

I. ADMINISTRATIVE ENFORCEMENT

Which administrative mechanisms are available to enforce the Directives?

In Slovakia, Directives are often implemented into various national legal acts, rather than into just one specific legal act. However, the majority of the provisions of certain Directives were implemented into a particular national act. For example, the Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (Unfair Contract Terms Directive) and Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (Consumer Sales and Guarantees Directive) are implemented primarily into Act No. 40/1964 Coll. Civil Code, as amended (hereinafter referred to as the "Civil Code").

Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (Price Indication Directive) and Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) were implemented by Act No. 250/2007 Coll. on consumer protection, as amended (hereinafter referred to as the "Act on Consumer Protection"). The rest of the relevant Directives were implemented into other specifically designated national laws.

The main administrative body responsible for the protection of consumer rights that stem from the Directives and their appropriate national local laws is the Slovak Trade Inspection (in Slovak: "Slovenská obchodná inšpekcia") (hereinafter referred to as "STI"). It consists of multiple regional inspectorates for each Slovak region and a central inspectorate which is located in Bratislava. The central inspectorate deals with appealed decisions of the regional inspectorates. The website of STI can be found at <https://www.soi.sk/sk/Novinky-SOI.soi>. In addition to its main tasks, STI also publishes its annual reports, which provide a comprehensive overview of its work over the respective year, including data on consumer-related infringement actions. The annual reports can be found at <http://www.soi.sk/sk/Kontrolna-cinnost/Vyrocnne-spravy.soi>.

Pursuant to Section 21 of the Act on Consumer Protection, if the trader violates the collective interests of the consumers, the consumer protection organisation can request in writing that the trader rectify such misconduct. If the trader does not comply with the request within two weeks from the delivery of the written request, the organisation is in such case eligible to submit a motion for preliminary measure, which will be evaluated and either approved or dismissed by the respective supervising body (e.g., STI). The supervising body will terminate the preliminary measure without undue delay if the reasons for such preliminary measure no longer exist.

There are several areas where STI is not responsible for the protection of consumers. In these instances, the authority is conferred to other relevant administrative body. Food, agricultural and tobacco products fall within the competence of State Veterinary and Food Administration of the Slovak Republic (in Slovak: "Štátna veterinárna a potravinová správa Slovenskej republiky") (hereinafter referred to as "SVFASR"). This includes any unfair commercial practices related to the sale of food, agricultural and tobacco products. The website of SVFASR can be found at <https://www.svps.sk/>. The health safety, harmlessness of food, raw materials and beverages in public catering fall within the competence of the Public Health Authority of the Slovak Republic (in Slovak: "Úrad verejného zdravotníctva Slovenskej republiky") (hereinafter referred to as "PHASR"). The website of PHASR can be found at <https://www.uvzsr.sk/>.

Another relevant administrative body is the Regulatory Office for Network Industries (in Slovak: "Úrad pre reguláciu sieťových odvetví") (hereinafter referred to as "RONI"). This body deals with energy industry as well as with the contracts concluded between consumers and energy companies. The website of RONI can be found at <http://www.urso.gov.sk/>.

Furthermore, consumer matters related to electronic communication, e.g., provision of cellular services by a telecommunications provider falls within the scope of the Regulatory Authority for Electronic Communications and Postal Services (in Slovak: "Úrad pre reguláciu elektronických komunikácií a poštových služieb") (hereinafter referred to as "RAECPS"). The website of the RAECPS can be found at <http://www.teleoff.gov.sk/>

Another relevant administrative authority is the National Bank of Slovakia (in Slovak: "Národná Banka Slovenska") (hereinafter referred to as "NBS") which may, in exercising its powers in the sector of financial consumer protection, assess unfair commercial practices of supervised entities, unfair terms in contracts on the provision of a financial service or other misconduct against the financial consumer. The website of NBS can be found at <https://nbs.sk/en/>

In Slovakia, the main supervisory body for the consumer-related violations is the Slovak Trade Inspection (hereinafter referred to as "STI"). It has substantial competences and can issue various administrative decisions under Act No. 128/2002 Coll. on State Control of Internal Market in Consumer Protection Issues and on amendments to certain acts, as amended. In case a party to the administrative proceedings held by STI decides to appeal the decision, the decision of the regional inspectorate of STI will be assessed by the central inspectorate of STI. The appeal against the decision of the central inspectorate of STI will be finally decided by the Slovak courts.

SVFASR and RONI administrative decisions can be appealed and finally assessed by the Slovak courts.

Who can file administrative complaints? Can investigations be initiated ex officio?

STI allows administrative complaints to be filed by every natural person or legal entity. Investigations can be initiated ex officio. Useful information can be found at <https://www.soi.sk/sk/Podavanie-podnetov-staznosti-navrhov-a-ziadosti.soi>

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RONI allows administrative complaints to be filed by every natural person or legal entity. Investigation can be initiated ex officio.

RAECPS allows administrative complaints from every natural person or legal entity. Investigation can be initiated ex officio.

NBS allows administrative complaints from every natural person or legal entity. Investigation can be initiated ex officio.

Do any specific procedural requirements apply to filing administrative complaints?

Motions to investigate are not regulated by any special legal act. In the case of motions to investigate dealt by STI, there are two options for filing. First is to

fill in the online form available at <https://www.soi.sk/sk/Podavanie-podnetov-staznosti-navrhov-a-ziadosti.soi>. It is necessary to specify the relevant inspectorate to which it is addressed to, whether it is a complaint, motion to investigate or a general query, subject of the message, name of the person who files it, address of that person, and e-mail address. It is also possible to attach any relevant documents a person possesses to the online form. Second option is to write a letter of complaint and send it in hard copy via post to the relevant inspectorate. The complaints and other filings may be sent via fax, by means of electronic communication or recorded personally at the inspectorate.

SVFASR allows for four possible ways to file a motion to investigate. It can be submitted in a written form, orally at the contact point of SVFASR, via telephone, or via electronic means of communication. It needs to be readable, clear and understandable, identifies the alleged perpetrator, as well as indicate the type of violation that was committed and the type of compensation demanded.

PHASR allows for three possible ways to file a motion to investigate. It can be submitted in a written form, via telephone, or via electronic means of communication.

Motion to investigate can be sent to RONI by any natural person or legal entity in written form delivered personally to the contact point or sent via post. It is also possible to send such motion in electronic form to the email address provided at the website of RONI.

RAECPS allows for three possible ways to file a motion to investigate. It can be submitted in written form, orally at the contact point, via fax or electronic means of communication.

NBS allows for three possible ways to file a motion to investigate, in person, in written form via post or electronically via an electronic complaint form available on the website of NBS. If help is needed, NBS has a contact centre where they help with creating and filing of the complaint.

The information material on how to proceed with the complaint can be found at http://www.nbs.sk/_img/Documents/_Publikacie/OstatnePublik/OCHRANA_FINAN%20N_SPOTR.pdf

Do the administrative authorities have an obligation to investigate the complaint?

Yes, every administrative authority has an obligation to investigate the submitted complaint stipulated by law and also an obligation to notify the complainant about the result. Anonymous complaints are investigated only if they are specific and indicate a certain violation of law.

With regards to STI and its investigative activities, in 2016 it has conducted 3336 investigations based solely on motions to investigate submitted by consumers. More information can be found in the 2016 Annual Report available in the Slovak language at <http://www.soi.sk/files/documents/vyrocn-spravy/vs%202016.pdf>.

SVFASR 2015 Annual Report does not provide the specific number of motions obtained from consumers. However, it does mention that several findings were discovered due to the motions submitted by the consumers. More information in the Slovak language can be found at http://www.svsr.sk/dokumenty/zakladne_info/Vyrocn-sprava_2015.pdf.

RONI has not released its Annual Report for 2016 yet. However, in 2015, RONI obtained and processed 512 motions to investigate. More detailed information can be found in the 2015 Annual Report available in both Slovak and English language at http://www.urso.gov.sk/sites/default/files/URSO_VS_2015.pdf.

In the 2015 Annual Report of RAECPS, there is no information on the number of consumer-related motions investigated by the regulatory authority. The report only states the overall number of inspections conducted for 2015 which is 1641. More information can be found at <http://www.teleoff.gov.sk/data/files/48992.pdf>.

Are there any specific requirements regarding the provision of evidence to the competent authorities?

STI does request a person who submits a motion to include copies of all relevant documents that such person may possess. It also provides a non-exhaustive list of such documents. It can be accessed at <https://www.soi.sk/sk/Podavanie-%20podnetov-staznosti-navrhov-a-ziadosti.soi>.

SVFASR, RONI and RAECPS do not list any specific requirements regarding the provision of evidence.

NBS does recommend including copies of all relevant documents.

However, it is always advised to provide as much evidence as possible in connection to the given complaint in order to speed up the process of its assessment.

More information on the provision of evidence can be found in Act No. 71/1967 Coll. on Administrative Proceedings, as amended (hereinafter referred to as the "Administrative Code"). Section 34 of the Administrative Code stipulates that evidence shall be presented using any means suitable to determine and to clarify the actual circumstances of affairs and provided such means are in compliance with the law.

II. ENFORCEMENT THROUGH COURT ACTION

Which court actions are available to enforce the Directives?

Generally, in case the consumer is of the opinion that his/her rights were infringed, the consumer may always file a lawsuit to the competent Slovak court and ask for rendering unjust enrichment, reimbursement of damage, payment of adequate financial compensation or declaration of invalidity of an agreement (unfair terms).

The court can declare in judgement concerning a consumer dispute, also without proposal, that a certain contractual term used by the trader in a consumer contract or other contractual documents relating to a consumer contract is unfair; in that case, the court states the wording of this contractual term as it was agreed in the consumer contract or other contractual documents relating to a consumer contract in its judicial dictum.

If the court declared any contractual term in a consumer contract or other contractual documents relating to a consumer contract void due to unfairness of that term, did not award the fulfilment to the trader as a result of that term or obliged the trader to return unjustified enrichment to the consumer or reimburse the damage or pay adequate financial compensation, the court will mention the wording of this contractual term as agreed in a consumer contract or other contractual documents relating to a consumer contract explicitly in its judgement.

The Civil Code sets a general claim for civil damages under Section 420.

Furthermore, the Civil Code also sets an obligation for the trader under Section 53a. Where a court decides that a certain contractual term in a contract is void due to its unacceptability, the seller is automatically obliged to cease and desist from using such unfair contractual term or condition with the same meaning in all contracts concluded with consumers. The same regime also applies when a court decided on the obligation of the trader to render unjust enrichment to the consumer, compensate the consumer for damages or pay adequate financial compensation to the consumer on the grounds of such contractual term.

Who can start a court action?

Both natural and legal persons that suffered damage may file a lawsuit. Additionally, consumers can be represented in consumer disputes by organisations created for the specific purpose of protecting consumers as stipulated in Section 291 of the Civil Procedure Code.

Pursuant to Section 75 (1) of the Civil Procedure Code, there may be multiple natural or legal persons on the side of the plaintiff as well as on the side of the defendant in the civil proceedings.

Moreover, under Section 75 (2) of the Civil Procedure Code, in case there is more than 10 entities on the side of one party to the civil proceeding, the court can decide that one of these entities will perform actions on behalf of all the represented entities.

According to Section 3 of the Act on Consumer Protection, consumer protection organisations are eligible to file a claim against a perpetrator to cease and desist any conduct that might be in violation of consumer laws, and which violates the collective interest of all consumers.

Can court actions be initiated by competitors?

Generally, yes, any person can initiate court actions if they have the necessary legal capacity.

Can the case be handled through an accelerated procedure?

If it concerns a claim for payment of a receivable, then it is possible to use an accelerated procedure. Such procedure is governed by Section 265 (1) of the Civil Procedure Code. This Section stipulates that if there is enough undisputable written evidence in relation to the monetary receivable and the court has no doubt about the culpability of the perpetrator, it is possible to issue a payment order without hearing the arguments of the perpetrator and without any actual proceeding taking place. The court shall order the perpetrator in the payment order to pay the plaintiff the receivable and the costs of court proceedings within 15 days following the payment order delivery or protest this at the court that has issued the payment order within the same time period.

If the right to claim the payment of a receivable arising from a consumer contract is filed at court and the defendant is a consumer, the court shall not issue the payment order if the consumer contract or other contractual documents relating to the consumer contract contain certain contractual terms and conditions that are unacceptable (unfair contractual terms).

As of 1 February 2017, it is possible to use even more advanced accelerated procedures as Act No. 307/2016 Coll. on dunning proceeding, as amended (hereinafter referred to as the "Act on Dunning Proceeding"), sets an electronic means of submitting a claim. This claim should shorten the time required to obtain a payment order from a court. Such type of claims is subject to specific conditions listed in the aforementioned Act on Dunning Proceeding. The dunning procedure is applicable to certain claims arising out of consumer contracts except a claim arising out of consumer contracts that contains unfair terms, right to pay for goods or services from a consumer contract that have not yet been delivered or provided and claim arising out of a consumer contract unless the perpetrator has not been summoned to pay it in the last three months preceding the filing of the claim.

The provisions of the judgement for delay shall not be applied if this judgement should be issued to the detriment of the consumer.

Are there any specific requirements regarding the provision of evidence to the court?

The consumer may submit or select all the facts and evidence to support their claims no later than the declaration of the decision on the merits.

General rules on the provision of evidence apply as stipulated in Section 185 and ff. of the Civil Procedure Code. Generally, anything that was obtained legally and can contribute to clarify certain aspects of the case may be used as evidence before the court.

These general rules for example stipulate that public records/documents automatically authenticate their content unless proven otherwise, meaning they are susceptible to less scrutiny than regular written evidence. Other evidence includes mainly the interrogation of the witness or party to the proceeding, expert opinion and expert assessment and reconnaissance.

The court can also present evidence that has not been suggested by the consumer if required for the assessment of the case. The court may secure such evidence also ex officio.

Are there specific procedural reliefs for consumers or consumer associations?

Consumers and organisations aimed at protecting consumers are both exempted from the court fees. This stems from Section 4 of Act No. 71/1992 Coll. on court fees and the fee for a copy from the criminal record, as amended.

III. SANCTIONS

What are the possible civil sanctions and remedies for the infringement of the provisions of the Directives?

Pursuant to Section 442 of the Civil Code, a claim for damages covers the actual damage inflicted and also any loss of profit. Other remedies are the declaration of invalidity of an agreement or part of the agreement by the court, rendering the unjust enrichment, and adequate financial compensation awarded to the customer.

Only courts can decide on these civil sanctions and remedies. The Civil Code does not specify maximum and/or minimum amounts of fines. The court may use its own discretion in order to decide upon the sanction that is going to be imposed depending on the actual damage and the amount of the lost profit.

Pursuant to Section 451 of the Civil Code concerning the unjust enrichment, any person who on the absence of basis, enriches himself at the expense of another shall surrender such enrichment where the unjust enrichment is any material benefit gained from performance without any legal grounds, performance from an invalid legal act or performance on legal grounds that ceased to exist, and is a material benefit obtained from fraudulent sources.

There isn't a link between the level of monetary fines and the trader's turnover.

It is also set forth in Section 53d of the Civil Code that a consumer contract that contains an unfair contractual term in a wording as stated in the statement of a court in its decision and such consumer contract was entered into as a result of an unfair commercial practice or usury is invalid, and the unfair contractual term shall be void.

What are the possible criminal sanctions for the infringement of the Directives' provisions?

Criminal sanctions in Slovakia are governed by Act No. 300/2005 Coll. Criminal Code, as amended (hereinafter referred to as the "Criminal Code"). The Criminal Code provides several provisions with regards to consumer-related infringements.

Section 269 of the Criminal Code sets sanctions for damaging consumers. It encompasses various types of infringements that cause damage to the consumer. For such conduct, a person may be punished with a prison sentence ranging from 6 months up to 12 years depending on the seriousness of the infringement.

Section 269a of the Criminal Code sets criminal sanctions for unfair business practices against consumers. In this case, a prison sentence can range from 6 months up to 8 years.

Section 235 of the Criminal Code sets sanctions for committing usury on a consumer. In such case, a prison sentence can range from 1 up to 15 years.

Furthermore, Act No. 91/2016 on Criminal Liability of Legal Entities, as amended (hereinafter referred to as the "Act on Criminal Liability of Legal Entities") stipulates the criminal offences that may be attributed to the legal entity and includes the criminal offences of damaging consumers, unfair business practices against consumer, etc.

There are several types of punishment that can be imposed pursuant to the Act on Criminal Liability of Legal Entities, such as dissolution of the legal person, confiscation of its property/assets, pecuniary penalties (ranging from EUR 1,500 up to EUR 1,600,000), prohibition on performing further business activities, prohibition to accept help and support from EU funds, prohibition to participate in public procurement, and publishing a decision. Only courts can impose these penalties.

What are the possible administrative sanctions for the infringement of the Directives' provisions?

This section lists the main and most common sanctions imposed in the Slovak Republic by an administrative authority. Pursuant to the Act on Consumer Protection, STI or other appropriate administrative body (SVFASR, RONI or RAECPS) can impose a fine of up to EUR 66,400. If the perpetrator repeats his/her violation within 12 months, a second fine may rise to EUR 166,000.

If a product or the conduct of the seller results in a damage to life or health of the consumer, the seller is punishable with a fine of up to EUR 332,000.

If the seller in any way obstructs, complicates or impedes the conduct of an administrative body, that administrative body can impose a fine of up to EUR 1,660, even repeatedly.

Slovak law also sets a specific type of fine imposed with regards to advertising, which depend on the severity and type of violation. Pursuant to Section 11 (3) of Act No. 147/2001 Coll. on advertising, as amended, a fine of up to EUR 166,000 may be imposed.

Furthermore, there are specific criteria and range for fines imposed for violations related to tourism. These fines are regulated in Section 9 of Act No. 161/2011 Coll. on consumer protection while providing certain services related to tourism, as amended and may be imposed ranging from EUR 200 to EUR 15,000.

Section 15 of Act No. 102/2014 Coll. on consumer protection on the sale of goods or provision of services based on distance contracts and off-premises contracts, as amended, lists the range of various fines and the corresponding violations. These fines range from EUR 100 to EUR 33,000.

Pursuant to Section 35a - 35k of the Act No. 747/2004 Coll. on financial market supervision in the field of financial consumer protection, NBS shall perform activities and exercise powers concerning the financial market. NBS may impose fines under the fixed penalty procedure and sanction order procedure.

The fine imposed under a fixed penalty procedure may amount to EUR 2,500, depending on the seriousness, scope, duration, consequences and nature of the shortcoming identified.

The sanction imposed under a sanction order may amount to EUR 5,000, depending on the seriousness, scope, duration, consequences and nature of the shortcoming identified, or it may be an injunction to eliminate and rectify the shortcoming.

Generally, when determining the amount of the fine, the nature of the unlawful conduct, seriousness of the breach of an obligation and the method and consequences of the breach shall be considered and there are no differences in the amount of the monetary fines regarding whether the trader is a natural or a legal person.

What are the contractual consequences of an administrative order or a judgment on an individual transaction under the Directives?

Unfair terms in consumer contracts are invalid.

Pursuant to Section 53a (1) of the Civil Code, if the court determined a contractual condition in the consumer contract made in multiple cases, and it is common that the consumer does not affect the content of the contract in a significant way, or that the general terms and conditions are invalid due to unacceptability of such condition or did not award the performance to the trader due to such condition, the trader shall refrain from using such condition or any condition with the same meaning in contracts with all consumers. The trader shall have the same obligation even if the court ordered the trader to render the consumer unjust enrichment, compensate for damage or pay adequate financial compensation on the grounds of such condition.

A consumer contract that contains unfair terms in a wording stated in the statement of a court decision and which was entered into as a result of an unfair business practice or usury is void.

Can authorities order the trader to compensate consumers who have suffered harm as a result of the infringement?

No, only the court can, within the proceedings regarding a claim for civil damages, order the seller to compensate the consumer for the actual damages incurred and any loss of profit. Therefore, it is possible for the consumer to be compensated.

Another option is for the consumer to join in with other consumers as the Civil Procedure Code allows for multiple natural persons or legal entities to be both on the side of the claimant as well as on the side of the defendant as stipulated under Section 75 (1) of the Civil Procedure Code.

Can the administrative authorities or the courts require the publication of their decisions?

Administrative decisions of STI are published weekly on their webpage pursuant to Section 3 (2) of the Act on Consumer Protection. STI first instance decisions can be found at <http://www.soi.sk/sk/Pravoplatne-rozhodnutia/Prvostupnove.soi>.

The Act on Criminal Liability of Legal Persons stipulates under Section 10 the publication of the court decision as one of the possible punishments by the court.

Additionally, courts are obliged to publish their decisions and make them accessible. This does not apply to proceedings that were not public and payment orders. The decisions which are made accessible to the public are anonymised before publication in order to ensure personal data protection. This follows from Section 82a of Act No. 757/2004 on courts, as amended.

IV. OTHER TYPES OF ENFORCEMENT

Are there any self-regulatory enforcement systems in your jurisdiction that deal with aspects of the Directives?

In general, yes, in Slovakia, there are associations in different types of business which are committed to consumer protection in their ethic codex. However, it must be emphasised that the disclaimer of the codex does not exclude the administrative responsibility.

The Slovak Association of Travel Agents (hereinafter referred to as "SATA") is a self-regulation body in tourism with their Codex of business ethics passed by the members. SATA is a member of The European travel agents' and tour operators' associations. More information can be found at <https://www.sacka.eu/>.

The Advertising Standards Council (hereinafter referred to as "ASC") is an advertising ethical self-regulation body with their Ethical principles of advertising practice. ASC is a member of EASA - The European Advertising Standards Alliance. More information can be found at <http://www.rpr.sk/en>.

The Slovak Banking Association (hereinafter referred to as "SBA") is a leading financial association and the only association that represents the interest of banks in Slovakia with their Banks' ethical codex of consumer protection. SBA is a member of the European Banking Federation and the European Payment Council. More information can be found at <https://www.sbaonline.sk/en/>.

Are there any out-of-court dispute settlement bodies available that deal with aspects of the Directives (e.g. mediation, conciliation or arbitration schemes ombudsmen)?

In the out-of-court settlement of consumer disputes, alternative dispute resolution entities, permanent arbitration courts and mediators are involved.

All traders are obliged to inform the consumers about the options for settling disputes arising from agreements out-of-court. Information on such options are usually included in the consumer agreement and should be available on the trader's website. If you decide to have a dispute settled by arbitration or through a mediator, you will no longer have the option to use alternative dispute resolution in the given matter.

As of 1 February 2016, new Act No. 391/2015 Coll. on alternative resolution of consumer disputes, as amended (hereinafter referred to as the "ADR Act"), entered into force, which sets forth the conditions and rules for an alternative dispute resolution conducted under the auspices of several administrative bodies and other legal entities authorised for such activity.

The ADR Act stipulates that each consumer has the right to refer its dispute to the alternative dispute resolution body if the trader you are complaining about fails to respond to your complaint within 30 days of its filing or rejects it. The consumer may initiate alternative dispute resolution proceedings by filing a motion with one of the entities included in the list kept by the Ministry of the Economy of the Slovak Republic.

A motion to initiate such proceedings can be lodged by post, in person or in electronic form, and the fee for the commencement of proceedings may not exceed EUR 5. The settlement of a dispute takes place without the parties present, through written communication. A dispute is to be settled within 90 days of the delivery of a complete motion. Unless the parties reach an agreement, the alternative dispute resolution entity will prepare a justified opinion, provided that the breach of a consumer right is apparent. If any attempt to settle the dispute by mutual agreement fails, there is no appeal against the result of such proceedings.

Moreover, in case of an international consumer dispute, the consumer has a right to refer the case to the European Consumer Centre which will provide the consumer with the address, e-mail address or telephone contact details of the alternative dispute resolution body which is competent to resolve such dispute. Act No. 335/2014 Coll. on consumer arbitration (hereinafter referred to as the "Act on Consumer Arbitration"), as amended, sets several conditions that must be complied with in order to meet the standard of consumer protection.

An arbitration procedure starts with the filing of a lawsuit in writing to the competent arbitration court and the procedure takes place at the arbitration court and is recorded in writing or orally. Arbitration guarantees have similar rights as standard court proceedings do, i.e., to present evidence for defence, to comment any statement or evidence presented by the other party.

The consumer's actions such as the filing of a lawsuit, statement, objection or proposal for the presentation of evidence are free of charge.

An arbitration procedure ends with the issuance of an arbitrary decision, if no decision is reached within 90 days of the date when the lawsuit was filed, the consumer must be informed of the reasons and of the date when a decision is expected in the case.

The consumer may lodge an appeal to a civil court against an arbitrary decision within three months of the date of its issuance in cases specified by law. The consumer may also lodge a complaint about an arbitrary decision to the chairman of the permanent arbitration court or to the Ministry of Justice of the Slovak Republic.

Mediation is a method to settle a consumer dispute with the help of an impartial third person - mediator.

A precondition for mediation is that both parties are interested in reaching an agreement. A mediator may be a natural person included in the list of mediators compiled by the Ministry of Justice of the Slovak Republic on following webpages:

<http://www.justice.gov.sk/Stranky/Nase-sluzby/Civilne-pravo/Mediatori/Uvod.aspx>.

Mediation in a consumer dispute starts with the signing of a mediation agreement with the other party and takes place in the mediator's office. Mediation ends with the conclusion of an agreement as a result of mediation, but no later than 90 days from the commencement of mediation.

The agreement resulting from mediation is legally enforceable only if it has the form of a notarial record or court settlement.

The consumers are to bear the costs up to 10% of the mediator's remuneration, not exceeding EUR 20, the remaining part of the remuneration is to be covered by the other party.

In the case of unsuccessful mediation, consumers can take the case to arbitration or to court.

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