

# Judicial reforms in Slovakia – what can I expect as a party to a dispute?

May 2023

We are only a few days away from the launch of the new judicial plan on 1 June 2023. Nevertheless, some key questions remain unanswered. Have you given any thought to how the implementation of the new rules is going to work in practice?

## 1. Is my court going to change?

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It depends on the nature of the dispute and state of the proceedings:

- **District courts** = some of the district courts, including those in Bratislava and Kosice, are going to merge with other courts, which will inevitably lead to a change of court.
- **Regional courts** = regional courts will not be responsible for the administrative agenda anymore –administrative proceedings, including those that are pending, will be transferred to the three newly established administrative courts. Jurisdiction of some district and regional courts will also change. For example, only eight district courts and three regional courts will have jurisdiction over commercial disputes.
- **Supreme court and Administrative supreme court** = the current regime stays in place.





## 2. What court am I going to be able to apply to, after the reform has been implemented

### 2.1 Bratislava:

BRATISLAVA	
Before the Reform:	After the Reform:
District Court Bratislava I (general court)	<b>City Court Bratislava 1 (criminal matters)</b>
District Court Bratislava II (general court)	<b>City Court Bratislava 2 (family matters)</b>
District Court Bratislava III (general court)	<b>City Court Bratislava 3 (commercial matters)</b>
District Court Bratislava IV (general court)	<b>City Court Bratislava 4 (civil matters)</b>
District Court Bratislava V (general court)	

It is expected that in Bratislava, judges and judicial staff will relocate based on their main specialism. Therefore, the likelihood of additional delays in proceedings is higher.

Apart from the four main specialisations, courts in the Bratislava region will also have jurisdiction over the following special agenda:

#### City Court Bratislava 3

- Disputes regarding insolvency matters and restructuring;
- Disputes regarding unfair competition and copyright protection (disputes regarding patents and other intellectual property rights will remain within the jurisdiction of District Court Banska Bystrica);
- Disputes regarding anti-trust matters;
- Disputes regarding arbitration matters.

#### City Court Bratislava 4

- Employment law disputes.

### 2.2 Košice:

KOŠICE	
Before the Reform:	After the Reform:
District Court Kosice I (general court)	<b>City Court (general court)</b>
District Court Kosice II (general court)	
District Court Kosice - surroundings (general court)	

As all district courts in Kosice operate in one and the same building, no relocation of judicial staff should be taking place. Therefore, the likelihood of additional delays in proceedings is lower.



### 3. Is my lawfully assigned judge going to change?

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#### 3.1 Proceedings at general courts

The general rule is that every judge brings along the matters he or she had been assigned up until the relocation, regardless of the judge's specialization.

There will be an option (but not an obligation) to reassign already assigned cases, especially those outside the specialization of a judge, among other judges. Presidents of new courts will decide on the re-assignment by the end of 2023, through a new schedule of work. In Bratislava, the decision on reassignment will also depend on the length of proceedings – if the case was filed before 28 February 2017, it is more likely that a different judge will take over the case.

Therefore, in some cases, assigned judges may indeed change.

#### 3.2 Proceedings at administrative courts

As administrative proceedings are judged by a three-member panel, from which not all members may be relocating to the newly established administrative courts, the likelihood of a change of judge in the administrative cases is higher.

### 4. Are all changes going to be effective as of June 2023?

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The reform provides for (an unspecified) transitional period, during which some of the buildings where courts currently reside (e.g. the current building of District Court Bratislava V) will be kept, along with judicial staff, and will operate as detached offices of the new courts.

The detached offices should not deal with the entire agenda of a court, but only with some limited parts as determined by presidents of the new courts. As a result, during the transition period, disputes of a similar nature may be heard at different courts.

The detached offices may be kept in use permanently, i.e. even after the transitional period, if it is judged to be beneficial. The Minister of Justice will make the final decision. In practice, the only consequence for a party to a dispute would be a change in the name of a court hearing the case.

## 5. What other practical implications should I expect?

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- Fewer oral hearings during the transitional period;
- Even slower rate of work of courts due to:
  - excessive interference with case files and movement of judicial staff;
  - possible outflow of judicial staff who will not be able (or willing) to relocate; and
  - additional scrutiny of judges who will not agree to their relocation.
- Sending back and forth of the unwanted case files among judges trying to get rid of the unwanted disputes – subsequent jurisdictional disputes may arise;
- Default judgements, if a party fails to appear at a hearing – some hearings may still take place in old courthouses;
- Room for raising complaints against unlawfully assigned judges;
- Repeated evidence taking, including witness and expert examinations when a new judge is assigned to a case;
- Virtual hearings – the reform provides for a new legal basis for virtual hearings without the consent of the counterparty.

## Your experienced team

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