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FINANCIAL LAW NEWS

- **GOVERNMENT REGULATION DETERMINING MINIMAL WAGE**
page: 1
- **EDICT ON SCOPE OF NUTRITION CONTENTION**
page: 1
- **DECREE ON METHOD OF ENERGETIC AUDIT EXECUTION**
page: 1
- **MEASURE ON INCREASE OF PENSION SAVINGS BENEFIT IN YEAR 2010**
page: 1
- **AMENDMENT TO ACT ON MEDICAMENTS**
page: 2
- **ACT ON CIVIL SERVICE**
page: 2
- **INTERNATIONAL TREATY ON SUPPORT AND MUTUAL PROTECTION OF INVESTMENTS WITH MOLDOVA**
page: 2
- **AMENDMENT TO ACT ON LEASE OF AGRICULTURAL LAND**
page: 3
- **AMENDMENT TO ACT ON DESIGNATION OF PRODUCTS ORIGIN AND GEOGRAPHICAL DESIGNATION OF PRODUCTS**
page: 3
- **ISSUANCE OF TOLL REGULATION**
page: 3
- **AMENDMENT MINOR OFFENCES ACT**
page: 4
- **AMENDMENT TO WATER ACT**
page: 4
- **OTHER SIGNIFICANT LEGAL REGULATIONS**
page: 4
- **JUDICIAL DECISIONS**
page: 7
- **SECURITY FUNCTION OF BILL OF EXCHANGE**
page: 7

GOVERNMENT REGULATION DETERMINING MINIMAL WAGE

(Regulation of the Government of the Slovak Republic No. 441/2009 Coll. Determining the Amount of Minimal Wage)

This Regulation was adopted on the ground of empowering provision of Sec. 2 para. 1 of Act No. 663/2007 Coll. on Minimal Wage, as amended.

Regulation determines amount of the minimal wage for the year 2010 in the amount of EUR 307.70 per month for the employee with wage paid on monthly basis.

Minimal hourly rate is determined in amount of EUR 1.768 per working hour.

Regulation further determines amount of the increase of the minimal wage for the year 2011 that presents increase in amount of 4 % from the sum of the minimal wage defined for the year 2009.

This Regulation will come into force on 1 January 2010.

EDICT ON SCOPE OF NUTRITION CONTENTION

(Announcement of the Ministry of Agriculture of the Slovak Republic No. 433/2009 Coll. Establishing Scope of the Nutrition Contention, Way of Presentation of the Nutrition Value and Way of Its Calculation)

This Announcement informs on issuance of Edict of 19 October 2009 No. 1482/2009-100 which determines scope of the nutrition contention, nutrition value presentation method and the way of its calculation.

The Edict regulates scope of the nutrition contention, nutrition value presentation method while placing them on the market for the final consumer as well as into the restaurants, hospitals, and canteens and in the other facilities for public catering and the way of its calculation. This Edict does not apply to the packed mineral waters and other packed waters determined for the human consumption and nutrition complements.

Edict was adopted on the ground of empowering provision of Sec. 12 para. 3 of Act No. 152/1995 Coll. on Foods and it is Published in the Official Journal of the Ministry of Agriculture of the Slovak Republic No. 22/2009 and is possible to inspect it on the Ministry of Agriculture of the Slovak Republic.

This Edict came into force on 31 October 2009.

DECREE ON METHOD OF ENERGETIC AUDIT EXECUTION

(Decree of the Ministry of Economy of the Slovak Republic No. 429/2009 Coll. Determining the Way of Performance of Energy Audit, Content of the Written Report and the List of Data for Monitoring of Effectiveness of Energy Usage)

This Decree was adopted on the ground of empowering provision of Act on Energetic Effectiveness.

The Decree determines the method of the execution of the energetic audit, the content of the written report about the energetic audit as well as determination of the data folder for monitoring of effectiveness of the energy usage.

Scope of the finding and evaluation of the present state of the energetic audit subject is listed in the Annexes of this Decree.

This Decree will come into force on 1 January 2010.

MEASURE ON INCREASE OF PENSION SAVINGS BENEFIT IN YEAR 2010

(Measure of the Ministry of Labour, Social Affairs and Family of the Slovak Republic No. 413/2009 Coll. Determining Percentage of Increase of the Pension Savings Benefit in Year 2010)

This Measure was adopted in accordance with provision of Sec. 82 para. 2 of Act No. 461/2003 Coll. on Social Insurance, as amended and determines increase of the pension rates for the year 2010 by 3,05%.

This Measure will come into force on 1 January 2010.

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AMENDMENT TO ACT ON MEDICAMENTS

(Act No. 402/2009 Coll., amending and supplementing act No. 140/1998 Coll. on Medicaments and Sanitary Means, amending Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended and on amendment to Act No. 220/1996 on Advertising, as amended and amending and supplementing other Acts)

This Act amends and supplements the Act on Medicaments, while it determines special conditions for mail-order stock-out of medicaments and sanitary means.

In terms of this Amendment, mail-order stock-out, also to abroad, may be provided only by the holder of the license for the provision of pharmaceutical care in public pharmacy or in stock-out of sanitary means according to the license issued by self-governing unit competent according to the territorial area of the public pharmacy or stock-out of sanitary means

The Amendment issues which medicaments and sanitary means could be subject of the mail-order stock-out. The Amendment bans mail-order stock-out of the medicaments and sanitary means that are subject to doctor's prescription or doctor's prescription voucher.

The Act also amends special condition for the preparation of the transfuse medicaments.

Act also changed the Act on Consumer Protection from which operation it excerpted the relations between pharmacy and customer within mail-order stock-out and amends also the Act on Advertisement in connection with the mail-order stock-out of the medicaments.

This Act also excerpts the vaccine procurement by the health insurance company from the operation of the Act on Public Procurement.

This Act will come into force on 1 December 2009.

ACT ON CIVIL SERVICE

(Act No. 400/2009 Coll. on Civil Service and Amending and Supplementing Several Acts)

According to the explanatory report to the new Act on Civil Service, it was elaborated on the ground of the application practice of functioning of the actual Act on Civil Service

as well as on the ground of civil employees' submissions. During its preparation also the results published in the professional literature and legal regulations of EU selected countries were reflected.

This Act regulates civil servant employment relations in connection with execution of the civil service. Civil servant employment relations are subject to the Labour Code only when determined by this Act.

Article No. I. of the actual Act No. 312/2001 Coll. on Civil Service, which regulated civil servant employment relations in connection with execution of the civil service by civil servants, is repealed by this new Act.

This Act came into force on 1 November 2009 with exception of several provisions that will come into force on 1 July 2010.

INTERNATIONAL TREATY ON SUPPORT AND MUTUAL PROTECTION OF INVESTMENTS WITH MOLDOVA

(Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 398/2009 Coll. – International Treaty Between Slovak Republic and Republic of Moldova on Support and Mutual Protection of Investments)

This Announcement informs about conclusion of the international treaty for the support and protection of investments with Moldova.

Under the above-mentioned international treaty the contracting parties are obliged to create favourable conditions for the investments of investors of the other contracting party and to provide them proper and fair treatment and full protection and security on the territory of the other contracting party. Neither contracting party will in any way on its territory deteriorate operation, management, maintenance, application or exploitation or investment treatment of investors of the other contract party by groundless or discriminatory measures.

Pursuant to the decision of the Slovak National Council of 21 July 2009 approving this Treaty, this Treaty is an international treaty according to the Article 7 para. 5 of the Constitution of the Slovak Republic, which is

has priority to acts. President of the Slovak Republic ratified this on 12 August 2009.

This Treaty came into force on 15 November 2009.

AMENDMENT TO ACT ON LEASE OF AGRICULTURAL LAND

(Act No. 396/2009 Coll. amending and supplementing Act No. 504/2003 Coll. on Lease of the Agricultural Land, Agricultural Enterprise and Forrest Land and Amending and Supplementing Several Acts)

This Amendment enlarges number of cases, in which it is possible to sign the contract on lease of the land for the agricultural purposes, by foundation of the overgrown of fast-growing energetic wood plants.

Further it determines that if the amount of the rent is lower than 2 EUR, there is the possibility to agree on usage without consideration that will be considered as a borrowing contract according to the relevant provisions of the Civil Code.

This Amendment also modifies mutual rights and duties of tenants and landlords of the lands.

This Act also stipulates that the lands managed by the Slovak Land Fund cannot be subleased, unless this Act stipulates otherwise.

This Act came into force on 1 November 2009.

AMENDMENT TO ACT ON DESIGNATION OF PRODUCTS ORIGIN AND GEOGRAPHICAL DESIGNATION OF PRODUCTS

(Act No. 395/2009 Coll. Amending and Supplementing Act No. 469/2003 Coll. on Designation of Products Origin and Geographical Designation of Products and Amending and Supplementing Several Acts, as amended)

The amendment of the Act on Product Origin Designation and on Product Geographical Designations implements into this Act newly adopted Act on Viticulture and Viniculture that determines new method of wine and viniculture products marking in accordance with the EU legislation. Due to this fact, it was necessary to amend also the Act on Designation of Products Origin.

This Act defines the terms such as wine origin designation, geographical wine designation as well as who is the user of the registered product origin designation.

It also determines the range of persons entitled to file the origin designation application and specifies the content of the specification of the spirit and wine.

It also modifies the registration of the changes of determination of the product and specification of the product.

The Amendment also introduces new provisions regulating origin designation protection and geographical designation of the wines according to the EU legislation.

This Act came into force on 1 November 2009.

ISSUANCE OF TOLL REGULATION

(Decree of the Ministry of Transport, Post and Telecommunications No. 388/2009 Coll. on Issuance of the Toll Regulation)

This Decree was adopted on the ground of empowering provision of Act on Electronic Withdrawal of Toll for the Usage of Selected Parts of Ground Communications.

By this Decree the Toll Regulation was issued that specifies particulars on rights and duties of the toll system operator, of the drivers of the vehicles subject to the toll, toll collection manager.

It also regulates the particulars of the contract on usage of specified parts of ground communications, particulars on disposition with the board unit, the method of the calculation and payment of the toll and the requisites of the claim order.

Toll regulation defines basic terms such as overall mass of the vehicle, driver, toll electronic system operator, regime of the prepaid toll etc.

Toll regulation also contains particulars about the system of the registration of the vehicle into the electronic toll system.

This Decree came into force on 15 October 2009.

AMENDMENT MINOR OFFENCES ACT

(Act No. 387/2009 Coll. amending and supplementing Act of the Slovak National Council No. 372/1990 Coll. on Minor Offences as amended)

This Amendment established obligation to keep evidence of minor offences for administrative bodies entitled to take proceeding on minor offence.

The Act also stipulates list of exact data on minor offence that shall be contained in the evidence. The administrative bodies shall establish the evidence under this Act until 31 December 2010.

This Act will become effective on 1 January 2010.

AMENDMENT TO WATER ACT

(Act No. 384/2009 Coll. amending and supplementing Act No. 364/2004 Coll. on Waters and on Change of Act of the Slovak National Council No. 372/1990 Coll. on Minor Offences as amended (Water Act) as amended and amending and supplementing Act No. 569/2007 Coll. on Geological Works (Geological Act) as amended by Act No. 515/2008 Coll.)

According to the reasoning report to this amendment, it was adopted in order to transpose Directive of the European Parliament and of the Council 2000/60/EC establishing a framework for Community action in the field of water policy (Water Framework Directive).

Reason for adoption of this amendment to the Water Act is fulfilment of the obligations toward the European Union, particularly transposition of Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration and partial transposition of Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC.

This Amendment also reflects requirements from call of the European Commission 2007/2247 to the transposition of the Directive of the European Parliament and of the Council 2000/60/EC of 23 October 2000, establishing framework of sphere of action for Community measures in the area of water management in the Slovak Republic.

The Amendment introduces to the act new definition of terms such as river, lake, inland water and priority substance. Furthermore, it defines terms such as water use, limit value, significant and sustained upward trend, entry of pollutants, basic level, combined approach and regulation of emissions. It also defines term of surface waters.

The Amendment newly regulates evaluation and detection of presence, amount, regime and quality of surface waters. It also newly regulates evaluation of status of groundwater and regulates possibility to limit the ownership title to real estate in connection with performance of these activities in public interest, in inevitable extent and for adequate compensation.

At the same time, the Amendment defines the administrative territories of basins and their water management. It also stipulates program of measures and changes discharge of waste water and special waters to the groundwater. Furthermore it regulates also compensation of costs for water management services.

This Act became effective on 1 November 2009.

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

- Announcement of the Ministry of Agriculture of the Slovak Republic and the Ministry of Health of the Slovak Republic No. 444/2009 Coll. on Adoption of Edict, Amending and Supplementing Edict of the Ministry of Agriculture of the Slovak Republic and the Ministry of Health of the Slovak Republic dated 25 July 2007 No. 16826/2007-OL, Publishing the Part of the Food Code of the Slovak Republic Regulating Requirements for Food for Special Nutrition Purpose and for Nutrition Complements,
- Regulation of the Government of the Slovak Republic No. 442/2009 Coll. Amending and Supplementing Regulation of the Government of the Slovak Republic No. 397/2005 Coll. Declaring International Sanctions Securing Peace and Security, as amended,

- Act No. 440/2009 Coll. Amending and Supplementing Act No. 190/2003 Coll. on Fire Arms and Ammunition and on Amending and Supplementing Certain Other Acts, as amended,
- Decree of the Ministry of Education of the Slovak Republic No. 437/2009 Coll. Stipulating Qualification Conditions and Special Qualification Conditions for Particular Categories of Pedagogical Employees and Specialist Employees,
- Decree of the Ministry of Justice of the Slovak Republic No. 430/2009 Coll. Stating Particulars on Occupying of Free State Employee Positions on Courts by Selection Procedure and Selection,
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 427/2009 Coll. on Adoption of Edict Stipulating Crisis Areas for the Purpose of Bonus for State Service in Crisis Area and Bonus for Exercise of Work in Crisis Area,
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 426/2009 Coll. on Adoption of Measure Stating Objective Salary Index for Particular Country,
- Measure of the Ministry of Foreign Affairs of the Slovak Republic No. 425/2009 Coll. Stating Salary Index for Particular Country,
- Edict of the Ministry of Foreign Affairs of the Slovak Republic No. 424/2009 Coll. on Particulars of Calculation of Salary Index for the Purpose of Foreign Function Salary,
- Regulation of the Government of the Slovak Republic No. 423/2009 Coll. Amending and Supplementing Regulation of the Government of the Slovak Republic No. 341/2004 Coll. Stating Catalogue of Work Activities in Exercise of Work in Public Interest and their Amendments and Supplements, as amended,
- Regulation of the Government of the Slovak Republic No. 422/2009 Coll. Stating the Scope of Direct Education Activity and Direct Training Activity of Pedagogical Employees,
- Decree of the Ministry of Labour, Social Affairs and Family No. 420/2009 Coll. Supplementing Decree of the Ministry of Labour, Social Affairs and Family No. 44/2004 Coll. Executing Section 69 (2) of Act No. 5/2004 Coll. on Employment Services and on Amending and Supplementing of Certain Other Acts, as amended,
- Decree of the Ministry of Health of the Slovak Republic No. 419/2009 Coll. Amending and Supplementing Decree of the Ministry of Health of the Slovak Republic No. 723/2004 Coll. Regulating Particulars of Procedure of Defining the Standard Batch of Medicine and of Maximum Amount of Cover of the Health Insurance Company for the Standard Batch of Medicine, Amended by Decree of the Ministry of Health of the Slovak Republic No. 466/2005 Coll.,
- Decree of the Ministry of Health of the Slovak Republic No. 418/2009 Coll. Stating Particulars and Conditions of Publishing in the List of Associations, Non-Profit Organisations, Foundations, Churches and Religious Societies, Providing Financial, Material and Psychological Aid to Pregnant Women,
- Decree of the Ministry of Health of the Slovak Republic No. 417/2009 Coll. Stating Particulars of Information Provided to the Woman and Reports on Provision of Information, Example of Provision of Information, and Stating the Organisation Responsible for Receiving and Evaluation the Report,
- Regulation of the Government of the Slovak Republic No. 416/2009 Coll. Amending and Supplementing Regulation of the Government of the Slovak Republic No. 193/2009 Coll. on Technical Capacity and Operational Capacity of Vessels,
- Regulation of the Government of the Slovak Republic No. 415/2009 Coll. Repealing Regulation of the Government of the Slovak Republic No. 517/2006 Coll. on Technical Requirements for the System of Frontal Protection of Motor Vehicles, as amended by Regulation of the Government of the Slovak Republic No. 167/2007 Coll.,
- Decree of the Ministry of Health of the Slovak Republic No. 412/2009 Coll. Stating Particulars of the List of Insured

- Persons, Pending for Provision of Planned Medical Care,
- Regulation of the Government of the Slovak Republic No. 411/2009 Coll. Stipulating State Employee Positions, Reserved for State Service Only for the Citizen of the Slovak Republic,
 - Regulation of the Government of the Slovak Republic No. 410/2009 Coll. Stipulating the Departments of State Service,
 - Regulation of the Government of the Slovak Republic No. 409/2009 Coll. on the Sums of Christmas Bonus in the Year 2009,
 - Regulation of the Government of the Slovak Republic No. 408/2009 Coll. Repealing Regulation of the Government of the Slovak Republic No. 319/2006 Coll. on Technical Requirements for Protection of Pedestrians and Other Vulnerable Participants of Road Traffic From the Collision and in the Collision with Motor Vehicle,
 - Regulation of the Government of the Slovak Republic No. 407/2009 Coll. Amending and Supplementing Regulation of the Government of the Slovak Republic No. 140/2009 Coll. Stating Particulars of Type Approval of Motor Vehicles and their Attachment Vehicles, Systems, Components and Independent Technical Units Designated for these Vehicles,
 - Decree of the Ministry of Education of the Slovak Republic No. 405/2009 Coll. Supplementing Decree of the Ministry of Education of the Slovak Republic No. 319/2008 Coll. on Recognition of Substitutes of School Leaving Examinations from Foreign Language, as amended by Decree No. 269/2009 Coll.,
 - Decree of the Ministry of Finance of the Slovak Republic No. 404/2009 Coll. Amending and Supplementing Decree of the Ministry of Finance of the Slovak Republic No. 202/2004 Coll. on Permitted Denaturing Appliances, their Determined Volume for Denaturising of Alcohol and Manipulation with Denatured Alcohol, on Requirements for its Properties and on Determined Purpose of Use of Denatured Alcohol, as amended,
 - Act No. 403/2009 Coll. Amending and Supplementing Act No. 179/1998 Coll. on Trading with Military Material and on Amending and Supplementing Act No. 455/1991 Coll. on Trade (Trade Licensing Act), as amended, as amended, and on Amending and Supplementing Act No. 575/2001 Coll. on Organisation of Activity of the Government and Organisation of Central State Administration, as amended,
 - Act No. 401/2009 Coll. Amending and Supplementing Act No. 170/2001 Coll. on Emergency Supplies of Petroleum and Petroleum Products and on Solution of Petroleum Emergency Situation, as amended by Act No. 240/2006 Coll.,
 - Decision of the Chairman of the National Council of the Slovak Republic No. 397/2009 Coll. on Declaration of New Elections to Municipal Self-Government Bodies,
 - Act No. 394/2009 Coll. Amending and Supplementing Act No. 442/2002 Coll. on Public Water Mains and Public Sewerage and on Supplementing Act No. 276/2001 Coll. on Regulation in Network Industries, as amended,
 - Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 393/2009 Coll. on Conclusion of the Treaty Between the Government of the Slovak Republic and the Government of the Croatian Republic on Readmission of Persons with Unauthorised Residence, Annex to Part 142 – to Announcement No. 393/2009 Coll.,
 - Act No. 392/2009 Coll. Amending and Supplementing Act No. 1/1993 coll. on Collection of Laws of the Slovak Republic, as amended,
 - Act No. 391/2009 Coll. Amending and Supplementing Act No. 194/1998 Coll. on Cultivating and Breeding of Farming Animals and on Amending and Supplementing Act No. 455/1991 Coll. on Trade (Trade Licensing Act), as amended, as amended,
 - Act No. 390/2009 Coll. Amending and Supplementing Act No. 543/2007 Coll.

- on Competence of State Administration Bodies in Provision of Support in Agriculture and Development of Country, as amended by Act No. 523/2008 Coll., and on Amending and Supplementing Act No. 523/2004 Coll. on Budgetary Rules of Public Administration and on Amending and Supplementing of Certain Other Acts, as amended,
- Decree of the Ministry of Traffic, Post and Telecommunications of the Slovak Republic No. 389/2004 Coll. Stating Particulars of Certificate for Presenting the Person Authorised for Control of Electronic Payment of Road Toll,
 - Act No. 386/2009 Coll. Amending and Supplementing Act No. 223/2001 Coll. on Waste and on Amending and Supplementing of Certain Other Acts, as amended,
 - Regulation of the Government of the Slovak Republic No. 385/2009 Coll. on Technical Requirements for Installation of Equipment for Lighting and Light Signalling on Motor Vehicles and their Accessory Vehicles,
 - Regulation of the Government of the Slovak Republic No. 383/2009 Coll. on Technical Requirements for Radio Disturbance Elimination in Motor Vehicles and their Accessory Vehicles,
 - Regulation of the Government of the Slovak Republic No. 381/2009 Coll. Amending and Supplementing Regulation of the Government of the Slovak Republic No. 264/2009 Coll. on Supporting Measures in Agriculture,
 - Regulation of the Government of the Slovak Republic No. 380/2009 Coll. Stating Rules for Performance of Official Control of Feeds,
 - Decree of the Ministry of Finance of the Slovak Republic No. 379/2009 Coll. Stating Requirements for Physical Ability of Citizen, Applying for Acceptance to the State Service of Customs Officers,
 - Act No. 378/2009 Coll., Supplementing Act No. 386/2002 Coll. on State Debt and State Guarantees and on Supplementing Act No. 291/2002 Coll. on State Treasury and on Amending and Supplementing of Certain Other Acts, as amended,

- Announcement of the Ministry of Health of the Slovak Republic No. 373/2009 Coll. on Adoption of Measure, Publishing the List of Medicines ad Drugs, Fully Covered or Partly Covered by Public Health Insurance,
- Announcement of the Ministry of Health of the Slovak Republic No. 372/2009 Coll. on Adoption of Measure, Publishing the List of Medical Devices Fully Covered of party Covered by Public Health Insurance,
- Announcement of the Ministry of Health of the Slovak Republic No. 371/2009 Coll. on Adoption of Measure, Publishing the list of Dietary Food, Fully Covered or Party Covered By the Public Health Insurance.

JUDICIAL DECISIONS

In this part are stated quotations from opinions of selected judicial decisions and statements in civil and business matters, which were recently published in From Court Practice journal (in Slovak: Zo súdnej praxe).

SECURITY FUNCTION OF BILL OF EXCHANGE

(Decision of the Supreme Court of the Slovak Republic No. 5 Obo 190/2006, published in the Journal From Court Practice No. 4/2009, No. 41)

- I. Also in case of the bill of exchange with clause "without protest", its endorsement marked of after the lapse of period for making a protest for non-payment has only the effects of assignment of receivable with the result of retain of causal objections of debtor.
- II. Bill of exchange may fulfil the function of security of respective claims according to the agreement of participants. Change of agreement on securing of claim by bill of exchange may change content of the original agreement and secure also other claims. Any of the participants is not entitled to change the subject of security unilaterally, even if other claims towards the debtor arise.

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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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