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FINANCIAL LAW NEWS

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CONSOLIDATED WORDING OF STATE LANGUAGE ACT

(Publication of consolidated wording of Act of the National Council of the Slovak Republic No. 270/1995 Coll. on State Language of the Slovak Republic, as it arises from amendments and supplementations done by the Ruling of the Constitutional Court of the Slovak Republic No. 260/1997 Coll., as amended)

Chairman of the Slovak Parliament (National Council of the Slovak Republic) has published consolidated wording of the State Language Act due to several amendments thereto.

Last amendment of this Act, with effectiveness from 1 September 2009, precised performance of supervision over compliance with the Act and it established fines for breaching of provisions of the Act again. The Ministry of Culture of the Slovak Republic shall impose fine for breaching of specified provisions of the Act to determined persons if they do not eliminate unlawful state in specified time period or they do not perform remedy of identified imperfections in the amount from 100 € to 5000 €.

All pedagogical documentation and other documentation in schools and school facilities shall be administered in the state language. Pedagogical documentation and other documentation shall be administered bilingually in case of schools and school facilities with national minorities' language education, i.e. in the state language and in language of relevant national minority.

Announcements, designated to inform public through local radio or other technical equipment, may be published also in other language after publication in the state language.

Explicit requirement of content compatibility of the translation, placed after text in the state language, has been established with respect to advertisement in foreign language and other public announcements.

This Act became effective on 1 July 2009.

AMOUNT OF STATE BONUS FOR YEAR 2010

(Measure of the Ministry of Finance of the Slovak Republic No. 360/2009 Coll. on Amount of State Bonus for Building Savings for Year 2010)

This Measure stipulates amount of state bonus for building savings in year 2010 in the amount of 12,5% from annual deposit, at most in the sum of EUR 66,39. Its amount remained unchanged in comparison with year 2009.

This Measure shall become effective on 1 January 2010.

AMENDMENT TO PRICE REGULATION IN ELECTROENERGETICS

(Announcement of the Regulatory Office for Network Industries No. 362/2009 Coll. on Issuance of Decree No. 7/2009 Amending and Supplementing Decree of the Regulatory Office for Network Industries from 28 July 2008 No. 2/2008 stipulating Price Regulation in Electroenergetics, as amended)

Regulatory Office for Network Industries has amended and supplemented price regulation in electroenergetics on the grounds of Act No. 276/2001 Coll. on Regulation in Network Industries, as amended, and Act No. 309/2009 Coll. on Support of Renewable Energy Sources and Highly Efficient Combined Production.

This Decree regulates mainly:

- direct determination of fixed price of electricity produced from renewable energy sources by highly efficient combined production of electricity and heat and house coal,
- procedure and conditions of setting prices, as well as
- particulars on price proposal and manner of submitting price proposal and other attachments to the price proposal.

The Decree is published in unit 68/2009 of the Bulletin of Regulatory Office for Networks Industries and it may be inspected at the Regulatory Office for Network Industries.

This Decree became effective on 20 September 2009.

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NEW DECREE TO CUSTOMS ACT

(Decree of the Ministry of Finance of the Slovak Republic No. 363/2009 Coll. Supplementing Decree of the Ministry of Finance of the Slovak Republic No. 419/2006 Coll. Implementing Certain Provisions of Act No. 199/2004 Coll. Customs Act and Amending and Supplementing Certain Acts as amended, as amended, and Amending Decree of the Ministry of Finance of the Slovak Republic No. 736/2004 Coll. Implementing Certain Provisions of Act No. 652/2004 Coll. on State Administration Authorities in Customs and Amending and Supplementing Certain Acts, as amended)

The Ministry of Finance of the Slovak Republic supplemented by that Decree implementing Decree to the Customs Act by the Annex No. 1a stipulating content of notification on submitting of goods transported through air transport or railway transport and content of list of concentrated parcels shipped through air or railway transport.

This Decree became effective on 1 October 2009.

PROVING TECHNICAL PRECONDITIONS FOR BUSINESS PERFORMANCE IN ENERGETIC

(Decree No. 366/2009 Coll. Stipulating Particulars on Requirements for Proving Technical Preconditions for Business Performance in Energetic)

This Decree of the Regulatory Office for Network Industries implements provision of Section 6 paragraph 9 of the Energy Act.

Technical preconditions for performance of activities for which natural person or legal entity have applied for licence for performance of business in energetic, except for supply of electricity or supply of gas, shall be certified by officially verified copy of document on ownership relation or lease relation to technological part of equipment for generation, transmission and distribution of electricity or generation, transmission, distribution and storage of gas or for transportation of fuel or natural oil or for filling of pressured containers or for distribution of liquefied gas hydrocarbon and they shall be indicated on a map of determined territory in two counterparts.

To application for issuance of licence for transmission of electricity shall be attached except for the above mentioned document also copy of the agreement on providing of regulatory electricity under measuring of electroenergetic dispatching of transmission network.

This Decree repeals Decree of the Regulatory Office for Network Industries No. 375/2005 Coll. Stipulating Particulars on Requirements for Proving Technical Preconditions for Business Performance in Energetic, Requirements for Education and for Professional Capacity, as well as Manner of its Proving.

This Decree became effective on 1 October 2009.

PROFESSIONAL QUALIFICATION FOR BUSINESS PERFORMANCE IN ENERGETIC

(Decree of the Ministry of Economy of the Slovak Republic No. 368/2009 Coll. Stipulating Extent of Professional Training and Required Knowledge for Professional Qualification Exam for Performance of Business in Energetic, Particulars on Establishment and Operation of Examination Committee and Content of Professional Qualification Certificate)

This Decree regulates:

- a) extent of professional training and required knowledge for professional qualification exam for performance of business in energetic,
- b) particulars on establishment and operation of examination committees,
- c) content of Professional Qualification Certificate.

Professional training is focused on gaining knowledge on legal rules regulating performance of business in energetic and professional knowledge in the field of energetic.

The Ministry of Economy of the Slovak Republic establishes the Examination Committee for taking an exam.

This Decree came into effectiveness on 1 October 2009.

Other significant legal regulations, published in the Collection of Laws in the month of September 2009, are as follows:

- Regulation of the Government of the Slovak Republic No. 352/2009 Coll. Stipulating Hygienic Requirements for Direct Sale and Supply of Small Quantities of Primary Products of Animal Origin, Meat from Poultry and Home Rabbits, Wild Game and Wild Game Meat Thereof;
- Decree of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic No. 353/2009 Coll. Amending and Supplementing Decree of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic No. 29/2006 Coll. on Specimen and Requisites of Forms, Control Labels, Stamps, and on Specimen Identification of Technical Inspection Station, Emission Check Workplace, Originality Check Workplace and Gas Equipment Assembly Workplace and on Specimen and Requisites of Inspector's Card Authorised to Perform Professional State Supervision,
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 354/2009 Coll. on Adoption of Amendments of Implementing Regulation to the Convention on the Grant of European Patents (The European Patent Convention),
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 355/2009 Coll. on Adoption of Amendments of Implementing Regulation to the Convention on the Grant of European Patents (The European Patent Convention),
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 356/2009 Coll. on Conclusion of Implementing Protocol to the Treaty between Government of the Slovak Republic and Government of the Czech Republic on Exchange of Data from Information Funds Contained in the Criminal Registers,
- Decree of Regulatory Office for Network Industries No. 358/2009 Coll. Amending and Supplementing Decree of the Regulatory Office for Network Industries No. 630/2005 Coll. Stipulating Temperature of Hot Supply Water on the Place of Consumption, Calculation Rules of Amount of Heat Supplied for Preparation of Hot Supply Water and Calculation of the Amount of Supplied Heat,
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 359/2009 Coll. on Conclusion of the Cooperation Treaty between Government of the Slovak Republic and Government of the France Republic on Development of Peaceful Exploitation of Nuclear Energy,
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 361/2009 Coll. on Conclusion of the Treaty between Government of the Slovak Republic and Government of the Czech Republic and on Amending of the Treaty between Government of the Slovak Republic and Government of the Czech Republic on Mutual Protection of Classified Information,
- Decree of the Ministry of Health of the Slovak Republic No. 364/2009 Coll. Stipulating Criteria of Health Capability for Health Studies Applicants,
- Decree of the Ministry of Health of the Slovak Republic No. 365/2009 Coll. on Drugs and Medicinal Devices which may be provided by Health Insurance Company,
- Declaration of the Speaker of the National Council of the Slovak Republic No. 369/2009 Coll. Consolidated Wording of Act No. 200/1998 Coll. on State Service of Customs Officers and on Amending and Supplementing of Certain Other Acts.

COURT RULINGS

In this part we refer to quotations from the reasoning of selected court rulings and opinions in civil, labour and commercial matters recently published in the From Court Practice journal (in Slovak: "Zo súdnej praxe"):

INVALIDITY OF SECURITY CONTRACT BELONGING TO BILL

(Decision of the Supreme Court of the Slovak Republic, file No. 1 Obdo V 43/2006 published in journal From the Court Practice No. 4/2006, No. 42)

Provisions of the Labour Code, regulating securing of claims from employment relation by an agreement on wage deductions, surety or establishment of pledge, are mandatory not allowing agreement on

securing of obligation by other security means. Thus obligation from employment relation cannot be secured by a bill.

Invalidity of Bill Contract does not cause invalidity of the bill itself but its consequence is missing relation between receivable and bill, which should secure the receivable. Obligated person may defend against payment for such bill by protest due to lack of reason for use of bill as security bill.

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Advokátska kancelária Čechová & Partners

Združenie advokátov: JUDr. Katarína Čechová (evidenčné číslo v zozname advokátov vedenom Slovenskou advokátskou komorou: 0339/317 831 63) poverená vedením účtovníctva združenia pod IČ DPH SK1020333083, JUDr. Jana Ďurišová (4260/307 989 73), JUDr. Simona Haláková (5503/318 195 41), Mgr. Ing. Michaela Jurková (4286/307 989 57), Mgr. Tomáš Mareta (1601/318 172 11), Mgr. Tomáš Rybár (3988/307 967 76), Mgr. Tomáš Zárecký (4020/360 754 18)

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