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National specialised courts

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Slovakia

Slovakia



This section provides information on the organisation of specialised courts in Slovakia.

Administrative courts

Matters of administrative law mainly fall under the authority of regional courts (*krajský súd*) and the Supreme Court of the Slovak Republic (*Najvyšší súd Slovenskej republiky*).

The Slovak Republic does not have separate administrative courts; rather, there are separate chambers of administrative judges.

Specialised courts

The Constitutional Court

The [Constitutional Court of the Slovak Republic](#) (*Ústavný súd Slovenskej republiky*) is an independent judicial body empowered to rule on the [constitutionality](#) of legislation.

The seat of the Constitutional Court is in Košice, at Hlavná 110, Košice 042 65, with a branch office in Bratislava at Župné námestie 12.

Competences

In line with the Constitution of the Slovak Republic, the Constitutional Court rules on whether:

- laws conform to the Constitution, constitutional laws and international treaties endorsed by the National Council of the Slovak Republic and ratified and promulgated in the manner laid down by law;
- government regulations, and generally binding legal provisions laid down by ministries and other central government bodies conform to the Constitution, constitutional laws and international treaties endorsed by the National Council of the Slovak Republic and ratified and promulgated in the manner laid down by law, and laws;
- generally binding regulations conform to the Constitution (Article 68), constitutional laws and international treaties endorsed by the National Council of the Slovak Republic and ratified and promulgated in the manner laid down by law, and laws, unless another court is required to rule;
- generally binding legal provisions laid down by local government bodies and generally binding regulations of local self-governing bodies (under Article 71(2)) conform to the Constitution, constitutional laws and international treaties promulgated in the manner laid down by law, laws, government regulations and generally binding legal provisions laid down by ministries and other central government bodies, unless another court is required to rule on them.

The Constitutional Court must also:

- decide on the conformity of negotiated international treaties for which both the assent of the National

- Council of the Slovak Republic and conformity with the Constitution and/or a constitutional law is required;
- decide whether the subject of a referendum to be held in response to a petition of citizens or a resolution of the National Council of the Slovak Republic (under Article 95(1)) conforms to the Constitution or a constitutional law;
 - decide on disputes over competences between central government bodies, unless the law provides that another state authority must rule on those disputes;
 - decide on complaints lodged by natural or legal persons pleading violations of their fundamental human rights or freedoms under an international treaty ratified by the Slovak Republic and promulgated in the manner laid down by law, unless another court must rule on the protection of those rights and freedoms;
 - decide on complaints lodged by local self-governing bodies on the unconstitutionality or unlawfulness of decisions on or interference with matters of local self-government, unless another court must rule on their protection;
 - interpret the Constitution or a constitutional law when a matter is in dispute;
 - decide on complaints lodged against a decision confirming or rejecting the mandate of a member of parliament;
 - decide on the constitutionality or lawfulness of elections (of the President of the Slovak Republic, to the National Council of the Slovak Republic, local self-governing bodies and the European Parliament);
 - decide on complaints lodged against the result of a referendum or the result of a plebiscite on removing the President of the Slovak Republic;
 - decide whether a decision to dissolve a political party or movement or to suspend its activities is in conformity with constitutional and other laws;
 - decide on impeachment, initiated by the National Council, of the President of the Slovak Republic for wilful infringement of the Constitution or treason;
 - decide whether a decision declaring a state of exceptional circumstances or a state of emergency and other decisions connected with such a decision were issued in conformity with the Constitution or a constitutional law.

Composition of the court

The Constitutional Court is composed of 13 judges.

The judges of the Constitutional Court are appointed by the President of the Slovak Republic for a 12-year term upon a proposal by the National Council of the Slovak Republic. The National Council must nominate twice the number of judicial candidates as will be appointed by the President.

Other relevant information

Decisions of the Constitutional Court must be taken by a panel of three members or in plenary session.

The Constitutional Court's decisions are final: therefore, recourse is not possible against them.

The Constitutional Court can initiate proceedings upon receipt of a motion submitted by:

- at least one fifth of all members of the National Council of the Slovak Republic,
- the President of the Slovak Republic,
- the Government of the Slovak Republic,
- a court,
- the Prosecutor-General (*generálny prokurátor*),
- anyone whose rights are adjudicated upon in cases under Article 127 (appeals lodged by natural or legal persons) and Article 127a (appeals by local self-governing bodies),
- the Supreme Audit Office of the Slovak Republic (*Najvyšší kontrolný úrad Slovenskej republiky*) in cases provided for in Article 126(2) (whether or not the Supreme Audit Office has jurisdiction),
- the President of the Judicial Council of the Slovak Republic in matters relating to the constitutionality of legislation under Article 125(1) concerning the administration of justice,
- the Ombudsman in matters relating to the constitutionality of legislation under Article 125(1), where the further application of such legislation may jeopardise fundamental rights or freedoms or human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic and promulgated in the manner laid down by law,
- anyone who disputes the auditing activity of the Supreme Audit Office of the Slovak Republic in the case

laid down in Article 126(2).

Legal databases

The [website of the Constitutional Court of the Slovak Republic](#) provides free access to:

- decisions of the court,
- reports on findings and rulings,
- press releases,
- international activities,
- information about the court.

The Special Criminal Court

The [Special Criminal Court \(Špecializovaný trestný súd\)](#) was created in 2009 as a successor to the Special Court. The Criminal Court rules on criminal matters and other matters decided in court proceedings as laid down by legislation (Code of Criminal Procedure). It is a court of first instance with the status of a regional court. Section 14 of Act No 301/2005, the Code of Criminal Procedure, lays down the competences and functions of this court.

Contact details for the Special Criminal Court of the Slovak Republic:

Address: Suvorovova č. 5/A, P.O.BOX 117, 902 01 Pezinok Tel.: +421 33 69 031 14 Fax: +421 33 69 032 72

Competences

The Special Criminal Court has jurisdiction to hear cases involving the following criminal offences:

- first degree murder,
- manipulation of public procurement and public auctions under Section 266(3) of the Criminal Code,
- forgery and counterfeiting of currency and securities under Section 270(4) of the Criminal Code,
- misfeasance in public office under Section 326(3) and (4) of the Criminal Code in conjunction with offences under subparagraphs (b), (c), (e), (f), (g), (h), (i), (l) or (m),
- accepting a bribe under Sections 328 to 330 of the Criminal Code,
- bribery under Sections 332 to 334 of the Criminal Code,
- indirect corruption under Section 336 of the Criminal Code,
- electoral bribery under Section 336a of the Criminal Code,
- sports corruption under Section 336b of the Criminal Code,
- creating, organising or promoting a criminal group, particularly serious offences committed by criminal groups,
- terrorism,
- offences against property under Title Four of the special part of the Criminal Code or economic offences under Title Five of the special part of the Criminal Code, where the offence resulted in damage or a gain of at least 25 000 times the amount of minor damage under the Criminal Code or where the extent of the offence committed amounts to at least 25 000 times the amount of minor damage under the Criminal Code,
- damage to the financial interests of the European Union,
- offences related to those listed under subparagraphs (a) to (l) or (m), where the conditions for joint proceedings are met,
- extremism under Section 140a of the Criminal Code.

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