NEW ACT ON DRUGS.

New Act on Drugs with effect from 1 December 2011 newly governs the conditions for handling with human drugs and veterinary drugs, as well as conditions for handling with medical devices, requirements for testing of drugs, requirements for introducing of drugs to the market and requirements for introducing of medical devices to the market or into operation.

At the same time, requirements for securing of quality, efficiency and safety of drugs and medical devices are newly governed, as well as requirements for inspection of quality, efficiency and safety of drugs and medical devices, rights and obligations of individuals and legal entities in the field of pharmacy and duties of state administration authorities and self-governing authorities in the field of pharmacy.

This Act terminated in full extent the so far valid Act No. 140/1998 Coll. on Drugs and Medical Devices, as amended.

Regulation of so-called Loyalty System

The holder of licence for provision of pharmaceutical care is not entitled to provide or accept natural discounts. However, the holder of licence for provision of pharmaceutical care may pursuant to new Act on Drugs provide or promise to the patient discount, advantage or aggregate of discounts and advantages (hereinafter the “loyalty system”).

The holder of licence for provision of pharmaceutical care is entitled to apply loyalty system only after fulfilment of conditions stated by this Act.

New Act on Drugs at the same time prohibits provision of natural discounts or payment of money in the scope of applied conditions of loyalty system, whereby the voucher for future monetary discount shall not be considered as non-monetary performance. The Act expressly provides that the discounts or benefits of loyalty system may only have a form of price discounts of made purchases or future purchases.

Possibility to Create Networks of Pharmacies

The Act allows creation of networks of pharmacies, in contrary to currently valid Act on Drugs that contained a provision under which licence for provision of pharmaceutical care might have been issued to an individual or legal entity only in one public pharmacy or in one branch of public pharmacy.

Prescription of Drugs and Choice of Substitutive Human Drug

In case of selected drugs (listed in the Annex to the Act on Drugs), the physician prescribing drug is obliged to prescribe human drug containing the drug by name of the medicament. Prescribing physician may, when prescribing under the first sentence, state on the prescription, also name of human drug. However, the prescribing physician may forbid the issuance of substitutive human drug which is unsuitable for patient from the medical reasons.

Substitutive human drug is a human drug with the same medicament, same route of administration, the same dosage form and the same amount of medicament in dosage
form, the same or lower reimbursement of public health insurance and with the same or lower reimbursement of the patient as the human drug prescribed on the prescription.

Prescription of human drugs, medical devices or dietary foods is also newly regulated, provided it shall be reimbursed or partially reimbursed from public health insurance. At prescribing human drugs, medical devices and dietetic foods the prescribing physician is prohibited to determine to the patient in which public pharmacy or supply point of medical devices he/she shall pick out human medicinal products, medical device and dietary food.

When issuing the human drug that is reimbursed or partially reimbursed from public health insurance, the pharmacist is obliged to inform patient about possibility of choice of substitutive human drug and on the amount of reimbursement of patient for substitutive human drug in accordance with valid list of categorized drugs that may be issued based on prescription.

The Act also stipulates the obligation of the pharmacist to issue to the patient human drugs, medicament of which is stated in Annex 1 of the Act on Drugs, which is without additional reimbursement or lowest reimbursement by patient and which is available, unless chosen otherwise by the patient.

New Regulation of Obligations in Area of Promotion and Marketing

Holder of the licence for production of drugs, holder of the licence for wholesale distribution of drugs and holder of the registration of human drug is expressly prohibited to directly or through third party finance, sponsor, or otherwise directly or indirectly support an event to a healthcare care professional or his/her participation at such event, save for events exactly specified by the Act. In this context, a health care professional, as well as holder of the authorisation for pharmaceutical care are prohibited to participate in such events. The holder of the authorisation for provision of pharmaceutical care, as well as the holder of the registration of drug are also prohibited in any form, directly or indirectly through a third person to incite, encourage or otherwise influence prescribing physician when prescribing human drugs, medical devices and dietary foods.

Related Changes of Advertising Act

New Act on Drugs at the same time changes also the Act on Advertising, which expressly stipulates prohibition of visits of persons authorized to prescribe medicinal products during their office hours.

The Act also prohibits the supply, offer or promise any gifts, pecuniary or material advantages or benefits to person authorized to prescribe drugs and persons authorized to issue drugs by cancellation of previously granted exception for provision of gifts, benefits and profits of insignificant value relevant for exercise of medical or pharmaceutical practice.

Institute of Substitute Professional Representative

The Act introduces the institute of substitute professional representative appointed by the licence holder in case the professional representative no longer acts as a professional representative. The substitute professional representative may be appointed for a maximum period of 60 days from the end of performance of activities of the professional representative; after expiry of this time period no further substitute professional representative may be appointed.

Changes in Related Legislation

This Act also amends the Act on Small Offences, Trade Licensing Act, Act on Narcotics, Psychotropic Substances and Preparations, Act on Advertising, Income Tax Act, Act on Health Care Providers, Health Care Professionals and Organizations in Healthcare, Act on Health Insurance Companies and Healthcare Supervision, Act on State Administration Bodies in Matters of Narcotic Precursors and the Act on Natural Healing Waters, Natural Spas, Spas and Natural Mineral Waters.

This Act shall become effective on 1 December 2011.
New Regulation of Scope and Terms of Reimbursement of Drugs, Medical Devices and Dietary Food


This Act stipulates the scope and terms of reimbursement of drugs, medical devices and dietary foods from the public health insurance. This Act also regulates proceedings in which the Ministry of Health of the Slovak Republic (hereinafter the “Ministry”) decides in matters of scope and terms of reimbursement of drugs, medical devices and dietary foods on public health insurance.

This Act also redefines the term of European reference price of drug, medical device and dietary food as the second lowest price among the officially designated prices of drug, medical device and dietary food in other Member States (formerly the arithmetic mean of six lowest prices in the reference countries).

The Act also defines medical devices full or partial reimbursement of which is conditioned by their inclusion in the list of categorized special medical materials.

Interim and Conditional Categorisation

This Act regulates institute of so-called interim categorization which shall be applied provided that the subject matter of application is the original drug and drugs of other registration holders are not registered in any Member State, which would be characterized by the same medicament combination, dosage form and quantity of medicament in one dose of drug, and the Ministry decides to include a drug into the list of categorized medicinal products, such medicinal product shall be included into the list of categorized drugs at maximum for 24 months following the date when the decision became enforceable. The Act also stipulates further procedure and obligations of the registration holder of so included drug.

The Act also governs so-called institute of conditional categorization, which shall be applied, provided that the additional costs incurred from public health insurance for a unit of improvement of the health status using the assessed drug as the effect of more effective alternative treatment are in the range of 24 to 35-fold of the reference average monthly wage per one year of life of standardized quality or the drug is determined for treatment of diseases prevalence of which is less than 1:100 000 in the Slovak Republic.

The list of categorized drugs is published by the Ministry on its web site as of the first day of the month (up to this date it was published quarterly).

The amount of proposed maximum price of the first generic drug that belongs by its nature to the reference group or the reference subgroup included into the list of categorized drugs in a public pharmacy in connection with possibility of its listing into list of categorized drugs is also regulated.

Procedural Rules

In general, application of the Act on Administrative Proceeding was excluded to proceedings under this Act, with the exceptions stated in the Act.

The provisions governing proceedings under this Act clearly define parties to the proceedings, introduce electronic communication and obligation of deposit of bail in the amount of EUR 1,500 to the account of the Ministry upon submission of objections.

Changes in Relating Regulations

This Act also amends Act on Artificial Abortions, Act on Administrative Fees and Act on the Scope of Health Care Covered from Public Health Insurance and on Payments for Services Related to Health Care, as amended.

This Act shall become effective on 1 December 2011 save for certain provisions which shall become effective on 1 January 2012.
FULL LIBERALISATION OF POSTAL
SERVICES MARKET
(Act No. 324/2011 Coll. on Postal Services and on Amendment and Supplementing of Certain Acts)

In accordance with the reasoning report to this Act, the purpose of this new Postal Act is the full transposition of so-called Third Postal Directive - Directive of the European Parliament and Council Directive 2008/6/EC of 20 February 2008. This Act fully liberalizes postal market, as under this Act postal undertakings will be able to freely provide postal services after fulfilling conditions of registration.

This Act regulates conditions for providing postal services and postal payments in the market of postal services, the scope, conditions for the provision and financing of universal service, as well as rights and obligations of the postal services providers and their users. This Act also regulates the access to the public postal network and density requirements and equipment of access points of public postal network and the contact points of the public postal network, competences of state administration authorities in the postal services, and state supervision over the provision of postal services, state regulation of postal services and postal payments and small offences and other administrative offenses in the field of postal services.

The most important changes of the new Act are the termination of the institute of postal reservation, the introduction of convertible postal service as postal service that is, for the consumers, convertible with the scope of universal service, while the Act provides that express postal service is not convertible postal service. The Act distinguishes the terms postal network and public postal network and establishes register of postal enterprises, kept by the Postal Regulatory Office and available free of charge on its web site.

The Act introduces the obligation of postal enterprises to submit in writing to attention of Postal Regulatory Office, the motion of amendment of postal conditions at least 15 working days before the effective date of the change; this does not apply to the universal service provider, if postal license specifies a different manner and periods for submission of amendments of its postal conditions.

This Act repeals so far valid Act No. 507/2001 Coll. on Postal Services, as amended, with effect from 1 January 2012.

The Act contains also amendment to the Trade Licensing Act and the Act on Administrative Fees.

The new Postal Act will become effective on 1 January 2012.

AMENDMENT TO BANKING ACT

Amendment of the Act imposes an obligation that any advertising or trade, which indicates an interest rate or any figure for trade, shall contain clear and legible information on the amount of annual percentage rate of trade.

Amendment of the Act specifies that the interest rates of mortgage credit or municipal credit consists in case of mortgage credit of the current basic interest rate of the mortgage bank and gross margin of the mortgage bank. The Amendment further stipulates that for purposes of this Act valid base interest rate of mortgage bank means the base interest rate of mortgage bank stated by mortgage bank, expressed in percentage and published on the website of the mortgage bank at the date of conclusion of the mortgage credit and the mortgage bank’s gross margin means the interest margin of mortgage bank, expressed in percentage.

The Act still prohibits mortgage banks to require from clients payment of interests, fees or other costs related to early repayment of mortgage on the initiative of the client, if the mortgage early repayment occurs in connection with the expiration of interest rate fixation of mortgage credit or in connection with changes of interest rate of mortgage credit. In this regard, the amendment states that the mortgage bank is obliged to notify the client free of charge the term of (a) expiry date of fixation of
interest rate mortgage credit, no later than two months before the expiry of this period, and (b) implementation of changes in interest rate of mortgage credit, interest rate for the next interest period, the current amount of the base interest rate published on its website at the date of execution of the notice and the amount of gross margin for the next interest period, no later than two months before the commencement of its implementation and application of this change.

Mortgage bank is obliged to disclose the amount of the base interest rate on its website.

The amendment expressly stated that if the interest rate stated at provision of mortgage credit or after the expiry of fixation of interest rate of mortgage credit, or at any other change of interest rate of mortgage credit is lower than the amount of state contribution, then the mortgagor has right to state contribution only to the extent of interest rate of mortgage credit.

If a bank or branch of foreign bank provides credit to an individual that is secured by a mortgage on the domestic real estate, flat or non-residential premise, even if being under construction, and the individual at the conclusion and performance of the contract on such credit is not acting within the scope of its business, then the above provisions shall apply to this credit as well; this does not apply if this concerns credit provided by home savings bank and consumer credits under special regulations.

This Act shall become effective on 1 January 2012.

NEWS IN ELECTRONIC COMMUNICATIONS
(Act No. 351/2011 Coll. on Electronic Communications)


The Act regulates conditions for provision of electronic communication networks and electronic communication services, as well as conditions for use of radio devices.

The Act also newly governs the regulation of electronic communication, rights and obligations of enterprises and users of electronic communication networks and electronic communication services, protection of electronic communication networks, as well as authorizations and duties towards other people’s real property in relation to establishment and operation of electronic communication networks.

The Act also contains regulation of privacy protection and personal data processing protection in the field of electronic communication and competences of state administration bodies on the field of electronic communication.

New Act on Electronic Communications also governs the competences of Telecommunications Regulation Authority of the Slovak Republic when imposing regulatory obligations.

New Act also governs the effective use of frequency spectrum and numbers, including the administration of frequency spectrum.

New Act also governs the possibility to terminate the individual licence or deprivation of allocated frequencies, as well as modification of access to single European number for emergency call and national numbers for emergency calls. New Act governs also the transferability of telephone numbers.

The Act has fully supplemented the so far valid Act No. 610/2003 Coll. on Electronic Communications, as amended.

This Act became valid on 1 November 2011 save for certain provisions which will become valid from 1 January 2012.
PARLIAMENTARY ELECTIONS IN 2012

Pursuant to constitutional Act No. 330/2011 Coll., the electoral term of the National Council of the Slovak Republic (i.e. the Slovak Parliament) elected in the year 2010 will end by the day of election of the National Council of the Slovak Republic. In compliance with this Act, the Chairman of the National Council of the Slovak Republic announced the election of the National Council of the Slovak Republic to 10 March 2012.

On the basis of Constitutional Act No. 356/2011 Coll., the competences of the President of the Slovak Republic were broadened by the authority to decide on authorisation of the Government and give consent for the performance of its competencies in the stated cases.

Further, the Constitution of the Slovak Republic was broadened by provision, pursuant to which if the President of the Slovak Republic dismisses the Government (after the Slovak Parliament expresses its lack of confidence to the Government or if the Parliament refuses its motion for express its confidence), then the President of the Slovak Republic will authorise the Government (via a decision published in the Collection of Acts) to perform its competences till the appointment of new Government, however, only within the scope of selected competences. The performance of competence of the Government to appoint and recall state officials in cases stipulated by law and three members of Judicial Committee of the Slovak Republic, as well as competence of the Government in other issues, if stipulated by law, in each individual case depends on the previous consent of the President of the Slovak Republic.

In compliance with the stated Constitutional Act the President has authorised the Government of the Slovak Republic to which the Parliament did not express its confidence and which the President dismissed by its decision, to perform its competence in the scope stated by the Constitution of the Slovak Republic, till the appointment of new Government.


NEW DUTIES OF FOOD PROCESSING ENTERPRISES

The amendment of the Act on Food amends the subject matter of the Act, while it newly regulates several duties of the food enterprise operator in order to promote and protect human health and consumer protection in the food market, the rights and obligations of persons in relation to food, as well as the organization, competences and authorisations of authorities of food administrative inspection of food pursuant to special laws.

This Act redefines the terms used in this Act, while the definition of terms already defined in the legislation of the European Union is being omitted.

The amendment also newly governs the competences of the Ministry of Agriculture and Rural Development of the Slovak Republic and the Ministry of Health of the Slovak Republic, as well as the competences of the State Veterinary and Food Administration.

This Act imposes obligation to the consignee of consignment of products with animal origin, unprocessed vegetables and fruits at the destination, to notify electronically the competent Regional Veterinary and Food Administration no later than 24 hours in advance on the arrival of a consignment of products with animal origin,
unprocessed vegetables and fruits, its place of destination, country of origin of consignment, the type of consignment and its quantity.

This Act, inter alia, imposes to entities which sell food, duty to label sliced foods or foods sold by weight with data on their composition and expiration date on a card in a visible place near to the displayed food; this obligation does not apply to packed foods in the production, fresh fruits and vegetables. The Act also imposes to them the duty to store separately food, durability of which is more than 4 days and the time remaining until their expiry date is less than 24 hours or to label the product by information informing the consumer on the coming expiry date.

The Act also establishes the rapid alert system and analysis of risk and governs the imposing of fines depending on the size of operator.

This Act became effective on 1 November 2011.

**CHANGES IN BANKRUPTCY AND RESTRUCTURING ACT**


This Amendment amends definition of term over-indebtedness as well as definition of cash insolvency.

Over-indebted is a person who shall keep books pursuant to special law, has more than one creditor and the value of its obligations exceeds the value of its property while new provision was added on statement of value of obligations and value of property. Cash insolvent is a person who is not able to fulfil 30 days after maturity at least two monetary obligations to more than one creditor.

The Amendment also introduces a duty of person who, during four years prior to commencement of bankruptcy proceedings, in the function of statutory body or a member thereof, liquidator or legal representative of the debtor, breached the duty to file on time the motion for declaration of bankruptcy, to pay for the benefit of general yield the sum in the amount of debtor’s registered capital, maximum in the amount of twice the minimum amount of registered capital.

The Amendment further governs the creditors' motions for declaration of bankruptcy.

The Amendment also newly governs and simplifies the procedure of filing the applications. Pursuant to this Amendment the applications are delivered to the trustee only in a single copy. If creditor delivers to the trustee application after expiry of basic application period, the application is accepted, however, the creditor cannot perform the voting right and other rights related to the filed application. This Act has terminated duty to file separate applications for unsecured receivables.

The Amendment has also modified the provisions of act governing requisites of applications, the procedure at the drawing up of list of receivables and procedure of challenging and ascertaining the receivable (for effectiveness of challenging receivable by creditor, a new duty of challenging creditor to pay EUR 350 as bond to the account to the trustee, was established). The Act also governs new duty of trustee to call persons deemed to have breached the duty to file motion for declaration of bankruptcy on time, including persons designated by creditors committee to prove in stated period whether they fulfilled this duty duly and on time.

The Act also newly governs the provisions on excluding action and on receivables towards yield. The Act contains new provisions on distribution, distribution from separated yield and distribution from general yield.

In the field of restructuring this Act amends the provisions on filing applications, governs the provisions on restructuring plan, approval of plan and other provisions governing restructuring.
The Act also newly governs the expiry of periods.

This Act also amends and supplements Civil Procedure Code, Execution Code, Act on Social Insurance, Act on Seats and Districts of Courts of the Slovak Republic and Public Procurement Act.

This Act will become effective on 1 January 2012 save for several provisions which will become effective on 1 January 2013.

CHANGE OF SUM OF MINIMUM WAGE
(Regulation of Government of the Slovak Republic No. 343/2011 Coll. Laying Down the Sum of Minimum Wage for Year 2012)

This Regulation establishes the amount of the minimum wage in 2012 to EUR 327.20 per month for an employee remunerated by monthly wage and EUR 1.880 per each hour worked by employee.

This Regulation also repeals so far valid Regulation of the Government of the Slovak Republic No. 408/2010 Coll. establishing the amount of minimum wage.

This Regulation shall become effective on 1 January 2012.

NEW ACT ON TOBACCO PRODUCTS
(Act No. 335/2011 Coll. on Tobacco Products)

This Act establishes requirements for the production of tobacco products, their marketing and labelling, and organization, competence and powers of authorities of administrative inspection of tobacco products.

The operator under this Act is an individual - entrepreneur or legal entity which produces or introduces to the market tobacco products. The Act stipulates obligation for the operator to notify, before commencing the operation, for the purpose of registration, to the respective Regional Veterinary and Food Administration, the operation unit, in which the operator operates any stage of production of tobacco products or their marketing.

Registration of operation units conducted under the so far valid laws shall be deemed as registration under this Act. The operator is within the period prescribed by this Act required to update the information stipulated by this Act, otherwise the registration will cease to exist.

The Act also specifies other obligations of the operator, as well as obligations of persons engaged in packaging, labelling, storage, transport and sale of tobacco products.

State administration authorities in matters of administrative inspection of tobacco products are the Ministry of Agriculture and Rural Development of the Slovak Republic and the State Veterinary and Food Administration.

The Act also stipulates administrative offenses for which the Regional Veterinary and Food Administration imposes a fine to operator from EUR 100 to EUR 2,000.

This Act became effective on 1 November 2011.

NEW ACT ON FINANCIAL ADMINISTRATION
(Act No. 354/2011 Coll. on Financial Administration)

This Act governs position, organisation, authority and competence of state administration authorities in the field of taxes, fees and customs and duties, rights and means of customs officer.

The Ministry of Finance of the Slovak Republic is the central authority of state administration in the field of taxes, fees and customs.

Other financial administration authorities are the Financial Directorate of the Slovak Republic, financial offices and the Criminal Office of Financial Administration and these collectively represent the financial administration.

The Act also introduces the competence of Financial Office for Eastern Boundary and Financial Office for Selected Tax Subjects (banks, insurance companies etc.)
The Act also governs the duties of customs officer at performance of official intervention and inspection of identity, stipulates rights of customs officer (right to require explanations and information, right to apprehend a person and thing etc.), stipulates information-technical means and operative-investigative activities of financial administrative authorities, as well as coercive means of customs officer. The Act further regulates the State’s responsibility for damage and processing of information and personal data by the Ministry and financial administration authorities.

This Act, inter alia, repeals the Act on State Administration Authorities in Customs and its implementing decree, the Act on State Administration Authorities in the Field of Taxes and Fees, the Act on State Administration Authorities in the Field of Taxes, Fees and Customs.

This Act becomes effective on 1 November 2012, save for certain provisions which will become effective on 1 January 2013.

SELECTED CHANGES IN TAX ADMINISTRATION


This Act amended the Tax Procedure Code, particularly with regard to the provisions mentioned in this article below.

This Act regulates the procedure of tax administrator at tax administration, while introducing an obligation for the tax administrator to provide to taxpayers and other persons instruction on their procedural rights and obligations, if stipulated in this Act.

This Act modifies the provisions relating to the representation of the taxpayer by virtue of power of attorney. At the same time the Act allows tax administrator to request the Slovak Chamber of Tax Advisors to propose, within 30 days of receipt of the request, a representative from list of tax advisors, if it is not possible to appoint a representative.

The Act extends the list of persons entitled to acquaint with tax secrets by the Healthcare Surveillance Authority, Land Registry Administrations, the Ministry of Economy of the Slovak Republic, the National Labour Inspectorate and Labour Inspectorate and the Ministry of Education, Science, Research and Sport of the Slovak Republic.

This Act also introduces the option of the taxpayer to deliver to the tax administrator documents by electronic means not signed by qualified electronic signature; this is subject to notification of data required for delivery to tax administrator in the form and conclusion of written contract on electronic delivery with the tax administrator.

The Act also adds the controlled taxpayer’s right to propose evidence available to the tax administrator, which taxpayer alone cannot provide. At the same time the Act adds the controlled taxpayer’s obligation to allow access to tax administrator to software and information-communication means that the taxpayer used for running business, and to output data from this software.

This Act also stipulates time period for performance of tax audit, namely not more than one year from the date of its commencement.


This Act became effective on 1 November 2011 save for certain provisions which will become effective on 1 January 2012 or 1 January 2013.
**AMENDMENT OF ROAD TRAFFIC LAWS**


**Amendment to Roads Act**

The Amendment introduces a new institute called fictive seizure of driving license, under which a police officer is authorized to issue a certificate on seizure of driving license even in case a person did not submit driving license during the inspection.

Amendment to the Act reduces the age for granting driver’s license B from the present 18 years to 17 years. At the same time, however, provides that a driver to whom a driving license of category B before the age of 18 years was granted may drive category B vehicle only in the presence of person seated as a passenger next to the driver. Person being passenger will need to have a driving license of category B for at least 10 years and will have to be registered in the records of drivers at the request of the legal representative. Such driver will have this duty till the age of 18 years, but at least during three months.

The amended Act also expands the range of reasons for which the license holder must undergo a medical examination, psychological examination and professional capacity examination. The amendment also allows imposing an obligation to undergo postgraduate course. It also introduces a special medical examination in relation to alcohol, other addictive substances or active substances that will be performed by psychiatrist and expert advice that will be performed by traffic psychologist. The Act at the same time tightens the sanctions, including criminal sanctions, for driving under the influence of alcohol or other addictive substances.

The Amendment expands the grounds for withdrawal of driving license, stipulating that driving license is withdrawn also to person who, as a driver, during the previous five years, three times breached traffic rules, thus causing accident; or during the last five years, twice breached road traffic rules by using alcohol or other addictive substances or refuses to undergo examination for their detection.

This Act also amended the Criminal Code, Act on Misdemeanours, the Military Police Act, Act on Protection against Abuse of Alcoholic Beverages and on Establishment and Operation of Anti-alcoholic Detention Rooms, Act on Organization of Working Time in Transport and Act on Railway Traffic.

This Act became effective on 1 November 2011 save for certain provisions which will become effective on 1 July 2012 or 19 January 2013.

**Amendment of Decree to Road Act**

The amendment of Decree amends in particular provisions concerning the testing of professional capacity, driving testing, scope of professional training of testing commissioners and provisions on health and mental fitness.

This Decree became effective on 1 November 2011 save for certain provisions which will become effective on 19 January 2013 or 1 April 2013.

**Other significant legal regulations published in the Collection of Laws in October 2011 are as follows:**

- Announcement of Ministry of Finance of the Slovak Republic No. 368/2011 Coll. Amending and Supplementing Measure of Ministry of Finance of the Slovak Republic dated 13 December 2007 No. MF/25835/2007-74 Providing Details of the Arrangement and Labelling of Entries in the Financial Statements, Defining the Content of These Entries and Scope of Data from Financial Statements for Publishing, on Framework Accounting System and on Accounting Procedures for Mutual Funds, Pension Funds and Supplementary Pension Funds, as amended,
- Announcement of Ministry of Finance of the Slovak Republic No. 367/2011 Coll. amending and supplementing Measure of Ministry of Finance of the Slovak Republic dated 18 December 2007 No. MF/26307/2007-74 Providing Details of the Arrangement and Labelling of Entries in the Financial Statements, Defining the Content of These Entries and Scope of Data from Financial Statements for Publishing, on Framework Accounting System and on Accounting Procedures for Securities Brokers and Branches of Securities Brokers and on Amendment and Supplementing of Several Measures, as amended,
- Regulation of Government of the Slovak Republic No. 360/2011 Coll. Providing Hygienic Standards for Direct Sale and Supply of Small Amount of Primary Products with Vegetable or Animal Origin and Supply of Milk and Dairy Products to End User and Other Retail Business Premises,
- Regulation of Government of the Slovak Republic No. 359/2011 Coll. Providing Requirements for Several Food Business Premises and on Small Amounts,
- Measure of Ministry of Transport, Construction and Regional Development of the Slovak Republic No. 353/2011 Coll. providing Specimens of Requests for Provision of Grants for Housing Development,
- Act No. 350/2011 Coll. Amending and Supplementing Act No. 541/2004 Coll. on Peaceful Use of Nuclear Energy (Nuclear Act) and on Amendment and Supplementing of Several Acts, as amended,
- Measure of Ministry of Labour, Social Affairs and Family of the Slovak Republic No. 344/2011 Coll. Providing Percentage of Increase of Pension Allowance in Year 2012,
- Act No. 342/2011 Coll. Amending and Supplementing Act No. 39/2007 Coll. on Veterinary Care, as amended and on Amendment of Act of National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees, as amended,
- Act No. 334/2011 Coll. Amending and Supplementing Act No. 43/2004 Coll. on Old Age Pension Savings and on Amendment and Supplementing of Act No. 461/2003 Coll. on Social Insurance, as amended,
- Act No. 333/2011 Coll. on State Administration Authorities in the Field of Taxes, Fees and Customs,
- Act No. 332/2011 Coll. Amending and Supplementing Act No. 327/2005 Coll. on Provision of Legal Aid to People in Distress and on Amendment and Supplementing of Act No. 586/2003 Coll. on Advocacy and on Amendment and Supplementing of Act No. 455/1991 Coll. on Trade Licences, as Amended (Trade Licence Act) as Amended by Act No. 8/2005 Coll. as Amended and Amending and Supplementing Several Acts,
- Act No. 329/2011 Coll. amending and supplementing Act No. 381/2010 Coll. on Specific State Guarantees and on Amendment and Supplementing of Several Acts,
- Announcement of Ministry of Foreign Affairs of the Slovak Republic No. 328/2011 Coll. on Conclusion of Amendment to EFSF Framework Agreement between the Kingdom of Belgium, Federal Republic of Germany, Ireland, Kingdom of Spain, French Republic, Italian Republic, Republic of Cyprus, Grand Duchy of Luxembourg, Republic of Malta, Kingdom of the Netherlands, Republic of Austria, Portuguese Republic, Republic of Slovenia, Slovak Republic, Republic of Finland, the Hellenic Republic and European Financial Stability Facility,
- Decree of Ministry of Transport, Construction and Regional Development of the Slovak Republic No. 326/2011 Coll. Providing Specimen of Preliminary Request for Provision of Housing Substitute, Specimen of Request for Provision of Housing Substitute and Specimen of Statement on Property at Termination of Several Rental Relationships to Flats,
- Decree of Ministry of Transport, Construction and Regional Development of the Slovak Republic No. 325/2011 Coll. on Content of Final Technical and Economical Assessment of Building of Rental Flats and Substitute Rental Flats,
- Decree of Ministry of Agriculture and Rural Development of the Slovak Republic No. 320/2011 Coll. on Scope, Method and Conditions of Provision of Support in Forest Industry and Rural Development,
- Regulation of Government of the Slovak Republic No. 319/2011 Coll. on Support of Business in Agriculture and Rural Development,
- Announcement of the National Bank of Slovakia No. 317/2011 Coll. on Issuance of Measure on Risks and Risk Management System and Calculation of Overall Risk and Counterparty Risk,
- Act No. 316/2011 Coll. amending and supplementing Act of National Council of the Slovak Republic No. 258/1993 Coll. on Railways of the Slovak Republic, as amended,
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 309/2011 Coll. on Conclusion of Treaty between the Ministry of Finance of the Slovak Republic and Ministry of Finance of Peoples’ Republic of China (Taiwan) on Avoidance of Double Taxation and on Preventing Tax Evasion in the Field of Income Tax.

PREPARED LEGISLATION

This part contains current bills of selected legal regulations that are in legislative process at the time of closure of this edition.

AMENDMENT OF COPYRIGHT ACT

(Parliamentary proposal amending Act No. 618/2003 Coll. on Copyright and Rights Related to Copyright (Copyright Act))

The proposal of amendment to the Copyright Act contains a change in legislation for non-exclusive license agreements, for the purpose of enabling the use of so-called public licenses.

Under this proposal, non-exclusive license agreement does not have to be concluded in writing and proposal to conclude a license agreement can also be made towards an indeterminate group of persons. The proposal also governs implied acceptance of proposal for conclusion of license agreement and other provisions relating to non-exclusive free license agreement, and assignment of a license if the license agreement was not concluded in writing.

The proposed effectiveness of this Act is from 1 February 2012.
PROPOSAL OF ACT ON ENERGY AND ACT ON REGULATION IN NETWORK INDUSTRIES
(Governmental Bill on Energy and on Amendment of Certain Laws and Governmental Bill on Regulation in Network Industries)

Proposal of New Act on Energy


Proposal for a new Energy Act includes a new regime of options on how to separate production activities and supply activities from the operation of the transport system or transmission network.

The proposal further stipulates right of electricity customer and gas customer, inter alia, it stipulates the option to switch electricity and gas supplier within three weeks free of charge, the consumer’s right to receive a final settlement within four weeks after switching suppliers and customer’s right to relevant data on electricity consumption. The proposal in this regard provides separation of ownership, creation of an independent network operator and establishment of an independent transmission system operator.

Proposal of New Act on Regulation in Network Industries

Proposal of new Act on Regulation in Network Industries, amends in particular the powers of the Regulatory Office for Network Industries (hereinafter “Office”) so that it proposes to entrust all the powers of the national regulatory authority pursuant to the transposed directives to the Office. The Office shall have power to determine regulatory policy and define the scope of price regulation and method of performance of price regulation. It is also proposed to retain the Council for Regulation as an independent collective and consultative body towards certain decisions of the Office.

This Act also governs new regulation of performance of regulated activities and obligations of regulated subjects, as well as rules for the functioning of the electricity and gas market and in proceedings in the affairs under this Act.

The proposed effectiveness of both laws is from 1 March 2012, save for selected provisions which are proposed to come into force on 1 January 2013.

JUDICIAL DECISIONS

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

RIGHT TO JUDICIAL AND OTHER PROTECTION MANAGEMENT OF COMMON BELONGINGS ACTING IN CONTRADICTION WITH GOOD MORALS

Article 46 of the Constitution of the Slovak Republic
Article 6 para. 1 of the Convention on Protection of Human Rights and
Fundamental Freedoms
Section 145 para. 1 of the Civil Code
Section 3 para. 1 of the Civil Code

When interpreting Section 145 para. 1 of the Civil Code, the courts cannot take into consideration only the immediate (direct) relation to common belongings; courts shall take into consideration also the potential legal effects of certain legal act in the sphere of common belongings included in the undivided community property of spouses. If a business partner, without consent of its spouse, accedes to obligation of company, with aim to become several co-debtor, such acting of business partner may be considered as being in contradiction with good morals.
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Editor Financial Law News: Mgr. Zuzana Gaálová, zuzana.gaalova@cechova.sk

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