

Committee of the National Council of the Slovak Republic for Incompatibility of Functions

**Constitutional Act on the Protection of Public Interest in the Performance
of Offices by Public Officials No. 357/2004, as amended by Constitutional
Act No. 545/2005**

January 2006

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Public Officials No. 357/2004, as amended by Constitutional Act No. 545/2005**

Article 1
Subject-matter of the Act

This constitutional act lays down the following:

- a) Incompatibility of the position of a public official with the performance of other positions, jobs or activities,
- b) Duties and restrictions applicable to public officials intended to prevent a conflict of personal interest on the part of the public official with public interest in the performance of public offices; and
- c) Liability of public officials for failure to comply with or breach of the duties and restrictions laid down by this constitutional act, including sanctions that may be imposed on public officials for failure to comply with or breach of such duties and restrictions.

Article 2
Scope of the constitutional act

(1) This constitutional act is applicable to the following officials:

- a) The President of the Slovak Republic,
- b) Members of the National Council of the Slovak Republic,
- c) Members of the Government of the Slovak Republic,
- d) Heads of Central Bodies of State Administration who are not members of the Government of the Slovak Republic,
- e) Justices of the Constitutional Court of the Slovak Republic,
- f) The Chief Justice and Deputy Chief Justice of the Supreme Court of the Slovak Republic,
- g) members of the Judicial Council of the Slovak Republic,
- h) Prosecutor General of the Slovak Republic,
- i) The Public Defender of Rights,
- j) The Head and Deputy Head of the Supreme Audit Office of the Slovak Republic,
- k) State secretaries,
- l) The Chief of Staff of the Armed Forces of the Slovak Republic,
- m) The Director of the Slovak Intelligence Service,

- n) Members of the Bank Board of the National Bank of Slovakia,
- o) Mayors of municipalities,
- p) Deputies of local councils and deputies of city district assemblies in Bratislava and Košice,
- q) Chairmen of higher territorial units,
- r) Deputies of assemblies of higher territorial units,
- s) Rectors of public universities,
- t) The Head and Deputy Head of the Office for Personal Data Protection,
- u) the statutory body or members of the statutory body of a public television channel and public radio channel,
- v) the statutory body or members of the statutory body of Social Insurance Agency and General Health Insurance Company,
- w) the Director General of the News Agency of the Slovak Republic,
- x) Members of the Council for Broadcasting and Retransmission and the Head of the Chancellery thereof,
- y) Members of the Regulatory Board,
- z) The Head of the Telecommunications Office of the Slovak Republic,
- za) The Head of the Postal Regulatory Office,
- zb) Statutory body or members of the statutory body of companies which are entirely owned by the state,
- zc) General managers of state companies and members of supervisory boards of state companies appointed by the state; and
- zd) Members of the Slovak Television Council and members of the Slovak Radio Council.
- ze) The Director General of the Tax Directorate of the Slovak Republic,
- zf) The Chairman of the Board of Directors of the Nation's Heritage Institute,
- zg) The Director General of the Railways of the Slovak Republic,
- zh) Members of the statutory body of the Export-Import Bank of the Slovak Republic,
- zi) The Head of the Bureau for Supervision of Health Services,

zj) Members of the Executive Committee of the National Property Fund of the Slovak Republic,

zk) The Head and the Deputy Head of the Postal Regulation Office.

(2) The provisions of Article 4 (2) (c) to (e) and provisions of Article 5 are not applicable to members of the Judicial Council of the Slovak Republic.

(3) For the purpose of this constitutional act, mayors of city districts in Bratislava and Košice shall be considered mayors of municipalities.

Article 3 Basic terms

(1) For the purpose of this constitutional act a public official shall be each individual holding an office laid down in Article 2 (1). For the purposes of Articles 7 and 8 and for the purpose of proceedings concerning breach of duties under Article 7 and 8 each person who previously the office of a public official shall also be considered a public official for one year after departure from the public office.

(2) For the purpose of this act, public interest shall mean interest which brings material profit or other benefit to all citizens or to a large number of citizens.

(3) For the purpose of this act, personal interest shall mean interest which brings material profit or other benefit to the public official or to their close relatives.

(4) For the purposes of this act, conflict of interest shall mean a situation where a public official in the performance of his office prefers personal interest to public interest.

Article 4 General duties and restrictions

(1) A public official shall seek and protect public interest by the performance of his office. A public official may not prefer personal interest over public interest in the performance of his office.

(2) In the performance of his office, public official shall refrain from any actions that could be in contradiction with this constitutional act. For this purpose public officials may not:

a) use their office, powers appertaining to their office and information acquired by the performance of their office or in relation therewith to their benefit, to the benefit of their close relatives or other natural persons or legal persons; this shall not apply to activities or tasks resulting from the performance of the office of a public official,

b) solicit presents, accept presents, induce other persons to give them presents or receive other advantages related to the performance of their office; this shall not apply to presents customarily given in the performance of a public office or to presents given under statutory provisions,

c) mediate for themselves, their close relatives, for other natural persons or legal persons – unless such mediation is entailed in the discharge of their official duties – business contacts with the following entities:

1. the state,
2. municipality,
3. higher territorial unit,
4. state company, state fund, National Property Fund of the Slovak Republic or other legal person established by the state,
5. budget organization or contribution funded organization established by municipality,
6. budget organization or contribution funded organization established by higher territorial unit; or
7. other legal persons with capital participation of the state, the National Property Fund of the Slovak Republic, a municipality or a higher territorial unit,

d) acquire property from the state or the National Property Fund of the Slovak Republic other than in a public tender or a public auction; this shall also apply to close relatives of public officials,

e) conclude a silent partnership agreement or acquire bearer shares other than by inheritance,

f) use their person, their first name and surname, their picture, photograph, record of their voice or their signature for advertising,

g) use symbols related to the performance of their office for personal benefit.

Article 5

Incompatibility of certain offices, jobs and activities

(1) a Public official may not hold offices or perform jobs and activities incompatible with the office of a public official under the Constitution of the Slovak Republic and laws.

(2) A Public official may not be the statutory body or a member of the statutory body, a member of a steering, control or supervisory body of a legal person, which was established for the conduct of business activity, with the exception of a general meeting and members' meeting. Public officials may not conduct business; this shall not apply to the conduct of a profession which may only be performed by a natural person under conditions stipulated by law.

(3) The restriction under paragraph (2), first sentence, shall not apply to the membership of a public official in a body of a legal person, which results from the law or which results from the discharge of a public office.

(4) Restriction under paragraph (2) first sentence shall equally not apply to a public official representing:

a) the state in legal persons with the capital participation of the state,

b) the National Property Fund of the Slovak Republic in bodies of legal persons with capital participation of the National Property Fund of the Slovak Republic; or

c) municipality or higher territorial unit in bodies of legal persons with capital participation of municipality or higher territorial unit.

(5) Restriction under paragraph (2) first sentence shall not apply to the activity under paragraph (4), if legal persons stated in this paragraph conduct business activities and provided that no remuneration is paid for such membership.

(6) The provision of paragraph (2) shall not apply to public officials under Article 2 (1) (p) and (r). The Restriction under paragraph (2) second sentence shall not apply to mayors of municipalities.

(7) If a public official holds an office, or performs a profession or activity under paragraphs (1) and (2) at the time of appointment to a public office, he shall within 30 days of the appointment terminate such an office or the performance of such a profession or activity or to perform a legal act specified by law leading to the termination.

(8) If a Member of the National Council of the Slovak Republic who was appointed to the public office of the head of a central state administration body, is not a member of the Government of the Slovak Republic, or to the office of state secretary, his mandate shall be temporarily discontinued but shall not terminate.

Article 6

Declaration of personal interest

(1) A public official participating in a discussion by an authority on a matter in which he has vested interest, shall declare his personal vested interest in the matter prior to making a statement in the discussion.

(2) The declaration under paragraph (1) shall also be made if the matter under discussion could bring material profit to a political party or a political movement, of which the respective public official is a member, provided that this fact is known to him.

(3) The declaration under paragraph (1) or paragraph (2) shall be recorded by the authority at the meeting of which the declaration has been made into the minutes or records of the meeting.

Article 7

Declaration of offices, employment positions, activities and economic standing

(1) Within 30 days of the assumption of the office and subsequently by 31 March of every year for the preceding calendar year public officials shall submit a declaration in writing stating:

a) whether they comply with the conditions of incompatibility of performance of a public office with the performance of other offices or the performance of other professions or activities under Article 5 (1) and (2),

b) what profession they are performing in the employment relation, a similar labour relation or in civil service and what business activities they conduct concurrently with the performance of public office,

c) what offices they hold in other state authorities, local and regional self-government bodies, bodies of legal persons conducting business and bodies of other legal persons; they shall also declare whether they receive income, fringe benefits or other benefits from the stated positions,

d) their income in the preceding calendar year from the performance of the public office and other offices, professions or activities, in which they continue after the assumption of the public office,

e) their economic standing and economic standing of their spouse and minors living in their household, including their personal data in the following way: first name, surname and address of their permanent residence.

(2) Confirmation of submission of a natural person income tax return or other document issued for tax purposes that confirm the amount of income received by the public official in the course of the preceding calendar year shall be attached to the declaration in writing under paragraph (1) by 30 April.

(3) If a public official is elected or appointed to another public office or is re-elected or re-appointed to the same public office and has already submitted a declaration under paragraph (1) in that calendar year, he is not obliged to submit it again.

(4) Economic standing under paragraph (1) (e) shall mean all of the following:

a) ownership of immovable property, including ownership of flats and non-residential premises,

b) ownership of movable property, the customary price of which is more than 35-fold higher than the minimum wage,

c) ownership of proprietary right or other proprietary value, the nominal value of which is more than 35-fold higher than the minimum wage; or

d) existence of an obligation the object of which is pecuniary delivery in a nominal value more than 35-fold higher than the minimum wage.

(5) Declaration under paragraph (1) shall be submitted

a) By a mayor to the commission of a municipal council. This commission may only be made up of deputies of municipal council. If there are any representatives of political parties and political movements or non-affiliated deputies in the municipal council, the commission shall be made up of one representative of each political party or political movement and one representative of non-affiliated council deputies. The commission shall consist of at least three members; if such number cannot be reached as described above, the necessary number of commission members shall be filled up by inviting another representative of the political party or political movement with the greatest number of seats in the municipal council;

b) by a deputy of town council and member of city district council in Bratislava and Košice to the commission of town council or city district council, This commission may only be made

up of deputies of town council and city district council, respectively. If there are any representatives of political parties and political movements or non-affiliated deputies in the town (city district) council, the commission shall be made up of one representative of each political party or political movement and one representative of non-affiliated council deputies. The commission shall consist of at least three members; if such number cannot be reached as described above, the necessary number of commission members shall be filled up by inviting another representative of the political party or political movement with the greatest number of seats in the municipal council;

c) by a chairman of higher territorial unit and member of the assembly of higher territorial unit to the commission of the assembly of higher territorial unit. This commission may only be made up of members of the assembly of higher territorial unit. If there are any representatives of political parties and political movements in the assembly of higher territorial unit, the commission shall be made up of one representative of each political party or political movement and one representative of non-affiliated assembly deputies. The commission shall consist of at least three members; if such a number cannot be reached as described above, the necessary number of commission members shall be made up by inviting another member of the political party or political movement with the greatest number of seats in the assembly;

d) rectors of public universities to the academic senate of that public university,

e) another public official to the assigned committee of the National Council of the Slovak Republic (hereinafter referred to as the "Committee").

(6) The body which receives declarations under paragraph (5) may request an explanation from the public official if there are any doubts concerning their completeness or veracity. If this body deems the provided explanation insufficient, it may request the initiation of proceedings under a special regulation. The authority conducting the proceedings under a special regulation shall without delay notify the body receiving declarations under paragraph (5) of the result of such proceedings following their completion.

(7) the body receiving declarations under paragraph (5) shall provide information on the declarations to each person in the manner and scope laid down in the Freedom of Information Act. A declaration submitted under paragraph (5) (c), (d) and (e) shall be published by the commission of the assembly of higher territorial unit on the website of the higher territorial unit, by the academic senate on the university website and by the Committee on the website of the National Council of the Slovak Republic. The personal data of public officials shall be provided or published in the following extent: first name, surname and public office that they hold.

(8) The provision under paragraph (7) shall not apply to data on the economic standing and personal data of spouse and minors living in the public official's household.

(9) Publication, as laid down in paragraph (7), shall not apply to data on economic standing of public officials, which would enable the identification of movable property owned by a public official or the identification of other parties in legal relations under paragraph (4) (c) and (d).

(10) A public official is entitled to provide the personal data of his spouse and minors who live in his household without their approval.

Article 8
Restrictions following departure from public office

(1) Any public official, as defined in Article 2 (1) a), c), d), f), h), j) to m), o), q), t) to zk), who, at any time within the period of two years before the end of performance of public office, approves the granting of state aid to natural persons or legal persons, or grants or approves another subsidy or benefit to natural persons or legal persons, or releases natural persons or legal persons from obligations arising from generally binding regulations or individual legal acts, may not, in the period of one year of the end of performance of the public office:

a) take up employment or enter into a similar industrial relation with such persons and receive a wage that is more than ten times higher than the minimum wage;

b) be a member of the management, controlling or supervisory board of these persons;

c) be a partner, member or shareholder of these persons;

d) conclude a procuration agreement, mandate agreement, commission contract, brokerage contract, commercial representation contract, silent partnership agreement or a donation agreement with these persons;

e) conclude an agreement authorising him to act on behalf of these persons.

(2) The prohibition under paragraph (1) shall also concern a public official whose decision or approval is a necessary condition for the issue of the decision pursuant to paragraph (1). Where this decision or approval is issued by a collective body, the prohibition shall apply to every public official who is a member of such collective body and votes in favour of the decision or approval.

(3) The prohibition under paragraph (1) shall also apply to a public official who

a) in the period of two years before the end of the performance of the public office, concludes a contract with a tenderer in a public procurement procedure executed by the above-threshold method or below-threshold method, or

b) in the period of two years before the end of the performance of the public office, holds the competence of the founder in relation to legal persons.

(4) The authority to which declarations are submitted under Article 7 (5) may grant an exemption from the prohibitions under paragraphs (1) to (3). The exemption may be granted if it is evident that such prohibition is disproportionate given the nature of the proceedings under paragraphs (1) to (3). The authority shall give reasons for the granting of the exemption and publish the reasons along with the exemption in accordance with Article 7 (7).

(5) Any public official, as defined in paragraph (1), shall, within a period of 30 days of the end of the one-year-period of the end of performance of the public office, submit a written declaration for the previous calendar year, in which it shall state:

- a) the persons whom he was employed by or with whom he was in a similar industrial relation;
- b) the legal person which he was a member of the management, controlling or supervisory board in;
- c) the legal persons which he became a member, shareholder or a partner in;
- d) the persons it concluded contracts under paragraph (1) d) or e) with.

(6) In the declaration under paragraph (5), the public official shall state his personal data (title, name, surname and permanent address).

Proceedings in matters concerning protection of public interest and prevention of conflict of
interest
Article 9

(1) Proceedings regarding a petition in a matter concerning protection of public interest and prevention of conflict of interest (hereinafter the “proceedings”) shall be conducted by

- a) the Committee, where public officials as defined in Article 2 (1) a) to n) and t) to zk) are concerned;
- b) the municipality, where public officials as defined in Article 2 (1) o) and p) are concerned;
- c) the assembly of the higher territorial unit, where public officials as defined in Article 2 (1) q) and r) are concerned;
- d) the senate of the public university, where public officials as defined in Article 2 (1) s) are concerned.

(2) The authority which conducts proceedings under paragraph (1) shall initiate the proceedings

- a) upon its own initiative, if its findings indicate that the data provided by the public official in the declaration pursuant to Article 7 or Article 8 are incomplete or incorrect, or that the public official has failed to perform or violated his obligation or a restriction laid down by this Constitutional Act or Act, or
- b) based on a duly justified petition, which identifies the petitioner, the public official concerned and the subject of the claim.

(3) If the proceedings are initiated on the basis of a petition, the day of its delivery to the particular authority under paragraph (1) shall be deemed the day of the commencement of the proceedings. Proceedings started upon the initiative of the relevant authority under paragraph (1) are deemed to commence on the day the authority under paragraph (1) performs the first step against the public official subject to the proceedings.

(4) The authority under paragraph (1) shall enable the public official against whom the proceedings are being conducted to comment on the petition; if necessary, it shall conduct further evidence-taking.

(5) The authority under paragraph (1) shall make a decision in this matter within a period of 60 days of the beginning of the proceedings. It shall deliver this decision both to the public official against whom the proceedings are being conducted and the one upon whose initiative they are being conducted. Where the proceedings are conducted against the Speaker of the National Council of the Slovak Republic, the decision of the authority under paragraph (1) a) shall also be delivered to the Speaker of the National Council of the Slovak Republic or the Deputy Speaker of the National Council of the Slovak Republic. Where the proceedings are conducted against a mayor, the decision of the authority under paragraph (1) b) shall also be delivered to the mayor or vice-mayor of the municipality; where the proceedings are conducted against the chairman of a higher territorial unit, the decision under paragraph (1) c) shall also be delivered to the chairman of the higher territorial unit or vice-chairman of the higher territorial unit; a decision under paragraph (1) d) shall also be delivered to the chairman of the senate of a public university.

(6) If it is proved in the proceedings that the public official has failed to perform or violated his obligation or restriction laid down by this Constitutional Act or Act, or provided incomplete or incorrect data in the declaration pursuant to Article 7 or Article 8, the decision shall state in what sense is the public official's proceedings or omission in breach of this Constitutional Act or Act, and include the rationale and instruction on the applicable remedy. The decision shall also include the obligation to pay the penalty in accordance with paragraph (10).

(7) If the decision under paragraph (6) states that the public official holds an office, or performs a job or activity which is not compatible with the holding of a public office pursuant to the Constitution of the Slovak Republic, this Constitutional Act or Acts, the decision shall also include the obligation to resign from such office, or stop performing such job or activity without undue delay.

(8) The loss of mandate or public office shall be pronounced in a decision under paragraph (6), if:

a) it is decided with finality in the previous proceedings held against the public official, that he has failed to meet or breached an obligation or restriction laid down by this Constitutional Act or Act, or stated incomplete or incorrect data in the declaration pursuant to Article 7 or Article 8;

b) the public official has failed to demonstrate, in a manner stipulated by this Constitutional Act, the origin of his property gains, especially if the public official could not have made such gains with regard to his income reported pursuant to Article 7 (1) (d).

(9) The decision pursuant to paragraph (6) shall be approved by at least a three-fifth majority of the present Committee members or a simple majority of the members of the particular authority under paragraph (1) (b) to (d); the proceedings shall otherwise be stayed. The Committee is quorate if at least a half of its members are present.

(10) A penalty

a) equal to one monthly wage of the public official shall be imposed for a breach of the obligation to submit the declaration pursuant to Article 7 within the period as laid down in Article 7;

b) equal to three monthly wages of the public official shall be imposed on the public official who has stated incomplete or incorrect data on his economic standing in the declaration pursuant to Article 7;

c) equal to three monthly wages of the public official shall be imposed on the public official who has breached the obligations under Article 8;

d) equal to six monthly wages of the public official shall be imposed on the public official who has breached the obligations under Article 5; or

e) a penalty equal to twelve monthly wages of the public official shall be imposed on the public official who has breached the obligations under Article 4.

(11) Proceeds from penalties paid by

a) public officials under Article 2 (1) (a) to (n) and (t) to (zk) shall become state budget revenues;

b) public officials under Article 2 (1) (o) and (p) shall become the revenues of the particular municipality budget;

c) public officials under Article 2 (1) (q) and (r) shall become the revenues of the particular higher territorial unit budget;

d) public officials under Article 2 (1) (s) shall become the revenues of the particular public university;

e) statutory bodies of public administration authorities and legal persons under Article 9 (14) shall become the state budget revenues.

(12) If it is not proved in the proceedings that the public official has failed to meet or violated an obligation or restriction imposed by this Constitutional Act or another Act, or stated incomplete or incorrect data in the declaration pursuant to Article 7 or Article 8, the authority shall discontinue the proceedings pursuant to paragraph (1). The decision on the discontinuation of the proceedings shall be adopted by at least a three-fifth majority of the present members of the particular authority which is conducting the proceedings; this decision is final. The proceedings shall also be discontinued if the public official resigns from his office prior to the holding of the vote on the decision pursuant to paragraph (6).

(13) The decision shall include the following personal data of the public official: title, first name, surname, permanent address and the public office.

(14) Public authorities and legal persons shall report, upon request by the authority which is conducting the proceedings in accordance with paragraph (1), any facts relevant for the proceedings and the decision under this Constitutional Act. For the breach of this obligation,

this authority may impose, even repeatedly, on the statutory body, or the chairman of the statutory body of public authorities and bodies of legal persons, a penalty in the sum as set in paragraph (10) a).

(15) For the purpose of this Constitutional Act, the monthly wage of a public official shall be deemed the one twelfth of his yearly income from the performance of the public office in the previous calendar year; where a penalty under paragraph (14) is concerned, the monthly wage of a public official shall be deemed the one twelfth of his yearly income from the previous calendar year for holding the office of the statutory body or the chairman of the statutory body of public authorities and bodies of legal persons.

(16) If the monthly wage of the public official against whom the authority stated in Article 9 (1) a) is conducting the proceedings, is lower than the average nominal monthly wage in the Slovak Republic economy in the previous calendar year, the average nominal monthly wage in the Slovak Republic economy in the previous calendar year shall be considered the monthly wage for the calculation of the sum pursuant to paragraph (10).

Article 10

(1) A decision adopted pursuant to Article 9 (8) by the Committee shall be approved by the National Council of the Slovak Republic by at least a three fifth majority of all its deputies. The National Council of the Slovak Republic shall publish the approved decision.

(2) The concerned public official may file a petition with the Constitutional Court of the Slovak Republic for the review of the decision of the Committee within 30 days of the delivery of the decision under paragraph (1) on the loss of mandate or office, or within 30 days of the delivery of the decision under Article 9 (10) on the imposition of a penalty against the public official. The submission of the petition for the review of the decision shall have a dilatory effect. The Constitutional Court of the Slovak Republic shall make a decision on the petition within a period of 60 days of its delivery. The proceedings on the review of such decision before the Constitutional Court of the Slovak Republic are regulated by statutory provisions. The decision of the Constitutional Court of the Slovak Republic is final (with the exception of the decision under Article 12 (2)).

(3) As regards the decision of the authority under Article 9 (1) (b) to (d), the concerned public official may submit a petition to the Constitutional Court for the review of the decision within a period of 15 days of the delivery of the decision on the loss of mandate or office, or the imposition of the penalty. The submission of the petition shall have a dilatory effect. The Constitutional Court of the Slovak Republic shall make a decision on the respective petition within a period of 60 days of its delivery. The proceedings on the review of such decision before the Constitutional Court of the Slovak Republic are regulated by statutory provisions. The decision of the Constitutional Court of the Slovak Republic is final (with the exception of the decision under Article 12 (2)).

(4) A statutory body of public authorities and bodies of legal persons may submit a petition with the Constitutional Court for the review of the decision on the penalty under Article 9 (14) within a period of 15 days of the delivery of the decision on the penalty. The submission of the petition for the review of the decision of the authority that has decided on the penalty has a dilatory effect. The Constitutional Court of the Slovak Republic shall make a decision on this petition within a period of 60 days of its delivery. Proceedings on the review of such a

decision before the Constitutional Court of the Slovak Republic are regulated by statutory provisions and the decision of the Constitutional Court of the Slovak Republic is final.

Article 11

(1) If the decision involves the obligation to leave the office, job or activity, the performance of which is not compatible with the performance of public office under this Constitutional Act or Act, the public official shall, within a period of 30 days of the day of finality of the decision, terminate such performance, or perform the statutory legal act directed at their termination, and give notice to the body which has issued such a decision.

(2) If the public official fails to perform his obligations under paragraph (1), he shall be deemed to have resigned from his public office as of the day of expiry of the period pursuant to paragraph (1). If the Constitution or the Act do not stipulate the termination of the public official's office by resignation, the particular public official shall be deemed to have resigned from his office or have been recalled as of the day of expiry of the period under paragraph (1).

(3) The authority which conducts the proceedings under Article 9 (1) is authorised to submit the petition for the enforcement of the decision.

Common, transitional and repealing provisions

Article 12

(1) The protection of personal data of the public official and other persons which are processed, provided or published pursuant to this Constitutional Act, shall be regulated by the provisions of the Act.

(2) If any international treaty binding for the Slovak Republic includes the possibility for a public official to petition an international authority for the review of the decision on the loss of mandate or public office, and if such public official does petition such international authority for the review of such a decision, such a decision on the loss of mandate or public office shall only be deemed final and enforceable upon its endorsement by the international authority.

(3) If the public official performs, as of 1 July 2004, an office, job or activity which is not compatible, under this Constitutional Act, with the public office, he shall, within 30 days of the day of effect of this Constitutional Act, terminate such performance, or perform a legal act stipulated by the law directed at their termination.

(4) Proceedings concerning the conflict between personal interest and the public interest commenced prior to the entry into force of this Constitutional Act shall be concluded in accordance with the regulation in place.

Article 12a

(1) If the public official performs, as of the effective day of this Constitutional Act, an office, job or activity which is not compatible, under this Constitutional Act, with the public office he holds, he shall, within 30 days of the effective day of this Constitutional Act, terminate such performance, or make a statutory legal act directed at such termination.

(2) Proceedings concerning the conflict between the personal interest and the public interest commenced with prior to the entry into force of this Constitutional Act may be reviewed by the Constitutional Court of the Slovak Republic in a procedure stipulated herein.

Article 13

Constitutional Act of the National Council of the Slovak Republic No. 119/1995 Coll. on prevention of conflicts of interest in performance of offices of constitutional officials and higher state officials is hereby repealed.

Article 14

Entry into force

This Constitutional Act shall enter into force as of 1 October 2004.

Constitutional Act No. 545/2005 Coll. entered into force as of 1 January 2006.