, through telephone hotlines, websites, the post or in person. A dedicated web page provides details of where and how to report suspected corruption (www.bojprotikorupcii.gov.sk/kam-oznami-korupciu/).

Private sector (art. 12)

Slovakia prohibits corruption in the private sector through the Criminal Code (arts. 328 and 332) and the Commercial Code (sects. 44, 49 and 53–55).

There are no specific measures in place to promote cooperation between law enforcement agencies and relevant private entities.

Slovakia has adopted a strategy and action plan for strengthening the fight against corruption and fraud in relation to European Union funds.

There is a corporate governance code for companies listed on the Bratislava Stock Exchange; however, its application is not mandatory. Although private sector entities are not obliged to adopt anti-corruption programmes or codes, private entities that have at least 50 employees are obliged to establish internal control systems for reporting and addressing corruption, in accordance with the Whistle-blower Protection Act.

Accounting and auditing requirements are set out in the Act on Accounts and the Act on Statutory Audit. Non-compliance with the Acts is sanctioned.

Information about beneficial owners is collected in the publicly available Register of Legal Entities, Entrepreneurs and Governmental Bodies, which is maintained by the Statistical Office. Challenges were reported in maintaining accurate and up-to-date beneficial ownership information. The establishment of a central verification and investigation authority was being considered at the time of the country visit.

Enhanced disclosure of ultimate beneficial owners, including for entities that do business with the State or State-owned enterprises or that benefit from public funds or property in public tenders, is ensured through the Register of Public Sector Partners, which is administered by the Ministry of Justice and is available free of charge on its website.

Limited post-employment restrictions exist for the public officials referred to in article 8 (1) of the Conflict of Interest Act. In accordance with the Act, the restrictions apply to public officials who carry out executive functions and to members of collective decision-making bodies, but not to advisers or senior civil servants closely associated with top executive functions, judges of the Constitutional Court or members of the Judicial Council.

Slovakia has established specific provisions regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, as defined in the Accounting Act (arts. 6, 10–12, 32, 33, 35 and 38). Specific time frames of 5 or 10 years exist for the storage of documents.

Slovakia disallows the tax deductibility of expenses that constitute bribes, pursuant to section 21 of the Income Tax Act.

Measures to prevent money-laundering (art. 14)

The main legislation establishing measures to prevent money-laundering, including customer due diligence, reporting of suspicious transactions and record-keeping, is the Anti-Money-Laundering Act. The action plan against money-laundering and terrorism financing, which was adopted through Government Resolution 08/2022, imposed duties for the ministers of the interior, finance and justice and recommended measures for the Prosecutor General's Office and the National Bank of Slovakia.

The National Bank of Slovakia, the financial intelligence unit and the Gambling Regulation Office have strengthened their systems for risk-based supervision. Training is being provided to supervised entities on anti-money-laundering requirements and on enhancing the quality of suspicious transaction reports, although capacity constraints exist.

The definition of "obliged person" under article 5 of the Anti-Money-Laundering Act covers all categories of financial institutions and designated non-financial businesses and professions. Pursuant to article 10 (1) (b) of the Act, basic customer due diligence includes the identification of beneficial owners and the taking of reasonable steps to verify information relating to their identification, including ongoing monitoring of business relationships (art. 10 (1) (c) and (g)). Basic customer due diligence must be carried out when entering into a business relationship, when carrying out occasional transactions above specified thresholds, when there is a suspicion that the customer is preparing or performing an unusual transaction regardless of the value, when there are doubts about the veracity or completeness of previously obtained data and in the other circumstances specified in article 10 of the Act. The Act also addresses record-keeping (art. 19), as detailed in the section of the present summary that covers article 52, paragraph 3, of the Convention. Money or value transfer services are regulated by Act 492/2009.

The country's financial intelligence unit cooperates with its European Union counterparts in the exchange and verification of information to prevent and detect money-laundering (arts. 26 (1) and 28 of the Anti-Money-Laundering Act). Cooperation with other foreign authorities is provided according to international treaties or on the basis of reciprocity (art. 28 (2)). Such cooperation is regulated in Council of the European Union Decision 200/642/JHA and mutual agreements and

memorandums of understanding based on the general principles of the Egmont Group of Financial Intelligence Units. Other law enforcement agencies and supervisory bodies also cooperate at the national and international levels, in particular with States members of the European Union.

Slovakia has established a legal framework for the declaration and identification of cross-border movements of cash, including bearer negotiable instruments, with a value of 10,000 euros or more, primarily through Regulation (EC) 1889/2005 and its successor, Regulation (EU) 2018/1672, of the European Parliament and of the Council. According to the Customs Act, cash that enters or exits Slovakia is subject to customs supervision.

Banks and payment institutions that provide wire transfer services are required to identify and verify customers when carrying out transactions of a value exceeding 1,000 euros or when entering into business relationships (art. 10 of the Anti-Money-Laundering Act). Regulation (EU) 2015/847 of the European Parliament and of the Council is directly applicable, including for money remitters, and establishes the requirement that cross-border wire transfers be accompanied by complete and accurate originator information, as well as related requirements (arts. 4, 6 (2) and 8 of the Regulation).

Slovakia is subject to international anti-money-laundering standards, including those issued by the Financial Action Task Force and the European Union. The country is regularly evaluated on its application of those standards by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

In January 2022, Slovakia adopted a second national money-laundering risk assessment and action plan covering the period until 2024.

2.2. Successes and good practices

- The development of a methodology for the management of corruption risks and baseline assessments for the formulation of evidence-based policies (art. 5, para. 1).

2.3. Challenges in implementation

It is recommended that Slovakia:

- Consider, in future revisions of the national anti-corruption policy, widening the scope of the policy to include the private sector and creating a more structured role for non-governmental stakeholders in policymaking processes; furthermore, publish the findings of the annual evaluations of the policy carried out by the Government Office and make efforts to adopt and implement the draft integrity principles (art. 5, para. 1).²
- Ensure the necessary independence of the Government Office and its Corruption Prevention Department, including by reviewing the appointment and removal procedures for the Head of the Office and adopting necessary regulations in this regard (art. 6, para. 2).
- Ensure that the Government Office has adequate and sufficient resources to carry out its anti-corruption functions (art. 6, para. 2).
- Endeavour to establish a more comprehensive system for the promotion and retirement of civil servants and non-elected public officials (art. 7, para. 1).
- Endeavour to strengthen the rules on the recruitment of public servants by harmonizing the selection procedures for individuals employed on the basis of political nominations; furthermore, identify positions vulnerable to corruption and endeavour to establish adequate procedures for the selection and

² The integrity principles have been adopted since the country visit.

training of individuals for such positions and their rotation, where appropriate (art. 7, para. 1).

- Endeavour to promote education and training programmes for civil servants to enable them to meet the requirements for the correct, honourable and proper performance of public functions (art. 7, para. 1 (d)).
- Consider strengthening the criteria concerning candidature for and election to public office by including elements relating to integrity, such as the absence of a previous conviction related to criminal conduct or corruption (art. 7, para. 2).
- Endeavour to strengthen the framework for the verification and management of conflicts of interest, including for members of the judiciary, the police and procurement personnel, by, inter alia, expanding the definition of conflicts of interest and the scope of incompatibilities in private business, developing more detailed regulations on gifts, continuing to enforce the applicable requirements, and providing guidance and training for public officials on conflicts of interest (art. 7, paras. 4, 9 and 11).
- Endeavour to develop a code of conduct and more comprehensively regulate gifts, hospitality and other benefits for parliamentarians (art. 8, para. 2).
- Consider strengthening measures to facilitate the reporting of acts of corruption, including by reviewing existing procedures, organizing training and raising awareness (art. 8, para. 4).
- Revise the public procurement legal and administrative framework as necessary, in order to ensure a more effective system of appeal and strengthen the prevention of conflicts of interest specifically for personnel responsible for procurement; furthermore, continue effective enforcement of the Public Procurement Act, including through methodological work and supervision (art. 9, para. 1).
- Provide for public comment or consultation in the budget development process (art. 9, para. 2 (a)).
- Continue efforts to expand the existing framework on access to information, including through proposed legislative amendments, and consider providing for recourse to an independent non-judicial mechanism such as an information commission; furthermore, consider reviewing and updating the existing guidelines on access to information and collecting, analysing and making available data on information requests handled by public authorities (art. 10 (a)).
- With a view to enhancing transparency in the public sector, consider publishing periodic reports on the risks of corruption in the public administration (art. 10 (c)).
- Consider reviewing the principles of judicial ethics and providing targeted training and guidance on judicial integrity and corruption prevention (art. 11).
- Strengthen the prevention of corruption in the private sector, and in that regard: consider developing procedures to promote cooperation between law enforcement agencies and relevant private entities, including through the establishment of communication channels and incentives for reporting (art. 12, para. 2 (a)); consider promoting the development of standards and procedures to safeguard the integrity of relevant private entities, including the development of codes of conduct (art. 12, para. 2 (b)); consider strengthening measures aimed at increasing the transparency of legal persons, including the identification and verification of beneficial owners (art. 12, para. 2 (c)); and consider strengthening measures to prevent conflicts of interest by expanding the scope of post-employment restrictions to a wider range of public officials (art. 12, para. 2 (e)).
- Continue to strengthen measures aimed at promoting the right to seek, receive, publish and disseminate information about corruption (art. 13, para. 1 (d)).

- Continue to strengthen capacity for and implementation of risk-based supervision in all sectors, including the non-profit and gambling sectors, and to strengthen the provision of continuous training for supervised entities on anti-money-laundering requirements and on enhancing the quality of suspicious transaction reports, in line with the action plan against money-laundering and terrorism financing (art. 14, para. 1 (a)).

2.4. Technical assistance needs identified to improve implementation of the Convention

- Capacity-building in relation to the analytical and administrative capacities of the Public Procurement Office and the provision of advisory support (art. 9, para. 1).
- Legislative assistance in drafting an act on lobbying activities (art. 7, para. 4).

3. Chapter V: asset recovery

3.1. Observations on the implementation of the articles under review

General provision; special cooperation; bilateral and multilateral agreements and arrangements (arts. 51, 56 and 59)

Slovakia has established a legal and institutional system for asset recovery and provides broad opportunities for cooperation with other States. Such cooperation is governed by provisions of the Criminal Procedure Code, unless an international treaty stipulates otherwise (sect. 478 of the Code). In such a case, the procedural provisions of international treaties are directly applicable in Slovakia. If the parties are not bound by an international treaty, the principle of reciprocity applies (sect. 479 of the Code).

With effect from 1 November 2022, a new asset recovery office in the police, the Financial Investigation Department of the National Centre for Specific Crimes, will enhance the country's capacity to conduct financial investigations and seizures, supported by corresponding legal amendments to the Criminal Procedure Code and structural resources.

Efforts are ongoing to adopt a mechanism for the systematic evaluation of the effectiveness of decisions on asset seizure and the enforcement of confiscation orders in criminal cases, including through the systematic collection of statistical data, as provided in the action plan against money-laundering and terrorism financing. A new law on mutual legal assistance was being prepared at the time of review with the aim of strengthening cooperation, in particular with non-member States of the European Union, including in the field of asset recovery.

The financial intelligence unit may exchange information with members of the Egmont Group through the secure communication channel Egmont Secure Web. The Asset Recovery Office may exchange information with States members of the European Union through the Secure Information Exchange Network Application and with other countries through the Camden Asset Recovery Inter-Agency Network, or spontaneously (arts. 69d, 69da and 77a of Act 171/1993).

Slovakia has concluded several multilateral agreements that can be used for international cooperation in asset recovery. Slovakia recognizes the Convention as a legal basis for international cooperation.

Prevention and detection of transfers of proceeds of crime; financial intelligence unit (arts. 52 and 58)

Obligated persons, as defined in article 5 of the Anti-Money-Laundering Act, are required to identify and verify the identification of customers (art. 10 (1) (a)); identify and take adequate measures to verify the identification of beneficial owners (art. 10 (1) (b), read in conjunction with arts. 7 and 8); ascertain whether the customer or beneficial owner is a politically exposed person (art. 10 (1) (d)), including a current or former, domestic or foreign politically exposed person or a family member or close associate of such a

person (art. 6); perform enhanced customer due diligence in relation to higher risk customers and transactions (art. 12), including transactions or business relationships with politically exposed persons (art. 12 (2) (c)); and report suspicious transactions to the competent authorities (art. 17).

The definition of family members of a politically exposed person in article 6 (3) of the Anti-Money-Laundering Act does not include siblings. In addition, close associates of a politically exposed person are limited to persons who are joint beneficial owners with a politically exposed person, run a business with a politically exposed person or have beneficial ownership set up in favour of a politically exposed person (art. 6 (2) (4) of the Act).

Competent authorities communicate relevant information regarding higher risk accounts, persons and transactions, in particular through the national risk assessment process and on the basis of the risk-based requirements for the prevention, detection and supervision of money-laundering. The website of the financial intelligence unit contains additional information on Financial Action Task Force statements and recommendations, and information on high-risk countries.

Obligated entities must keep customer due diligence and related records for a period of five years following the termination of a customer relationship or occasional transaction (art. 19 (2) of the Anti-Money-Laundering Act).

Article 7 (2) (k) of the Law on Banks stipulates that a bank's registered office, headquarters and place of business must be in Slovakia. Furthermore, article 24 (1) of the Anti-Money-Laundering Act prohibits financial institutions from entering into or continuing correspondent relationships with "shell banks" or banks that are known to have entered into correspondent relationships with "shell banks".³

Public officials covered by the Conflict of Interest Act must submit annual declarations of offices, positions of employment, activities and economic standing (sect. 7 of the Act). Asset declarations must also include information on the property of spouses and minor children living in the same household as the public official. Asset declarations may be submitted in paper or electronic format and are checked for completeness. The information is verified by various competent bodies and the scope of obligations varies for different categories of officials. Information in declarations – excluding personal information – is published online. Significant changes were being made to the asset declaration regime at the time of the country visit. With regard to judges and prosecutors, there is an obligation to submit detailed asset declarations pursuant to the respective laws governing them. The control mechanism for the asset declarations of judges has been significantly strengthened and the asset declarations are publicly available.

There is no requirement for public officials to declare signature or other authority over foreign financial accounts.

The financial intelligence unit was established through Act 171/1993 as a special division of the financial police. The action plan against money-laundering and terrorism financing highlights the need to increase the Unit's staffing levels in response to the increase in its workload.

Measures for direct recovery of property; mechanisms for recovery of property through international cooperation in confiscation; international cooperation for purposes of confiscation (arts. 53, 54 and 55)

Foreign States may initiate civil proceedings in the courts of Slovakia to determine property rights on the basis of section 137 of the Civil Procedure Code, in their capacity as foreign legal persons (sect. 134 of the Civil Procedure Code). In addition,

³ The term "shell bank" is defined as "a bank or a financial institution incorporated in the companies register or in a similar register in the country in which neither its registered office nor its management is present, and which is unaffiliated with a regulated financial group" (art. 9 (c) of the Anti-Money-Laundering Act).

a foreign State may claim its interest in property during criminal confiscation proceedings as an injured person (victim) (sect. 46 of the Code of Criminal Procedure), as a participating party (sect. 45 of the Code of Criminal Procedure) or as a third party declaring property rights in civil proceedings (sect. 433 of the Code of Criminal Procedure). Under section 93 of the Civil Procedure Code, a prosecutor may initiate or intervene in civil proceedings to clarify ownership of property, including in cases involving foreign interests, provided that there is a connection to Slovakia or to a Slovak natural or legal person.

Slovakia may recognize and enforce foreign confiscation orders and other decisions made by the courts of non-member States of the European Union (sect. 515 (2) (e) of the Code of Criminal Procedure), provided that there is a bilateral or multilateral treaty (sect. 516 (1) of the Code) and the requirement of dual criminality is met (sect. 516 (1) (c) of the Code). Confiscation requires the prior recognition of a foreign judgment by a domestic court order. The conditions and procedures relating to recognition and enforcement are regulated by the Code (sects. 515–521), unless an international treaty stipulates otherwise (sect. 478 of the Code). A petition for the recognition of a foreign decision is filed by the Ministry of Justice with the court, which decides on the matter in a closed hearing, following a written opinion issued by the public prosecutor (sect. 518 (1) of the Code). If the foreign judgment is compatible with the legal system of Slovakia, the decision on recognition determines that the punishment imposed by the foreign decision will apply without conversion to a domestic punishment (sect. 517 of the Code).

The recognition and enforcement of confiscation orders issued by States members of the European Union are governed by Regulation (EU) 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing and confiscation orders.

The Criminal Code recognizes the sanctions of forfeiture (sects. 58–60) and confiscation (sects. 83 and 83a), which may be imposed in addition to a term of imprisonment. Forfeiture is a mandatory punishment under the Criminal Code in the case of qualified money-laundering and bribery, but not other corruption offences (sect. 58). Requests for mutual legal assistance in respect of seizure and confiscation are processed in accordance with sections 531 et seq. of the Code of Criminal Procedure or the relevant legislation in the case of requests from States members of the European Union.

Assistance with requests for cooperation relating to non-conviction based confiscation proceedings and related provisional measures can be provided if such requests relate to instrumentalities or proceeds of crime. European Union and domestic instruments apply, provided that the foreign order complies with section 83 of the Criminal Code. With regard to non-member States of the European Union, sections 515 to 517 of the Code of Criminal Procedure apply, provided that there is a bilateral or multilateral treaty (sect. 516 (1) of the Code of Criminal Procedure). The Act on Proof of Origin of Property creates a legal framework for unexplained wealth, but was under Constitutional review at the time of the country visit.

The country's authorities may take provisional measures to freeze or seize property by enforcing a freezing or seizure order issued by a foreign court or competent authority (sects. 550–551, read in conjunction with sects. 50, 89, 95–98a, 425, 428, 461 and 461a of the Code of Criminal Procedure), or upon receipt of a request from a requesting country (sect. 551). In the case of States members of the European Union, Regulation (EU) 2018/1805 applies.

In accordance with sections 425 and 428 of the Code of Criminal Procedure, if the accused is prosecuted for an offence for which the imposition of a penalty of forfeiture is to be expected, as well as pursuant to sections 461 and 461a of the Code in cases of potential confiscation, the court or prosecutor may seize the property and take protective measures for its preservation, including for the purposes of international cooperation. The office for the administration of seized property is tasked with the management of seized, but not confiscated, assets.

There are no specific provisions in the legislation concerning the required content of incoming requests for mutual legal assistance. Slovakia does not issue guidance to requesting States to facilitate the making of mutual legal assistance requests, but relies on information provided on the website of the European Union Agency for Criminal Justice Cooperation. However, as part of the instructions for specialized prosecutors working in the area of judicial cooperation in criminal cases, instructions are issued on prioritizing requests for legal assistance, in particular regarding matters of a custodial nature, money-laundering and all matters related to the seizure of property.

According to section 551 (4) of the Code of Criminal Procedure, a court may revoke a preliminary seizure decision when a foreign State fails to request the execution of a foreign decision concerning seized assets within a reasonable period. The Slovak legal order applies the principle of legality; therefore, the *de minimis* principle is not applied.

The legitimate interests of third parties in *in rem* confiscation proceedings are protected (sects. 45, 95 (8), 96 (6), 96 (7), 96a (8), 96d (7), 96e (9), 96f, 96g, 191, 425 and 428 of the Code of Criminal Procedure).

Return and disposal of assets (art. 57)

The disposal of confiscated property, including through return to its prior legitimate owner and under the circumstances set out in article 57, paragraph 3, of the Convention, is not specifically regulated. In the case of States members of the European Union, the general principle of return referred to in article 30 of Regulation (EU) 2018/1805 applies. In the case of States that are not members of the European Union, the Code of Criminal Procedure provides only for the permissive transfer of seized property (sects. 94, 95a, 97 and 550 of the Code).

Pursuant to section 488 of the Code of Criminal Procedure, Slovakia bears the costs incurred in processing requests from a foreign authority and may request reimbursement by the requesting State. In the European Union, each member State bears its own costs, and extraordinary expenses may be shared (art. 31 of Regulation (EU) 2018/1805).

Slovakia has not entered into any agreements or arrangements for the final disposal of confiscated property in specific cases.

3.2. Successes and good practices

- Reforms to enhance national capacity to conduct financial investigations and seizures, supported by corresponding legal amendments and structural resources (art. 51).
- The establishment and operation of the office for the administration of seized property (art. 54 (2) (c)).

3.3. Challenges in implementation

It is recommended that Slovakia:

- Continue to invest in the capacity of the Asset Recovery Office and relevant law enforcement authorities to conduct financial investigations, asset seizure and confiscation, and in the systematic collection of statistical data necessary to regularly evaluate the effectiveness of asset seizure and confiscation; furthermore, Slovakia is encouraged to take into account the findings of the present review in future revisions of the law on mutual legal assistance (art. 51).
- Expand the definition of a politically exposed person to include the person's siblings and a wider range of close associates, including both natural and legal persons (art. 52, para. 1).
- Continue to strengthen the asset declaration regime in line with international best practice, including by harmonizing obligations in observance of the

proportionality principle, expanding the use of electronic filing, introducing uniform oversight and verification mechanisms, and more comprehensively monitoring and enforcing the requirements in practice (art. 52, para. 5); consider introducing disclosure requirements in relation to foreign financial accounts (art. 52, para. 6).

- Consider extending forfeiture as a mandatory punishment to corruption offences other than money-laundering and bribery, pursuant to section 58 of the Criminal Code (art. 54, para. 1 (b)).
 - Continue to strengthen mechanisms to enhance the effectiveness of non-conviction-based confiscation (art. 54, para. 1 (c)).
 - Consider expanding the functions and strengthening the capacity of the office for the administration of seized property to include the management of confiscated assets (art. 54, para. 2 (c)).
 - Consider providing additional guidance to requesting States to facilitate the making of requests for mutual legal assistance, including through the website of the Ministry of Justice (art. 55, para. 3).
 - Adopt measures on the return and disposal of confiscated property in accordance with article 57, paragraphs 1 to 3, of the Convention, taking into account the rights of bona fide third parties, and ensure that confiscated property is returned to requesting States in accordance with article 57, paragraph 3, of the Convention.
 - Continue to ensure adequate capacity of the financial intelligence unit, in line with the action plan against money-laundering and terrorism financing (art. 58).
-