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National legislation

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Slovakia

Slovakia



This page provides you with information about the legal system in Slovakia.

Information on the legal order in Slovakia can be found on the page [European Judicial Network: civil justice legal order](#).

Sources of law

Types of legal instruments – description

The term ‘sources of law’ is used in three senses:

1. sources of law in the material sense – material sources of law
2. sources of law in the epistemological sense – sources of knowledge of law
3. sources of law in the formal sense – formal sources of law

On the basis of how legal norms emerged and the binding form in which they are expressed, the following types of sources of law are traditionally distinguished:

- legal custom,
- precedent (judge-made law),
- statutes,
- legislative treaties,
- general legal principles,
- common sense,
- contemporary books, legal literature and expert opinions,
- international treaties, where duly incorporated into the legal order of the Slovak Republic.

Hierarchy of legal norms

One of the basic principles of the Slovak legal order is the hierarchy of legal norms. Comprehending it correctly both in legislative practice and implementation is vital in terms of legality. The hierarchy of norms is not, however, simply a question of straightforward logical precedence or subordination. Hierarchy relates to the entire issue of legitimate authority and also includes the categorical imperative that a piece of legislation may only be made by a body authorised to do so by law – within the limits of the law and its own legislative powers.

Legislation is categorised by what is known as ‘legal force’. Legal force refers to the properties of legislation, one piece of legislation being subordinate to another (i.e. one with greater legal force), or where one piece of legislation is derived from another having greater legal force. In a situation involving pieces of legislation with different legal force, the weaker provision may not contradict the stronger one, whereas the stronger provision may override the weaker one.

Legislation may be hierarchically arranged as follows according to the level of legal force:

Primary legislation (acts)

- constitutional acts (always primary),
- acts (primary or derived from constitutional acts).

Secondary legislation (subordinate legislation)

- government regulations – always secondary,
- legislation of central government bodies – always secondary,
- legislation of bodies of self-governing units (authorities) – primary or secondary,
- legislation issued in exceptional circumstances by authorities other than government bodies – always secondary.

In the system of legal provisions, where a given act has precedence this basically means that all the other legal provisions must flow from that act, be compatible with it and not contradict it. This means that, in practice, in a situation where a legal provision lower down the hierarchy contradicts a higher-ranking provision, it is the higher-ranking one that must be acted on.

Institutional framework

Institutions responsible for the adoption of legislation

The bodies and authorities listed below have the power to adopt legislation (law-making bodies):

- the National Council of the Slovak Republic – the Constitution, constitutional acts, acts, international treaties with precedence over acts, international treaties with the force of an act,
- the Government of the Slovak Republic – government regulations,
- ministries and other central government bodies – implementing decisions, implementing decrees and measures,
- municipal and city assemblies – regulations of general application,
- municipal and city authorities, and local government bodies – regulations of general application.

The legislative process

Stages of the legislative process:

- presenting a bill – legislative initiative,
- debate on the bill,
- voting (decision on the bill),
- signing of the adopted bill,
- promulgation (publication) of the piece of legislation.

The decision-making process

The legislative process

Presenting a bill – legislative initiative

Under Article 87(1) of Act No 460/1992 (the Constitution of the Slovak Republic), bills may be presented by the following:

- committees of the National Council of the Slovak Republic,
- members of the National Council of the Slovak Republic,
- the Government of the Slovak Republic.

Bills are submitted arranged in sections, together with a preamble.

Debating the bill

In accordance with the rules of procedure of the National Council of the Slovak Republic (Act No 350/1996), bills go through three readings:

1. The first reading involves a general debate on the substance or what is known as the 'philosophy' of the draft act. At this reading, no amendments or additions may be proposed.
2. On the second reading, the bill is discussed by the National Council committee(s) to which it has been assigned. Every bill must be reviewed by the Constitutional Committee, in particular to ensure its compatibility with the Slovak Constitution, constitutional acts, international treaties binding on the Slovak Republic, acts and EU law. Following this, amendments and additions may be proposed and are voted on once the committee discussions are completed. This is why the various positions must be consolidated before the bill is debated in the National Council of the Slovak Republic. The bill is sent to the National Council of the Slovak Republic once the Coordination Committee has approved the committees' joint report by a special resolution. This report forms the basis for the Slovak National Council's debate and vote on the bill on the second reading.
3. The third reading is restricted to those provisions of the bill for which amendments or additions were approved on the second reading. On third reading, the only changes that members of parliament can put forward are corrections of errors in legislative drafting, and grammar and spelling mistakes. Amendments and additions intended to eliminate any other errors must be put forward by at least thirty members of the National Council of the Slovak Republic. Once these have been debated, the bill is voted on as a whole.

Voting (decision on the bill)

For a law to be passed, an absolute majority of members present must vote in favour of it.

The Constitution may be amended and individual articles repealed only if passed by a qualified majority, which means three-fifths of all members of the National Council of the Slovak Republic (3/5 of 150).

The National Council of the Slovak Republic is quorate if at least half its members are present.

Signing the adopted bill

The adopted bill is signed by:

- the President of the Slovak Republic,
- the Speaker of the National Council of the Slovak Republic,
- the Prime Minister of the Slovak Republic.

This step in the procedure involves checking the content, procedural correctness and final form of the adopted bill. By signing, these highest-ranking constitutional officials endorse the wording of the act.

The President has the right to exercise a 'suspensive veto' and refuse to sign an adopted act on the grounds of defects in its content. He or she must then return the adopted act, together with his or her comments, to the National Council of the Slovak Republic to be debated again.

The returned act then goes through the second and third reading stages. At this point, the National Council of the Slovak Republic may – but does not have to – take the President's comments into account. The National Council of the Slovak Republic may overturn the 'suspensive veto' by voting again, in which case the act must be promulgated, even without the President's signature.

Promulgation (publication) of the piece of legislation

Promulgation is the final stage in the legislative process. Legislation applying to the country as a whole is formally published in the Collection of Legislative Acts (Zbierka zákonov) of the Slovak Republic; this publication falls within the remit of the Slovak Ministry of Justice. The Collection of Legislative Acts is the state publication instrument of the Slovak Republic. The Collection of Legislative Acts is issued in electronic form and paper form. The electronic version and the paper version of the Collection of Legislative Acts have the same legal effects and identical content. The electronic version of the Collection of Legislative Acts is available free-of-charge through the Slov-Lex portal.

Entry into force/effect

Legislation enters into force on the date of its promulgation in the Collection of Legislative Acts.

Legislation enters into effect on the 15th day after promulgation in the Collection of Legislative Acts unless a later date of entry into effect is stipulated therein.

Other acts become binding on the date of their promulgation in the Collection of Legislative Acts.

Means of settling conflicts between the different sources of law

A normative instrument of lower legal force may not contradict a normative instrument of greater legal force.

A normative instrument may only be amended or repealed by a normative instrument of the same or greater legal force.

In practice, the rule for resolving incompatibility between legislation having the same legal force is that a more recent piece of legislation repeals or amends an older piece of legislation, or that a specific norm repeals or amends a general norm.

The Constitutional Court of the Slovak Republic reviews and rules on whether:

- acts conform to the Constitution;
- government regulations and generally binding legal provisions of ministries and other central government bodies conform to the Constitution, constitutional laws, and laws;
- generally binding regulations issued by bodies of self-governing units conform to the Constitution and laws;
- generally binding legal provisions issued by local bodies of central administration conform to the Constitution, laws and other generally binding legal provisions;
- generally binding legal provisions conform to international treaties promulgated in the manner laid down for promulgating acts.

Where the Constitutional Court rules that there is incompatibility between legal provisions, such provisions – or parts or rules thereof – cease to be effective. Where the bodies that issued the provisions fail to bring them into line with the relevant higher-ranking instruments within the statutory time limit following the issue of the ruling, the provisions – or parts or rules thereof – cease to be in force.

Legal databases

The Slov-Lex database of the Ministry of Justice of the Slovak Republic

The Ministry of Justice's "[Electronic Collection of Legislative Acts \(Slov-Lex\)](#)" portal is based on two interconnected information systems:

1. eZbierka (eCollection) – an information system providing binding consolidated electronic texts of legislation and other standards to those addressed by the law
2. eLegislativa (eLegislation) – a process management information system for all phases of the legislative process, equipped with advanced editing tools for legislators

Benefits for target groups:

The fundamental legal principle that all people are familiar with the law as valid and in force and are aware of their rights and obligations is increasingly difficult to apply in practice due to the increasing volume and complexity of legislation. The Slov-Lex project will help to improve implementation of this principle by ensuring effective access for all to the legislation in force:

- citizens – the eZbierka section of the project in particular will bring benefits in the form of formally and substantively improved access to the legislation in force, free of charge, and increased awareness of new legislation
- legal practitioners – will gain continuous access to law in force and the possibility of being notified of new legislation in the Slovak Republic or the European Union, both in general and specifically about legislation regulating the areas in which they specialise
- entrepreneurs – will also obtain continuous access free of charge to the legislation in force and the

possibility of being made aware of new Slovak or European Union legislation, both in general and specifically about legislation regulating the areas in which they operate; the better regulatory environment will create more favourable conditions for business and reduce the administrative burden of doing business

- local and regional authorities – will obtain continuous access free of charge to sources of the legislation in force, while at the same time their administrative burden (the administratively demanding and costly obligation to provide access on working days to the Collection of Legislative Acts, linked to a subscription to and the archiving of a paper copy of the Collection) will be reduced, replacing the burdensome obligation of providing assisted access to the Collection of Legislative Acts on working days
- public administrations – the project will on the one hand provide continuous access free of charge to sources of the legislation in force and, on the other, reduce the administrative burden and thus the financial cost of the legislative process, and the possibility of improving the performance of tasks in the areas of lawmaking and implementation of European Union legislation
- judicial authorities – will obtain continuous and rapid access to the legislation in force on any chosen day in history, and the possibility of references from judicial decisions to the legislation in force at a given time, which will at least partially eliminate routine activities and increase the efficiency of the work of judges and court officials
- legislative authorities – will be able to use an efficient tool to draft legislation and administer the legislative process, which will relieve them of some burdensome red tape and allow them to focus more on the content of pending proposals.

Related links

[Slov-Lex legal and information portal](#)

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