

# Slovak Republic

**Date:** 30 September 2005  
**Location:** Bratislava,  
**Organized by:** T.M.C. Asser Instituut

Number of experts invited:  
Number of experts present: 12

## **1. Experts present:**

Ms. JUDr. E. Júdová, PhD.  
Mr. Mgr. P. Lysina  
Ms. Mgr. E. Fulierová  
Ms. JUDr. S. Mesiarkinová  
Ms. JUDr. M.Usačevová  
Ms. JUDr. Z.Reisenauerová  
Ms. JUDr. A. Peťovská  
Ms. JUDr. N. Puchelová  
Ms. JUDr. L. Polaczyková  
Ms. JUDr. T. Hačková  
Ms. JUDr. A. Halgašová  
Ms. JUDr. K. Vavreková

Present on behalf of the project were Mr. M. J. de Rooij, Ms. B. Sedláková (national correspondent); Mr. De Rooij presided the meeting.

## **2. Agenda:**

1. Opening
2. Introductions
3. Possible vision for a European Network
4. Participants in the network
5. Possible formats of the Network
6. Participants in the feasibility study
7. Closing

## **3. Report on the meeting**

Following a short presentation of the project by Mr. de Rooij the participants introduced themselves. The participants were requested to state their membership of relevant societies, their experience in cross border research and international projects and their relationship to any relevant institutions:

1. Memberships to existing networks among the participants include:
  - European Justice Network
  - Association of Judges of the Slovak Republic

2. Relation to institutions:

- Comenius University
- Matej Bel University
- Regional Court
- District Court
- Ministry of Justice
- Center for the international legal Protection of children and youth

3. Experience in cross border research and international cooperation included:

- Seminars within the framework of Taiex
- Jean Monet project

### **Discussion**

One participant, working in the judiciary explained that her main experience in cross-border situations was in inheritance and family law. She had in those cases been working mostly with the international agreements between Slovakia and the Czech Republic and Poland. A chairwoman at the Appellate Court thought that a network would be useful and necessary for the exchange of practical experiences. Another participant who was working as a judge and taught at university thought the network should help in diminishing the gap between practice and teaching at university. Yet another participant who was working for the Ministry of Justice explained that her work also covered providing guidance to the courts, dealing with cross-border cases and applying international instruments. There were no clear data on the number of cross-border decisions and there was a need to develop a methodology to identify cross-border cases. In Slovakia there are no special courts dealing only with cross-border cases. The participant from the Ministry of Justice thought that the European Judicial Network should be involved in the development of the PIL networks. Research meant, in her view, also the mapping of existing situations. At present, there are many problems to tackle.

Another participant welcomed the idea of developing a methodology for identifying cross-border cases and was unaware of the guidance that the Slovak Ministry of Justice could provide. The participant thought that there were many problems with understanding the content of foreign law. Access to information via the internet would help judges who were deciding cases under foreign law. The same would apply to access to a network, on the basis of 'more heads, more brains'. A problem would however be the language of the information.

Another participant thought that the basic problem would be, what information is collected and to what extent will it be complementary to the information available through the European Judicial Network. The information should not be just theoretical, but should also cover actual application of laws. Information was important to help legal practice in making decisions. The provision of information should be institutionalised, as it can not be expected from a judge to play a role in that task.

These remarks led to a discussion on publication of legal decisions. A judge thought that there was too little interaction between law and practice. Judges have to decide many cases and are unable to specialise. The number of cases with an international element was relatively low.

As to the need for a European database with literature, a university academic thought that this would be beneficial, as books from western universities were helpful for teaching. Such a database was also welcomed by a representative of the Ministry of Justice, who added that for

e.g., with the Green paper on inheritance it was impossible to obtain information on inheritance practice in Slovakia.

Some doubts were expressed as to the reliability and authenticity of information on internet. Access to information on internet was not considered a problem, although some doubts were expressed as to the number of terminals available at some courts. A network with information was also considered useful for practitioners ('attorneys', notaries, execution officers).

With respect to possible models for a network, the view was that local (national) groups using national support would function in one member state and than in the other. It occurred not sensible to involve all universities. A network should not only offer access to information but should also promote discussion. Doubts were expressed as to a virtually 'open' network, it seemed that it would function better if there would be a limited number of contact points. One participant from the Ministry of justice thought that it would be better if a central contact point would be responsible for dissemination. The central contact point could relay with representatives from all interested parties but dissemination should be organised centrally, e.g. in Slovakia by the National Council.

With respect to the involvement of judges, the remark was made that these kinds of functions are extras, that come in addition to their core work, i.e. doing justice. Although the idea of a central point was not dismissed, it was felt that any judge who wanted to be involved should have the opportunity to be so. It was further remarked that Slovakia is on the border of the EU and that the courts experienced problems in managing civil and commercial cases. Communication on the level of the EU member states would help.

It seemed logical to make an internet portal accessible for everyone. However there should be room for closer cooperation between a core group of participants. A portal should also be available for non-member states. The problem with EU legislation was that unification of private law is impossible and the main task should be the promotion of legal security of citizens.

A final remark was that there is a problem in respect of information. There were several groups active in this area, but there is no portal providing comprehensive information. It was felt that the EC in particular, wanted to improve its function within the framework of legislative procedure (preparation of the regulations and their future adoption).

It was also stated that the judges feel the language barriers and therefore they could have problems to use such network. Young judges do not feel shortness of language knowledge, but they do not have time to improve it as well as they do not have enough practical experience

### *Closing*

Mr. De Rooij thanked all participants for their attendance and encouraged them to send any additional remarks or ideas referring to the project of a European network to Ms. Sedlakova.

Bratislava, September 2005

B. Sedláková