



VISOKI UPRAVNI SUD REPUBLIKE HRVATSKE

HIGH ADMINISTRATIVE COURT OF THE REPUBLIC OF CROATIA

## **MECHANISMS OF COUNTERACTING CONFLICTING RULINGS FROM DIFFERENT DOMESTIC COURTS AND FROM THE CJEU AND ECtHR**

The focus of the Finnish - Swedish presidency of the ACA 2023 - 2025 will be on the vertical dialogue between the Supreme administrative jurisdictions, the Courts of the European Union and the Council of Europe in its procedural dimension. Within this framework, the seminar organized by ACA and the High Administrative Court of the Republic of Croatia, which will be held in February 2024 in Zagreb, will feature the topic of existing mechanisms of counteracting conflicting rulings from different courts at the European and domestic level. Considering the jurisdiction of the courts - members of the ACA, the submitted questionnaire refers to administrative disputes.

The questionnaire contains questions about observing and studying the case law of the Court of Justice of the EU (hereinafter: CJEU) and the European Court of Human Rights (hereinafter: ECtHR). Questions related to the implementation of the decisions of the CJEU, its principled positions, are also raised, as well as the possibilities of counteracting conflicting final rulings from domestic courts and the CJEU.

In relation to the ECtHR, the issues primarily relate to the status and application of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: Convention) in the legal order of a particular country. Furthermore, the questions are related to the procedure in the specific administrative dispute in which the ECtHR ruling was made, but also to the application of the positions expressed in other cases, that is, to the possibility of counteracting the inconsistency of final rulings from domestic courts with the case law of the ECtHR. Questions were also raised about the status of Protocol No. 16 to the Convention and the possible role of advisory opinions in preventing conflicts between the case law of domestic courts and the case law of the ECtHR.

Further questions deal with the relationship of domestic courts and the domestic Constitutional Court (if there is any), as well as the harmonization of the case law of domestic courts with the case law of the Constitutional Court.

Finally, attention is paid to mutual dialogue between the domestic supreme courts and the possibility of counteracting conflicting case law of these courts.

## I CJEU

1. How is the case law of the CJEU studied and observed at your Court? Do you have, e.g., a department for this purpose?

*The Supreme Administrative Court of the Slovak Republic has established an Analytical Department which prepares ad hoc researches of the case-law of the CJEU at the request of a judge.*

*The Supreme Administrative Court of the Slovak Republic does not yet have a systematic tool for studying and observing the case law of the CJEU. However, the Analytical Department plans to prepare regular summaries of the case law of the CJEU with the help of trainees. The trainees work at the Supreme Administrative Court in cooperation with law faculties.*

1.1. If the answer to the previous question is affirmative, how many people are employed in that Department and what education have they completed? What is the role of the Department (e.g., advisory)?

*The Analytical Department is managed by the head of the analytical department. Three legal analytics were assigned to the Department, which means that analytical department consists of four employees. Every employee has a law degree.*

*Recovery and resilience plan will provide the Department with the funds to recruit three additional employees with a law degree. The Department also has 8 trainees.*

2. Is there a possibility of repealing a final ruling made in an administrative dispute if the CJEU adopts a ruling in another case indicating that an earlier final ruling of a domestic court is erroneous? If there is such a procedure, in what formation (number of judges) does the administrative court adopt its decisions?

*An action for a retrial may be brought against a final decision of an administrative court if the decision of the administrative court is contrary to a decision of the Court of Justice of the European Union, the Council of the European Union or the Commission which is binding to the parties to the proceedings.*

*The administrative court adopts its decisions on action for a retrial in same formation. In most cases, the administrative court decides on the action for retrial. If the Supreme Administrative Court has subject matter jurisdiction, the Supreme Administrative Court decides on the action for a retrial.*

2.1. Are the parties authorized to initiate the repealing of a final ruling in the aforementioned case? Apart from the parties, is any other body (authority etc.) involved in such a procedure? Is there a deadline for submitting such a request?

*An action for a retrial may be brought by:*

- a party to the proceedings and a person participating in the proceedings against whom a decision has been issued*
- the General Prosecutor under the conditions laid down in Article 47 paragraph 4 of the Code of Administrative Court Procedure.*

*An action for a retrial must be brought within a period of three months from the date on which the person who brought the action for a retrial became aware of the ground for retrial or from the date on which he could have asserted it.*

2.2. Is the administrative court authorized to react *ex officio* in the aforementioned case? Is there a prescribed deadline for such action?

*Administrative court is not authorized to react ex officio in the aforementioned case. An action for a retrial must be brought within a period of three months from the date on which the person who brought the action for a retrial became aware of the ground for retrial or from the date on which he could have asserted it.*

2.3. In the case of conflict between a domestic court decision and a newer CJEU judgment, what kind of procedure is adopted for establishing that the earlier final ruling is not in accordance with the position of the CJEU? How are the positions of parties collected in such a procedure?

*Once the domestic court decision has become final and there is a newer CJEU judgment in conflict with domestic court decision, it is only possible to retry the case by means of an action for a retrial. If a decision of the Court of Justice is issued during the pendency of the proceedings (before the end of proceedings), that CJEU decision must be taken into account.*

*An action for a retrial may be brought by:*

- a party to the proceedings and a person participating in the proceedings against whom a decision has been issued*
- the General Prosecutor under the conditions laid down in Article 47 paragraph 4 of the Code of Administrative Court Procedure.*

*The administrative court adopts its decisions on action for a retrial in same formation. In most cases, the administrative court decides on the action for retrial. If the Supreme Administrative Court has subject matter jurisdiction, the Supreme Administrative Court decides on the action for a retrial.*

*If the administrative court rejects the action for a retrial before deciding on the actual allowance of the retrial, there is no need to collect the positions of parties.*

2.4 Is a legal remedy permitted against such a ruling?

*An action for a retrial is admissible against a decision of a domestic court. A cassation complaint is admissible against decision on action for retrial. A cassation complaint is admissible against decision which superseded original decision in retrial.*

*If the cassation court decides on the action for a retrial, there is no remedy permitted against the decision. An action for a retrial in cases relating to matters under Section 11(a) to (g) shall be heard by the Supreme Administrative Court. These cases are:*

*(a) administrative action against a decision of the Committee of the National Council of the Slovak Republic for reviewing decisions of the National Security Authority;*

*(b) in proceedings concerning the registration of candidate lists for elections to the National Council of the Slovak Republic and for elections to the European Parliament;*

*(c) in the procedure for the acceptance of a nomination as a candidate for the office of President of the Slovak Republic;*

*(d) in proceedings concerning an action on refusal to register a political party or political movement;*

*(e) in proceedings concerning an action brought by the General Prosecutor of the Slovak Republic for the dissolution of a political party;*

*(f) in proceedings concerning the constitutionality and legality of elections to local self-government bodies;*

*(g) in proceedings concerning competence actions;*

2.5. If the aforementioned procedure exists, in approximately how many or what kinds of administrative disputes in the period 2012 - 2022 was the possibility of changing a final ruling that is not in accordance with the later position of the CJEU used?

*In case 26S/60/2020 before Regional court Nitra administrative court rejected the action for a retrial because it was filed against decision which could not be challenged by that action (the applicant referred to a contradictory decision of the CJEU).*

*In case 8Sžfk/36/2020 before Supreme court of the Slovak Republic applicant also referred to a contradictory decision of the CJEU, but he missed the time-limit for filing an action for a retrial. Administrative court also stated, that applicant failed to state in its action the specific facts in which the decision of the administrative court was contrary to European Union law.*

*In case 7Sžk/9/2018 before Supreme court of the Slovak Republic applicant also referred to a contradictory decision of the CJEU, but he did that later in proceedings, not in action for a retrial. Therefore administrative court could not examine these reasons.*

*Until July 2016, the institute of retrial was not included in the administrative justice system.*

3. Has the legislation been changed due to observed conflicts between the case law of domestic courts and the case law of the CJEU? In the affirmative, please provide an example!

*As regards to amendment of legislation, we can mention the judgment C-240/09 (Lesoochránárske zoskupenie VLK) which had an impact on the legislation amendments in the field of environmental protection (even though there was not a conflict between the final decision of domestic court and the case law of the CJEU, because Supreme Court of the Slovak Republic requested preliminary ruling in appeal proceedings). As a result of this decision, the original regulation of the procedural status of environmental protection groups as parties in administrative proceedings in*

*which the interests of environment and landscape protection are affected has been reinstated. The amendment also ensured the implementation of the international obligation arising from the Aarhus Convention (Act No. 408/2011 Coll. with effect from 1 December 2011 amending Act No 24/2006 Coll. on environmental impact assessment).*

*Another decision that we can mention is order C-120/15 (Kovozber), concerning compensation for withholding of VAT excess during a tax inspection, in which the CJEU found that the national legislation (provisions of Value Added Tax Act), which regulates the calculation of default interest on the refund of an VAT excess only from the end of a period of 10 days after the end of the tax inspection is not compatible with European Union law. Consequently, the Value Added Tax Act was amended.*

*Furthermore, we can also mention the decision of the Constitutional Court of the Slovak Republic, Case No. PL. ÚS 8/2016, in which the Constitutional Court referred to the case law of the CJEU (in particular to the decision C-300/11 ZZ v. Secretary of State for the Home Department). The Constitutional Court of the Slovak Republic ruled that the provisions of the Aliens Residence Act and the Asylum Act are not in conformity with the Constitution of the Slovak Republic and with Article 47 of Charter of Fundamental Rights of the European Union. According to this decision, the competent authority must be under a statutory obligation to inform the person concerned of at least the substance of the reasons relating to public security which form the basis of the decision, if, for reasons of public security, it cannot disclose the precise and complete reasons to the person concerned.*

*Last but not least, we can mention the amendment of the Notary Rules made by Act No. 299/2013 Coll. in connection with the case law of the CJEU (judgments of 24 May 2011, cases C-08/47, 50, 51, 52, 53, 54). The CJEU considered the condition of nationality for the exercise of the activity of a notary to be contrary to the right of establishment, which is based on Article 49 TFEU. The amendment to the Notary Rules removed the condition of citizenship of the Slovak Republic for access to the practice of notarial profession.*

## **II ECtHR**

1. How is the case law of the ECtHR studied and observed at your Court? Do you have, e.g., a department for this purpose?

*Analytical department monitors case-law of the European Court of Human Rights.*

1.1. If the answer to the previous question is affirmative, how many people are employed in that Department and what education have they completed? What is the role of the Department (e.g., advisory)?

*As mentioned above, the Analytical Department is managed by the head of the analytical department. Three legal analytics were assigned to the Department, which means that analytical department consists of four employees. Every employee has a law degree.*

*Recovery and resilience plan will provide the Department with the funds to recruit three additional employees with a law degree. The Department also has 8 trainees.*

2. What is the hierarchical status of the Convention in the legal order of your member state?

*According to the Constitution of the Slovak Republic, international treaties on human rights and fundamental freedoms and international treaties for whose exercise a law is not necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons and which were ratified and promulgated in the way laid down by a law shall have precedence over laws.*

2.1. How does this status affect the application of the Convention in administrative disputes (is the Convention applied directly)?

*Courts apply the Convention directly. If the Convention provides more rights than laws, it takes precedence over them. Each court is obliged to take into account the case law on each article.*

2.2. Is there a specific body (court) that controls the application of the Convention in administrative disputes?

*Every court must apply the Convention. The Constitutional Court decides on complaints from natural or legal persons alleging violations of their fundamental rights or freedoms or of human rights and fundamental freedoms under the Convention.*

3. According to the domestic law (or case law), is a violation of Convention or a deviation from the ECtHR case law, determined by a domestic court (e.g. court of appeal), a possible reason for repealing the ruling of a lower court that committed the violation? If the answer is affirmative, which legal remedies or instruments are available and what is the procedure like?

*In the system of general jurisdiction courts, remedy can be found by the court of appeal and then by the court of recourse (the Supreme court of the Slovak Republic). In administrative justice, remedy can be found by cassation court (the Supreme Administrative Court of the Republic of the Slovak Republic).*

*If the decision is final and remedies have been exhausted, there is the possibility to file a constitutional complaint to the Constitutional Court of the Slovak Republic.*

4. What are the procedural possibilities of a party whose administrative dispute has been concluded, and in relation to which the ECtHR found that a violation of the Convention has been committed?

*There is a possibility for a party whose administrative dispute has been concluded, and in relation to which the ECtHR found that a violation of the Convention has been committed to file an action for a retrial.*

4.1. Must the party react within a prescribed deadline?



*An action for retrial must be brought within a period of three months from the date on which the person bringing the action for retrial became aware of the ground for retrial or from the date on which he could have asserted it.*

4.2. If the party has not submitted a request to change the final ruling (that is, for example, to renew the dispute), is the administrative court authorized to react *ex officio*?

*The administrative court is not authorized to react ex officio.*

4.3. In what formation (number of judges) does the administrative court adopt its decisions on amending the final ruling?

*The administrative court adopts its decisions on action for a retrial in same formation. In most cases, the administrative court decides on the action for retrial. If the Supreme Administrative Court has subject matter jurisdiction, the Supreme Administrative Court decides on the action for a retrial.*

4.4. In the case of conflict between a domestic court decision and a newer ECtHR judgment, what kind of procedure is adopted for establishing that the earlier final ruling is not in accordance with the position of the ECtHR? Is there a special procedure adopted establishing that the earlier final ruling is not in accordance with the position of the ECtHR? Are the parties from other administrative disputes authorized to request the change of their final rulings based on the decision of the ECtHR made in another case? Is there a deadline for submitting such a request? How are the positions of parties collected in such a procedure? Is a legal remedy permitted against a ruling of the domestic court deciding the case?

*If a decision of the ECtHR is issued during the pendency of the proceedings (before the end of proceedings), that CJEU decision must be taken into account. Once the domestic court decision has become final and there is a newer CJEU judgment in conflict with domestic court decision, it is only possible to retry the case by means of an action for a retrial. Parties from other administrative disputes are not authorized to request the change of their final rulings based on the decision of the ECtHR made in another case.*

*If the administrative court rejects the action for a retrial before deciding on the actual allowance of the retrial, there is no need to collect the positions of parties.*

*A cassation complaint is admissible against decision on action for retrial. A cassation complaint is admissible against decision which superseded original decision in retrial.*

*If the cassation court decides on the action for a retrial, there is no remedy permitted against the decision. An action for a retrial in cases relating to matters under Section 11(a) to (g) shall be heard by the Supreme Administrative Court.*

4.5. In approximately how many or what kinds of administrative disputes in the period 2012 - 2022 was a request for changing the final ruling submitted due to it being conflicting with the position of the ECtHR?

*In the proceedings 7Sžk/9/2018 before the Supreme Court of the Slovak Republic, the applicant argued that the proceedings should be retried due to a conflicting decision of the ECtHR as well as a decision of the CJEU, but he did that later in proceedings, not in action for a retrial. Therefore administrative court could not examine these reasons.*

5. In what types of administrative disputes are violations of Convention rights most often established? Can you provide a reason therefor?

*In 2022, the largest number of established violations of the Convention in all courts in the Slovak Republic (therefore also outside the administrative disputes) refer to Article 6 of the Convention (6 violations), related to the length of the procedure, while in 2 cases were also found violation of Article 13 of the Convention (right to an effective remedy). Next in number are violations of Article 8 of the Convention (3 violations).*

*In two cases related to administrative proceedings was found violation of Article 6 of the Convention, related to the length of the procedure (excessive length of restitution proceedings in case of KĽAČANOVÁ v. SLOVAKIA and KURCÁB v. SLOVAKIA). No violation of Convention rights was found in other cases against the Slovak Republic related to administrative proceedings. The length of the restitution procedure was probably due to the large number of applications and insufficient staff.*

*In 2021, the largest number of established violations of the Convention in all courts in the Slovak Republic (therefore also outside the administrative disputes) also refer to Article 6 of the Convention (14 violations), related to the length of the procedure*

6. Is there a special body in your country responsible for the execution of ECtHR rulings (apart from the Government as regards just satisfaction afforded in judgments by the ECtHR) and what is its name? If there is such body, what is its composition and its powers (which instruments does it apply to prevent case law of domestic courts from conflicting with the case law of the ECtHR)?

*In the Slovak Republic, there is no special body responsible for the execution of ECtHR rulings except the Agent of government who ensures and supervises the proper execution of judgments and decisions of ECtHR. The agent also submits to the competent national authorities proposals for the implementation of measures made necessary by the Court's case-law and cooperate in the resolution of problems arising.*

*As far as just satisfaction is concerned, it is the responsibility of the Ministry of Justice of the Slovak Republic to provide it.*

7. Has the legislation been changed due to observed conflicts between the case law of domestic courts and the case law of the ECtHR? Please, provide an example!

*Based on the conclusions of the European Court of Human Rights, minor offenses can be classified as criminal offenses. This is why they are covered by the right to a fair trial guaranteed by Article 6(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms as long as the so-called Engel criteria are met.*



*In other words, the European Court of Human Rights creates a doctrine of autonomous assessment of the concepts used by the Convention for the Protection of Human Rights and Fundamental Freedoms. Under this doctrine, it is irrelevant whether the act that is the subject of the proceedings and for which punishment is threatened is called a criminal offence or an administrative offence by national law.*

*This doctrine has had a significant role in Slovak case-law, because on its basis the administrative courts began to apply the principles of criminal law to the field of administrative punishment from the 1990s onwards. The impetus for this was the judgment of the European Court of Human Rights in Lauko v. Slovak Republic, which showed that proceedings for a minor offence involve the adjudication of a "criminal charge" within the meaning of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.*

*Another important European Court of Human Rights judgment which influenced Slovak administrative justice was the judgment in Čanády v. Slovak Republic, which held that the Slovak Republic, according to which the general nature of the legal provisions regulating minor offences, together with the deterrent and punitive purpose of the penalty imposed for the violation, is sufficient to demonstrate that, for the purposes of Article 6(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms, minor offences are criminal in nature.*

*We can also mention the recent amendment of the Code of Administrative Court Procedure, by which the legislator reacted to several judgments of the ECtHR (judgment Engelhardt v. Slovak Republic of 31 August 2018, judgment Balogh and Others v. Slovak Republic of 31 August 2018, judgment Oros v. Slovak Republic of 18 November 2021, judgment Balogh and Others v. Slovak Republic of 16 December 2021, judgment Kláčanová v. Slovak Republic of 31 March 2022).*

*In these judgments, the ECtHR expressed conclusions indicating the ineffectiveness of the national mechanism for remedying the violation of the right to a hearing within a reasonable time in proceedings before administrative authorities and subsequently before the courts. The legislator has therefore amended the Code of Administrative Court Procedure and, if the court finds that there has been a failure to act and the applicant seeks appropriate financial compensation, the court has the option, at that stage, in addition to ordering the public authority to remedy the failure to act, of ordering the defendant to pay financial compensation.*

8. Has your country ratified Protocol No. 16 to the Convention (which provides for the possibility of seeking advisory opinions)?

*The President of the Slovak Republic ratified the Protocol on 28 November 2019. It entered into force for the Slovak Republic on 1 April 2020 pursuant to Article 8(2) of the Protocol.*

8.1. Do you believe that an advisory opinion could prevent the adoption of a ruling by a domestic court that would not be in accordance with ECtHR case law? Explain your answer.

*We believe that the Institute of advisory opinions could prevent national courts from making decisions contrary to the practices of the EctHR. In practice, slovak highest courts do not often use this institute.*

*The Supreme Court of the Slovak Republic made request in the context of criminal proceedings brought against a police officer but the requeest was rejected by EctHR (Request no. P16-2019-001). In its question, the Supreme Court of the Slovak Republic asked for guidance from the European Court on whether the Inspection Service met the criteria laid down under Articles 2, 3 and 6 § 1 of the Convention concerning the investigation of crimes committed by police officers, and that such investigations had to be carried out by an independent and impartial authority, and its role in the trial in question.*

*EctHR refered to previous unifying opinion (no. Tpj 62/2015) of the Supreme Court of the Slovak Republic, in which the Supreme Court of Slovakia had found that “the guarantee of independence provided to the defendant by a court was unavailable to the victim if the case did not reach the stage of a judicial examination on the merits”. In the ECtHR’s view, by finding that what was essential for the defendant’s fair-hearing rights to be secured in criminal proceedings was the independence of the trial court, the Supreme Court had provided relevant indications as to the answer to the question now submitted to the Court.*

*Thus, the issues raised in request for an advisory opinion, on account of their nature, degree of novelty and/or complexity or otherwise, did not concern an issue on which the requesting court would need the ECtHR’s guidance to be able to ensure respect for Convention rights when determining the case pending before it. In sum, this request did not meet the requirements of Article 1 of Protocol No. 16 and the ECtHR accordingly decided not to accept it.*

8.2. Do you have practical experience with seeking an advisory opinion provided for in Protocol No. 16 to the Convention? Provide an example.

*We do not have practical experience with seeking an advisory opinion provided for in Protocol No. 16 to the Convention.*

### **III CONSTITUTIONAL COURT**

1. Is there a Constitutional Court in your country?

*Yes, there is a Constitutional Court in the Slovak Republic.*

1.2. If the answer to the question is affirmative, what are the powers of the Constitutional Court?

*The Constitutional Court of the Republic of Slovakia according to Articles 124-140 of the Constitution of the Slovak Republic:*

- *decides on the conformity of laws with the Constitution,*
- *decides on the conformity of other regulations with the Constitution,*
- *decides on constitutional complaints against individual decisions of state bodies, bodies of units of local and regional self-government, and legal entities*

*with public powers when these decisions violate human rights and fundamental freedoms, as well as the right to local and regional self-government guaranteed by the Constitution of the Slovak Republic.*

- *decided on the conformity of negotiated international treaties to which the assent of the National Council of the Slovak Republic with the Constitution and constitutional law is necessary.*
- *decides the disputes over competency between the Supreme Court of the Slovak Republic and the Supreme administrative Court of the Slovak Republic.*
- *performs other tasks determined by the Constitution.*

2. Does the Supreme administrative jurisdiction have powers similar to those of the Constitutional Court? Please describe the competence/jurisdiction of these two jurisdictions!

*In general, the Constitutional Court is not entitled to review and assess legal opinions of the General Court which, in the interpretation and application of the law, led it to the decision on the merits of the case, nor to examine whether or not the facts were properly established in the proceedings before the General Courts and what conclusions of fact and law the General Court drew from the facts.*

*The role of the Constitutional Court is limited to checking whether the effects of such interpretation and application are compatible with the Constitution or with international treaties on human rights and fundamental freedoms.*

*The Supreme Administrative Court of the Slovak Republic assesses the entire scope of the issues of substantive and procedural law that the party has defined, while the Constitutional Court only assesses the scope of constitutional rights.*

*The Supreme Administrative Court assumed competence to decide on the constitutionality and legality of local government elections.*

*In addition, the administrative courts have a new competence to decide on appropriate financial compensation in an action for failure to act.*

3. In the event that the Supreme administrative jurisdiction deems that a provision of the law to be applied in a specific case is unconstitutional, must it initiate appropriate proceedings before the Constitutional Court, or is it authorized to interpret the contested provision taking the Constitution into consideration?

*The Supreme Administrative Court may suspend proceedings and initiate appropriate proceedings before the Constitutional Court.*

4. What are the possibilities of the parties in an administrative dispute to request the repeal of the final rulings that were made on the basis of a regulation that the Constitutional Court found unconstitutional (in the process of abstract review of constitutionality)? Is there a prescribed deadline for such action?

*The decision of the Constitutional Court does not result in the invalidation of decisions issued in proceedings that were final before the decision of the Constitutional Court on non-conformity with the Constitution was issued. Legal effects of a derogation decision*

*of the Constitutional Court are oriented (in principle) pro futuro (ex nunc) (PL. ÚS 5/2021).*

5. What are the possibilities of the parties in an administrative dispute to request the repeal of the final rulings that are not in accordance with the ruling of the Constitutional Court made in the constitutional action of another person? Is there a prescribed deadline for such action?

*The law does not provide for the possibility of changing a legally binding individual ruling due to the position of the Constitutional Court of the Slovak Republic expressed in the case regarding the constitutional lawsuit of another person.*

#### **IV RELATIONSHIP OF THE DOMESTIC SUPREME ADMINISTRATIVE JURISDICTION WITH ANOTHER DOMESTIC SUPREME COURT**

1. Is there another supreme jurisdiction in your system?

*Yes, there is also Supreme Court of the Slovak Republic.*

2. Please describe the competence/jurisdiction of the two supreme jurisdictions.

*The Supreme Administrative Court of the Slovak Republic is the highest court in the area of administrative justice, and the Supreme Court of the Slovak Republic is the highest court in the area of civil, commercial and criminal matters (system of general jurisdiction).*

3. In general, how is the conflict of different rulings of domestic courts counteracted in your legal system? How is a possible conflict of positions between the (two supreme) jurisdictions counteracted?

*Constitutional court decides the disputes over competency between the Supreme Court of the Slovak republic and the Supreme administrative Court of the Slovak Republic.*

*Competence disputes between courts and other authorities are decided by the competence chamber of the Supreme Court of the Slovak Republic and the Supreme Administrative Court of the Slovak Republic.*

*The Supreme Court of the Slovak Republic and the Supreme Administrative Court of the Slovak Republic ensure the unification of case-law, each in its own system. Conflicts in the case law of the lower courts are resolved by the higher courts. The Supreme Court of the Slovak Republic and the Supreme Administrative Court of the Slovak Republic have at their disposal the Grand Chamber as an instrument for unifying the case-law in their system.*

4. In your opinion, is conflict prevention possible?

*Conflict prevention is possible by Constitutional Court, which decides the disputes over competency between the Supreme Court of the Slovak republic and the Supreme administrative Court of the Slovak Republic and by competence chamber which*

*decides competence disputes between courts and other authorities.*