



Office of the Plenipotentiary of the
Government of the Slovak Republic
for the Development of the
Civil Society

Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019

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Table of Contents

Introduction.....	3
Key achievements in open government so far	5
1. Open Information	7
1.1 Open Data Portal – data.gov.sk	7
1.2 Open API	12
1.3 Open Source Software	13
1.4 Module Subsidy Schemes	14
1.5 Central Register of Contracts.....	15
1.6 Register of Beneficiaries	16
2. Open Education and Open Science	17
2.1 Open Educational Resources	17
2.2 Open Access to the results of research and development.....	21
3. Government Open to Dialogue.....	24
3.1 Participation in the creation of public policies	24
3.2 Education and awareness raising	28
4. Open Justice	29
4.1 Judiciary	29
4.1.1 Evaluation of the work of judges.....	29
4.1.2 Publication of judicial decisions.....	29
4.1.3 Access to justice.....	29
4.1.4 Disciplinary proceedings.....	30
4.1.5 Selection procedures	30
4.2 Prosecution.....	32
4.2.1 List of prosecutors	32
4.2.2 Attorney-General.....	32
4.2.3 Disciplinary proceedings.....	33
4.2.4 Selection procedures	34
5. Application practice.....	35
6. Feedback and next steps.....	37

Introduction

Slovak Republic (hereinafter referred to as "SR") joined the international initiative *Open Government Partnership* in September 2011 ("OGP"). By joining the OGP, the Slovak Republic became the member of the group of countries of all continents, which have the ambition to address issues such as **increasing transparency, participation, support of innovation and opening the public administration** to the citizens. The Plenipotentiary of the Government for the Development of the Civil Society has been responsible for coordinating the development and implementation of OGP National Action Plans in the SR.

The government which was formed after the parliamentary elections held on 5 March 2016 also pledged to respect the principles of open governance. The Government Manifesto¹ again referred to the international OGP initiative. The Government pledged to support the application of the **principles of open governance, increasing transparency in the public administration, in the judiciary, encouraging the participation of a broad range of professionals in the creation of public policies, as well as increasing the usefulness of the information that the administration has available**. By subscribing to the principles of open governance the Manifesto, the Government of the SR expressed its willingness to institutionalize the fight against corruption and to step it up.

The Government of the SR also recognizes the 2020-2030 Agenda for Sustainable Development of the United Nations.

The first OGP National Action Plan for years 2012 – 2013² („OGP NAP 2012–2013“) was approved by the Government Resolution No. 50 from February 22, 2012. The second OGP National Action Plan for year 2015³ („OGP NAP 2015“) was approved by the Government Resolution No. 59 from February 11, 2015.

OGP National Action Plan 2015 contained 34 commitments in 4 chapters: **Open Information, Open Education, Government Open to Dialogue** and **Open Justice**. After the implementation of the individual commitments the Office of the Plenipotentiary of the Government for the Development of the Civil Society published the Evaluation Report on OGP NAP 2015 Implementation („Evaluation Report“⁴), which was presented to the Council of the Government for Non-Profit Organizations on March 17, 2016. The Evaluation Report was approved by the resolution of Council of the Government for Non-Profit Organizations No. 1 from March 17, 2016. This report was then sent to the OGP Headquarters which publishes its own independent reports.

In connection with the need to evaluate the implementation of OGP NAP and in order to facilitate the preparation of the next NAP, The Office of the Plenipotentiary of the Government for the Development of the Civil Society established the following working groups:

- **5 expert working groups** comprised of representatives of central government bodies, NGOs, business and academia in the following areas:
 - ❖ open data / transparency
 - ❖ participation
 - ❖ open education and research
 - ❖ open justice
 - ❖ web application Module Subsidy Schemes
- **1 coordination working group** comprised of representatives of selected central government bodies appointed by ministers and heads of other selected central government bodies.

¹ Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=25473>

² Available at <http://www.rokovania.gov.sk/File.aspx/ViewDocumentHtml/Uznesenie-12358?prefixFile=u>

³ Available at <http://www.rokovania.gov.sk/File.aspx/ViewDocumentHtml/Uznesenie-14684?prefixFile=u>

⁴ Evaluation report on the implementation of 2015 OGP National Action Plan available at http://www.minv.sk/?ros_ogp_hodnotenie_2015&sprava=hodnotiaca-sprava-k-implementacii-akcneho-planu-iniciativy-pre-otvorene-vladnutie-na-rok-2015-schvalena

The task of the working groups was to evaluate the implementation of OGP NAP 2015, to provide feedback on the text of the Evaluation Report and then to create the first draft of the OGP National Action Plan of the Slovak Republic for the years 2017-2019 ("OGP NAP 2017-2019").

During the entire process of the creation of the Evaluation Report and of the OGP NAP 2017-2019 draft, there was great emphasis on the expert involvement of the members of the working groups. This OGP NAP 2017-2019 is the result of the work of the members of the working groups.

This OGP National Action Plan 2017 - 2019 builds on the previous thematic chapters, but it also brings several new themes. At the first glance, OGP NAP 2017-2019 is very ambitious but it suggests specific actions that, if fulfilled, can ensure that the Slovak Republic will be among the world's leaders in open government.

The *first chapter* of this National Action Plan addresses **open information** and thus **open data**. This chapter formulates new commitments on publicly available Application Programming Interfaces ("open API") and **open source software**. The *second chapter* seamlessly builds on the commitments of the previous National Action Plan on **Open Education**. The *third chapter*, **Government Open to Dialogue**, addresses public participation in public policy making process. We consider the activities of the Office of The Plenipotentiary of the Government for the Development of the Civil Society in supporting participatory public policy making process on the national, regional, local and micro-regional level to be a significant contribution in the advancement of this issue. The *fourth chapter* deals with **open justice** and the *fifth chapter* assesses the **practical application** of selected legislation (Act no. 307/2014 Coll., On some measures related to the reporting of anti-social activities and on amendments to certain laws and Act no. 400/2015 Coll., On lawmaking and amending and supplementing certain acts, as well as evaluation of the Report on public participation in lawmaking and the creation of preliminary information). Traditionally, the last chapter is titled Feedback and next steps. After the completion of the implementation cycle the OGP NAP 2017 - 2019, an evaluation process will take place, which will result in the creation of an evaluation report from the perspective of the government. This will again be supplemented by an independent evaluation report written by an independent expert.

Goals of the 2030 Agenda for Sustainable Development

Recognizing the need to advocate for the principles of sustainable development, the OGP National Action Plan 2017 - 2019 reflects a number of objectives of 2030 Agenda for Sustainable Development adopted at the meeting of Heads of State of the United Nations on the occasion of the 70th anniversary of this international organization. Among the objectives of 2030 Agenda for Sustainable Development⁵, the OGP National Action Plan 2017-2019 has the ambition to contribute to these goals:

- **Goal 4:** *Ensure inclusive and quality education for all and promote lifelong learning.*

Commitments in the "Open Education and Open Science" chapter create conditions for building an educated, modern society, and to lifelong learning opportunities. Introduction of procedural, legislative and technological changes to support the publishing of educational resources, science and research results under open licenses, the target group of users of this content increases many times, thus achieving the desired effect: teaching resources financed from public funds will be available to all in an equitable manner, regardless of what educational institution they were supposed to be used initially.

- **Goal 16:** *Promote just, peaceful and inclusive societies to promote sustainable development, ensuring access to justice for all and creating effective, accountable and inclusive institutions at all levels.*

OGP National Action Plan 2017 - 2019 aims to create effective, accountable and inclusive institutions through initiating systemic changes in the judiciary. These systematic changes are defined in the "open justice" chapter and have great potential to increase the transparency of the courts and Attorney-General's Office. This objective is also supported by the commitments in the section "Government Open to Dialogue" because participatory public policy making process has a positive impact on the sustainability of the decisions and communities, inclusion of stakeholders, openness and accountability of public institutions to citizens.

OGP National Action Plan 2017 - 2019 introduces commitments to increase transparency by publishing open data, which have the potential to fulfill the objectives of 2030 Agenda for Sustainable Development in a complex and cross-cutting manner.

Key achievements in open government so far

As part of the implementation period of the OGP National Action Plan 2015, **technical infrastructure supporting the publication of open data has been upgraded**. Within the framework of the national project "Electronic Services of the Government Office of the Slovak Republic - eDemocracy and Open Government ("eDemocracy and Open Government"), which was implemented by the Government Office's National Agency for Network and Electronic Services ("NASES"), Module Open Data was launched as part of the central public administration portal in order to create basic central infrastructure to support the publication of open data by organizations within the public administration⁶. During the implementation of the OGP National Action Plan 2015, the number of datasets of public administration published at the Open Data Portal increased from 204 to 884. Statistical Office of the Slovak Republic has become the leader in the number of published datasets.

⁵ More information about the goals of the 2030 Agenda for Sustainable Development available on-line.

⁶ The current version of www.data.gov.sk offers several new functionalities that will improve the interaction between the data providers and data users, e.g. request for access to information for reuse according to the Freedom of Information Act, the proposal to publish data at the Open Data Portal, proposal to correct data published at the Open Data Portal, request to register an application based on open data published at the Open Data Portal, and so on.

The Office of the Plenipotentiary of the Government of the Development of the Civil Society in cooperation with NASES carried out research of public demand for the most requested open data datasets. The survey showed that the most frequently requested datasets include data from the land register, election results, data from the census, trade register, register of addresses, as well as data on traffic accidents and crime, timetables of various types of public transport, postal ZIP codes, as well as the current status of environmental pollution. NASES is carrying out an intensive dialogue with the stakeholders, on the basis of which several key datasets from the list have already been published at the **data.gov.sk** Open Data Portal (e.g. register of addresses, postal codes, data from the census, as well as others).

Launch of the web application **Electronic Collective Petition (ECP)** within the framework of the national project of the Government Office E-democracy and Open Government is another achievement. ECP serves as a "bridge" between the demands of the civil society and the Government of the Slovak Republic. The Government has pledged to consider each ECP which will collect at least 15,000 supporters within 30 days. If the ECP addresses an issue within the sphere of influence of the executive branch, the Government is committed to reflect on the ECP and take appropriate measures within 60 days. If the subject of the ECP requires the initiation of legislative changes, the Slovak government will reflect on the ECP within 6 months. Active use of the ECP tool will increase e-participation of citizens in public affairs.

In early 2016, a web application for was launched for the European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and subsidy schemes from the state budget of the Slovak Republic, called **Module Subsidy Schemes**. The application aims to increase the transparency and efficiency of the spending of public funds.

The area of open education, mapping of existing educational resources has been done, along with the evaluation of the possibility of using the Creative Commons Attribution public license. In identifying the obstacles to the full implementation of Open Access to the results of science and research, the Ministry of Education, Science, Research and Sport ("Ministry of Education") concluded that in terms of copyright or the existing set-up of grant schemes for science and research there are no obstacles to the implementation of Open Access to the results of research. Moreover, an analysis was prepared that identified individual measures and possible obstacles to the introduction of free availability of selected types of publication outputs. It will be used as the starting material for the adoption of specific measures. In general, it can be concluded that the issue of open educational resources and Open Access to the results of science and research found a positive response in the education sector and will continue to be developed in the coming years.

With a vision to **promote the principles of open governance at regional and local levels**, the Office of the Plenipotentiary of the Government of the Development of the Civil Society in cooperation with non-governmental non-profit organizations is preparing a national project to promote the participation of citizens in public affairs. The main objective of the national project ***"Promoting partnership and dialogue between the public administration, citizens and non-governmental non-profit organizations at national, regional and local level in the field of participatory public policy-making"*** is to strengthen the cooperation and mutual dialogue between public authorities, citizens and NGOs in the process of public policy-making at national, regional and local levels and to propose innovations of existing mechanisms in the public sector in order to streamline the input of the public in the formulation of public policies.

1. Open Information

1.1 Open Data Portal – data.gov.sk⁷

The Government of the Slovak Republic in its Government Manifesto pledged to increase the transparency of public administration and make public information available in the form of open data. The ambition of this is to promote data-driven economy and thereby stimulate the business environment.

The concept of open data is based on the assumption that central government bodies collect and manage vast amounts of public data in various areas, such as **transportation, culture, finance, science and research, weather, environment, geographic data and various statistics**. The use of this public information for commercial or non-commercial purposes in the form of development of various applications will be made possible if publication of this data as open data (in machine-readable form) is ensured. Data excluded from publication by legislation will not be made available as open data, see e.g. Act No. 122/2013 Coll. on Personal Information. Disclosure of open data covers only public data and therefore not data which has been categorized as top secret, secret, confidential, reserved, sensitive, personal, reserved, or protected. In accordance with the thesis "**what is public is accessible**"⁸ it is necessary to continue with the publication of data in open formats and thus stimulate the economic potential of open data.

By joining the OGP, the government of the Slovak Republic pledged to publish information in the form of open data, thereby supporting the development of applications based on public data. The introduction and launch of the Open Data Portal in Slovakia www.data.gov.sk was one of the biggest achievements in the implementation of the OGP National Action Plan 2012 - 2013. After four years of its existence, the Open Data Portal now includes almost 1000 datasets.

In the Government Manifesto, the government also pledged to support the linking of government databases which it publishes, to closely monitor the fulfillment of the legal obligations of the disclosure and publication of information including court decisions and decisions of criminal justice authorities and to introduce mandatory disclosure of professional CVs and salaries of government nominees. The government also pledged to introduce mandatory disclosure of official documents of municipalities and regions, such as the minutes of council meetings and committees, including the vote of city deputies.

During the implementation of the OGP National Action Plan 2015, **publication of open data was supported by new legislation as well as technology**. By transposing the Directive of the European Parliament and Council No 2003/98 / EC of 17 November 2003 on the re-use of public sector information to law no. 211/2000 Coll. on free access to information and on amendments to certain laws (Freedom of Information Act), as amended with effect from 1 January 2016, a prerequisite for both pro-active, but also passive (upon request) publication of open data by the affected institutions⁹ has been created. By the implementation of the project of the Government Office *E-democracy and Open Government*, quality technical infrastructure to support open data publication by central government bodies has been put in place.

⁷ According to the National Concept of Informatization of Public Administration (NKIVS):

Open Data is the name of the paradigm in which it is possible to work freely with data generated and processed in the data sources of public administration. This means that data must be accessible, easy to understand and work with them must be possible without constraints (technical and licensing).

Dataset is a comprehensive group of related data useful in itself, which is being created and maintained for a particular purpose and is stored together under the same scheme.

⁸ In accordance with Act no. 122/2013 Coll. On the protection of personal data.

⁹ The responsible person is required to disclose information for the purpose of re-use, upon request to all applicants in a form and manner possible according to its technological abilities; but preferably in electronic format, and where possible and appropriate, as open data allowing automated processing along with its metadata etc..

The implementation of some commitments may be discussed in more details in the action plans of the National Concept of Informatization of Public Administration (NKIVS).

There is international research available which assesses the economic potential of open data and contains several interesting findings¹⁰:

- Publication of open data by the institutions of Western economies may save up to 100 billion euros annually, as well as 450 billion for the clients.
- By publishing more than 8000 datasets in 2011 and subsequent use of these datasets, Great Britain acquired 16 billion GBP.
- Year-on-year economic benefits of open data in the UK is valued at 2 billion pounds.
- Open data business in Kenya comprises 15% of its total GDP.
- Year-on-year economic benefits of open data within the European economy is 40 billion euros.
- California saved an estimated 20 million USD as a result of finding unnecessary costs with the help of the portal to increase transparency.

To support the publication and use of open data of public administration in a systematic way it is necessary to initiate the creation of analysis which would calculate market value and economic potential of open data in Slovakia, including an analysis of saving public funds.

Commitment No. 1: Perform an analysis of the market value and economic potential of open data in Slovakia, including analysis of saving public funds.

Responsible: Deputy Prime Minister for investment and Informatization in collaboration with the Minister of Finance, Head of the Government Office and the Plenipotentiary of the Government for the Development of Civil Society.

Deadline: December 31, 2017

The concept of open data is partially addressed by a number of laws of various legal force:

- Law No. 211/2000 Coll. on free access to information and on amendments to certain laws (Freedom of Information Act), as amended - transposing Directive of the European Parliament and Council. 2003/98 / EC of 17 November 2003 on the re-use of public sector information
- Law no. 275/2006 Coll. on public administration information systems and on amendments to certain laws, as amended
- Ministry of Finance Decree No. 55/2014 on Standards for Public Administration Information Systems
- Government Resolution No. 59/2015 for OGP National Action Plan 2015
- Government Resolution No. 50/2012 for OGP National Action Plan 2012-2013

For this reason, it is advisable to draw up a draft law on data, which will address the issue comprehensively.

Commitment No. 2: Submit a draft law on data to the Government.

Responsible: Deputy Prime Minister for Investment and Informatization in cooperation with the Deputy Prime Minister and Minister of Justice, Deputy Prime Minister and Minister of Interior¹¹, Head of Government Office, Chair of the Geodesy, Cartography and Cadastre Authority of the Slovak Republic and the Plenipotentiary of the Government for the Development of Civil Society.

Deadline: December 31, 2018

¹⁰ All studies available at <http://www.otevrenadata.cz/otevrena-data/co-jsou-otevrena-data/>

¹¹ Both the Minister of Interior and the Minister of Justice also serve as deputy prime ministers of the Slovak government. Wherever designated as responsible persons for specified commitments, the NAP cites both functions.



The current quality of published datasets at the Open Data Portal is not satisfactory. There are persistent problems with insufficient updates to some datasets, the standardization of formats, non-compliance with the Decree of Ministry of Finance No. 55/2014, as well as the application licenses. In order to improve the quality of open data of central government bodies published at the Open Data Portal it is important to ensure training for those responsible for publishing open data.

Commitment No. 3: Conduct training for employees of public administration made responsible by their employer to publish open data on behalf of the public institution.

Responsible: Head of the Government Office

Deadline: ongoing, evaluation on December 31

Commitment No. 4: Adopt guidelines for a standardized publication method and content of published datasets for state administration and local self-government as part of the amendment of the Decree of Ministry of Finance No. 55/2014 Coll. on Standards for Public Administration Information Systems, as amended.

Responsible: Deputy Prime Minister for investment and Informatization in consultation with the Head of the Government Office and the Plenipotentiary of the Government for the Development of Civil Society

Deadline: December 31, 2017

It is the ambition of the Plenipotentiary of the Government to promote the publication of open data at the municipal level, therefore this document contains several recommendations for the representatives of local government and the President of the Association of Towns and Communities of Slovakia (ZMOS).

Recommendation No. 1: Create and publish a draft for the model publication minimum for local government authorities.

Responsible: Deputy Prime Minister for Investment and Informatization in cooperation with the Plenipotentiary of the Government for the Development of Civil Society and the chairman of the Association of Towns and Communities

Deadline: June 30, 2017

Under OGP National Action Plan 2012 - 2013 and OGP National Action Plan 2015, the leaders of central government bodies committed to create and update a list of datasets in the sphere of the influence of their respective government departments, as well as the plan for their gradual publication. It is desirable to continue with this work.

Commitment No. 5: Update and publish at the Open Data Portal the lists of all datasets of the ministries, organizations established by them, as well as other central government bodies, along with the plan of their publication at the Open Data Portal, including frequency of updates.

Responsible: the ministers, the head of the Government Office, the heads of other central government bodies

Deadline: March 31, of each year

Commitment No. 6: Publish datasets in accordance with the plan of publication and updating at the Open Data Portal, based on the updated list of datasets in the sphere of influence of ministries and organizations established by them, as well as other central government authorities.

Responsible: the ministers, the head of the Government Office, the heads of central government bodies

Deadline: ongoing, evaluation on December 31

Recommendation No. 2: Publish open data at least in the scope and structure defined in the publication minimum for local government authorities with the help of the technical infrastructure of the Municipality Data Center (DCOM).

Responsible: The elected representatives of regional and local government



Deadline: ongoing, evaluation on March 31

The project *E-democracy and Open Government* created quality technical infrastructure for the publication of open data by central government bodies. At this stage, it is desirable to increase the awareness of stakeholders and the general public about the potential uses of datasets published at the Open Data Portal.

Commitment No. 7: Carry out a public campaign to promote the use of datasets published at the Open Data Portal and to support the development of innovation.

Responsible: Plenipotentiary of the Government for the Development of Civil Society in cooperation with the Deputy Prime Minister for Investment and Informatization and the Head of the Government Office

Deadline: ongoing, evaluation on December 31

Survey of the most requested datasets has become a useful tool to engage stakeholders in the process of selecting the datasets to be published at the Open Data Portal. This survey enables optimal allocation of technical and human resources necessary for the priority publication of the most requested datasets. The Office of the Plenipotentiary of the Government for the Development of the Civil Society aims to carry out surveys of demand for the most requested datasets regularly once a year. Based on the results of these surveys it will be necessary to initiate an active dialogue between central government bodies and the civil society in order to seek the optimal form, structure and scope of the published datasets.

Commitment No. 8: Conduct a survey of public demand for the most requested open data datasets.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: March 31, each year

Commitment No. 9: Based on the results of the survey of public demand for the most requested datasets, publish the most requested datasets at the Open Data Portal in accordance with applicable legislation.

Responsible: the ministers, the head of the Government Office, the heads of other central government bodies, in cooperation with the Deputy Prime Minister for Investment and Informatization

Deadline: December 31 each year

Recommendation No. 3: Monitor and evaluate public demand for the most requested datasets of self-government bodies.

Responsible: Deputy Prime Minister for Investment and Informatization in cooperation with the Plenipotentiary of the Government for the Development of Civil Society and the chairman of the Association of Towns and Communities

Deadline: May 31, annually

Recommendation No. 4: Collect data of organizations and local self-government with the help of the technical infrastructure of data centers villages and towns (DCOM).

Responsible: The elected representatives of regional and local self-government

Deadline: ongoing

In order to evaluate the usage of demand for datasets, it is desirable to prepare and publish an analysis of published datasets, which will also include clear statistics of usage of individual datasets, as well as individual requests for publications of datasets.

Commitment No. 10: Conduct an analysis of publication of datasets of central government bodies at the Open Data Portal and submit it to the meeting of the Government Council for NGOs.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: June 30, each year



Office of the Plenipotentiary of the
Government of the Slovak Republic
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Civil Society

Commitment No. 11: Develop a strategy and action plan of publication and use of open data of public administration and submit it to the Government

Responsible: Head of the Government Office

Deadline: May 31, 2017



1.2 Open API

Open Application Programming Interfaces ("*Open APIs*") are publicly available application programming interfaces which can be accessed by authorized users who can interact with electronic services with custom developed software applications. This creates a new channel of interaction between the citizen or entrepreneur with public administration and opens the way to the creation of new solutions for the use of e-government services by exposing application programming interfaces.

The Slovak Republic recently launched a number of electronic services for citizens, businesses and legal entities. These services are available primarily on the websites of public administration, which means that it is necessary to visit the respective websites to use these services. Electronic services primarily provide basic functionality resulting from legislative requirements. Making electronic services accessible through a publicly available API creates space for private parties to extend the basic functionality with new options.

Commitment No. 12: Develop standards for publicly available application programming interfaces and submit them to the Commission for the Standardization of Information Systems in Public Administration.

Responsible: Deputy Prime Minister for investment and Informatization in consultation with the Head of the Government Office

Deadline: December 31, 2017

Commitment No. 13: Ensure the publication of open data and publicly available Application Programming Interfaces in projects financed by the Operational Program Integrated Infrastructure and other public sources.

Responsible: Deputy Prime Minister for Investment and Informatization

Deadline: ongoing, evaluation on December 31

Commitment No. 14: Conduct a survey of public demand for the most requested publicly available Application Programming Interfaces.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: March 31, each year

Commitment No. 15: Based on the results of the survey of public demand for most requested publicly available Application Programming Interfaces, make available the most requested Application Programming Interfaces in compliance with current legislation and existing technical conditions, along with the license (conditions) for their use.

Responsible: the ministers, the head of the Government Office, and the heads of central government bodies, in cooperation with the Deputy Prime Minister for Investment and Informatization

Deadline: December 31, each year

1.3 Open Source Software

The ongoing computerization of services of public administration has brought a number of applications, plug-ins and information systems which are often developed in so-called proprietary manner. Proprietary method of development does not allow free access to the source code, and it is therefore not possible to study and re-use the source code in other software or to develop new applications. The source code is part of software that most users do not see – it allows programmers to study and change how programs and applications behave.

Open source software is software with source code freely available to all in order to enable studying, modification, and further development and improvement. By developing software as open source (with a careful assessment of this option in the case of specialized software containing classified information or sensitive data), and therefore by disclosing parts of code and making it possible for public administration entities to use open source software, effectiveness of use of resources is increased.

Commitment No. 16: Enable the disclosure of source code and development using open methods for newly developed plug-ins and extensions of web browsers and client applications.

Responsible: the ministers, the head of the Government Office, the heads of other central government bodies

Deadline: ongoing, evaluation on December 31

Commitment No. 17: Document the use of selected open source components in custom-made information systems, analyze the possibility of publishing parts of the code and documentation under an open license and publish selected parts of the code.

Responsible: the ministers, the head of the Government Office and heads of other central government bodies

Deadline: October 31, 2017

Commitment No. 18: Publish at the Open Data Portal the list of used open source software stating the purpose of each type of software, license type, as well as software for which a government body has a license for its use, distribution and publishing

Responsible: the ministers, the head of the Government Office and heads of other central government bodies

Deadline: July 31, 2017

Commitment No. 19: In cooperation with experts, carry out a study that will document the possibilities, advantages and disadvantages of using open source software and other licensing models in the state administration.

Responsible: Deputy Prime Minister for investment and Informatization, in cooperation with the ministers, the head of the Government Office, chair of the Public Procurement Office and the Plenipotentiary of the Government for the Development of Civil Society

Deadline: December 31, 2017

Commitment No. 20: Carry out an initial feasibility study on the introduction of satellite account for NGOs (cost-benefit analysis).

Responsible: head of the Slovak Statistical Office in cooperation with the Plenipotentiary of the Government for the Development of Civil Society

Deadline: December 31, 2017



1.4 Module Subsidy Schemes

In early 2016, web application for European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and subsidy schemes from the state budget, so called Module Subsidy Schemes, was launched. **Module Subsidy Schemes** piloted with the recorded data for the year 2015. After the evaluation of published data and functionalities of the website, it is necessary to ensure the minimum scope, format and structure of the published data, and ensure the continuity of regular publication of the data.

Commitment No. 21: Define the minimum scope and structure of the disclosed data on the use of European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: March 31, 2017

Commitment No. 22: Publish data on the use of funds provided by central government authorities within the European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget, at least in the defined structure at the website <https://data.gov.sk/dotacie>.

Responsible: Deputy Prime Minister for investment and Informatization, the ministers, the head of the Government Office

Deadline: June 30 annually for the previous year

1.5 Central Register of Contracts

Central Register of Contracts was established pursuant to Law No. 546/2010 Coll. amending Act No. 40/1964 Coll. Civil Code, as amended, and amending and supplementing certain laws¹². Based on the current legislation it is mandatory to publish contracts involving specified institutions (public authorities) in the Central Register of Contracts. In order for a contract to have legal force, publication of the contract is required.

Practice has shown, however, that the legislation is not resistant to circumvention. The Government, therefore, in order to enhance and expand the system of mandatory publication of contracts, commits itself to clarify the legal obligation of companies with wholly public ownership to disclose the contracts, to extend the mandatory publication of contracts on the internet from five to ten years from their effective date and to create a mechanism for monitoring compliance with the obligations to disclose the contracts. The Government is also committed to establish a platform for publication of local self-government (municipality) contracts in a single central register.

Commitment No. 23: In a participatory manner, carry out an analysis of compliance with the obligation to publish contracts in the Central Register of Contracts, prepare a proposal of changes that will clarify the obligation and enable an effective mechanism for compliance verification, and submit these to the Government.

Responsible: Deputy Prime Minister and Minister of Justice in cooperation with the Plenipotentiary of the Government for the Development of Civil Society

Deadline: December 30, 2017

Commitment No. 24: Create space for the publication of local self-government (municipality) contracts in a single central repository.

Responsible: Deputy Prime Minister and Minister of Justice in consultation with the Head of the Government Office

Deadline: December 31, 2017

¹² Available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2010/546/>.

1.6 Register of Beneficiaries

In September 2015, Slovak law¹³ was introduced to the Institute of Beneficiary, Register of Final Beneficiaries (beneficial ownership) and the obligation to register in this register for entities participating in the public procurement. The purpose of these changes was to allow for public control of who actually benefits from transactions with the government and to limit the possibility of shell corporations (or "mailbox companies") to receive payments from the state. However, the legislation adopted does not address the problem in a comprehensive way because it concerns only public procurement.

The Government of the Slovak Republic, therefore, undertook in its Government Manifesto to adopt an effective anti-shielding law applicable to all public resources which, in addition to its international legal obligations in the area of combating money laundering, will extend the requirements to entities with which the state or public-law entities enter into a business relationship or under which a third party accepts any transaction, including the sale of state property. The legislation will build on the existing legal regulation with regards to public scrutiny of the Register of Final Beneficiaries and after the reassessment of effectiveness it will extend the number of affected persons to all the entities receiving compensation from the state and increase the real enforceability of the law by appropriate sanctions, which will be a considerable deterrent for those who have reported false information, taking away economic advantage from those who obtained it by unlawful action.

The task to submit a draft law on the Register of Final Beneficiaries was defined in the Plan of Legislative Tasks of the Government for the months of June to December 2016¹⁴. The law, ultimately named as the **Law on the Register of Partners of the Public Sector** was approved by the National Council of the Slovak Republic on October 25, 2016 and will be effective from February 1, 2017.

¹³ The original legal regulation was contained in Article 1 of the Act No. 25/2006 Coll. on Public Procurement, amending and supplementing certain acts. This legislation was replaced by Act No. 343/2015 Coll. on Public Procurement, amending and supplementing certain acts, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/343/>

¹⁴ Available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=25633>



2. Open Education and Open Science

2.1 Open Educational Resources

The mapping of existing repositories of the Ministry of Education, Science, Research and Sport and its directly managed organizations showed that none of them can be used as a central repository for open educational resources in their current state. The Ministry of Education, Science, Research and Sport, as an introductory step, defined the necessary features of such a central repository. The Government of the Slovak Republic also declared its interest in creating a central archive of digital educational content in the Government Manifesto.

Commitment No. 25: Establish and operate a repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic for storage, long-term archiving and access to educational resources.

Responsible: Minister of Education, Science, Research and Sport

Deadline: June 30, 2018

Commitment No. 26: After the establishment of the repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic, continuously make available open educational resources under the Creative Commons Attribution (CC BY) public license.

Responsible: Minister of Education, Science, Research and Sport

Deadline: ongoing, evaluation on December 31

The Ministry of Education, Science, Research and Sport in the 2015 OGP National Action Plan mapped the existing electronically available educational resources¹⁵ and concluded that on the basis of existing contractual relationships between the Ministry and its partners (especially authors and publishers), there are no electronic educational resources that could be made available under Creative Commons Attribution (CC BY) license¹⁶. The situation cannot be changed by a unilateral act of the Ministry, but could be changed on the basis of negotiation with the partners on the possibility of providing additional access to educational resources under a public license. This is especially the case for educational resources created since 2008.

Commitment No. 27: Reach out to partners who have provided educational resources after 2008 to the Ministry of Education, Science, Research and Sport of the Slovak Republic or to its directly managed organizations, with a suggestion to make educational resources available under the Creative Commons Attribution (CC BY) public license.

Responsible: Minister of Education, Science, Research and Sport

Deadline: July 31, 2017

As a continuation of the 2015 OGP National Action Plan, which addressed the use of Creative Commons Attribution (CC BY) licenses, it is necessary to further ensure that all new educational resources acquired under the authority of the Ministry of Education, Science and Sport through public procurement, European

¹⁵ Available at http://www.minv.sk/?ros_ovz.

¹⁶ Creative Commons licenses are the current world standard for open licensing of copyrighted works (other than software), are flexible and most commonly used for this purpose (more than a billion of licensed works - source: <https://stateof.creativecommons.org/2015/>). Creative Commons Licenses version 4.0 are uniform for all jurisdictions of the world and thus allow international interoperability. The European Commission in its Framework Program for Research and Innovation Horizon 2020 mentions the use of Creative Commons licenses (https://ec.europa.eu/programmes/horizon2020/sites/horizon2020/files/FactSheet_Open_Access.pdf). World leaders in open education use Creative Commons Attribution licenses (CC-BY). Creative Commons licenses are also used in Slovakia (see e.g. portal data.gov.sk).



Structural and Investment Fund projects or in other forms, will be made available under the Creative Commons Attribution (CC BY) public license¹⁷.

Commitment No. 28: Ensure that all contractual relationships for the creation of educational resources funded by public funds under the authority of the Ministry of Education, Science, Research and Sport of the Slovak Republic and its subordinate institutions include the condition of the use of a Creative Commons Attribution (CC BY) public license.

Responsible: Minister of Education, Science, Research and Sport

Deadline: execution from March 31, 2017 onwards, evaluation on December 31

The Government of the Slovak Republic, in the chapter of its Government Manifesto on ensuring quality education and training, committed itself to improve the conditions for the creation of digital educational content and its use in educational and training activities, and also to promote the development of digital skills for children, pupils and pedagogical staff. The current situation with digital educational content can be improved with inspiration from abroad, where the creation of open educational resources has been happening for a long time, driven by leaders which include universities, research institutes and foundations¹⁸. There are many websites offering freely available educational resources. In most cases, these educational resources have been published under a Creative Commons Attribution (CC BY) or other public license granting unlimited reuse rights. The challenge from the point of view of our teachers, other pedagogical staff and professional staff in primary and secondary education as well as pupils and students, especially young ones, is that these resources are predominantly in English. It seems to be advantageous to translate selected educational resources into Slovak and other languages of national minorities, thus increasing their usefulness in the educational process. It is also appropriate to find a mechanism to motivate the creation of open educational resources by teachers, other pedagogical staff and professional staff in primary and secondary education, as well as by pupils and students.

Commitment No. 29: Encourage translation or dubbing of freely available educational resources into the state language or minority languages (especially videos and short films) appropriate from the perspective of the state educational program.

Responsible: Minister of Education, Science, Research and Sport

Deadline: June 30, 2018

In addition to ensuring the publication of educational resources under a public license in primary and secondary education, it is also necessary to address this situation at the level of university education. It is imperative to design and implement in a pilot program a new model for publishing university textbooks, teaching and educational materials that would require their publication under Creative Commons Attribution (CC BY) public license.

Commitment No. 30: Propose and carry out pilot program for ensuring availability of university textbooks and similar publications, as well as and scientific journals published by universities under Creative Commons Attribution (CC BY) public license through the repository operated by the Ministry of Education, Science, Research and Sport of the Slovak Republic.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

The pilot project will initially run on a voluntary basis. After the review and analysis of the pilot it will be desirable to prepare a sustainability model with regards to financing of the said outputs, as well as the op-

¹⁷ Juraj Draxler, the minister of education during the implementation of the OGP 2015 National Action Plan said on his blog on February 17th, 2016, that „...all new public procurements will include the condition of providing the textbook under a freely distributable digital license“ (see <http://blog.etrend.sk/juraj-draxler/ake-konkretne-zmeny-potrebuje-nase-skolstvo.html>).

¹⁸ For example, CK-12 Foundation <http://www.ck12.org>, Learning Resource Metadata Initiative <http://lrmi.dublincore.net/>, Open Yale Courses <http://oyc.yale.edu/>, Khan Academy <https://www.khanacademy.org/>, Curriki <http://www.curriki.org/>, Coursera <https://www.coursera.org/>, Open Professionals Education Network <https://open4us.org/resources/>, edX <https://www.edx.org/>, FutureLearn <https://www.futurelearn.com/>.



eration of the repository for their storage, long-term archiving and publication. It will be necessary to prepare legislation for the pilot's implementation.

Commitment No. 31: Submit to the Government the legislative proposals which will introduce specific rules for open publication and the obligation to provide free access of selected publicly funded publications through the repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

The Slovak Centre of Scientific and Technical Information has been operating the Central Registry of Theses and Dissertations¹⁹ that collects theses and dissertations of students and university teachers²⁰. The next step in this area could be to change the current license conditions to make these works available under a Creative Commons Attribution (CC BY) license. This will create several effects - it will simplify the administration associated with the current creation of contracts between universities and authors raise awareness of this type of licenses and simplify the use of these works, which is currently read-only and time-limited. A similar approach can be applied to the written reviews of these theses, which will introduce the process of assessment of these theses to greater public scrutiny. It is necessary to first analyze the proposal from all relevant aspects, especially from the perspective of copyright, so that it is in compliance with international, European, as well as national law.

Commitment No. 32: Analyze the possibility of applying Creative Commons Attribution (CC BY) public license as standard for selected works mandatorily published in the Central Registry of Theses and Dissertations.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

The involvement of teachers, other educational staff and specialists at all levels of education as well as pupils and students, including raising their awareness in this area, are a necessary condition for the successful implementation of the use of educational resources under a public license. The ambition is to achieve a degree of awareness of all concerned where the publication and use of open educational resources will become a matter of course. The previous OGP National Action Plan 2015 therefore included a commitment to propose and implement measures to raise awareness of teachers, other educational staff and specialists in primary and secondary education about open educational resources. The Ministry of Education, Science, Research and Sport identified the program of continuing education as the most appropriate pathway, and entrusted the Methodological Pedagogical Center with its implementation. Awareness can be raised in other ways as well - by creating concise manuals and presentations, conducting seminars, workshops, by creating a website about the importance of open educational resources, about existing open educational resources, about the repository of open educational resources, about public licenses, copyright, and so on.

Commitment No. 33: Raise awareness of open educational resources among teachers, other educational staff, professional staff in primary and secondary education, as well as pupils and students.

Responsible: Minister of Education, Science, Research and Sport

Deadline: ongoing, evaluation on December 31

The Government Manifesto chapter discussing providing quality education announces streamlining of the process of supplying textbooks and other teaching resources, including those with public licenses where schools will be gradually be allowed to choose from several types of textbooks.

¹⁹ Available at www.crzp.sk.

²⁰ Pupil / student works are adequately covered by the provisions of the Copyright Act on school works.



In relation to opening up to educational resources, the issue of their quality is raised. According to the survey of Didaktis²¹ publishing house, 76.6% of primary and 84.2% of secondary school teachers are dissatisfied with the quality of textbooks under the status quo. Teachers also mention the absence of supplementary materials to textbooks, activities to practice understanding of the curriculum, as well as other shortcomings. This situation persists despite a sophisticated approval mechanism for the creation of new textbooks. In the context of increasing the transparency and in order to ultimately improve the quality of educational resources, it seems appropriate to publish the results of this approval process (reviews, approval protocols, approval clause).

Commitment No. 34: Publish the outcomes of the approval process of educational resources on the website of the Ministry of Education, Science, Research and Sport of the Slovak Republic.

Responsible: Minister of Education, Science, Research and Sport

Deadline: ongoing, evaluation on December 31

²¹ Available at <http://www.noveskolstvo.sk/article.php?551>

2.2 Open Access to the results of research and development

The way of dissemination of the results of scientific research has been rapidly changing. The current technological possibilities opened the way to the emergence of Open Science. When talking about Open Science, we also talk about Open data and Open Access to the results of science and research. Open Science has the potential to transform the society and benefit all actors in the field of scientific research, the commercial sector, as well as the general public.

The policy of Open Access is one of the interests of the European Union, which adopted already in 2012 the *European Commission Recommendation on Access to and Preservation of Scientific Information*²². In accordance with the recommendation, the European Parliament issued Regulation No 1291/2013, establishing the Framework Program for Research and Innovation for the years 2014 – 2020, *Horizon 2020*²³. Open access publication concerns primarily results of publicly financed or publicly co-financed non-secret research.

Each EU country should pay attention to the development of its own policies on Open Access to scientific information. The development such national strategies on Open Access publication should be in line with the objectives of the European Commission. According to the *Feasibility analysis of establishing open access to selected publications*²⁴ and based on the document *Identifying the barriers to the implementation of full access to the results of science and research*²⁵, which are outputs of Commitments No. 17 and 18 of Slovakia's 2015 OGP National Action Plan, the main obstacles to the introduction of Open Access are: absence of a national repository or a network of institutional repositories, standardization of formats, metadata schema, and interconnection of information systems. Insufficient staffing for all processes at the national level may be another problem. It is also necessary to provide methodological guidance and education across the academia. Based on the identification of the barriers, the national law can be amended to incorporate the required measures and rules to establish the conditions for Open Access publication in a way that reflects the specifics of the outputs of the research process.

Despite the fact that universities and research institutes prefer the open publication of results of research and development in smaller institutional repositories, building a national repository is a more appropriate system solution. The application of standards, rules and recommendations at the international level and at European Union level will be much easier and more efficient.

Policies of Open Access to scientific publications have been addressed much more closely in most EU member countries than policies of **Open Access to research data**. However, data from research, its collection, processing, storage and re-use are an equally important component of Open Science. In addition to the publication of scientific publications, attention should also be given to research data. These are an equally important source of knowledge, which is often more efficient to use and more useful than the actual publication itself. In this context, **management of research data** becomes an important part of the research process. Proper management of research data should ensure the improvement of competitiveness in research and should become an integral part of the process of open publishing and Open Science. Several European countries established having a development plan for the management of research data as one of the conditions for their projects, both at institutional and national levels, and its development is also one of the requirements in Horizon 2020²⁶.

²² European Commission Recommendation of 17.7.2012 on Access to and Preservation of Scientific Information: https://ec.europa.eu/research/science-society/document_library/pdf_06/recommendation-access-and-preservation-scientific-information_en.pdf.

²³ Regulation No 1291/2013 of the European Parliament and of the Council of 11 December 2013: https://ec.europa.eu/research/participants/data/ref/h2020/legal_basis/fp/h2020-eu-establact_en.pdf

²⁴ www.rokovania.sk/File.aspx/Index/Mater-Dokum-192986

²⁵ <https://www.minedu.sk/data/att/8490.pdf>.

²⁶ Programme Guidelines on FAIR Data Management in Horizon 2020: <http://ec.europa.eu/research/participants/data/ref/h20>

The National repository should handle the collection, preservation and providing public access to the publications as well as research data resulting from non-secret research funded from public sources and make it available in standard formats, under the terms of Creative Commons Attribution License (CC BY). The introduction of the obligation of open publication should be supported by generally applicable legislation and must be in accordance with internationally applicable rules.

Public licenses are the legal instrument for the implementation of Open Access to the results of research and development. They are specifically addressed in the new Copyright Act (§ 76 Act No. 185/2015 Coll., Copyright Act²⁷). Creative Commons Attribution (CC BY) licenses seem to be the most appropriate, particularly because of their global prevalence, versatility, clarity and international long-term sustainability. Creative Commons Attribution licenses are already established in the Slovak environment and are already being used for Open Access publications as well as open educational resources.

The need for mutual cooperation in the exchange of scientific data is also underscored by the European Commissioner for Science, Research and Innovation Carlos Moedas who pointed out that "most of the scientific data is now locked in the literature, in academic articles. We have to unlock them. The effort of the European Commission is to allow millions of researchers to share and analyze research data in a trusted environment across technologies, disciplines and countries."

All these efforts are very welcome. It should be underlined, however, that providing access to scientific data is a fairly complex process. The most appropriate mechanisms for this are currently developed and tested in more advanced countries of the EU. It is therefore difficult in the short term to implement the ultimate solution in Slovakia. But we need to recognize this trend and take gradual steps in cooperation with the rest of Europe to seek and find optimal outcomes.

Commitment No. 35: To introduce the basic principles of Open Access to scientific publications under a public license under the Operational Program Research and Innovation.

Responsible: Minister of Education, Science, Research and Sport

Deadline: May 31, 2017

Commitment No. 36: Ensure the implementation of public license Creative Commons Attribution (CC BY) in the relevant documents, methodologies, manuals and procedures in order to increase their usage by authors and other rights holders in the preparation of scientific papers.

Responsible: Minister of Education, Science, Research and Sport

Deadline: October 31, 2017

It appears to be suitable to establish a central point to serve as the methodological coordination point also providing technical and financial support for the issuance of Slovak technical and scientific Open Access publications using a public license. Its responsibilities will include creating and maintaining a website about Open Access. It should also provide targeted training activities for librarians and researchers at universities and research institutions. It appears that the Slovak Center of Scientific and Technical Information is the ideal host institution for this central point.

Commitment No. 37: Establish Contact Office for Open Access.

Responsible: Minister of Education, Science, Research and Sport

Deadline: March 31, 2017

In order to advance the issue of Open Access, it is necessary to carry out passportization [sic] of open research data in the Slovak institutions. Its task is to understand several parameters, such as typology, place of production, quantification, processing methodology and avoiding duplicate processing. Based on the

²⁷ Available at www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/185/20160101



results of this passportization it is necessary to devise a mechanism for identifying, acquiring and storing of research data related to scientific publications, which will be done initially on a voluntary basis, and required later in the future. It is also appropriate to introduce (as one of the conditions for obtaining public support in the form of grants, subsidies, etc.) the development of a plan of managing research data (Research Data Management Plan), which would regulate basic data identification, its description, as well storage and access.

Commitment No. 38: Establish conditions for passportization of open research data under a public license and monitor its implementation in practice.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

In order to store, and to provide long-term archiving and access to Slovak scientific and academic publications, scientific data and gray literature²⁸, it is necessary to create a national repository. It appears that the ideal solution is to build and operate this national repository at the Slovak Center of Scientific and Technical Information. Emphasis will be placed on the sustainability of the national repository and its interlinking in international structures, compatibility with international rules and requirements (e.g. Horizon 2020).

Commitment No. 39: Establish and operate a repository to provide storage, long-term archiving and access to Slovak scientific and academic publications, research data and gray literature.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

Benchmarking is a management tool that seeks to find the best solution by measuring performance and processes of the organization and systematically comparing them with the performance of others. Benchmarking enables the identification of strengths and weaknesses of the organization's activities and can incentivize continuous improvement.

Commitment No. 40: Design systematic benchmarking monitoring mechanisms for the measurement and comparison and propose further analyses related to acquiring, processing and re-use of research data and Open Access scientific publications.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

Commitment No. 41: Actively create awareness of the possibilities and advantages of Open Access in the academic community, among educational institutions, but also in the commercial sector, NGOs and among the general public. Also spread awareness about the benefits of open publishing for the Advancement of Science.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

Commitment No. 42: Actively participate in discussion forums, programs and multilateral efforts in Europe and beyond to support the creation, improvement, mutual exchange and reuse of open educational resources; ensure international coordination of the activities in the area.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2018

²⁸ Documents which are typically produced in small volume by research institutes, universities, international organizations, public authorities and other legal entities and which are typically not distributed through a network of publishers or information produced on all levels of public administration, academia, business and industry in electronic and printed form, not published by commercial publishers, i.e. published in areas whose primary function is not publishing.



3. Government Open to Dialogue

3.1 Participation in the creation of public policies

Participation, and therefore effective dialogue between public entities and stakeholders, leads to the proposal of effective solutions to the problems, which is based on informed decisions of public entities about the needs of stakeholders.

Similarly, the Government of the Slovak Republic is aware of the importance of public involvement in the formulation of public policies. In its Manifesto the Government pledged to create and improve citizens' opportunities to participate in the creation of public policies and to increase transparency in decision-making processes of the public administration. Promoting participation is a tool of public control, eliminating the space for corruption.

The need for the involvement of stakeholders in the design, monitoring and evaluation of public policies has been increasing both in the international as well as the domestic context. The international organizations that are drawing attention to the positive effects and the necessity for participation as a tool for creating better public policies include OECD²⁹, the European Commission³⁰, and the United Nations^{31/32}. Within the domestic context, it is important to mention the adoption of a uniform methodology for assessing selected impacts of public policies on *public finances, social situation of the population, employment, business climate, environment and the information society*.³³ In assessing the impact of selected public policies on the business environment, it is necessary to initiate consultation with business entities in order to eliminate the negative impacts of public policies on the commercial sector.

Such a participatory element builds a partnership between the public administration (the regulator) and the business environment (which is being regulated). It is appropriate to carry out consultations with other interested parties as well for public policies which also have an impact on other segments of the society.

It is also important to mention that the Government of the Slovak Republic at its 6th meeting on May 4, 2016, approved the Legislative Rules of the Slovak Government, which reflect the need for public involvement in the formulation of public policies. According to these Legislative Rules, when full-length public consultation is expected, the proposing party is required to inform the public and public authorities before the launch of the lawmaking process by publishing *preliminary information*³⁴ about the legislation. The public can submit feedback on the preliminary information via the portal SloV-Lex and the legislator should address and publish a response in the same place. In the *Report on Public Participation in the Drafting of Legal Regulation*³⁵ the legislator formally declares that it responded to those who provided feedback.

²⁹ See OECD: Citizens as Partners. OECD handbook on information, consultation and public participation In policy-making. Paris: 2001. Available here: <http://www.internationalbudget.org/wp-content/uploads/Citizens-as-Partners-OECD-Handbook.pdf>.

³⁰ See European Commission: Code of Good Practice For Consultation of Stakeholders: http://ec.europa.eu/dgs/health_food-safety/dgs_consultations/docs/code_good_practices_consultation_en.pdf.

³¹ See United Nations: Civic Engagement in Public Policies. New York, 2007. Available here: <https://publicadministration.un.org/publications/content/PDFs/E-Library%20Archives/2007%20Civic%20Engagement%20in%20Public%20Policies%20Toolkit.pdf>.

³² See UNDP Strategy on Civil Society and Civic Engagement. Available here: http://www.undp.org/content/undp/en/home/librarypage/civil_society/UNDP-Strategy-on-Civil-Society-and-Civic-Engagement-2012.html.

³³ The new Uniform Methodology for Assessing Selected Impacts, approved by [Government Resolution No 24/2015](#), entered into force pursuant to [Government Resolution No 55/2015](#) on October 1st, 2015.

³⁴ According to Art. 10 Paragraph 2 of Legislative Rules of the Slovak Government the submitter states in the preliminary information „the main objectives and theses of the prepared draft law, assessment of the current state, the process of public participation in the preparation of the legislation and the expected date of the initiation of the comment procedure“ in order to inform the public and public authorities in advance.

³⁵ Legislative Rules of the Slovak Government, Annex No. 4, Scenarios 2-4, section „Public participation in the creation of legal acts“, section „Feedback“, available at: [http://www.vlada.gov.sk/data/files/6645_legislativne-pravidla-vlady-slovenskej-](http://www.vlada.gov.sk/data/files/6645_legislativne-pravidla-vlady-slovenskej-24)



The Report on Public Participation in the Drafting of Legal Regulation is mandatory annex of the draft legislation submitted to the interdepartmental comment procedure under Art. 17 paragraph. 1 point. f) of Legislative Rules of the Slovak Government. An example Report on Public Participation in the Drafting of Legal Regulation was designed by the Office of the Plenipotentiary of the Government for the Development of Civil Society and is based on the material *Guidelines for Engaging the Public in Public Policy Making*, which was approved by the Government Resolution No. 645 of December 17, 2014. The Report on Public Participation in the Drafting of Legal Regulation addresses compliance with recommended steps leading to fair and effective dialogue with the public and stakeholders in the individual phases and subphases of the law-making process. The Report declares that the draft law was created with the participation of the public, as required by both the Legislative Rules of the Slovak Government, as well as Act No. 400/2015 Coll. On law-making and on the Collection of Laws of the Slovak Republic and on amendments to certain laws³⁶.

The Office of the Plenipotentiary of the Government for the Development of the Civil Society aims to analyze and assess reports on public participation in rule making, as well as preliminary information published on the Slov-Lex portal. The analysis will include recommendations to eliminate shortcomings of the submitted reports on public participation, as well as of preliminary information.

Evaluation of results of participatory processes during the creation of public policies that have been implemented at various ministries during the implementation of OGP National Action Plans shows that that on the basis of active dialogue, mutual understanding of needs of stakeholders deepens, relationship is improved, and practical information is exchanged, which creates an environment for future cooperation and eliminates unnecessary tensions during the official comment procedure. The participatory process of the creation of public policies also has a positive impact on the sustainability and leads to better quality of decisions. Based on these positive trends, participatory creation of public policies should continue at the national, regional, as well as local level. This is important especially because the participatory public policy-making is still not yet a standardized processes in the public administration and there are examples of good as well as bad practice.

The following commitments are listed chronologically. The first step is to identify public policies by individual ministers and heads of other central government bodies that will be created in a participative manner in cooperation with the civil society. This identification of policies must be preceded by an **active dialogue** between central government bodies and the civil society. Office of the Plenipotentiary of the Government for the Development of Civil Society will then provide support to the employees of central government bodies by organizing seminars and trainings in facilitating participatory processes, as well as workshops for know-how exchange among the public servants.

The aim of seminars, trainings and workshops is to raise awareness about the possibilities, techniques and benefits of involving stakeholders in the creation of public policies. This will enable public servants to acquire specific skills they will use in the process of creation of public policies.

Commitment No. 43: Based on a broad dialogue between central government authorities and the civil society, identify public policies that will be created in a participative manner with civil society representatives.

Responsible: the ministers, the head of the Government Office, the heads of other central government bodies, in cooperation with the Plenipotentiary of the Government for the Development of Civil Society
Deadline: March 31, 2017

Commitment No. 44: Organize trainings in the area of involving the public in the creation of public policies for public servants who will participate in the creation of public policies that have been identified.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

[republiky-schvalene-uznesenim-vlady-slovenskej-republiky-zo-4-maja-2016-c-164-v-zneni-uznesenia-vlady-slovenskej-republiky-z-28-septembra-2016-c-441.pdf](https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/)

³⁶ Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/>



Deadline: June 30, 2017

Commitment No. 45: Create public policies identified in accordance with the recommended material "Guidelines for Engaging the Public in Public Policy Making" in cooperation with civil society representatives.

Responsible: the ministers, the head of the Government Office, the heads of other central government bodies, in cooperation with the Plenipotentiary of the Government for the Development of Civil Society

Deadline: December 31, 2018

Commitment No. 46: Conduct workshops focused on the exchange of experiences among government employees who participate in the creation of the identified public policies.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: December 31, 2018

Commitment No. 47: Evaluate identified participatory processes of creation and implementation of public policies and disseminate examples of good practice based on this evaluation.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: May 31, 2019

With a vision to promote the principles of open governance at regional and local levels, The Office of the Plenipotentiary of the Government for the Development of the Civil Society in cooperation with NGOs prepared a national project to promote the participation of citizens in public policy making. The project entitled *"Promoting partnership and dialogue between public administration, citizens and non-governmental organizations at national, regional and local level in the field of participatory public policy-making"*³⁷ will be funded by the Effective Public Administration Operational Program.

The project will implement 12 participatory policy-making process at national, regional, local and micro-regional level in areas such as participatory budgeting, the issue of national and local Roma integration, sustainable mobility, environmental education and others. The project will also map the current legislative framework and the state of participation in Slovakia and strengthen professional capacities of public servants in participatory public policy-making. The project will be concluded by the evaluation of the 12 participatory policy-making process in order to disseminate examples of good practice.

Commitment No. 48: Promote partnership and dialogue between public authorities, citizens and NGOs at national, regional and local level in the area of participatory public policy-making.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: June 30, 2019

Public administration must respond to the transformation of society, which occurred due to the development of information and communication technology ("ICT"). Increased availability of ICT creates new expectations on the side of citizens and businesses in terms of quality, transparency and efficiency of public services³⁸.

There are several free on-line tools, such as Google Drive, which enable efficient and effective collaboration of several people in producing a single document. When used in the creation of public policies (e.g. draft bill, strategy, action plan, project, program, etc.), these on-line tools reduce the cost of the participatory process of the creation public policies and facilitate the collection of feedback from the stakeholders in the external environment during the entire public policy creation process.

³⁷ More about the upcoming national project available here: http://www.minv.sk/?ros_participacia_np.

³⁸ <https://ec.europa.eu/digital-single-market/en/eparticipation>.



Internal directives of individual public institutions on the use of the internet and intranet do not, however, address the possibility of the use of free on-line tools in the creation of public policies. The commitment will address the design of recommended internal guidelines on the use of free on-line tools in the creation of participatory public policies in a way that will decrease the security risk related to the use of on-line tools to a minimum.

Commitment No. 49: Propose a recommendation of internal guidelines on the use of free on-line tools in participatory creation of public policies.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: March 31, 2018



3.2 Education and awareness raising

The creation of educational tools to raise awareness of the importance of participation on the part of both public administration employees and citizens is indispensable for increasing citizens' participation in public administration. The ambition is to achieve a level of awareness among all stakeholders where participatory public policy making and public participation in governance will become a standard. After the creation of educational tools (manuals, methodologies, e-learning), intensive cooperation with the Ministry of Education, Science, Research and Sport is needed to use educational tools about participation in formal education, using informal learning methods.

Commitment No. 50: Create learning tools in the field of participation.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: June 30, 2019

Commitment No. 51: Use educational tools about participation in formal education using informal learning methods.

Responsible: Minister of Education, Science, Research and Sport

Deadline: December 31, 2019

Another prerequisite for mainstreaming participatory methods is to create conditions for their implementation at the level of central government bodies. It is advisable to map out the current situation regarding organizational processes, internal guidelines and measures at the level of individual central government bodies and modify them in a suitable way so as not to hinder the involvement of stakeholders involved in public policy making.

Commitment No. 52: Develop recommendations for embedding participatory processes into organizational processes, internal guidelines and other documents for the needs of central government bodies.

Responsible: Plenipotentiary of the Government for the Development of Civil Society in cooperation with the Deputy Prime Minister and Minister of the Interior

Deadline: December 31, 2018

4. Open Justice

4.1 Judiciary

4.1.1 Evaluation of the work of judges

In 2015, Ministry of Justice of the Slovak Republic as part of the fulfillment of its Commitment No. C.29 of the OGP National Action Plan 2015 to "Prepare a legislative proposal which will enable the publication of assessments of judges' work and submit it to the government" prepared a draft law supplementing Act No. 385/2000 Coll. On judges and adjudicators and on amendments to certain laws, which implements this commitment. The material will be submitted to the legislative process in 2016 and, after its adoption, will allow publication of assessments of judges' work, which the Government of the Slovak Republic also pledged in its Government Manifesto.

Regular assessment of the work of judges will need to be evaluated and completed to fulfill its function. Work of judges is to be assessed in a comprehensive manner, so every judge is to be subjected to a comprehensive evaluation once every five years. Judges' assessments today are carried out by their colleagues, so the assessments will need to be completed - especially those of the evaluators. The Slovak Government will consider creating so-called Evaluation Senates, which will be made up of judges who will only devote themselves to this activity.

The Government of the Slovak Republic undertook, in the framework of the public control of the judiciary, to review the implementation of the assessments of the work of judges in terms of their clarity and in terms of making further analysis easier, involving the public in the evaluation of the present state.

Commitment No. 53: Reassess the implementation of the publication of assessments of judges in terms of the clarity and making further analysis easier.

Responsible: Deputy Prime Minister and the Minister of Justice

Deadline: December 31, 2017

4.1.2 Publication of judicial decisions

In January 2016, the pilot implementation of the publication of court rulings on the Slov-Lex portal was launched. It now enables search in one place for the decisions of the Supreme Court of the Slovak Republic, the decisions of the General Courts of the Slovak Republic, the decision of the European Court of Human Rights and the decisions of the Court of Justice of the EU. Practice has shown that not all decisions need to be published, so it is appropriate to specify which decisions do not need to be published.

The Government of the Slovak Republic has undertaken to review the implementation of the publication of court decisions in terms of the clarity and in terms of making further analysis easier also in its Government Manifesto for the years 2016 - 2020, while the public will also participate in the evaluation of the current state.

Commitment No. 54: Specify which court decisions do not need to be published.

Responsible: Deputy Prime Minister and the Minister of Justice

Deadline: July 31, 2017

4.1.3 Access to justice

Act No. 305/2013 Coll. On the electronic form of exercising the powers of public authorities and on the amendment and supplementation of certain laws (eGovernment Act) stipulates that central authorities of

the state administration are obliged to create electronic forms for electronic submissions³⁹. Formalized submissions (such as the proposal for the initiation of proceedings, prosecution, request, complaint, statement, announcement or other document), which clearly outline the essential (and other necessary) requirements, enable citizens to have better access to justice because they are not forced to seek paid legal aid. At the same time, the workload of courts is decreased as many imperfect submissions are avoided and it is therefore not necessary to call on the petitioner to supplement or repair the submission. Formalizing submissions also positively affects the timeliness of proceedings. For these reasons, it is desirable to specify the types of submissions that are appropriate to formalize, to propose standardized forms for selected submissions and to publish standardized submissions in the electronic format at the website of the Ministry of Justice, the central public administration portal and the Slov-Lex legal and information portal. The Government of the Slovak Republic has also pledged to improve the availability of the standardized forms in its Government Manifesto for 2016-2020.

Commitment No. 55: Specify the types of submissions that are appropriate to formalize, design standardized forms for selected submissions, and publish the standardized submissions electronically at the website of the Ministry of Justice of the Slovak Republic, the central public administration portal and the Slov-Lex legal and information portal.

Responsible: Deputy Prime Minister and the Minister of Justice

Deadline: ongoing, evaluation on December 31

4.1.4 Disciplinary proceedings

Disciplinary proceedings in the case of judges are lengthy and inflexible, which leads to insufficient disciplinary responsibility. It is possible to appeal the decisions of the Disciplinary Commissions or request reopening of the proceedings. Other kinds of extraordinary appeals against the final decision of the Disciplinary Commission are inadmissible⁴⁰.

Based on the past experience, it would seem appropriate to introduce into the Slovak legal order the changes which will ensure better functioning of the proceedings and also ensure consistent, rapid and effective application of the disciplinary responsibility of the judges. It is also necessary to establish a supervisory system that will carry out continuous monitoring of the activities of these bodies in order to ensure smooth operation of the Disciplinary Commission. In its Government Manifesto, the Government of the Slovak Republic pledged to adopt these measures to increase the public control of the justice system. The Government also undertook to adopt legislative measures to establish a clear supervisory authority that would ensure smooth operation of these proceedings while preserving the composition of the Disciplinary Commissions.

Commitment No. 56: In a participatory manner, prepare draft legislative changes to determine the authority to supervise the fluency of disciplinary proceedings and to ensure a rigorous, swift and effective application of the disciplinary responsibility of judges and submit them to the Government.

Responsible: Deputy Prime Minister and the Minister of Justice

Deadline: June 30, 2018

4.1.5 Selection procedures

In its Government Manifesto, the Government of the Slovak Republic pledged to increase the public control of the judiciary by introducing measures to ensure that the selection of the heads of courts, judges and

³⁹ Section 24 par. 2 of the cited Act, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2013/305/20151101>.

⁴⁰ Act No. 385/2000 Coll. On Judges and Associate Judges and on Amending and Supplementing Certain Acts, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/385/20160101>.



judicial staff is transparent from the beginning to the final decision on personal selection, reinforcing the objective elements in the selection process, so that in the selection of the heads of courts and judges also includes persons outside the judicial environment.

Commitment No. 57: In a participatory manner, prepare draft legislative changes to ensure greater public scrutiny of the election of the heads of courts, judges and judicial staff and present them to the Government.

Responsible: Deputy Prime Minister and the Minister of Justice

Deadline: June 30, 2018



4.2 Prosecution

4.2.1 List of prosecutors

In 2015, Under Commitment No. C.32 of the OGP National Action Plan 2015, Act No. 154/2001 Coll. On Prosecutors and Lawyers of the Public Prosecutor's Office⁴¹ was amended to include the obligation for Supreme Public Service Office (of the Public Prosecutor's Office) to publish and continuously update the names of the prosecutors. The names of the prosecutors were published in January 2016. The publication of the list of prosecutors only in the form of the first name and last name, however, is not sufficient in terms of openness and public scrutiny. It is therefore necessary to extend the published list to include the place of office of individual prosecutors.

Commitment No. 58: Prepare and submit to the Government a draft of the Act amending Act No. 154/2001 Coll. On prosecutors and Lawyers of the Public Prosecutor's, that will ensure the publication of the seat of office of individual prosecutors.

Responsible: Deputy Prime Minister and the Minister of Justice in cooperation with the Attorney-General

Deadline: July 31, 2018

4.2.2 Attorney-General

According to the current law⁴², proposals for the appointment of the Attorney-General are submitted by the Members of the National Council of the Slovak Republic ("the National Council") to the Speaker of the National Council, who assigns them to the Constitutional Committee of the National Council. The Constitutional Committee passes the proposal along with its opinion to the Speaker of the National Council who then schedules the proposal along with the opinion of the Constitutional Committee for the next meeting of the National Council. Members of the National Council vote for the candidate who is then proposed to the president for appointment. This method is not satisfactory because in the end result the nominee is chosen only by political parties and the nominee's selection process is subject to the political struggle.

Therefore, the right to propose candidates based on their professional qualities should be also granted to the representatives of legal professionals (such as the representatives of the professional chambers, the academic community, including prosecutors, and the public defender of rights). This requirement is also apparent from the report of the Venice Commission on European Standards relating to the Independence of the Judicial System, Part II - Prosecution⁴³. In the opinion of the Attorney-General's Office, it is necessary to pay close attention to the circle of persons and entities who should have the right to recommend the candidates for the Attorney-General to the National Council. At the same time, the relevant parliamentary committee should keep the competence to decide which nominees will be submitted to the National Council for voting, but under strict conditions, so that unfair exclusion cannot occur.

Commitment No. 59: Create draft legislation to extend the right to recommend candidates for the post of Attorney-General.

Responsible: Deputy Prime Minister and the Minister of Justice in cooperation with the Attorney-General

Deadline: July 31, 2018

⁴¹ Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/154/20160101>.

⁴² Section 123 par. 1 of Act No. 350/1996 Coll. on **Rules of Procedure of the National Council of the Slovak Republic**, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1996/350/20160101>.

⁴³ Approved by the European Commission to Promote Democracy by Law – the Venice Commission at its 85th plenary session (Venice, December 17–18, 2010), available at: http://www.concourt.sk/sk/Dokumenty/2011/D_2011_01.pdf.

4.2.3 Disciplinary proceedings

According to the current law, the Disciplinary Proceedings in Prosecutors' Matters are conducted by the Disciplinary Commission set up at the General Prosecutor's Office.⁴⁴ Only Prosecutors can be members and chairs of Disciplinary Commissions. The term of office of Disciplinary Commissions is three years, and the same person may be appointed to the Disciplinary Commission repeatedly. The Attorney-General decides on all issues concerning the appointment of Disciplinary Commissions - including the appointment of members of Disciplinary Commissions, chairs and substitutes (both first and second instance), makes decisions about replacing chairs / substitutes, and about excluding an individual Disciplinary Commission member from a hearing and from ruling on the basis of bias. The Prosecutors' Council decides on the principles of filling disciplinary commissions and creating a list of alternates, proposes the chairs, members and alternates of disciplinary commissions.

The motion to initiate disciplinary proceedings may be filed by the Attorney-General (against any prosecutor), the Public Defender of Rights, the Deputy Attorney-General and the respective Regional Prosecutor or District Prosecutor. The decision of the first-instance Disciplinary Commission may be appealed. The appeal is addressed by a five-member second-instance Disciplinary Commission. The final decision issued in disciplinary proceedings is reviewable by a court.

There are several consequences of the existing legal framework:

- Attorney-General has a particularly strong position and has the power to decide about the appointment, replacement, as well as bias of the members of the Disciplinary Commissions, and is also entitled to make a motion to initiate disciplinary proceedings. He is therefore both the proposer and the creator of the body that decides on the proposal.
- Although the Prosecutors' Council proposes the members of the disciplinary commissions, it decides only on the *principles* of filling the disciplinary commissions, the use of substitutes and filling in the database of candidates for the members of the disciplinary commissions and the procedure for the allocation of cases to individual commissions.
- Disciplinary proceedings are formally public, but since the members of the Disciplinary Commissions include only prosecutors, this is a closed system without real public control. Such a situation can not only be abused to harass prosecutors but also lead to insufficient (or nonobjective) accountability because the guilt is decided by colleagues.
- Laws on prosecution also do not explicitly address who can initiate disciplinary action against the Attorney-General.

It is clear from the Constitutional Court's finding⁴⁵ that the Prosecutor's Office is a special constitutional body of legal protection for which there is a legitimate requirement for such a legal regulation that will allow public control over the activities of the Prosecutor's Office as well as *"an adequate degree of influence of individual constituents of the state authority in relation to the Prosecutor's Office whose purpose is to ensure the proper realization of its mission consisting of an active, fair and impartial procedure in the protection of the public interest, the protection of fundamental rights and freedoms, as well as other rights and legitimately protected interests."* According to the Constitutional Court, the disciplinary liability (responsibility) of prosecutors is an institute whose purpose is mainly to direct the work of the prosecution - which is the competence of the Attorney-General. At the same time, however, the Constitutional Court also found that legislation that allows the National Council or constitutional bodies representing the executive branch to nominate candidates to the Disciplinary Commission *"has a rational basis, pursues legitimate aims, and therefore cannot be regarded as a manifestation of the legislator's willfulness."* The Constitutional Court stresses that *"the legal standards governing the creation and composition of disciplinary commis-*

⁴⁴ In case of a disciplinary offense by the Attorney-General, this will be addressed by the Constitutional Court of the Slovak Republic.

⁴⁵ PL. ÚS 105/2011 from May 7th, 2014 on compliance of certain provisions of acts no. 153/2001 Coll. and 154/2001 Coll.



sions should ensure balanced influence of the bodies representing the prosecution authorities, representatives representing the protection of rights and the interests of prosecutors and entities representing the external or Public control".

Commitment No. 60: In a participatory manner, conduct an analysis of disciplinary proceedings in prosecutors' affairs and create draft legislative changes in order to increase the transparency of these disciplinary proceedings.

Responsible: Deputy Prime Minister and the Minister of Justice in cooperation with the Attorney-General

Deadline: July 31, 2018

4.2.4 Selection procedures

Under current law⁴⁶, only a prosecutor may be a member of the selection board. Such membership restrictions may raise doubts about their objectivity and transparency.

The Constitutional Court of the SR stated⁴⁷: "*The Prosecutor's Office cannot be understood as a closed and isolated system of authorities, which has no bindings to other public authorities and whose activities cannot be interfered with in any (including legally regulated) way. From the principles of a democratic state, the division of power and checks and balances, there is a legitimate requirement for such a legal regulation, which would allow the exercise of public control over the activity of the prosecutor's office and an adequate degree of influence by the various branches of state authority in relation to the prosecutor's office. Its purpose is to ensure the proper execution of its mission, consisting of an active, fair and impartial procedure for the protection of the public interest, the protection of fundamental rights and freedoms, as well as other rights and the rights of protected interests. It is for this reason that it is legitimate to give the constitutional bodies representing individual branches of state power a certain degree of influence on the process of creation and filling of the boards of the Prosecutor's Office.*" The court also noted that the Attorney-General has a constitutional responsibility for the operation and functioning of the Prosecutor's Office and therefore must also have the possibility to influence the composition of the Selection Boards at least in some way.

Commitment No. 61: In a participatory manner, analyze the selection procedures for the prosecutor's office, including draft legislative changes, in order to increase their transparency.

Responsible: Deputy Prime Minister and the Minister of Justice in cooperation with the Attorney-General

Deadline: July 31, 2018

⁴⁶ Section 7a par. 2 of Act No. 154/2001 Coll. on Prosecutors and Prosecutor Candidates, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/154/20160101>.

⁴⁷ PL. ÚS 105/2011 from May 7th, 2014 on compliance of certain provisions of acts no. 153/2001 Coll. and 154/2001 Coll.



5. Application practice

In November 2014, Act No. 307/2014 Coll. On certain measures relating to the reporting of anti-social activities and on the amendment of certain laws with effect from 1 January 2015 was adopted, resulting from the commitments in the OGP National Action Plan 2012-2013. Pursuant to § 19 par. 1 of this Act, regular evaluation of the reporting of anti-social activities ("whistle-blowing") and the dissemination of information in this area has been entrusted to the Slovak National Center for Human Rights. The Slovak National Center for Human Rights developed the historically first evaluation report and published it⁴⁸ on its website in 2016. The report notes in particular that the mandatory subjects are disinterested in the issue of protected disclosure and indifferent to eliminating anti-social work at the workplace, as well as in the training of employees in the field of protected disclosure. It notes low awareness of the possibilities and the means of reporting anti-social activities and the lack of interest and fear of employees related to reporting anti-social activity⁴⁹.

For these reasons, it is necessary to promote and disseminate public awareness of anti-social activities and its reporting through training, seminars, workshops or other means, to regularly analyze and continue to evaluate the application of the cited law, to search for and to name the shortcomings of legislative modification and application practice, to propose and carry out the correction of identified shortcomings and to accept positive changes to ensure a more effective fight against anti-social activity.

Commitment No. 62: Raise public awareness in the field of reporting of anti-social activities and on the basis of the results of regular evaluations of application practice of Act no. 307/2014 Coll. on certain measures related to the reporting of anti-social activities and on the amendment of some laws, or to propose amendments to the legislation.

Responsible: Plenipotentiary of the Government for the Development of Civil Society in cooperation with the Deputy Prime Minister and Minister of the Interior and the Slovak National Center for Human Rights

Term: continuously, control date on March 31

The National Council of the Slovak Republic adopted Act No. 400/2015 Coll. On lawmaking and on the Collection of Laws of the Slovak Republic and on amendments and supplements to certain laws, which entered into force on 1 January 2016 (except Article I, § 2-10 with effect from 1 April 2016). § 7 of the Act lists obligatory elements of the draft law submitted to the inter-ministerial comment procedure. According to the cited provision, the Report on Public Participation in the Drafting of Legislation is a mandatory part of the draft law. Its purpose is to monitor whether legislation has been prepared with public participation, as required by Article 2 (1) of the cited law⁵⁰ so as to become a functional part of a balanced, transparent and stable legal system of the Slovak Republic compatible with the European Union law and the international legal obligations of the Slovak Republic.

Commitment No. 63: Analyze and evaluate preliminary information and reports on public participation in the process of drafting and commenting on draft legislation.

Responsible: Plenipotentiary of the Government for the Development of Civil Society in cooperation with the Deputy Prime Minister of the Slovak Republic and the Minister of Justice

Term: continuously, control date on March 31

On the central portal of the public administration www.slovensko.sk, the Electronic Collective Petition application was launched in the beginning of 2016, through which citizens of the Slovak Republic can turn to the Slovak government with various requests. The Government of the Slovak Republic has undertaken to address every petition which will receive at least 15,000 supporters within 30 days. The Office of the Pleni-

⁴⁸ Available at: http://www.snslp.sk/CCMS/files/1Hodnotiaca_spr%C3%A1va_-_fin%C3%A1lna_verzia_m.pdf.

⁴⁹ Cf. Evaluation report on the issue of protected communication in the Slovak Republic for 2015, available at: http://www.snslp.sk/CCMS/files/1Hodnotiaca_spr%C3%A1va_-_fin%C3%A1lna_verzia_m.pdf.

⁵⁰ Available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/>



potentiary of the Government for the Development of Civil Society initiated the creation of the application through the OGP National Action Plan 2012-2013 and now it intends to evaluate the effectiveness of this tool.

Commitment No. 64: Analyze and evaluate the effectiveness of the Electronic Collective Petition.

Responsible: Plenipotentiary of the Government for the Development of Civil Society in cooperation with the Head of the Office of the Government of the Slovak Republic

Deadline: December 31, 2017 and December 31, 2018

6. Feedback and next steps

In order to increase the successfulness of implementation of the OGP National Action Plan 2017-2019, it is necessary to establish a functional inter-ministerial working group to oversee the implementation of the commitments of the OGP National Action Plan 2017-2019 in the respective areas.

Commitment No. 65: Identify the person responsible for implementing the tasks of the OGP National Action Plan 2017-2019 in the organization.

Responsible: the Ministers, the Deputy Prime Minister of the Slovak Republic for Investment and Informatization, the Head of the Office of the Government of the Slovak Republic, the Head of the Other central government bodies

Deadline: March 31, 2017

Commitment No. 66: Coordinate the Working Group on the implementation of the OGP National Action Plan 2017-2019.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: June 30, 2019

One of the responsibilities of each country that has joined the OGP is to evaluate the successfulness of the implementation of the OGP National Action Plans.

Commitment No. 67: Develop the final evaluation of the OGP National Action Plan 2017-2019.

Responsible: Plenipotentiary of the Government for the Development of Civil Society in co-operation with the Ministers, Deputy Prime Minister of the Slovak Republic for Investment and Informatization, Head of the Office of the Government of the SR and heads of other central government bodies.

Deadline: June 30, 2019

After evaluating the implementation of the OGP National Action Plan 2017-2019, the next step is to develop the OGP National Action Plan for the next period, based on the recommendations and the results of the evaluation.

Commitment No. 68: Prepare and submit for the Government of the Slovak Republic the OGP National Action Plan for the following period.

Responsible: Plenipotentiary of the Government for the Development of Civil Society

Deadline: October 31, 2019

ⁱ Both the Minister of Interior and the Minister of Justice also serve as deputy prime ministers of the Slovak government. Wherever designated as responsible persons for specified commitments, the NAP cites both functions.