

A C T

of the 4th of February, 2005

on political movements and political parties

The National Council of the Slovak Republic has decided to adopt the following Act:

**P A R T O N E
BASIC PROVISIONS**

Section 1

This Act sets conditions for creation of a political party or political movement (hereinafter referred to as "party"), the Registry of Parties, conditions for extinguishment of a party, rights and obligations of a party, economic management and financing of a party, sanctions for breach of duties.

Section 2

A party shall not violate the Slovak Constitution, constitutional laws, laws and international treaties by its articles, program or activity.

Section 3

(1) Shall have a right to elect and to be elected member of the bodies of a party any Slovak citizen having his/her permanent address on the territory of the Slovak Republic (hereinafter referred to as "citizen"), having reached 18 years of age as of the day of election of the party bodies, and being of full legal capacity.

(2) Shall have the right to become member of the preparatory committee of a party, statutory body of a party or member of a party statutory body any citizen having reached 18 years of age and being of full legal capacity.

**P A R T T W O
ESTABLISHMENT OF A PARTY, REGISTRY OF PARTIES AND CREATION OF A PARTY**

Section 4
Establishment of a party

(1) The citizens shall have the right to establish a party and to be associated therein.

(2) A party is a legal person to be registered to the Registry of Parties. The Registry of Parties shall be kept by the Ministry of Interior of the Slovak Republic (hereinafter referred to as "Ministry").

(3) Before the creation of a party, a preparatory committee shall act in connection with the party creation-related issues. The preparatory committee shall have at least three members.

Section 5
Registry of Parties

(1) The Registry of Parties is a public list in which shall be entered the data required by law that is related to the creation of a party, to the modification of the registered data and to the dissolution and extinguishment of the party.

(2) The Registry of Parties shall include a set of acts containing applications for registration according to this Act, including all documents required by law, decisions of the Ministry, rulings of the competent courts, and other documents and acts to be submitted by the parties to the Ministry according to this Act.

(3) Shall be entered in the Registry of Parties:

- a) Name of the party and its acronym;
- b) Address of the party registered office;
- c) Party registration date and number;
- d) Forenames, surnames, birth numbers and permanent addresses of all members of the preparatory committee, indicating the person who is empowered to act in its name (hereinafter referred to as “proxy”);
- e) Identification number of the party;
- f) Forename, surname, birth number and permanent address of the person being a statutory body or a member of a statutory body, indicating the way the statutory body shall act in the name of the party;
- g) Date and serial number of registration of a change of party’s address, change of statutory body or modification of articles;
- h) Date of registration of the new articles;
- i) Dissolution of the party and reason of its dissolution;
- j) Entry of the party into liquidation, including the forename, surname and permanent address of the liquidator, and end of liquidation; during the liquidation, the words “in liquidation” shall be added to the name of the party;
- k) Declaration of bankruptcy, including the forename, surname and permanent address of the trustee, and termination of the bankruptcy proceedings or dismissal of a bankruptcy motion for want of assets; during the bankruptcy proceedings, the words “in bankruptcy” shall be added to the name of the party;
- l) Date and reason of erasure of the party from the Registry of Parties.

(4) The data entered in the Registry of Parties shall take effect with regard to anybody as of the day it is entered.

(5) The data entered in the Registry of Parties shall be accessible to anyone and published by the Ministry on its website. The birth numbers of the natural persons registered in the Registry of Parties shall neither be part of the published nor disclosed data.

Section 6 Creation of a party

(1) A party shall start to exist as of the day of its registration to the Registry of Parties (hereinafter referred to as “registration of the party”).

(2) An application for registration of a party shall be submitted by the preparatory committee to the Ministry.

(3) The application shall be written, signed by all members of the preparatory committee, and signatures shall be certified.¹ It shall contain the forenames, surnames, birth numbers and permanent addresses of all members of the preparatory committee, and the name of the proxy of the preparatory committee.

(4) The following documents shall be attached to the application:

- a) List of citizens who agree with the creation of the party; the list has to be signed by at least 10,000 citizens and include their forenames, surnames, permanent addresses and identity card numbers (hereinafter referred to as “list of citizens”);

¹ Section 58 of Act No 323/1992 Coll. on notaries and notarial activity (Notarial Code) as amended.

Act No 599/2001 Coll. on certification of acts and signatures on acts by the district state offices and municipalities, as amended by Act No 515/2003 Coll.

- b) Two copies of the articles of the party under subsection 5;
- c) Proof of administrative fee settlement;²
- d) Statement on address of the registered office of the party including the town, street and house number, signed by the proxy; the address of the registered office shall be located on the territory of the Slovak Republic.

(5) Shall be included in the articles:

- a) Name of the party and its acronym, if to be used; the name of the party and its acronym shall be different from the name and acronym of another party already registered;
- b) Program of the party stating its objectives;
- c) Rights and obligations of the party members;
- d) Bodies of the party, way of their election and definition of their competency;
- e) Way the statutory body³ acts in the name of the party; whether and to what extent other members or employees of the party may also perform legal acts in its name;
- f) Principles of economic management of the party;
- g) Provisions related to organisational units of the party, if to be founded, namely definition of the scope in which they can acquire, manage and dispose of assets or acquire other property rights in the name of the party, and definition of the scope in which they can act and incur liabilities in the name of the party; the organisational units of the party are not legal persons;
- h) Way of disposal of the property balance resulting from the property liquidation and liabilities, if the party is dissolved.

Section 7

Proceedings related to registration of a party

(1) The proceedings related to registration of a party shall start as of the day when the Ministry receives the application for registration pursuant to section 6.

(2) The Ministry shall examine the application and find out its potential deficiencies or a potential reason to refuse the registration of the party.

(3) Unless there are deficiencies contained in the application or there is a reason to refuse the registration, the Ministry shall register the party within 15 days from the start of the proceedings.

(4) If there is no reason to refuse the registration pursuant to section 9, but there are other deficiencies identified in the application and enclosed documents, the Ministry shall notify the proxy in writing within 15 days from the beginning of the proceedings, stating all deficiencies and asking him/her to remedy the deficiencies within the allotted time limit, specifying that otherwise the proceedings will be stopped. The proceedings are suspended till the deadline laid down to remedy the deficiencies. No decision on proceedings suspension shall be issued; it shall be simply marked in the file.

(5) Unless the preparatory committee agrees with the notification sent by the Ministry, it may ask a regional court⁴ within 15 days from reception of the notification to state that there are no deficiencies contained in the application. The day of such a petition shall mark no start of the time limit pursuant to subsection 4. The preparatory committee shall notify the Ministry of the petition without undue delay. The deficiencies of the application shall be deemed remedied as of the day when a regional court ruling satisfactory for the preparatory committee becomes effective.

² Act No 145/1995 Coll. on administrative fees as amended.

³ Section 20 subs. 1 of the Civil Code.

⁴ Section 250ze of the Civil Procedure Code.

(6) The Ministry shall register the party within five days of the day the application deficiencies are remedied.

(7) No decision on registration shall be issued. The Ministry shall send to the proxy one copy of the articles with the registration date and number marked on it (hereinafter referred to as “registered articles”).

(8) The Ministry shall stop the proceedings, if the preparatory committee fails to remedy the deficiencies of the application within a specified time limit, or if the regional court does not satisfy the petition by the preparatory committee asking it to state that there are no deficiencies contained in the application. No decision on proceedings break off shall be issued; it shall be simply marked in the file.

(9) The Ministry shall refuse to register the party within 15 days from the beginning of the proceedings, if:

- a) The list of citizens is not in accordance with section 6 subs. 4 point a);
- b) The preparatory committee, or one or more of its members, do not fulfil requirements stipulated herein;
- c) The registered office of the party is not located on the territory of the Slovak Republic;
- d) The name of the party and its acronym are not different from the name and acronym of another one already registered; or
- e) The articles of the party are contrary to section 2.

(10) The decision on registration refusal shall be delivered to the proxy personally. There is no possibility of remonstrance against such a decision, but there may be a judicial review. A lawsuit against the decision may be entered to the Supreme Court of the Slovak Republic⁵ (hereinafter referred to as “Supreme Court”). New registration proceedings start as of the day when a Supreme Court ruling quashing the decision on registration refusal and referring the case for further proceedings becomes effective. The legal opinion of the Supreme Court shall be binding for the Ministry.

Section 8

Proceedings related to registration of a statutory body to the Registry of Parties

(1) Before a statutory body is elected, the proxy registered to the Registry of Parties shall act in the name of the party. The proxy is not entitled to accomplish in the name of the party the legal acts that are in exclusive competency of the statutory body or of the members of the statutory body according to this Act or separate regulations⁶.

(2) The statutory body shall be elected within three months of the creation of the party. For this purpose, the proxy shall convoke the founding supreme body of the party pursuant to the registered articles.

(3) The party is obliged to submit an application for registration of the statutory body or of the members of the statutory body to the Ministry within four months of its creation. Shall be enclosed to the application a decision of the founding supreme body of the party competent according to the registered articles. The decision has to be signed by the elected statutory body or by all elected members of the statutory body.

(4) If the application and the enclosed document are in compliance with this Act, the Ministry shall notify the statutory body in writing of the registration of the statutory body to the Registry of Parties. No decision shall be issued; it shall be simply marked in the file.

⁵ Section 247 to 250k of the Civil procedure Code.

⁶ E. g. Act No 333/2004 Coll. on elections to the National Council of the Slovak Republic.

(5) Unless a party submits to the Ministry an application for registration of the statutory body or of the members of the statutory body to the Registry of Parties, and unless it sends to the Ministry a document under subsection 3, the Ministry shall register the given party adding "in liquidation" and the party will only be entitled to perform the competencies related to its dissolution. The proxy shall appoint a liquidator and notify his/her forename, surname, birth number and permanent address to the Ministry without undue delay. Unless the proxy notifies the Ministry of the liquidator within 5 months from the creation of the party, the Ministry shall register the proxy as a liquidator.

P r o c e e d i n g s r e l a t e d t o m o d i f i c a t i o n o f d a t a e n t e r e d
i n t h e R e g i s t r y o f P a r t i e s

Section 9

Change of address of a party registered office

(1) If there is a change of address of the party registered office, the statutory body shall submit an application for registration to the Ministry within 15 days of the change.

(2) Shall be enclosed to the application pursuant to subsection 1 a statement on change of address of the party registered office signed by the statutory body or by a number of the statutory body members required for taking such a decision according to the articles. The signatures shall be certified.¹

(3) Should the application and the enclosed document be in accordance herewith, the Ministry would notify the statutory body in writing of the date and serial number of the registration of change of party registered office address. No decision shall be issued; it shall be simply marked in the file.

(4) Unless the application and the enclosed document are in accordance herewith, the Ministry shall send to the statutory body within 15 days from the beginning of the proceedings a written notification, asking it to remedy the deficiencies. If the party fails to remedy the deficiencies within the allotted time, the Ministry shall stop the proceedings. No decision on proceedings break off shall be issued; it shall be simply marked in the file.

(5) Unless the address of the party registered office is located on the territory of the Slovak Republic, the Ministry shall refuse to register the change of address of the party registered office and file a motion for proceedings under section 17 to the General Prosecutor⁷. The decision on refusal of registration of the change of address of the party registered office shall be delivered to the statutory body personally. There is no possibility of remonstrance against such a decision, but it may be reviewed by the Supreme Court.

Section 10

Change of statutory body

(1) The statutory body is obliged to submit to the Ministry an application for registration of the change of statutory body, or of one or more of its members entered in the Registry of Parties, within 15 days from the change.

(2) The application under subsection 1 shall be submitted by the statutory body or all members of the statutory body entered in the Registry of Parties. Shall be enclosed to the application a decision of the body of the party competent for the statutory body election according to the registered articles. The decision shall be signed by the registered statutory body or a number of the statutory body members required for taking such a decision according to the articles, and by the newly elected statutory body or all newly elected members of the statutory body. The signatures shall be certified.¹ However; this does not

⁷ Section 14 subs. 2 point e) of Act No 153/2001 Coll. on public prosecutor's department.

apply, if the registered statutory body or of a member of the statutory body is dead or declared dead.

(3) Should the application and the enclosed documents be in accordance herewith, the Ministry would notify the statutory body in writing of the date and serial number of the registration of change of statutory body to the Registry of Parties. No decision shall be issued; it shall be simply marked in the file.

(4) Unless the application and the enclosed documents are in accordance herewith, the Ministry shall send to the statutory body within 15 days a written notification, asking it to remedy the deficiencies. If the party fails to remedy the deficiencies within the allotted time, the Ministry shall stop the proceedings. No decision on proceedings break off shall be issued; it shall be simply marked in the file.

Section 11 Modification of registered articles

(1) The statutory body shall be obliged to submit to the Ministry an application for registration of the registered articles modification within 15 days of the day when the modification is approved. Shall be enclosed to the application:

- a) Decision of the body of the party competent for modification of articles according to the registered articles, signed by the statutory body or a number of the statutory body members required for taking such a decision according to the articles; the signatures shall be certified;¹
- b) Two copies of the articles modification.

(2) Should the application and the enclosed documents be in accordance herewith, the Ministry would send to the statutory body one copy of the articles modification including the date and serial number of the registration of articles modification. No decision shall be issued; it shall be simply marked in the file.

(3) Unless the application and the enclosed documents are in accordance herewith, the Ministry shall send to the statutory body within 15 days from the beginning of the proceedings a written notification, asking it to remedy the deficiencies. If the party fails to remedy the deficiencies within the allotted time, the Ministry shall stop the proceedings. No decision on proceedings break off shall be issued; it shall be simply marked in the file.

(4) Unless the modification of the articles is in accordance with section 6 subs. 5, section 7 subs. 9 point d), or section 7 subs. 9 point e), the Ministry shall refuse to register the articles modification and file a motion for proceedings under section 17 to the General Prosecutor⁷. The decision on refusal of registration of the articles modification shall be delivered to the statutory body personally. There is no possibility of remonstrance against such a decision, but it may be reviewed by the Supreme Court.

(5) For its own needs, the party may elaborate a complete text of the articles and send one copy thereof to the Ministry which will file it to the set of acts. Neither party registration date and number, nor date and serial number of the articles modification registration shall be marked on the complete text of the articles.

Section 12 Proceedings related to registration of new articles to the Registry of Parties

(1) A party may adopt the new articles. However, these have to contain a provision stipulating the dissolution of the registered articles, including the date and number of the party registration and all dates and serial numbers of the articles modifications registered to the Registry of Parties.

(2) An application for registration of the new articles shall be submitted by the statutory body to the Ministry within 15 days from their adoption. Shall be enclosed to the application:

- a) Decision of the body of the party competent for adoption of the new articles according to the registered articles, signed by the statutory body or a number of the statutory body members required for taking such a decision according to the articles; the signatures shall be certified;¹
- b) Two copies of the new articles.

(3) Should the application and the enclosed documents be in accordance herewith, the Ministry would send to the statutory body one copy of the articles with the date and number of the party registration and the date of registration of the new articles marked on it, adding "new articles". The new articles shall become registered articles as of the day of their registration to the Registry of Parties. No decision shall be issued; it shall be simply marked in the file.

(4) Unless the application and the enclosed documents are in accordance herewith, the Ministry shall send to the statutory body within 15 days from the beginning of the proceedings a written notification, asking it to remedy the deficiencies. If the party fails to remedy the deficiencies within the allotted time, the Ministry shall stop the proceedings. No decision on proceedings break off shall be issued; it shall be simply marked in the file.

(5) Unless the new articles are in accordance with section 6 subs. 5, section 7 subs. 9 point d), or section 7 subs. 9 point e), the Ministry shall refuse to register the new articles and file a motion for proceedings under section 17 to the General Prosecutor⁷. The decision on refusal of registration of the articles modification shall be delivered to the statutory body personally. There is no possibility of remonstrance against such a decision, but it may be reviewed by the Supreme Court.

P A R T T H R E E

EXTINGUISHMENT AND DISSOLUTION OF A PARTY

Section 13 Extinguishment of a party

(1) A party shall extinguish as of the day it is erased from the Registry of Parties by the Ministry.

(2) The extinguishment of a party shall be preceded by its dissolution with or without liquidation.

(3) Liquidation shall not be required, if:

- a) The assets and liabilities of the party are being transferred to an existing party that is the legal successor of the party dissolved by a merger;
- b) The party has no assets;
- c) A bankruptcy motion has been dismissed for want of assets, or a declared bankruptcy of the party has been cancelled, because its assets are even not sufficient to cover the expenses and the fees of the trustee, or because there would be no assets left to the party when the bankruptcy proceedings are over.

(4) An application for erasure of the party from the Registry of Parties shall be submitted to the Ministry by the:

- a) Proxy (section 8 subs. 5);
- b) Statutory body;³
- c) Liquidator.

(5) The Ministry shall notify the erasure of the party from the Registry of Parties to the entity that has submitted the application pursuant to subsection 4. No decision shall be issued; it shall be simply marked in the file.

(6) If provided for hereby, the Ministry shall erase a party from the Registry of Parties even without application.

Section 14 Dissolution of a party

(1) A party is dissolved:

- a) In case of voluntary dissolution;
- b) By merging with another party;
- c) By a declaration of bankruptcy or dismissal of a bankruptcy motion for want of assets;
- d) By a Supreme Court ruling on party dissolution entered into force; or
- e) For other reasons stipulated herein (section 8 subs. 5 and section 34 subs. 4).

(2) When a party has been dissolved, its bodies may only perform the competencies related to the party dissolution, unless those competencies have been transferred to a legal successor or liquidator.

Section 15 Dissolution of a party without liquidation

(1) If no liquidation is required pursuant to section 13 subs. 3, the party shall be dissolved without liquidation.

(2) An application for erasure of the party from the Registry of Parties shall be submitted within five days from the dissolution of the party.

(3) If a party is dissolved by voluntary dissolution, the application for erasure of the party from the Registry of Parties shall be submitted by the statutory body. Shall be enclosed to the application:

- a) Decision of the body of the party competent according to the registered articles that has decided to dissolve the party voluntarily, signed by the statutory body or a number of the statutory body members required for taking such a decision according to the articles; the signatures shall be certified;¹
- b) Statement on no need of liquidation pursuant to section 13 subs. 3 point b) or c), signed by the statutory body or a number of the statutory body members required for taking such a decision according to the articles; the signatures shall be certified.¹

(4) If a party is dissolved by merging with another party, the application for erasure of the party from the Registry of Parties shall be submitted by the statutory body of the party to be dissolved by the merger. Shall be enclosed to the application:

- a) Decision of the body of the party competent according to the registered articles that has decided to dissolve the party by merging with another party, signed by the statutory body or a number of the statutory body members required for taking such a decision according to the articles; the signatures shall be certified;¹
- b) Written agreement on the merger of the parties.

(5) An agreement pursuant to subsection 4 point b) shall be signed by the statutory bodies or a number of the statutory bodies members required for taking such a decision according to the articles of the merged parties; the signatures shall be certified.¹ The agreement shall include:

- a) Designation of the merged parties including their registration date and number;
- b) Information on assets and liabilities of the party dissolved by the merger;
- c) Designation of a legal successor of the party dissolved by the merger.

(6) In case of dissolution of a party, if a bankruptcy motion has been dismissed for want of assets, or a declared bankruptcy of the party has been cancelled, because its assets are even not sufficient to cover the expenses and the fees of the trustee, or because there would be no assets left to the party when the bankruptcy proceedings are over, the Ministry shall erase the party from the Registry of Parties even without application.

(7) Should the application for erasure of the party from the Registry of Parties and the enclosed documents not be in compliance herewith, or should they include incomplete or inaccurate data, the Ministry would send to the statutory body within 15 days from the beginning of the proceedings a written notification, asking it to remedy the deficiencies. The proceedings are suspended until the deficiencies are remedied. No decision on proceedings suspension shall be issued; it shall be simply marked in the file.

(8) The Ministry shall erase a party from the Registry of Parties within five days from the beginning of the proceedings or within five days from the day when the deficiencies having provoked the proceedings suspension are remedied.

Section 16 Dissolution of a party with liquidation

(1) The entry of a party into liquidation shall be registered to the Registry of Parties. A decision on dissolution of the party with liquidation shall be taken by the body competent according to the registered articles that is also obliged to appoint a liquidator. Unless stipulated otherwise hereby, no member of the party may become liquidator. The assets of the party shall be used for reimbursement of adequate expenses and for payment of the fees of the liquidator.

(2) The liquidator shall be obliged to notify the Ministry within five days from the party dissolution of this dissolution and of the data to be entered in the Registry of Parties. By the registration, the competencies of the statutory body are transferred to the registered liquidator.

(3) In the name of the party, the liquidator shall only perform the acts related to the party liquidation.

(4) A separate regulation⁸ shall apply accordingly to the party liquidation. If a property balance results from the liquidation, the liquidator shall dispose of it in the way specified by the articles pursuant to section 6 subs. 5 point h).

(5) The liquidator shall submit an application for erasure of the party from the Registry of Parties within 30 days after the liquidation is over.

Section 17 Dissolution of a party by the Supreme Court

(1) If a party acts contrary to section 2, the General Prosecutor⁷ shall be entitled to submit an application for its dissolution. The Supreme Court shall take a decision regarding such an application.

(2) Before to rule the party dissolution, the Supreme Court shall find out whether the party has some assets. If the Supreme Court finds out that the party has no assets, it shall rule the party dissolution without liquidation. If the Supreme Court finds out that the party has some assets, it shall order the liquidation and appoint a liquidator from the list of trustees

⁸ Section 70 to 75a of the Commercial Code.

kept by the Ministry of Justice of the Slovak Republic pursuant to a separate regulation.⁹ No member of the party may become liquidator. The assets of the party shall be used for reimbursement of adequate expenses and for payment of the fees of the liquidator.

(3) The Supreme Court shall also send its ruling on the party dissolution entered into force to the Ministry and the Ministry of Finance of the Slovak Republic (hereinafter referred to as “Ministry of Finance”).

(4) If a party has been dissolved without liquidation by a Supreme Court ruling entered into force, the Ministry shall erase it from the Registry of Parties even without application.

Section 18

Relationship between the Ministry and the Statistics Office of the Slovak Republic

(1) The Ministry shall notify the Statistics Office of the Slovak Republic (hereinafter referred to as “Office”) within seven days from the registration of the creation of a party, including its name, acronym, registered office address, and registration date.

(2) The Office shall notify the Ministry of the party identification number within ten days from reception of a notification pursuant to subsection 1.

(3) The Ministry shall notify the Office of the following data within seven days from the registration of the new data to the Registry of Parties:

- a) Name of the party and its acronym;
- b) Address of the party registered office;
- c) Forename, surname, birth number and permanent address of the person being a statutory body or a member of a statutory body;
- d) Entry of the party into liquidation, including the forename, surname and permanent address of the liquidator;
- e) Declaration of bankruptcy, including the forename, surname and permanent address of the trustee, and termination of the bankruptcy proceedings or dismissal of a bankruptcy motion for want of assets.

(4) The extinguishment of a party and the date of its erasure from the Registry of Parties shall be notified by the Ministry to the Office within seven days from the erasure of the party from the Registry of Parties.

Section 19

Judicial protection

(1) Should a member of a party consider a decision of the party body as unlawful or contrary to the articles, it might ask a regional court to review such a decision within 30 days of its adoption.

(2) A ruling entered into force pursuant to subsection 1 shall be send by the regional court to the Ministry.

(3) A petition by a member of the party pursuant to subsection 1 sent to the Ministry shall have no legal effects; it shall be simply filed to the set of acts.

⁹ Act No 8/2005 Coll. on trustees and on modification and amendment of certain laws.

PART FOUR
ECONOMIC MANAGEMENT AND FINANCING OF A PARTY

Section 20
Economic management of a party

- (1) A party shall be liable for its obligations by all its assets. The members of the party shall neither be liable nor responsible for the obligations of the party.
- (2) In its own name, a party may neither make business, nor conclude silent partnership agreements.¹⁰
- (3) A party may found a company or become a partner of a company, provided that it is the unique founder or unique partner. The company may only be established for the business purposes.¹¹
- (4) Subject of activity of the company where a party is the founder or the unique partner shall only be:
- a) Operation of publishing houses, editing houses and printing houses;
 - b) Publication and promotion activities;
 - c) Manufacturing and marketing of objects designed for promotion of the program and activity of the party;
 - d) Organising training and political events;
 - e) Performance of management of the assets of the party.
- (5) A company pursuant to subsection 3 shall neither participate nor be interested in participating in a public procurement, if the procurer is a legal person provided for by a separate law.¹²
- (6) The party is obliged to perform double-entry book-keeping according to a separate regulation.¹³

Section 21
Expenses related to elections to the National Council of the Slovak Republic

- (1) A party shall be obliged to keep separate analytical accounts of expenses related to elections to the National Council of the Slovak Republic¹⁴ (hereinafter referred to as “elections”).
- (2) The party shall be obliged to produce an interim report on elections-related expenses (hereinafter referred to as “interim report”) and a final report on elections-related expenses (hereinafter referred to as “final report”).
- (3) The interim report produced by the party shall cover a period starting on the day of elections declaration and ending 30 days before the elections are held. The interim report shall be submitted by the party to the Ministry of Finance in the paper and electronic form at least 21 days before the elections are held. Except for the birth number of a donor, the interim report of a party shall be public and it may be consulted, extracted, abstracted or copied at the Ministry of Finance. The Ministry of Finance shall publish the interim report of the party on its website within seven days from its reception. The interim report shall be accessible to the public until a final report pursuant to subsection 4 is published.

¹⁰ Section 673 to 681 of the Commercial Code.

¹¹ Section 2 subs. 1 of the Commercial Code.

¹² Section 4 of Act No 523/2003 Coll. on public procurement and on modification of Act No 575/2001 Coll. on organization of activity of the Government and of the central state administration authorities as amended.

¹³ Act No 431/2002 Coll. on accounting as amended.

¹⁴ Act No 333/2004 Coll.

(4) The final report produced by the party shall cover a period starting on the day of elections declaration and ending on the day the elections are held. The final report shall be submitted by the party to the Ministry of Finance in the paper and electronic form within 30 days from the day when the elections are held. Except for the birth number of a donor, the final report of a party shall be public and it may be consulted, extracted, abstracted or copied at the Ministry of Finance. The Ministry of Finance shall publish the final report of the party on its website within 30 days from its reception and keep it there during six months.

(5) Shall be included in an interim report and final report:

- a) Overview of expenses on pre-election surveys and election public opinion surveys;
- b) Overview of expenses on paid classified advertisements or advertising in the periodical press;¹⁵
- c) Overview of expenses on political advertisement broadcasting according to a separate regulation;¹⁶
- d) Overview of expenses on election posters and other information media located in the spots designed by the municipalities according to a separate regulation;¹⁶
- e) Overview of travelling expenses of the political party members during the election campaign and overview of travelling allowances¹⁷ of the party employees during the election campaign;
- f) Overview of all other expenses of the party in relation to promotion of its activity and program;
- g) Overview of the party receipts pursuant to section 22 subs. 1 point b) and h) during the period covered by the interim report and final report;
- h) Separate records of loan and credit receipts pursuant to section 22 subs. 2 and separate records of gifts and other free of charge services pursuant to section 22 subs. 3 accepted during the period covered by the interim report and final report.

(6) The date determining whether to include an expense pursuant to subsection 5 point a) to f) in the interim report or final report is the day when a public opinion survey, advertising or promotional event is held.

(7) Should an interim report or final report not contain all required data, or should the data be incomplete, the Ministry of Finance would ask the party to remedy the deficiencies within 15 days from reception of the notification.

Section 22 Receipts of a party

(1) The receipts of a party may be the following:

- a) Receipts of subscription fees;
- b) Receipts of gifts and other free of charge services;
- c) Inheritance receipts;
- d) Receipts of sale or lease of its movables or real estates;
- e) Interest yields from the bank deposits;
- f) Share of profits from a company business;
- g) Yields of securities negotiable on the public market;¹⁸
- h) Loan and credit receipts;
- i) State budget contributions.

(2) The party shall be obliged to keep separate records of loan and credit receipts, including the date of reception of a loan or credit, the amount of a loan or credit, and the agreed repayment date. The separate records shall also include the forename, surname and

¹⁵ Section 3 subs. 1 of Act No 81/1966 Coll. on periodical press and other mass information means as amended.

¹⁶ Section 24 of Act No 333/2004 Coll.

¹⁷ Act No 283/2002 Coll. on travelling allowances as amended by Act No 530/2004 Coll.

¹⁸ Act No 429/2002 Coll. on stock exchange as amended.

permanent address in case of a natural person, or the company name, identification number and registered office address in case of a legal person.

(3) The party shall be obliged to keep separate records of gifts and other free of charge services, including the date of acceptance of a gift or another free of charge service, the amount, and the identification data of the donor or identification data of the contracting party having provided another free of charge service.

(4) The party shall be obliged to keep separate records of collected subscription fees, including the forename and surname of the party member and his/her permanent address, if the total subscription fees paid by this member have reached SKK 25,000 or more in a given year.

Section 23

Gifts and other free of charge services

(1) Unless stipulated otherwise herein, a party may accept the gifts and other free of charge services. If the amount of a gift or another free of charge service exceeds SKK 5,000, the party may accept it only based on a written agreement pursuant to this Act. However, this shall have no impact on the provisions of a separate regulation.¹⁹

(2) A deed of gift shall include:

a) Donor identification data:

1. Forename, surname, birth number and permanent address in case of a natural person, or the company name, identification number and business place in case of a natural person – entrepreneur;
2. Name or company name, registered office address, identification number, tax identification number, legal form, and forename, surname, birth number and permanent address of the person that is a statutory body or a statutory body member in case of a legal person;

b) Donee identification data, namely the name, registered office address, identification number, and in case of a financial gift the company name of a bank or a foreign bank branch and the donee account number as well;

c) Subject of donation data, namely:

1. Amount of a financial gift;
2. Exact designation of a movable making impossible its confusion with another one, and its value determined by an expert's report;
3. In case of real estates, designation of the real estate according to the land registry, including determination of the real estate's value according to an expert's report;

d) Date and place of conclusion of the deed of gift;

e) Certified¹ signatures of the donor and of the party statutory body; this shall not apply, if the value of a financial gift or of a movable is inferior to SKK 100,000.

(3) For the purposes hereof, another free of charge service shall mean:

a) Borrowing of a movable or real estate;

b) Provision of a free of charge service;

c) Amount of the debt of a party assumed by a natural person or legal person;

d) Difference between the usual purchase or leasing price of a movable or real estate and the agreed price to be paid by the party to a natural person or legal person, if the agreed price is inferior to the usual one; usual price means the price for which such a movable or real estate is usually sold or rented in a specific time and place; or

e) Difference between the usual price of provision of a service and the agreed price to be paid by the party to a natural person or legal person, if the agreed price is inferior to

¹⁹ Act No 162/1995 Coll. on land registry and on registration of property rights and other rights with regard to real estates (Land Registry Law) as amended.

the usual one; usual price means the price for which a natural person - entrepreneur or a legal person proposes the provision of the service on the market.

(4) The provisions of subsection 2 shall apply accordingly to the agreement on provision of another free of charge service.

Section 24

Ban on acceptance of gifts and other free of charge services

A party may accept neither gifts nor other free of charge services from:

- a) State, National Property Fund of the Slovak Republic, Slovak Land Fund, municipality or higher territorial unit;
- b) Legal persons founded or established by the State, the National Property Fund of the Slovak Republic, the Slovak Land Fund, a municipality or a higher territorial unit;
- c) Legal persons in which the State, the National Property Fund of the Slovak Republic, the Slovak Land Fund, a municipality or a higher territorial unit holds a stake;
- d) Citizens association,²⁰ foundations,²¹ non-profit-making organizations providing public services,²² non-investment funds,²³ associations of interest of legal persons,²⁴ associations of municipalities,²⁵ and organisations with international element;²⁶
- e) Public institutions and other legal persons established by law;
- f) Natural person that is not a citizen;
- g) Legal person having its registered office abroad, in case its majority owner is not a citizen or a legal person having its registered office on the Slovak territory, except for a political party, group of political parties, or legal persons established or owned in majority by a political party;
- h) Natural person or legal person, if the party is unable to indicate the identification data of the donor or the identification data of the contracting party having provided another free of charge service.

S t a t e b u d g e t c o n t r i b u t i o n s

Section 25

Shall be deemed State budget contributions provided to a party:

- a) Contribution for votes obtained in the elections (hereinafter referred to as “contribution for votes”);
- b) Contribution on activity;
- c) Contribution on seats.

Section 26

Contribution for votes

(1) A contribution for votes according to a separate regulation¹⁴ shall be provided to a party.

(2) The contribution for votes shall be paid to the party by the Ministry of Finance upon notification of amounts of the valid votes given to individual parties or coalitions

- a) Within 30 days from submission of the interim report and final report, in case no deficiencies have been identified; or

²⁰ Act No 83/1990 Coll. on association of citizens as amended.

²¹ Act No 34/2002 Coll. on foundations and on modification of the Civil Code as amended.

²² Act No 213/1997 Coll. on non-profit-making organizations providing public services as amended by Act No 35/2002 Coll.

²³ Act No 147/1997 Coll. on non-investment funds and on amendment of Act No 207/1996 Coll.

²⁴ Section 20f to 20j of the Civil Code.

²⁵ Act No 369/1990 Coll. on municipal establishment as amended.

²⁶ Act No 116/1985 Coll. on conditions for activity of organizations with international element in the Czechoslovak Socialist Republic as amended by Act No 157/1989 Coll.

b) Within 30 days from the day when the deficiencies of the interim report or final report are remedied according to a request by the Ministry of Finance.

(3) If a party has participated in the elections in coalition with another one(s), the contribution for votes may be paid only upon submission of a written agreement of the parties indicating the one to which the contribution for votes shall be paid, or the ones to which the contribution for votes shall be paid and in what proportion.

(4) The contribution for votes shall not be paid to a party that fails to submit the interim report or final report, or the one that failed to submit the annual report for the previous calendar year, although it had this obligation pursuant to section 30 subs. 1.

Section 27 Contribution on activity

(1) A party that has received the contribution for votes shall have a right to contribution on activity as well. If a party has participated in the elections in coalition with another one(s), the contribution on activity may be paid only upon submission of a written agreement of the parties indicating the one to which the contribution on activity shall be paid, or the ones to which the contribution on activity shall be paid and in what proportion. The party shall have the right to contribution on activity for the entire month in which the elections are held. This right shall expire at the end of the month preceding the one in which the next elections are held.

(2) The contribution on activity is equivalent to the total amount of the contribution for votes divided into 48 parts. At most three of them shall be paid in the year when the elections are held, 12 parts shall be paid in every entire year of the electoral term, and the remaining parts shall be paid in the year when the next elections are held. If the activity of the National Council of the Slovak Republic ends before the expiration of an electoral term, the remaining parts shall be reduced by the number of months the electoral term has been shortened by.

(3) The contribution on activity shall be paid:

- a) In the year when the elections are held: within 30 days from settlement of the contribution for votes pursuant to section 26;
- b) During the electoral term: within 30 days from submission of the annual report in compliance with section 30;
- c) In the year when the next elections are held: within 30 days of declaration of the election date.

(4) The contribution on activity shall not be paid to a party that fails to submit the interim report or final report, or the one that failed to submit the annual report for the previous calendar year, although it had this obligation pursuant to section 30 subs. 1.

(5) If a party has been dissolved, it shall have the right to proportional parts of the contribution on activity for every started calendar month of the given year as of the day of its dissolution. If a party is dissolved after the settlement of the contribution on activity, the legal successor or liquidator of the party shall be obliged to send the parts of the contributions corresponding to the period following the party dissolution back to the State treasury within 30 days of the party dissolution.

Section 28 Contribution on seats

(1) Depending on the number of obtained seats in the National Council of the Slovak Republic, the party has the right to contribution on seats amounting to a multiple of the average nominal monthly wages in the Slovak economy calculated by the Office for the calendar year preceding the one in which the elections are held (hereinafter referred to as "average wages"). For each acquired seat, but at most twenty of them, the party has the

right to have a contribution on seats amounting to thirty-times the average wages. For the twenty-first and every subsequent seat, the party has the right to have a contribution on seats amounting to twenty-times the average wages.

(2) The contribution on seats shall be paid for a year and a seat during the whole electoral term to the party whose candidate was the given Member of Parliament. If the party was involved in a pre-electoral coalition, the contribution on seats shall be paid to a party who won the seat. The party shall have the right to contribution on seats for the entire month in which the elections are held. This right shall expire at the end of the month preceding the one in which the next elections are held.

(3) The right to contribution on seats shall lapse in case of a party that fails to submit the interim report or final report, or the one that failed to submit the annual report for the previous calendar year, although it had this obligation pursuant to section 30 subs. 1.

(4) The contribution on seats shall be paid by the Ministry of Finance every year during the electoral term before the end of July.

(5) During the election year, a proportional part of the contribution on seats shall be paid to the party pursuant to subsection 2 within 60 days after the results of the elections are announced.

(6) If the activity of the National Council of the Slovak Republic ends before the expiration of an electoral term, the party shall have the right to contribution on seats in an amount corresponding to the duration of the electoral term. If the activity of the National Council of the Slovak Republic ends before the expiration of the electoral term and the contribution on seats has been already paid to the party, the party shall be obliged to send a proportion of the contribution corresponding to the period following the end of activity of the National Council of the Slovak Republic back to the State treasury within 30 days of the end of activity of the National Council of the Slovak Republic.

(7) If a party has been dissolved, it shall have the right to a proportional part of the contribution on seats for the given year as of the day of its dissolution, amounting to one twelfth of the contribution on seats for every started calendar month. If a party is dissolved after the settlement of the contribution on seats, the legal successor or liquidator of the party shall be obliged to send a part of the contributions corresponding to the period following the party dissolution back to the State treasury within 14 days of the party dissolution.

Section 29

Restriction of the use of contributions

A party may not use the State budget contributions pursuant to section 25 for the following purposes:

- a) Loans and credits for natural persons or legal persons;
- b) Silent partnership agreements;¹⁰
- c) Company business in case of a company in which the party is the founder or the unique partner;
- d) Liability for commitments of natural persons or legal persons;
- e) Donations;
- f) Settlement of fines and other financial sanctions.

Section 30

Annual report

(1) A party shall be obliged to produce an annual report for the previous calendar year. The annual report for the previous calendar year shall be submitted to the National Council of the Slovak Republic every year before the 30th of April in the paper and electronic form. The

annual report of the party shall be public and may be consulted, extracted, abstracted or copied in the National Council of the Slovak Republic or its authorised body. The annual reports of the parties shall be published by the Bureau of the National Council of the Slovak Republic on its website based on a decision taken by the National Council of the Slovak Republic or its authorised body before the 31st of July of the given calendar year. The birth numbers of the natural persons shall neither be part of the published nor disclosed data.

(2) Shall be included in an annual report:

- a) Financial statements for the accounting period verified by an auditor appointed by the Slovak Chamber of Auditors from a list of auditors by drawing lots;²⁷
- b) Information on financial situation of the party for at least two immediately preceding accounting periods;
- c) Information on events of special importance¹³ occurred after the end of the accounting period covered by the annual report;
- d) Information on the suggested profit distribution or loss settlement;
- e) Overview of receipts of the party classified pursuant to section 22 subs. 1;
- f) Separate records of loan and credit receipts pursuant to section 22 subs. 2;
- g) Separate records of gifts and other free of charge services pursuant to section 22 subs. 3;
- h) Information on performance of tax-related obligations;
- i) Number of the party members as of the 31st of December of the calendar year covered by the annual report;
- j) Total amount of the collected subscription fees and separate records of subscription fees pursuant to section 22 subs. 4;
- k) Overview of overdue liabilities;
- l) Financial statements of the company in which the party is a founder or the unique partner for the accounting period covered by the annual report.

(3) In addition to the financial statements pursuant to subsection 2 point a), the auditor shall also verify whether the annual report is in accordance with the financial statements for the same accounting period, and whether the economic management of the party is in compliance herewith. The auditor's report on the annual report shall be included in the annual report submitted by the party to the National Council of the Slovak Republic.

(4) The auditor verifying the financial statements pursuant to subsection 2 point a) shall have a right to request from the party statutory body all necessary documents and information indispensable to perform the audit.

(5) Should an annual report not include the data pursuant to subsection 2 or the auditor's report pursuant to subsection 3, should the data be incomplete or false, or should there be another breach of law identified in the annual report, the National Council of the Slovak Republic or its authorised body would ask the party to remedy the deficiencies within the allotted time, before the 30th of June of the calendar year at the latest.

(6) Before the 31st of May of the calendar year, the National Council of the Slovak Republic or its authorised body shall notify the Ministry of Finance of the respect or non-respect of the obligations pursuant to subsection 1 in the scope specified in subsection 2 and 3. Should an annual report not include all required data, or should the data be incomplete or false according to the notification by the National Council of the Slovak Republic or its authorised body, the Ministry of Finance would suspend the payment of the contribution on activity and contribution on seats till the notification by the National Council of the Slovak Republic or its authorised body stating that the deficiencies have been remedied within the allotted time. Should a party remedy the deficiencies contained in the annual report within the allotted time, the Ministry of Finance would send to it the ex-post contribution on activity and contribution on seats for the period of their suspension as well.

²⁷ Section 14 subs. 3 of Act No 466/2002 Coll. on auditors and the Slovak Chamber of auditors.

Section 31
Administrative torts

(1) The Ministry shall impose a fine of SKK 100,000 on a party, if it fails to send to the Ministry an application for modification of the registered data within the time limit specified in section 9 subs. 1, section 10 subs. 1 and section 11 subs. 1, or an application for registration of the new articles within the time limit specified in section 12 subs. 2.

(2) The Ministry of Finance shall impose on a party a fine equivalent to:

- a) SKK 100,000, if the party
 - 1. fails to submit to the Ministry of Finance an interim report or final report according to section 21 before the deadline;
 - 2. fails to submit to the National Council of the Slovak Republic an annual report according to section 30;
 - 3. fails to remedy the identified deficiencies within the allotted time according to section 21 subs. 7 or section 30 subs. 5;
- b) Double amount of the receipt of a gift or another free of charge service, in case the party has accepted a gift or another free of charge service in contradiction herewith.

(3) The fines specified in subsection 1 and 2 may be imposed within a year from the day when the Ministry or the Ministry of Finance learns of a violation of the law; however, within three years from the violation of the law at the latest.

Section 32

Financial control of fulfilment of the conditions for provision of the State budget contributions and of their accurate use shall be performed by the financial control administrations.

P A R T F I V E
COMMON, INTERIM AND FINAL PROVISIONS

Section 33

Unless stipulated otherwise herein, the general regulations related to administrative proceedings²⁸ shall apply to the proceeding pursuant to this Act.

Section 34

(1) The parties created under the present regulations shall be deemed parties according to this Act.

(2) The fine proceedings started before the 31st of May, 2005 shall be finished in accordance with the present regulations. The imposed fines may not exceed SKK 100,000.

(3) The parties registered under the present regulations shall be obliged to send to the Ministry the following documents before the 30th of September, 2005:

- a) Statement on address of the registered office of the party, signed by the statutory body or all the statutory body members;
- b) Statement including the forename, surname, birth number and permanent address of the person being a statutory body or a member of a statutory body, indicating the way the statutory body shall act in the name of the party; the statement shall be signed by the statutory body or all the statutory body members, and the signatures shall be certified.¹

²⁸ Act No 71/1967 Coll. on administrative proceedings (Administrative Code) as amended.

(4) The party that has breached its obligation pursuant to subsection 3 shall be registered by the Ministry adding "in liquidation" as of the 1st of October, 2005. The party would only be entitled to perform competencies related to its dissolution. Before the 15th of October, 2006, the party shall appoint a liquidator and notify the Ministry of its forename, surname, birth number and permanent address. Unless the party notifies the Ministry of the liquidator before the 15th of October, 2006, the Ministry shall register the party statutory body as a liquidator. Unless the party elects a statutory body, the Ministry shall register the proxy as the liquidator.

(5) The present regulations shall apply to the submission of annual financial reports for 2004 and 2005.

(6) Unless a party is the unique founder or unique partner of a company, it shall be obliged to modify its legal status in this company in order to comply with section 20 subs. 3 and 4 before the 31st of May, 2006.

(7) The rights to the State budget contributions under the present regulations shall expire as of the end of the month preceding the one during which the elections will be held after this Act enters into force. The provisions hereof related to the State budget contributions shall apply for the first time to the elections held after this Act enters into force.

Section 35

Shall be repealed:

1. Act No 424/1991 Coll. on association in political parties and political movements as amended by Act No 468/1991 Coll., Act No 47/1993 Coll., Act No 43/1994 Coll., Act No 404/2000 Coll., Act No 152/2001 Coll. and Finding No 386/2001 Coll. of the Constitutional Court of the Slovak Republic;

2. Act No 239/1994 Coll. on restriction of expenses of the political parties and movements in relation to promotion before the elections to the National Council of the Slovak Republic, as amended by Act No 115/2001 Coll.

Section 36

Entry into force

This Act shall enter into force as of the 1st of June, 2005.

Ivan Gašparovič, by his own hand
Pavol Hrušovský, by his own hand
Mikuláš Dzurinda, by his own hand