



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 2020 - 2021

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## List of Abbreviations

AML	<i>from English</i> Anti – Money Laundering
API	Application Programming Interface
Agenda 2030	The 2030 UN Agenda for Sustainable Development
CÚDEO	Central Repository for Open Educational Resources
CVTI SR	Slovak Centre of Scientific and Technical Information
EŠIF	European Structural and Investment Funds
NASES	National Agency for Network and Electronic Services
NR SR	National Council of the Slovak Republic
OGP	<i>from English</i> Open Government Partnership
PVV	The Manifesto of the Government of the Slovak Republic
ÚOŠS	Central Authorities of the State Administration
ÚPVII	Office of the Deputy Prime Minister for Investment and Informatization
ÚSV ROS	Office of the Plenipotentiary of the Government for the Development of Civil Society



## INTRODUCTION

The Slovak Republic joined the international initiative Open Government Partnership ("OGP") in September 2011. By joining the OGP, the Slovak Republic became a member of the group of countries from all continents with an ambition to increase transparency, participation, support innovation and open the public administration to the citizens. The Plenipotentiary of the Government of the Slovak Republic for the Development of the Civil Society has been responsible for coordinating the development and implementation of OGP National Action Plans in the Slovak Republic.

The Government of the Slovak Republic referred to the principles of open governance and the international OGP initiative in the Manifesto of the Government of the Slovak Republic (herein referred to as the "Government Manifesto") after parliamentary election in March 2016. The Government pledged to support the principles of open governance, increase transparency in the public administration, the judiciary, encourage participation of relevant stakeholders in the creation of public policies, as well as increase the usefulness of the information that the administration has available. By subscribing to the principles of open governance in the Manifesto, the Government of the Slovak Republic expressed its willingness to institutionalize the fight against corruption. The Government of the Slovak Republic also pledged to respect the UN Agenda for Sustainable Development 2020 - 2030 (hereinafter referred to as the "Agenda 2030") and the OECD Recommendation of the Council on Open Government adopted on December 14th, 2017.

To advance the principles of open governance through the Open Government Partnership, Slovakia works in a two - years National Action Plans cycles:

- The first OGP National Action Plan for years 2012 – 2013 („OGP National Action Plan 2012–2013“), adopted by the Government Resolution No. 50 from February 22, 2012.
- The second OGP National Action Plan for year 2015 („OGP National Action Plan 2015“), adopted by the Government Resolution No. 59 from February 11, 2015.
- The third OGP National Action Plan for years 2017 – 2019 („OGP National Action Plan 2017 – 2019“), adopted by the Government Resolution No. 104 from March 1, 2017.

The OGP National Action Plan 2017 – 2019 contained 68 commitments in five chapters: Open Information, Open Education, Government Open to Dialogue, Open Justice and Application Practice.

The OGP National Action Plan 2017 – 2019 implementation phase included regular meetings of working groups, meetings with experts on individual topics, civil society representatives and public events - "Open Government Weeks" during which discussions on the implementation of the Action Plan commitments and collecting inputs for draft of the new National Action Plan took place. The OGP National Action Plan 2017 – 2019 implementation phase included regular meetings of the inter-ministerial working group composed of representatives of Ministries and other Central Authorities of the State Administration. The representatives also participated in drafting and commenting on the new Action Plan. The implementation evaluation phase consisted of the working groups meetings focused on topics of Open Education and Open Science, Open Information (under the authority of the Office of the Deputy Prime Minister for Investment and Informatization) and meetings with experts on the topic of Open Justice. Contact persons from individual Ministries and other Central Authorities of the State Administration submitted materials for evaluation and offered input for further steps in the process.

Collection of input for the new OGP National Action Plan 2020 – 2021 was continuous, as well as targeted, specifically during two regional meetings with NGOs and involved public in Košice and



Banská Bystrica. Input from the OGP Independent Reporting Mechanism, evaluation of individual tasks submitted by the OGP contact persons from Ministries and other Central Authorities of the State Administration, recommendations from working group meetings, bilateral meetings and evaluation from the Office of the Plenipotentiary of the Government for the Development of Civil Society were taken into consideration while drafting the new Action Plan.

Preliminary information on drafting the new OGP National Action Plan 2020 – 2021 was published on the legal and information portal Slov-Lex on July 10<sup>th</sup> 2019 for public suggestions and comments. The draft OGP Action Plan 2020 - 2021 was also published on the website of the Office of the Plenipotentiary of the Government for the Development of Civil Society from July 23<sup>rd</sup> to August 11<sup>th</sup> 2019.

In terms of strengthening the participative creation of the OGP Action Plan 2020 – 2021, the plan was discussed in person with representatives of individual Ministries and other Central Authorities of the State Administration. Wording of the material shall be considered a consensual wording agreed upon by a large number of involved groups.

The OGP National Action Plan 2020 – 2021 follows up on the previous action plans. Commitments related to Open Information, Open Education, Open Science and Participation remain included. Open Justice is focused on strengthening legal certainty for citizens. In comparison to the previous OGP National Action Plan 2017 – 2019, current plan includes fewer commitments in individual chapters, in order to focus more on improving the quality of commitment implementation, strengthening mutual cooperation among the Office of the Plenipotentiary of the Government for the Development of Civil Society, individual Ministries and other Central Authorities responsible for implementation of commitments, and civil society.



## 1. OPEN INFORMATION

### **1.1.: On a regular basis, publish completion of tasks of individual Ministries and other Central Authorities of the State Administration resulting from the Government Resolutions**

The Office of the Plenipotentiary of the Government for the Development of Civil Society commissioned a representative survey of public opinion on trust and public participation in governance - Representative Survey of Participation in the Slovak Republic. This survey was conducted during November and December 2018 by the Focus agency on a sample of more than 1200 citizens of the Slovak Republic. The results of the survey suggest that only 33% of citizens agree with the statement that the Government informs its citizens about its decisions in objective and satisfactory manner and that out of selected public authorities, Slovak public has the least trust in the Government of the Slovak Republic, the National Council of the Slovak Republic and political parties.<sup>1</sup> Similar results were recorded in the August 2019 Eurobarometer survey focused on public opinion in June 2019. National institutions of the Slovak Republic such as the National Council of the Slovak Republic, the Government of the Slovak Republic or the Police did not enjoy high levels of trust of its citizens in comparison to other member states.<sup>2</sup>

Public access to information on the activities of the central governing institutions is among the key tools of increasing the trust of the citizens in their own governments. In Slovakia, activities of Ministries and other Central Authorities of the State Administration are in part defined by the implementation of tasks resulting from the Government Resolutions.

The central public administration portal slovensko.sk includes the Open Government Portal<sup>3</sup> (<https://rokovania.gov.sk/>) which offers complex information about meetings of the Government of the Slovak Republic - drafts of legislative or non-legislative materials submitted for Government Meetings and results of meetings adopted in form of Government Resolutions. The information about implementation and execution of adopted resolutions are, however, not currently available. It is essential to set up the system within the Open Government Portal in a way that would allow individual Ministries and other Central Authorities of the State Administration regularly update the information on the completion of tasks resulting from the Government Resolutions in a uniform and structured manner. Although there is a space on the portal dedicated for the publication of this information, the actual publication is subject to a system modification. Completion of tasks shall be published once the system is operational.

This commitment shall contribute to increasing transparency and accountability of the public administration, in accordance with the will of the Government of the Slovak Republic declared in several strategic documents and initiatives:

- In the Government Manifesto, the Slovak Government referred to the Open Government Partnership, and reaffirmed its will to increase transparency by improving public access to information. Moreover, this commitment partially reflects the recommendation to focus on

<sup>1</sup> J. Plichtová, A. Šestáková (ÚSV ROS): Representative survey of participation in the SR, available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/aktuality/participacia/2019/z\\_dennikov\\_pilotnych\\_schem/marec/z\\_dennikov\\_analytiky/Prieskum%20participacie%20v%20SR\\_Plichtova-Sestakova.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/aktuality/participacia/2019/z_dennikov_pilotnych_schem/marec/z_dennikov_analytiky/Prieskum%20participacie%20v%20SR_Plichtova-Sestakova.pdf).

<sup>2</sup> European Commission: Public Opinion, available at: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/standard/surveyky/2253>.

While in the EU member states the confidence of citizens in their national parliaments is 34%, it is only 27% in the Slovak Republic, 64% do not trust the Parliament at all. Similarly, the European average for confidence of citizens in the Government is 34%, it is only 29% in the SR, 65% do not trust the Government at all.

<sup>3</sup> Open Government Portal is available at: <https://rokovania.gov.sk/>.



increasing the transparency voiced by the Independent Reporting Mechanism of the Open Government Partnership in the Slovak republic Design report 2017 – 2019.<sup>4</sup>

- In the Government Manifesto, the Slovak Government also to expressed the will to adhere to the Rule of Law Initiative that refers to increasing transparency as one of its main principles.<sup>5</sup>
- Transparency, effective control and support of civil society towards participation in monitoring public policies are among the challenges the Slovak Republic plans to focus on within the framework of national priorities resulting from the UN Agenda 2030.<sup>6</sup>
- Strengthening the transparency is reflected in the forthcoming Vision and Development Strategy of Slovakia by 2030 in the chapter on Integrated Development Program IV: Multi-level governing closer to citizens.<sup>7</sup>

#### Specific milestones to reach the commitment:

1. Prepare the system for the publication of completion of tasks resulting from the Government Resolutions in a uniform and structured manner  
Deadline: December 31<sup>st</sup>, 2020  
Responsible: Head of the Government Office
2. Following the system setup, and in cooperation with Ministries and other Central Authorities of the State Administration, regularly publish completion of tasks resulting from the Government Resolutions according to their deadline  
Deadline: ongoing  
Responsible: Head of the Government Office

### **1.2.: Regularly publish datasets and APIs of Ministries and their established organizations, as well as other Central authorities of the State administration**

The topic of Open Data was introduced in the Slovak Republic by the OGP through the first OGP National Action Plan 2012 – 2013. Considering the increasing importance of information and data, the Office the Deputy Prime Minister for Investment and Informatization was established in 2016 in order to advance the area of informatization in Slovakia, including the topic of open data. Data Office with expert capacities on various types of data, including open data, was established with the Office the Deputy Prime Minister for Investment and Informatization in 2019, thus taking over many responsibilities in the topic of open data from the Office of the Plenipotentiary of the Government for the Development of the Civil Society.<sup>8</sup> The Office of the Plenipotentiary of the Government for the Development of the Civil Society shall however still focus on monitoring the fulfillment of commitments adopted by the OGP Action Plans, collecting input and requests from the civil society regarding publication of data owned by the Ministries and other Central Authorities of the State Administration, and demand their publication in cooperation with the Data Office of the Office the Deputy Prime Minister for Investment and Informatization.

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<sup>4</sup> Independent Reporting Mechanism (IRM): Slovakia - Report on preparation and creation of the OGP Action Plan 2017 - 2019, available at: [http://live-ogp.pantheonsite.io/sites/default/files/Slovakia\\_Design\\_Report\\_2017-2019\\_SVK\\_for-public-comment.pdf](http://live-ogp.pantheonsite.io/sites/default/files/Slovakia_Design_Report_2017-2019_SVK_for-public-comment.pdf).

<sup>5</sup> Available at: <https://www.vlada.gov.sk/data/files/7179.pdf>.

<sup>6</sup> ÚPVII: Agenda 2030, available at: <https://www.vicepremier.gov.sk/sekcie/investicie/agenda-2030/index.html>.

<sup>7</sup> Current proposal of the OGP Action Plan 2017 - 2019 refers to the not yet adopted draft of the Vision and Development Strategy of Slovakia by 2030. ÚPVII: information about disclosure of the draft of strategic document and report on evaluation of the strategic document "Vision and Development Strategy of Slovakia by 2030" and information about public hearings, June 24, 2019, available at: <https://www.vicepremier.gov.sk/aktuality/investicie/oznamenie-o-zverejneni-navrhu-strategickeho-dokumentu-a-spravy-o-hodnoteni-strategickeho-dokumentu-vizia-a-strategia-rozvoja-slovenska-do-roku-2030-a-informacia-o-ich-verejnom-prero/>.

<sup>8</sup> <https://www.vicepremier.gov.sk/aktuality/podpredseda-vlady/r-rasi-udaje-su-mimoriadne-cenne-treba-sa-vsak-zamerat-na-ich-ochranu-a-bezpecnost/index.html>.





The goal of the proposed commitment is therefore to continue publishing datasets and APIs owned by the Ministries and other Central Authorities of the State Administration, to concentrate on increasing their quality and to promote their usage, following up on commitments of the previous OGP National Action Plan 2017 – 2019.<sup>9</sup> This commitment will further improve public access to information owned by the state institutions and increase transparency. Civil society, public or scientific and research institutions can use published datasets or APIs for their work or to advance data-based economy.

Based on the experience with the implementation of the OGP National Action Plan 2017 – 2019 in the topic of open data, suggestions from representatives responsible for the fulfillment of these commitments and from external experts, it is essential for the Ministries and other Central Authorities of the State Administration to continue with regular publication of datasets according to their respective lists of datasets and the schedule of their publication, as adopted by the Strategy and Action Plan of publication and use of open data of public administration. In addition, it is also important for the Office of the Plenipotentiary of the Government for the Development of Civil Society to monitor the demand of the experts and civil society for publication of datasets and API and subsequently liaise with the Ministries and other Central Authorities of the State Administration regarding their publication. Improvement of future publication of datasets requires continuation of regular analyses of published datasets and thorough implementation of recommendations thereof.

Effective use of published datasets and APIs can be achieved by focusing on analysis of the so-called key datasets of Ministries and other Central Authorities of the State Administration, which should be mandatorily published. Therefore, one of the proposed milestones focuses on creating a publication minimum of datasets that will include a list of mandatory published datasets for Ministries and other Central Authorities of the State Administration. This list should be created with active participation of all involved actors from civil society, experts, Ministries and other Central Authorities of the State Administration, and should reflect demands of the public as conveyed by surveys on the most requested datasets, as well as topics or categories monitored by relevant open data organizations or initiatives, and data or information related to the principles of open governance.<sup>10</sup> The Office of the Plenipotentiary of the Government shall perform monitoring of publication of datasets from the publication minimum for the Development of Civil Society annually, as a part of regular analysis on dataset publication.

Fulfillment of this commitment is one of the steps to increase transparency and accountability of public administration and in accordance with the will of the Slovak Government declared in several strategic documents and initiatives:

- In the Government Manifesto, the Slovak Government referred to the Open Government Partnership, and reaffirmed its will to increase transparency by improving public access to information in the form of open data, in order to promote data-driven economy and thereby stimulate the business environment,<sup>11</sup>
- National Concept of Informatization of Public Administration (in the sphere of influence of the ÚPVII),<sup>12</sup>
- Strategy and Action Plan of publication and use of open data on public administration (under the authority of ÚPVII, operated by the National Agency for Network and Electronic Services “NASES”),<sup>13</sup>

<sup>9</sup> OGP Action Plan 2017 – 2019, available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/otvorene\\_vladnutie/akcne\\_plany/2017\\_2019/OGP\\_AP\\_2017-2019\\_final.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/otvorene_vladnutie/akcne_plany/2017_2019/OGP_AP_2017-2019_final.pdf).

<sup>10</sup> For example, based on dataset categorization of the European Data Portal (<https://www.europeandataportal.eu/data/#/datasets?locale=en>), or Open Knowledge Foundation (<https://index.okfn.org/dataset/>).

<sup>11</sup> Available at: <https://www.vlada.gov.sk/data/files/7179.pdf>.

<sup>12</sup> Available at: <http://www.informatizacia.sk/narodna-koncepcia-informatizacie-verejnej-spravy--2016-22662c>.





- The Slovak Republic also decided to adopt decisions and create policies on the basis of relevant and trustworthy data available to experts and the public in the framework of the Agenda 2030 priorities.
- The Slovak Republic is obliged to provide transposition of the Directive of the European Parliament and Council No 2019/1024 of June 20, 2019 on open data and re-use of public sector information.<sup>14</sup>

Specific milestones to reach the commitment:

3. Identify the publication minimum for central government authorities in a participative manner  
Deadline: April 30<sup>th</sup>, 2020  
Responsible: Deputy Prime Minister for Investment and Informatization  
Co-Responsible: Plenipotentiary of the Government for the Development of Civil Society
4. Introduce the publication minimum for central government authorities into practice  
Deadline: December 31<sup>st</sup>, 2020  
Responsible: Deputy Prime Minister for Investment and Informatization
5. Following the implementation of the publication minimum for central government authorities, annually publish data from the publication minimum for state administration on the open data portal data.gov.sk  
Deadline: annually, starting on March 31<sup>st</sup>, 2021  
Responsible: Ministers and Chairmen of other Central Authorities of the State Administration

Ongoing tasks related to Open Information as adopted by the Government Resolution No. 104/2017 are available in Annex 1 (1.2)

**1.3.: Regularly disclose data on the use of funds provided by the Ministries, the Office of the Deputy Prime Minister for Investment and Informatization and the Government Office within the EEA Financial Mechanism, the Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget**

The European Structural and Investment Fund, the EEA Financial Mechanism, the Norwegian Financial Mechanism, the Swiss Financial Mechanism and other subsidy schemes represent one of the most significant sources of public funds used by regional governments, entrepreneurs, as well as civil society organizations. In the context of increasing transparency and improving access to information on public resources, a specific website and application, the so-called Subsidy Schemes Module, was added to the central public administration portal in 2016<sup>15</sup>. The main goal of this website is to provide citizens, experts, civil society and civil servants with information on the use of various financial mechanisms.

The Ministries, the Office of the Deputy Prime Minister for Investment and Informatization and the Government Office are required to submit data on all unilateral contributions (subsidies, financial assistance, non-repayable grants...) into the Subsidy Scheme Module once a year for the preceding calendar year, in accordance with their capacities or information available to them. For various reasons however, envisaged high ambitions for the Subsidy Scheme Module have not yet been fulfilled.

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<sup>13</sup> Available at: <https://www.slov-lex.sk/legislativne-procesy/-/SK/LP/2017/350> .

<sup>14</sup> Available at: <https://eur-lex.europa.eu/legal-content/SK/TXT/PDF/?uri=CELEX:32019L1024&from=EN> .

<sup>15</sup> Available at: <https://data.gov.sk/dotacie> .



In order to improve publication of information regarding subsidy schemes of individual Ministries, the Office of the Deputy Prime Minister for Investment and Informatization and the Government Office, it is recommended to analyze the information currently available on the Subsidy Scheme Module and published data. These analyses should provide recommendations for government authorities regarding improving quality of data provided, as well as for the application developer regarding improving the use of the application. Quantitative analysis should compare consistency of data disclosure on subsidies at individual Ministries, the Office of the Deputy Prime Minister for Investment and Informatization and the Government Office in the Subsidy Scheme Module with their websites and annual reports. The goal of the qualitative analysis is to focus on the functionality of the application, the user interface and interface with subsidy systems functioning at respective government authorities.

Specific milestones to reach the commitment:

6. Conduct a quantitative analysis of information published in the Subsidy Scheme Module  
Deadline: April 30<sup>th</sup>, 2020  
Responsible: Plenipotentiary of the Government for the Development of Civil Society
7. Conduct a qualitative analysis of the Subsidy Scheme Module system and propose recommendations for improvement  
Deadline: June 30<sup>th</sup>, 2020  
Responsible: Deputy Prime Minister for Investment and Informatization

Ongoing task related to Open Information as adopted by the Government Resolution No. 104/2017 are available in Annex 1 (1.3)

#### **1.4.: Ensure full disclosure of beneficial ownership data in the register of legal entities, entrepreneurs and public authorities**

This commitment follows up on the previous OGP National Action Plan 2017 – 2019 which included a measure to adopt the anti-shielding law<sup>16</sup>. It also considers the transposition of the EU Anti-Money Laundering Directive. These activities resulted in the establishment of two official registers of beneficial ownership data, with each register serving a different purpose. The Register of Partners of the Public Sector<sup>17</sup> is publicly available. The Register of Legal Entities, Entrepreneurs and Public Authorities includes the registers providing beneficial ownership data, which are currently not public<sup>18</sup>. In order to ensure more transparency and fulfillment of goals of the new EU Anti-Money Laundering Directive<sup>19</sup>, a full disclosure of data on final beneficiaries in the register of legal entities, entrepreneurs and public authorities is required. Due to the fact that the Directive has not yet been transposed into the Slovak legal system, the OGP National Action Plan 2020 - 2021 relies on the current legislation in force in the time of the commitment fulfillment. The Slovak Republic is required to transpose the EU Anti-Money Laundering Directive by January 10<sup>th</sup>, 2020.

In order to further increase transparency of the beneficial ownership data, the Slovak Republic joined the Declaration of national commitment to meet the Beneficial Ownership Transparency

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<sup>16</sup>Act no. 315/2016 Coll. on register of partners of the public sector and on amendments to certain laws, as amended.

<sup>17</sup> Available at: <https://rpvs.gov.sk/rpvs/>.

<sup>18</sup> The above-mentioned registers of final beneficiaries have not yet been functionally linked. However, the Once Only Principle applies - a subject registered in the Register of Partners of the Public Sector shall not be required to register final beneficiaries in the Register of Legal Entities. To fulfill the AML Directive goals to have a centralized register of final beneficiaries, it is advisable to analyze possibilities of interconnecting the two registers (the Register of Partners of the Public Sector and the Register of Legal Entities).

<sup>19</sup> Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU.



Disclosure Principles<sup>20</sup>, joining coalition of OGP member states that aim to create a new worldwide standard of increasing transparency and decreasing misuse of funds for criminal activities. Beneficial ownership information of member states which adopted the Declaration should be made publicly accessible in accordance with the Disclosure Principles for Beneficial Ownership Data.

To increase transparency, the Office of the Plenipotentiary of the Government for the Development of Civil Society will cooperate with the Statistical Office of the Slovak Republic on publication of statistical analyses of beneficial ownership data.

Specific milestone to reach the commitment:

8. Implement the Disclosure Principles for Beneficial Ownership Data into the framework of official registers on beneficial ownership  
Deadline: December 31<sup>st</sup>, 2021  
Responsible: Minister of Justice of the SR  
Co-Responsible: Head of the Statistical Office of the SR, Plenipotentiary of the Government for the Development of Civil Society

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<sup>20</sup> The Declaration of national commitment to meet the Beneficial Ownership Transparency Disclosure Principles forms the Annex No. 2 and is available in English at: <https://www.openownership.org/uploads/oo-disclosure-principles.pdf>.



## 2. OPEN EDUCATION

### 2.1.: Make effective use of the educational resources repository

This commitment follows up on the previous OGP National Action Plans that aimed to firstly map the status of the open education in Slovakia and then adopt measures creating legislative environment, technical infrastructure and conditions for promoting the creation and use of open educational resources. Commitments adopted by the OGP National Action Plan 2015 and OGP National Action Plan 2017 – 2019 listed important measures related to the use of open licenses<sup>21</sup> for educational resources procured from public resources, aimed at allowing their public availability without restrictions.<sup>22</sup>

Building on these measures, the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter referred to as the “Ministry of Education”) launched in 2018 an on-line portal - Central Repository for Digital Educational Resources which is intended to store digital educational resources and which should be soon operational. In order to make effective use of the repository, several key challenges remain to be addressed, such as removing barriers for the dissemination of newly created traditional educational resources, specifically textbooks, promoting creation of new open educational resources mainly in digital formats, and educating teachers on the use and creation of new open educational resources and the repository itself.

The main goal of the commitment is thus to make effective use of the repository of educational resources by creating a legislative environment allowing that newly-created educational resources procured from public resources, e.g. textbooks, obtain open license, and can be stored on the repository.<sup>23</sup> The repository should not be limited to formal educational resources only. It should also include materials related to informal education that could be effectively utilized in preschool, primary and secondary education. This content could then be used and shared with a variety of stakeholders, such as youth coordinators, volunteers or other experts on youth education. This commitment also aims to provide conditions appropriate for funding the development of new open educational resources that would be integrated into the repository once approved. Based on the outcome of the meeting that the Office of the Plenipotentiary of the Government for the Development of Civil Society organized with representatives of the Ministry of Education, institutions directly managed by the Ministry, publishing houses and representatives of civil society<sup>24</sup>, this allows for a variety of possibilities, including support from the EU funds, subsidy scheme of the Ministry of Education, idea contests, incubators and labs, hackathons, etc. Lastly, an essential part of the commitment is to educate teachers to use the repository and motivate them to create educational resources.

Fully operational educational resources repository filled with approved, relevant and innovative educational materials has the potential to contribute to diversification of educational resources available to students, parents and general public interested in lifelong learning. Availability of various educational resources on the repository will enhance the quality of education process and

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<sup>21</sup> The use of general public licenses, e.g. internationally approved Creative Commons, grants the users a wide scope of rights and user-friendly explanation. A good example is the Creative Commons Attribution (CC BY) that allows distribution of licensed work (dissemination, sharing through any media in any format), its adaptation (remix, modifications and extensions) including publication of adapted work for any purpose, commercial or otherwise.

<sup>22</sup> The topic of open educational resources and general public licenses Creative Commons is discussed in detail in the OGP Action Plan 2015 available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/otvorene\\_vladnutie/akcne\\_plany/2015/OGP-2015\\_akcny-plan.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/otvorene_vladnutie/akcne_plany/2015/OGP-2015_akcny-plan.pdf) and OGP Action Plan 2017 – 2019 available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/otvorene\\_vladnutie/akcne\\_plany/2017\\_2019/OGP\\_AP\\_2017-2019\\_final.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/otvorene_vladnutie/akcne_plany/2017_2019/OGP_AP_2017-2019_final.pdf).

<sup>23</sup> The Ministry of Education designed a recommendation for tertiary education in accordance with fulfillment of Commitment No 36 of the OGP Action Plan 2017 - 2019 available at: <https://www.minedu.sk/implementacia-otvoreneho-publikovania-v-praxi-open-access/>

<sup>24</sup> Recommendations from the meeting are available at: [https://www.minv.sk/?ros\\_ogp\\_spravny&sprava=slovensko-bolo-tento-rok-sucastou-tyzdna-otvoreneho-vzdelavania](https://www.minv.sk/?ros_ogp_spravny&sprava=slovensko-bolo-tento-rok-sucastou-tyzdna-otvoreneho-vzdelavania).



will promote inclusive education at schools. Teacher training will contribute to effective use of the portal and advance the creation of new educational resources. Elimination of current barriers by adopting new legislation will allow further use of the repository with newly created educational resources, mainly digital versions of textbooks or outputs from projects funded by public resources.

Functional portal will allow students, teachers and general publicly access educational resources funded by public resources and increase transparency of public resources management. Establishing appropriate support for creation of new open educational resources will also open new possibilities for civil society, teachers or members of academia to participate in creation of educational resources, which in turn strengthens public participation.

This commitment is closely connected to the commitment of the Slovak Republic to increase quality of education using innovative approaches and tools, as reflected in a number of strategic documents:

- Concept of Informatization and Digitalization of Education by 2020<sup>25</sup> deals with the topic of digital educational resources. Recommendations thereof are closely linked to promotion of creation, approval process and training of teachers in using digital educational resources and accessibility of such resources outside the school environment.
- National Program of Development of Education<sup>26</sup> based on the Learning Slovakia document<sup>27</sup> assumes further development of the central repository with open licenses in order to improve quality of education.
- Proposal of national priorities of the Agenda 2030 implementation that follows up on the goals of the UN sustainable development in the topic of education for dignified living sets strengthening of the inclusion principle in education and providing equal opportunities for all children and students regardless of their social background, health, talent, nationality or ethnicity in accordance with securing the principles of gender equality as one of the commitments.
- The forthcoming Vision and Development Strategy of Slovakia by 2030 assumes increase in quality of education including lifelong learning, development of human and material resources in education system through strengthening individual approach to a person in terms of inclusive education in chapter "Integrated Development Program I. - natural resources, human resources and cultural potential", section "Increasing quality of education including lifelong learning and development of human and material resources in education". Available open educational resources can play an integral role in achieving this goal.

#### Specific milestones to reach the commitment:

9. Adopt legislative changes concerning the use of open licenses for selected, newly created educational resources centrally provided and funded or co-funded from public resources of the Ministry of Education or institutions under the Ministry's authority.

Deadline: December 31<sup>st</sup>, 2021

Responsible: Minister of Education, Science, Research and Sport of the Slovak Republic

10. Establish an authority at the Ministry of Education, Science, Research and Sport of the Slovak Republic responsible for systematic and coordinated creation of digital educational content

<sup>25</sup> Available at: <https://www.minedu.sk/koncepcia-informatizacie-a-digitalizacie-rezortu-skolstva-s-vyhľadom-do-roku-2020/>. The Ministry of Education is currently developing the Education Informatization Program for 2030. Due to the fact that this material has not yet been made available, this Plan refers to the version currently in force.

<sup>26</sup> Available at: <https://www.minedu.sk/17786-sk/narodny-program-rozvoja-vychovy-a-vzdelavania/>. National Program of Development of Education was adopted by the Resolution No 302/2018 on June 27, 2018. Additionally, the Action Plan No 1 of the Implementation Plan of the National Program of Development of Education with meeting the objectives by December 31, 2019 was adopted as well. Furthermore, Action Plans No 2 to 5 of the Implementation Plan tasked to submit updates of these Plans by December 31, 2019 were taken into consideration.

<sup>27</sup> Available at: <https://www.minedu.sk/uciace-sa-slovensko/>.



including open educational resources at all levels of preschool, primary and secondary education

Deadline: June 30<sup>th</sup>, 2020

Responsible: Minister of Education, Science, Research and Sport of the Slovak Republic

11. Promote creation of open educational resources and report on the measures taken on a regular basis

Deadline: annually, by January 31<sup>st</sup>

Responsible: Minister of Education, Science, Research and Sport of the Slovak Republic

12. Educate teachers in use of the educational resources repository and in creating new open educational resources

Deadline: December 31<sup>st</sup>, 2021

Responsible: Minister of Education, Science, Research and Sport of the Slovak Republic

13. In a participative manner monitor, disclose and continually update the open educational resources database and other resources suitable for use in education and to increase awareness about open education that were created by civil society in the Slovak Republic.

Deadline: ongoing

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

Ongoing tasks related to Open Education as adopted by the Government Resolution No. 104/2017 are available in Annex 1 (2.1)





### 3. OPEN SCIENCE

#### 3.1.: Develop and adopt the National Strategy for Open Science

Promoting open access to the results of scientific research and development increases transparency in public resources management, and allows citizens to access outputs from science and research funded by public resources. The benefits of open access on increasing transparency and positive impact on the quality of scientific research are also acknowledged by the European Union. Under the framework of Horizon 2020<sup>28</sup>, the EU already mandates publication of outcomes under public license. The Horizon 2020 program will be followed by Horizon Europe with strong emphasis placed shifting from strengthening of openness to developing open science policies.<sup>29</sup>

In line with the approach of the EU, in September 2018 several research funding institutions from in various countries (e.g. Germany, Finland, Norway, Luxembourg or Great Britain), together with the European Commission and the European Research Council announced the launch of the Coalition S and subsequently Plan S. Plan S envisages that “with effect from 2021, all scholarly publications on the results from research funded by public or private grants provided by national, regional and international research councils and funding bodies, must be published in Open Access Journals, on Open Access Platforms, or made immediately available through Open Access Repositories without embargo.”<sup>30</sup> For further development of open access in Slovakia, it is essential for the Slovak Research and Development Agency to join the Plan S by December 31<sup>st</sup>, 2020.

In order to achieve this goal, it is also necessary to develop a national strategy for open science that would build up on the commitments outlined in previous OGP National Action Plans. As with the open educational resources, these commitments also focused on the initial assessment of the situation, existing conditions and creation of environment for open access to scientific research and development in Slovakia through legislative framework, financial and technical background and raising awareness about this topic.

Improving open access to scientific research and development through making an effective use of repositories for storing, long-term archiving and access to Slovak scientific and academic publications, scientific data and grey literature as defined in the OGP NAP 2017 – 2019<sup>31</sup> remains the key challenge. In parallel with the development of the repository, it is also essential to finalize the mapping of various formats of outputs from scientific and research institutions in Slovakia, which will be stored in the repository.<sup>32</sup>

Education of researchers, academia, employees of university libraries and research institutions on advantages of open access is another necessary key element of advancing open science. The assessment of how science, research and academic institutions are prepared for open access publishing which will become mandatory in the next programming period of European structural and investment funds should form a base of the National Strategy for Open Science. As a part of the strategy creation process, cost - assessment of the APC fees<sup>33</sup> that are currently charged to

<sup>28</sup> Conditions for funding or co-funding science and research projects under the EU Horizon 2020: [http://ec.europa.eu/research/participants/docs/h2020-funding-guide/cross-cutting-issues/open-access-data-management/open-access\\_en.htm](http://ec.europa.eu/research/participants/docs/h2020-funding-guide/cross-cutting-issues/open-access-data-management/open-access_en.htm) .

<sup>29</sup> More information about Horizon Europe is available at: [https://ec.europa.eu/info/designing-next-research-and-innovation-framework-programme/what-shapes-next-framework-programme\\_en](https://ec.europa.eu/info/designing-next-research-and-innovation-framework-programme/what-shapes-next-framework-programme_en) .

<sup>30</sup> Plan S Principles, available at: <https://www.coalition-s.org/principles-and-implementation/> , viac informácií: <http://openaccess.cvtisr.sk/plan-s/> .

<sup>31</sup> It is necessary to lean on international experience, e.g. Project FAIRsFAIR (<https://www.fairsfair.eu/>) when building the repository.

<sup>32</sup> Tasks No B.39 and B.40 of the Government Resolution No 104/2017 (OGP Action Plan 2017 - 2019) with the original deadline of December 31, 2018 and delayed deadline of February 29, 2020.

<sup>33</sup> Article Processing Charges (“APC”). Charging APC is one of several methods used by scientific journals to fund open access articles. APC are paid by authors of articles for publication in scientific journals (or institutions on behalf of the authors). APC can cover the



science and research institutions (mostly universities and institutes of the Slovak Academy of Sciences) should be undertaken. In order to determine conditions necessary for universal open publishing, it is also necessary to test various approaches to open access with selected pilot libraries (focusing on assessing and preparing human and material resources, training, education, stimuli and bonuses for researchers publishing in open access magazines, research assessment criteria that take open scientific approach into consideration, etc.)

Open access and open science/science 2.0 also include new approach to research assessment at all levels (e.g. research publications and projects, researchers, laboratories, universities) that reflect the imminent need to change the current paradigm and require multi-factorial and multi-dimensional assessment that would consider a wide range of elements above the framework of currently used impact factor of a journal.<sup>34</sup> In the framework of activities in the area of open science and the Horizon 2020 program, the European Committee launched a number of initiatives on research assessment, formed working groups and published two reports on rewards system and skills for open science.<sup>35</sup> The changes proposed can positively influence visibility and citation of Slovak science and its use on application level.

It is necessary to continue developing favorable conditions and tools allowing better access to science (the so-called citizen science concept<sup>36</sup>) that also develops the potential of general public to participate in science and research. Inclusion of citizens in research requires at least a small degree of openness, including methodology, access to literature and data, communication about goals and outputs of research projects. The citizen science concept and the open science concept can tackle challenges such as lower trust of citizens in science and enabling transfer of knowledge between science and society in order to stimulate innovation.<sup>37</sup>

#### Specific milestones to reach the commitment:

14. Prepare the National Strategy for Open Science accompanied by the first Action Plan and submit both to the Government of the Slovak Republic  
Deadline: December 20, 2020  
Responsible: Minister of Education, Science, Research and Sport of the Slovak Republic
15. Prepare and launch pilot projects on open access to scientific research and development in selected academic and scientific libraries  
Deadline: December 31, 2021  
Responsible: Minister of Education, Science, Research and Sport of the Slovak Republic

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publishing costs in total or in part - it mostly depends on the budget structure of the journal and on general principles. More information about APC is available at:

<http://openaccess.cvtisr.sk/homepage/ako-sa-stat-open-access-pre-vydavatelov/> .

<sup>34</sup> In accordance with the San Francisco Declaration on Research Assessment DORA (<https://sfdora.org/read/sk/>).

<sup>35</sup> [https://ec.europa.eu/research/openscience/index.cfm?pg=rewards\\_wg](https://ec.europa.eu/research/openscience/index.cfm?pg=rewards_wg) and

<sup>36</sup> Citizen science is an innovative concept that anticipates involvement of non-scientific public in parts of or in entire research. For example, see the Utrecht University program: <https://www.uu.nl/en/organisation/public-engagement-at-utrecht-university/finding-an-audience/citizen-science> alebo projekt Project Naming, ktorý v rámci Iniciatívy pre otvorené vládnutie realizovala kanadská inštitúcia Library and Archives Canada: <https://www.collectionscanada.gc.ca/inuit/index-e.html> .

<sup>37</sup> More information on this topic is available at:

<https://ecsa-citizen-science.net/sites/default/files/ditos-policybrief3-20180208-citizen-science-and-open-science-synergies-and-future-areas-of-work.pdf> .



## 4. PARTICIPATION

### 4.1.: Strengthen participative creation of public policies through continuous education on participation

Involvement of relevant actors in public policies has been one of the most visible topics related to the work of the Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society in open governance and its other activities since 2011.<sup>38</sup> Nevertheless, due to various factors, participation and participatory process of creation of public policies are still in the development phase at all levels of Slovak public administration. According to the knowledge and experience gained from monitoring and assessing the fulfillment of previous commitments of the OGP National Action Plans and the National Project on Participation carried out by the Office of the Plenipotentiary of the Government for the Development of Civil Society, the participatory process in public administration faces a variety of challenges in following areas:

- education on participatory policy - making,
- willingness to participate,
- human and material resources allocated for carrying out participatory policy - making.

Process of implementing partnership principle, cooperation and participation in public administration and dealing with the challenges of this process takes time. This evolution should be based on mutual learning, assessment and gradual implementation of good practices into other processes of integrating the public in creation of public policies. It is therefore necessary for the state administration to continue creating and implementing public policies in a participatory manner, however with adequate support. This can be achieved by increased focus of the Office of the Plenipotentiary of the Government for the Development of Civil Society on supporting building capacities related to participation in public administration as well as in civil society through education and trainings. In 2019, the Office of the Plenipotentiary of the Government for the Development of Civil Society launched its first educational program focused on participation in policy - making. The educational program designed for representatives of public administration aims to provide its participants with experience and good practice in participatory creation of public policies, focusing on creation and management of participatory processes, facilitation of meetings, implementation of participatory approaches, dealing with crisis situations and subsequent implementation of public policies.

The Slovak Republic declares its willingness to further develop cooperation between public administration and civil society in a number of strategic or legislative documents including the Government Manifesto or the forthcoming Vision and Development Strategy of Slovakia by 2030 that has the ambition to promote open governance and mechanisms of participation in creation, implementation and control of public policies.

#### Specific milestones to reach the commitment:

16. With selected ministries or other central authorities, identify and create public policies in a participatory manner with the engagement from representatives of civil society  
Deadline: December 31<sup>st</sup>, 2021  
Responsible: Deputy Prime Minister and Minister of Environment, Deputy Prime Minister and Minister of Agriculture and Rural Development, Minister of Education, Science, Research and Sport, Minister of Interior

<sup>38</sup> See the national project Promoting Partnership and Dialogue in Participatory Public Policy Making (NP Parti) available at: [https://www.minv.sk/?ros\\_np\\_participacia](https://www.minv.sk/?ros_np_participacia), or the project of technical assistance "Effective Integration of Civil Society into Implementation and Monitoring of ESIF by Implementing Participatory Processes II (Project Partnership)", available at: [https://www.minv.sk/?ros\\_ptp\\_partnerstvo](https://www.minv.sk/?ros_ptp_partnerstvo).



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

17. Implement educational program focusing on promoting participatory creation and implementation of public policies

Deadline: December 31<sup>st</sup>, 2021

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

#### 4.2.: Amend the Report on Public Participation in the Drafting of Legislation

Initiated by the Office of the Plenipotentiary of the Government for the Development of Civil Society, the Slovak legislation defines public participation in the drafting of legal regulation, through the institute of Preliminary Information and the institute of Report on Public Participation in the Drafting of Legislation.<sup>39</sup> The institute of the Report on Public Participation in the Drafting of Legislation is a mandatory part of the 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. Amendment of the Legislative Rules of the Slovak Government introduced formalized templates for detailing the engagement of public during the process of drafting and commenting on draft legislation.

The objective of the Report on Public Participation in the Drafting of Legislation is mainly to<sup>40</sup>:

- provide guidance for participatory creation of legislation,
- monitor public participation in the drafting of legislation,
- establish a feedback mechanism for the author of legislation.

Based on discussions with legislative officers of the Ministries and other Central Authorities of the State Administration during the Open Government Weeks of 2018<sup>41</sup> and 2019<sup>42</sup>, following findings of the application practice<sup>43</sup> were derived:

- legislative officers at Ministries and other Central Authorities of the State Administration prefer to use their own template of the Report on Public Participation in the Drafting of Legislation due to the fact that formalized templates are not a part of the Slov-Lex system, where the drafting process takes place,
- formalized templates of the Report on Public Participation in the Drafting of Legislation are complicated and in most cases only filled in prior to the draft being submitted to the inter-ministerial comment procedure,
- feedback on participatory procedures related to draft proposals of legal regulations is missing,
- formalized templates of the Report on Public Participation in the Drafting of Legislation should be amended, because a number of questions included in the Report cannot be answered within the legal deadlines set for filling out the Report or can be answered only after the inter-ministerial comment procedure is concluded.

<sup>39</sup> [https://www.minv.sk/?ros\\_legislativa\\_aktivita](https://www.minv.sk/?ros_legislativa_aktivita) .

<sup>40</sup> Methodological guidance for Report on Public Participation in the Drafting of Legislation, page 4, available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/participacia/Metodicke-usmernenie\\_Sprava-o-ucasti-verejnosti\\_final.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/participacia/Metodicke-usmernenie_Sprava-o-ucasti-verejnosti_final.pdf) .

<sup>41</sup> Final report from the Open Government Week 2018, available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/otvorene\\_vladnutie/2018/tyzden\\_otvoreneho\\_vladnutia\\_2018/Tyzden%20otvorene%20vladnutia%202018\\_zaverecna%20sprava%202.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/otvorene_vladnutie/2018/tyzden_otvoreneho_vladnutia_2018/Tyzden%20otvorene%20vladnutia%202018_zaverecna%20sprava%202.pdf) .

<sup>42</sup> Final report from the Open Government Week 2019, available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/otvorene\\_vladnutie/open\\_gov\\_week\\_2019/Zaverecna%20sprava\\_TYZDEN%20OTVORENEHO%20VLADNUTIA%202019.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/otvorene_vladnutie/open_gov_week_2019/Zaverecna%20sprava_TYZDEN%20OTVORENEHO%20VLADNUTIA%202019.pdf) .

<sup>43</sup> Analysis of the Report on Public Participation in the Drafting of Legislation and Preliminary information report for 2016, available at: [http://www.minv.sk/?ros\\_ogp\\_spravy&sprava=analiza-zverejnovania-sprav-o-ucasti-verejnosti-a-predbezných-informácii-za-rok-2016](http://www.minv.sk/?ros_ogp_spravy&sprava=analiza-zverejnovania-sprav-o-ucasti-verejnosti-a-predbezných-informácii-za-rok-2016) and Analysis of the Report on Public Participation in the Drafting of Legislation and Preliminary information report for 2017, available at: [https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/otvorene\\_vladnutie/2018/analiza\\_sprava\\_o\\_ucasti\\_verejnosti\\_a\\_predbezných\\_informacie/Analiza-zverejnovania-PI-a-SUV.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/otvorene_vladnutie/2018/analiza_sprava_o_ucasti_verejnosti_a_predbezných_informacie/Analiza-zverejnovania-PI-a-SUV.pdf) .



For these reasons, and as requested by the legal officers at individual Ministries and other Central Authorities of the State Administration and civil society, it is necessary to revise the templates of the Report on Public Participation in the Drafting of Legislation. This will further improve both the public participation in the drafting of legislative regulations and the openness of legislative procedures.

Specific milestones to reach the commitment:

18. In a participatory manner, amend formalized templates of the Report on Public Participation in the Drafting of Legislation and submit the final draft to the Government of the Slovak Government

Deadline: June 30<sup>th</sup>, 2020

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

Co-responsible: Deputy Prime Minister for Investment and Informatization, Ministers, Heads of other Central Authorities of the State Administration

Ongoing task related to Participation as adopted by the Government Resolution No. 104/2017, are available in Annex 1 (4.2)

**4.3.: Create conditions enabling development of civil society and operational inter-sectoral partnerships enhancing open governance at all levels of public administration during the 2021 - 2027 programming period of the European structural and investment funds**

In the current programming period of the European Structural and Investments Funds for 2014 - 2020 the promotion of civil society development is non-systematic and the definition of legal forms of NGOs applying for funding is not uniform. Moreover, inter-sectional partnerships are not sufficiently supported - e.g. calls for NGOs within the operational program Effective Public Administration do not allow beneficiaries to form partnerships with other sectors (self-governments, state administration).

Presently, no operational program in investment strategy lists promotion of public participation as its goal or measure. Operational program Effective Public Administration partially deals with the development of civil society and in the framework of calls for NGOs promotes creation of partnerships and subject networking<sup>44</sup>.

The objective of this commitment is to create enabling environment for funding NGOs project and projects creating partnerships between NGOs and other subjects (mostly self-governments and state institutions) and to unify conditions of aid for NGOs from individual operational programs and activities. Last but not least, the objective of this commitment is to set project implementation conditions and requirements for beneficiaries proportionate to their capacities or allowing for creation of new capacities of the NGOs. This commitment encompasses all principles of the Open Government Partnership.

Effective partnership between individual subjects of public administration and civil society based on cooperation and mutual sharing of information can lead to increased transparency and allow citizens to enter the "domain" of public administration. European Commission acknowledges the value of partnership and multi-level governance in the Directive (EU) No 1303/2013<sup>45</sup> and the

<sup>44</sup> Demand-based calls from OP EVS focused on citizen awareness and participation and improvement of public policies in the amount of 30 mil. EUR. More information about calls is available at <http://www.reformuj.sk/vyzvy/dopytovo-orientovane-vyzvy/?stav=uzavrete>

<sup>45</sup> Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing





Delegated Regulation (EU) No 240/2014 (European code of conduct on partnership)<sup>46</sup>. On the other hand, it has the capacity to strengthen citizen-oriented approach (citizen as a client of public administration) and improve accountability of public administration towards its citizens.

Creation of environment for development of civil society and inter-sectional partnership is closely connected to the forthcoming Partnership Agreement 2021 - 2027 and the follow up programs. The Government of the Slovak Republic pledged to support functional partnerships between public administration, civil society and NGOs in the Strategy of Civil Society Development in Slovakia by 2020<sup>47</sup> and implementation of the Strategy through the Strategy of Civil Society Development Action Plans<sup>48</sup>. Effective partnership and development of civil society are defined as one of the challenges within national priorities of the Agenda 2030 implementation in Slovakia and in the forthcoming Vision and Development Strategy of Slovakia by 2030.

Specific milestones to reach the commitment:

19. Involve all partners in the process of programming the EU cohesion policy funds 2021 - 2027 in accordance with the European Code of Conduct on Partnership (Commission Delegated Regulation No 240/2014)  
Deadline: December 31<sup>st</sup>, 2020  
Responsible: Deputy Prime Minister for Investment and Informatization  
Co-Responsible: Plenipotentiary of the Government for the Development of Civil Society
20. Coordinate and promote drafting of the Partnership Agreement 2021 - 2027 by NGOs and enforce their proposals in relevant documents  
Deadline: January 31<sup>st</sup>, 2020  
Responsible: Plenipotentiary of the Government for the Development of Civil Society  
Responsible: Deputy Prime Minister for Investment and Informatization
21. Promote awareness-raising of the inter-sectional partnerships in public administration  
Deadline: June 30<sup>th</sup>, 2020  
Responsible: Plenipotentiary of the Government for the Development of Civil Society
22. Advocate for creation of inter-sectional partnerships engaging representatives of NGOs and civil society in accordance with commitment 5 ("Europe closer to citizens") of the new programming period of the European Structural and Investment Funds  
Deadline: December 31<sup>st</sup>, 2020  
Responsible: Plenipotentiary of the Government for the Development of Civil Society

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Council Regulation (EC) No 1083/2006, available at:

<https://eur-lex.europa.eu/legal-content/sk/TXT/?uri=celex%3A32013R1303>

<sup>46</sup> Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds, available at:

<https://eur-lex.europa.eu/legal-content/SK/TXT/?uri=CELEX%3A32014R0240>

<sup>47</sup> Strategy of Civil Society Development by 2020, available at:

[https://www.minv.sk/swift\\_data/source/rozvoj\\_obcianskej\\_spolocnosti/rozvoj\\_obcianskej\\_spolocnosti/koncepcia\\_rozvoja\\_os/Koncepcia-rozvoja-OS\\_2020.pdf](https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/rozvoj_obcianskej_spolocnosti/koncepcia_rozvoja_os/Koncepcia-rozvoja-OS_2020.pdf).

<sup>48</sup> More information available at: [https://www.minv.sk/?ros\\_kros\\_ap](https://www.minv.sk/?ros_kros_ap).





## 5. OPEN JUSTICE - LEGAL CERTAINTY

Open justice is a key pillar of legal certainty and law enforcement in the rule of law. Within the open justice concept and the justice system as such, there is a long-standing discussion about effective management of justice, management of files, optimal selection of judges and assessment of their work, number of districts, courts and their specialization or functionality of disciplinary senates and enforcement of ethical standards of judges.

Regular collection and analysis of relevant data related to the performance of the justice system is essential for assessing effectiveness, quality and trustworthiness of the justice system. The output of this analysis should be a regular and publicly available annual report on the justice system that would reflect objective, trustworthy and comparative data. This annual report would provide assessment indicators for effectiveness, quality and trustworthiness of the justice system and objective data on its expenses. Measurable quantitative and qualitative data on the justice system in key areas of court management and ruling will form a solid base for planning and implementing justice reforms and for conducting public discourse about increasing effectiveness of courts, their transparency and trustworthiness.

In accordance with the Venice Commission on the Rule of Law<sup>49</sup>, legal certainty is considered one of the attributes of the government under law. Legal certainty is essential for trustworthiness of the legal system and the rule of law. In order to strengthen the legal certainty, it is necessary to make all legislation easily available to everyone. Disclosure of legislation through easily accessible tools strongly contributes to principles of open governance.

### 5.1.: Extend the scope of legislative and non-legislative documents published on the Slov-Lex portal

Slovak legislative documents are disclosed through the legal and information portal Slov-Lex that also serves as a binding and state-guaranteed Collection of Laws. In addition to legislation such as the Constitution of the Slovak Republic, constitutional rules, laws and implementing regulations including government regulations, ministerial and Central Authorities of the State Administration decrees<sup>50</sup>, the portal includes other legal documents and acts of international law. Ministries and other Central Authorities of the State Administration are also authorized to issue other implementing regulations, internal regulations and internal management acts (hereinafter referred to as “internal regulations”). However, these are not usually disclosed. It is in the interest of strengthening legal certainty and open government principles to disclose these materials in one place. The most suitable place of disclosure would be the legal and information portal Slov-Lex that could become the designated place for disclosure of internal regulations. The Slov-Lex portal already has the required functionality<sup>51</sup>.

Because the Ministries and Central Authorities of the State Administration issue a number of different internal regulations, it is not effective to list them all here and specify which should be disclosed. However, it is necessary for the ministries and Central Authorities of the State Administration to disclose all internal regulations, publication of which will not go beyond the scope of Act No 211/2000 Coll. on free access to information. These regulations should be selected based on the following criteria:

<sup>49</sup> CDL-AD(2011)003rev, available at:

[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)003rev-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)003rev-e).

<sup>50</sup> Article 1(1) of Act No 400/2015 Coll. on the creation of legal regulations and on the Collection of Laws of the Slovak Republic, and amending certain laws and Article 2(2)(C) of the Legislative Rules of the Slovak Government

<sup>51</sup> See <https://www.slov-lex.sk/vykonavacie-predpisy>



- a) internal regulations governing the rulings and actions of the ministries and other central authorities regarding rights and obligations of natural and legal persons in relation to the Ministries and Central Authorities of the State Administration,
- b) internal regulations not excluded from disclosure due to other legal regulations<sup>52</sup> or security reasons, e.g. inspection manual or other material of tactical or methodical purpose,
- c) internal regulations that can be disclosed as a whole on the basis of a request submitted in accordance with the Freedom of Information Act,
- d) internal regulations that contribute to principles of open governance such as transparency, accountability and participation.

Disclosure through the Slov-Lex portal shall only apply to those implementing regulations, internal regulations and internal management acts issued after the adoption of the OGP National Action Plan 2020 - 2021 by the relevant Government Resolution, as well as to those regulations that are already published in official journals of the ministries and other Central Authorities of the State Administration.

Apart from the state public authorities, self-government authorities issue legal regulations as well in the form of generally binding regulations. Generally binding regulations are issued on topics of regional authorities and transferred responsibilities of state administration and are binding for all persons and subjects operating in the territory of the self-governing region. These regulations are usually disclosed through websites or are published on official notice boards of individual municipalities and self-governing regions. However, this manner of disclosure often does not meet the standards of easy accessibility. Therefore, it is advisable to disclose these regulations through the Slov-Lex portal.

Disclosure of generally binding regulations through Slov-Lex portal will strengthen the principles of open governance, increase legal certainty and have various positive outcomes for the public and the regional authorities, for example:

- strengthen generally binding regulations as general legal acts,
- relieve regional authorities of a large number of requests for access to information under the Freedom of Information Act,
- serve as a repository of good practice examples - municipalities and self-governing regions could easily access generally binding regulations of other self-governing regions and draw inspiration that in turn will increase quality of regulation – making,
- improve access to legal regulations of regional self-governments in one state-guaranteed space,
- improve citizen – engagement through more effective submission of comments,
- improve effective compliance control of generally binding regulations with the law and other legal regulations.

On the basis of the above mentioned reasons and in the interest of more transparency, openness and strengthening the rule of law, it is essential to disclose implementing regulations and internal management regulations of Ministries and other Central Authorities of the State Administration, as well as generally binding regulations of regional authorities through the Slov-Lex portal that meets the criteria of easy access for all.

#### Specific milestones to reach the commitment:

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<sup>52</sup> For example, Act No 18/2018 Coll. on personal data protection and amendment and supplementing certain Acts as amended or Act No 215/2004 Coll. on protection of classified information and on amendment and supplementing of certain Acts as amended



23. Disclose selected implementing regulations of Ministries and other Central Authorities of the State Administration through the Slov-Lex portal.

Deadline: ongoing

Responsible: Ministers and Chairmen of other Central Authorities of the State Administration

24. Create conditions for disclosure of generally binding regulations of self-governing regions and municipalities through the Slov-Lex portal.

Deadline: June 30<sup>th</sup>, 2021

Responsible: Minister of Justice of the Slovak Republic

Recommendation:

1. As a follow up to fulfillment of commitment in B.24, disclose generally binding regulations of self-governing regions and municipalities through the Slov-Lex portal.

Deadline: ongoing

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



## 6. FEEDBACK AND NEXT STEPS

### **6.1.: Monitor fulfillment of the OGP National Action Plan 2020 – 2021 and draft the new OGP National Action Plan in a participatory manner**

In order to successfully implement the OGP National Action Plan 2020 – 2021 it is essential to continue coordinating the inter - ministerial working group, tasked with monitoring fulfillment of commitments of the OGP National Action Plan 2020 – 2021 in individual chapters, as well as with regular monitoring and evaluating fulfillment of commitments of the OGP National Action Plan 2020 – 2021. Following the final evaluation of the OGP National Action Plan 2020 – 2021 a new OGP National Action Plan for the forthcoming period shall be drafted.

#### Specific milestones to reach the commitment:

25. Coordinate the OGP National Action Plan 2020 – 2021 implementation working group, whose members shall include representatives of individual ministries and other central authorities and provide regular updates on its activities  
Deadline: annually by December 31<sup>st</sup>  
Responsible: Plenipotentiary of the Government for the Development of Civil Society
26. Prepare and submit for the Government of the Slovak Republic the OGP National Action Plan for the forthcoming period  
Deadline: June 30<sup>th</sup>, 2022  
Responsible: Plenipotentiary of the Government for the Development of Civil Society



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