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# Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

## THE SLOVAK REPUBLIC

SEPTEMBER 2018

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Structure	Information received
<b>1. Establishment</b>	
1.1. Registration with Host Bar	<p>It is necessary to register with the Slovak Bar Association which records in its Register of Registered European Lawyers every lawyer who submits the following documents:</p> <ul style="list-style-type: none"><li>• a written application containing the address of the registered law office in Slovakia, including all possible contact data, specify your home state, whether in home state you practice law as a sole practitioner or jointly with other lawyers, form of such joint practice and names of partners in such legal entity, applicant's personal data necessary for application for an enhanced criminal records certificate in Slovakia (there is no form for this application, a letter will suffice)</li><li>• a certificate authorizing the provision of legal services in the home country with a certified translation into Slovak - you must be active lawyer in your home country in order to be registered – suspension or disbarment in home state is mirrored in host state (a certified copy of the lawyer's identity card or certificate)</li><li>• a document on insurance (insurance certificate) for liability for damage caused when providing legal services, including confirmation that this insurance applies to the activity of the Registered European lawyer within the territory of Slovakia (a certified copy with a certified translation into Slovak) – possibility to apply for insurance at the Bar</li><li>• an ID proving that the applicant is a citizen of an EU member state or a member state of the Agreement on the EEA (a certified copy of a passport or identity card)</li><li>• a document indicating a seat in Slovakia (agreement with owner or permission of the owner of the premises)</li><li>• a confirmation of admittance to the Bar in home state, evidence of Bar examination</li><li>• sworn declaration that no criminal or disciplinary proceeding is pending</li></ul>

	<ul style="list-style-type: none"> <li>• photocopy of an ID or passport, a photograph (3x3,5 cm)</li> <li>• enhanced criminal records certificate from home state</li> </ul> <p>There is no need to have documents translated from Czech language.</p> <p>All documents submitted shall not be more than 3 months old.</p> <p>Registration fee is 600 EUR.</p> <p>Following the registration, registered European lawyer pays annual membership fee in the amount of 307 EUR and 17 EUR contribution to social fund.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Sections 38 to 41 of the Act on the Legal Profession (<i>Parliamentary Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) as amended</i>)</li> </ul>
1.2. Title	<p>You must practice law under your home professional title which must be expressed in the official language. Should the registered European lawyer be a shareowner or a partner in a foreign legal entity or in a Slovak legal entity authorised to provide legal services, in addition to his professional title he may also use the corporate name and corporate type of such legal entity.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 42 of the Act on the Legal Profession</li> </ul>
1.3. Salaried practice	<p>Employment as lawyer is not permitted.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 2 of the Act on the Legal Profession</li> </ul>
1.4. Legal Form and Shareholding	<p>Must correspond with the core principles laid down for Slovak lawyers: no MDPs, no ABSs and no participation of non-lawyers. The Bar shall not register a person if the applicant practices law through a legal entity, in which also persons, who are not authorized to practice law, are partners or shareholders.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 39 para. 5 of the Act on the Legal Profession</li> </ul>
1.5. Joint Practice	<p>A registered European lawyer may be a member in the partnership of lawyers, partner in a limited liability partnership or general commercial partnership, or shareowner and company executive in a limited liability company.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 44 of the Act on the Legal Profession</li> </ul>
1.6. Areas of Activity	<p>Practice of law means representation of clients before courts of law, governmental authorities and other entities, acting for and defending individuals in criminal proceedings, legal consultancy, writing instruments about legal acts, making legal analyses, administration of clients' property and other forms of legal advice, assistance and legal services, if provided continuously and in</p>

	<p>return for a fee. There are no exceptions from the areas of activity in case of registered European lawyer.</p> <p>Registered European lawyer shall be deemed to be a practising lawyer according to the Act on the Legal Profession. Legal services thus include provision of legal services and representation of clients before all courts and administrative authorities and legal advice in the law of home state, host state, European and International law.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 1 and 38 of the Act on the Legal Profession</li> </ul>
1.7. Practice Rules	<p>Rules of Professional Conduct for Lawyers adopted by the General Assembly of Lawyers on 10 June 2017 and other by-laws published in the the Bar's Official Journal (<a href="https://www.sak.sk/blox/cms/sk/sak/doc/11">https://www.sak.sk/blox/cms/sk/sak/doc/11</a>)</p> <p>All provisions apply to Registered European Lawyer in the same way as to other practicing lawyers.</p>
1.8. Principle of Double Deontology	<p>As established lawyer you are subject to the regulations not only by your home bar but also by your host bar.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 38 para. 2 of the Act on the Legal Profession</li> </ul>
1.9. Disciplinary proceedings	<p>See before.</p>
1.10. Insurance (professional indemnity insurance, social security, etc.)	<ul style="list-style-type: none"> <li>• Upon his admission to the Bar and at anytime at the Bar's prior written request, the lawyer shall submit to the Bar a professional indemnity policy covering any loss or damage arising out of the provision of legal services.</li> <li>• Lawyer must be ready to present a document on insurance (insurance certificate) for liability for damage caused when providing legal services, including confirmation that this insurance applies to the activity of the registered European lawyer within the territory of Slovakia (a certified copy with a certified translation into Slovak)</li> <li>• Minimum indemnity limit of an insurance policy must not be lower than 100 000 EUR. If the lawyer practices law as an executive manager in any joint practice, the duty shall apply to such entity only, the minimum indemnity limit in that case shall be 1 500 000 EUR per each shareowner.</li> <li>• The Bar on behalf of lawyers admitted to the Bar maintains a Collective Professional Indemnity Policy that covers any loss or damage arising out of the provision of legal services. Lawyers who wish to be insured under Collective Professional Indemnity Policy are obliged to pay to the Bar the premium as agreed in the Collective Professional Indemnity Policy.</li> <li>• Social security: social security issues are dealt with by lawyers in their own capacity</li> </ul> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 27 of the Act on the Legal Profession</li> </ul>
1.11. Fees	<p>A lawyer's fee for his provision of legal services shall be regulated by the lawyer's contract between the lawyer and his client ("contractual fee"); where a lawyer's fee is not set by a contract; it shall be governed by provisions of the Regulation of the Ministry of Justice of the Slovak Republic No. 655/2004Coll. on Lawyer's Fees and Compensations for the Provision of Legal Services</p> <p>Relevant national provisions:</p>

	<ul style="list-style-type: none"> <li>- Regulation of the Ministry of Justice of the Slovak Republic No. 655/2004Coll. on Lawyer's Fees and Compensations for the Provision of Legal Services</li> </ul>
1.12. Continuing Legal Education	Not required.
1.13. Bar	<p>By registration, you become a full member of the Slovak Bar Association with one exception - A registered European lawyer does not have the right to stand for office in the Bar's governing bodies. However, your right to attend the General Assembly and vote on all principal matters shall not be affected or prejudiced thereby.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 43 of the Act on the Legal Profession</li> </ul>
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	<p>Option 1 – Three years of practice</p> <p>The Bar shall admit anyone within two months from receipt of their written application, provided that such a person:</p> <ol style="list-style-type: none"> <li>a) is admitted as a registered European lawyer (Sec. 39),</li> <li>b) took the oath,</li> <li>c) for a period of three years practised law and provided legal services in the Slovak Republic without any significant interruption under this Act, and</li> <li>d) provided legal services and gave advice on the Slovak law.</li> </ol> <p>Temporary interruption due to everyday arrangements and ordinary circumstances, usually not exceeding three weeks, shall not constitute significant interruption in the provision of legal services. When considering a case of significant interruption, account shall be taken of the reasons for such interruption, duration and frequency thereof. If the lawyer did not provide legal services under this Act for more than one year, the 3 year period shall start to run from the beginning. The person, who applied to the Bar for admission as a lawyer, shall submit to the Bar all information and documentation, and give a clear explanation of a number and areas of legal services and advice, which he provided and gave on the Slovak law.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 4 of the Act on the Legal Profession</li> </ul> <p>Option 2 – Aptitude test : see below point 3.2</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 5 of the Act on the Legal Profession</li> </ul>
<b>2. Services</b>	
2.1. Under home title & representation before courts	<p>A visiting/cross-border European lawyer may provide legal services under home professional title which must be expressed in the official language – before courts and administrative authorities.</p> <p>Courts and administrative authorities may require proof that you are lawyer in your home state/ an European lawyer identity card</p>

	<p>(translated into the Slovak language)</p> <p>For the pursuit of activities relating to representation or defence of clients in a court proceedings with compulsory legal representation of a party or in which only a registered lawyer can be a party's representative, and to representing a defendant in criminal proceedings, the cross-border European lawyer is obliged to act in conjunction with the lawyer admitted to the Bar (referred to as the "local lawyer"); otherwise he shall not represent the client or the defendant in a capacity of a lawyer. The terms and conditions of their mutual co-operation shall be laid down in a written agreement.</p> <p>Documents to be served on cross-border European lawyer shall be delivered to the local lawyer in his respective seat once their cooperation is required.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Sections 31 to 33 of the Act on the Legal Profession</li> </ul>
2.2. Deontology	<p>When providing legal services in the Slovak Republic, a cross-border European lawyer is obliged to fulfil all duties and obligations imposed on the practising lawyers admitted to the Slovak Bar; the cross-border European lawyer's duty to comply with all laws and legal rules applicable in his home Member State are not affected or prejudiced (double deontology)</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 31 para. 3 of the Act on the Legal Profession</li> </ul>
2.3. Fees	<p>A lawyer's fee for his provision of legal services shall be regulated by the lawyer's contract between the lawyer and his client ("contractual fee"); where a lawyer's fee is not set by a contract, it shall be governed by provisions of the Regulation herein regarding non-contractual fees.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Regulation of the Ministry of Justice of the Slovak Republic No. 655/2004Coll. on Lawyer's Fees and Compensations for the Provision of Legal Services</li> </ul>
	<p>Information obligation for cross-border lawyers under Slovakian law :</p> <p><b>Resolution of the Slovak Bar Association Council No. 26/3/2018 of 9th March 2018 on Information Obligation of the Cross-Border European Lawyer towards the Slovak Bar Association</b></p> <p>Slovak Bar Association Council (hereinafter referred to as the "Bar Council") decided according to Section 35 and Section 71 para. 2 point b) of Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) as amended as follows:</p> <p><b>Article 1</b></p> <p>A cross-border European lawyer is obliged to inform the Slovak Bar Association (hereinafter referred to as the "Bar") about the provision of legal services on the territory of the Slovak Republic no later than 15 days from the date of the initiation of the legal service.</p> <p><b>Article 2</b></p> <p>(1) Notification must include:</p> <p>a) Name, surname, permanent address and address of the cross-border European lawyer office,</p>

	<p>b) Documents that serve as evidence of professional competence to provide legal services in home Member under any of professional titles specified in Annex 1 to the Act on the Legal Profession not older than three months,</p> <p>c) evidence of compulsory professional indemnity insurance covering loss or damage, which might arise in connection with the practice of law and provision of legal services in the Slovak Republic,</p> <p>d) information on the type of the provided legal service,</p> <p>e) address for service of documents.</p> <p>(2) Should the cross-border European lawyer represent a party at court, he is obliged to add the following information in the notification:</p> <p>a) Case number and court seized of the proceeding</p> <p>b) Copy of the agreement on mutual cooperation with local lawyer according to Section 32 of the Act on the Legal Profession,</p> <p>c) local lawyer address for service of documents.</p> <p><b>Article 3</b></p> <p>Cross-border European lawyer is obliged to inform the Bar on the termination of the provision of legal services on the territory of the Slovak Republic.</p> <p><b>Article 4</b></p> <p>Such notification shall be made via electronic form or in writing.</p> <p><b>Article 5</b></p> <p>The Bar Office shall issue a written confirmation attesting the fulfilment of information obligation containing the data in Article 2 para. 1 points a) to e) and in case of representation before the court of law also data from Article 2 para. 2 points a) to c). The written confirmation is issued in return for an administrative fee.</p> <p><b>Article 6</b></p> <p>Cross-border European lawyer who commenced provision of legal services on the territory of the Slovak Republic before this resolution entered into force is obliged to fulfil the information obligation within 60 days following the date of entry into force of the resolution.</p> <p>This resolution entered into force on 1<sup>st</sup> July 2018.</p>
<b>3. Acquisition of the national lawyer's title</b>	
3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>Pass the aptitude test: see Articles 13-14 of Directive 2005/36</p> <p>The Bar shall admit anyone within two months from receipt of his written application, provided that such a person:</p> <p>a) is a national of the EU Member State or any other signatory of the EEA Treaty,</p> <p>b) met the requirement of professional legal education and practice prescribed by this Member State for practising law</p>

	<p>individually under one of EU professional titles,</p> <p>c) passed the aptitude test, and</p> <p>d) took the oath.</p> <p>The aptitude test is a test intended to measure the European lawyer’s professional knowledge and his knowledge of the Slovak law, as well as of the Bar’s internal rules. The aptitude test shall be taken in the official language (Slovak). Details of the aptitude test shall be determined in the Bar’s internal rule. Within 6 months from receipt of a written application and from the payment of the application fee fixed by the Bar, the Bar shall enable each applicant, who has met requirements, to take the aptitude test.</p> <p>If the applicant while being interviewed by a three-member committee appointed by the President of the Slovak Bar Association proves that as a registered European lawyer he effectively and regularly dealt with the Slovak legal system and is able to maintain such involvement, condition of three-year-long practice no longer applies. During the interview a due account is taken of the registered European lawyer’s attendance at lectures, seminars and conferences focused on the Slovak law.</p> <p>Fee: 2000 EUR</p> <p>Relevant national provisions: Section 5 of the Act on the Legal Profession</p> <p>Details are stipulated in the Bar Council Resolution No. 84/8/2016 of 9<sup>th</sup> September 2016 approving the Exam Order of the Slovak Bar Association related to the Aptitude Test</p>
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**4. Practicalities**

<p>4.1. Practical information</p>	<ul style="list-style-type: none"> <li>• It is recommended to arrive at least 15 minutes beforehand, because you have to pass the security check which can be time consuming (security guards, the policemen, would not likely speak English). Some of the Court houses are bigger than others, consider the time spent for searching the appropriate courtroom.</li> <li>• Once you find the appropriate courtroom, please wait outside. You will be invited in.</li> <li>• Before the Slovak courts, it is required to wear a gown in the courtrooms only in the course of criminal proceeding.</li> <li>• As a defendant, you and your client sit on the left side from the judge. As a plaintiff, you sit on the right side from the judge’s point of view.</li> <li>• It is required to stand when the judge walks in or when you speak to him. You are allowed to ask questions or speak only when you were given the right to by the judge.</li> <li>- Supreme Court of the Slovak Republic: <a href="https://www.nsud.sk/press-releases/">https://www.nsud.sk/press-releases/</a></li> <li>- Constitutional Court of the Slovak Republic: <a href="https://www.ustavnysud.sk/aktualne-informacie">https://www.ustavnysud.sk/aktualne-informacie</a></li> <li>- Ministry of Justice of the Slovak Republic: <a href="https://www.justice.gov.sk/Stranky/default.aspx">https://www.justice.gov.sk/Stranky/default.aspx</a></li> <li>- Find a court: <a href="https://obcan.justice.sk/infosud/-/infosud/zoznam/sud">https://obcan.justice.sk/infosud/-/infosud/zoznam/sud</a></li> </ul>
<p>4.2. National organisation</p>	<p>The Slovak Bar Association is national independent self-administrative professional organisation, currently associating cca 5600 lawyers and 2500 trainee lawyers.</p> <p>Lawyer is a person who has met all the legal requirements stipulated in the Act and has been duly admitted to the Slovak Bar</p>

	<p>Association.</p> <p>The Bar Association Council maintains these rolls: the roll of lawyers, European lawyers, foreign registered lawyers and international legal practitioners, list of partnerships of lawyers, limited liability partnerships, general non-commercial partnerships, limited liability companies, list of international law corporations and trainee lawyers.</p> <p>The Bar Association Council, one of the governing bodies of the Bar, maintains these lists in the alphabetical order and also with reference to the registered offices and language skills.</p> <p>The lawyer is entitled to render legal services in the whole Slovak Republic territory. The requirements for the practice of the profession are stipulated and defined in the Act on the Legal Profession, the Rules of Professional Conduct and other Bar's internal rules and regulations.</p> <p>The Bar Association governing bodies are as follows:</p> <ul style="list-style-type: none"> <li>- General Assembly,</li> <li>- Bar Association Council,</li> <li>- the Supervision and Disciplinary Committees.</li> </ul> <p>The Council consists of 9 members and 3 substitutes. The Supervision Committee consists of 9 members and 3 substitutes. The Disciplinary Committee consists of 31 members and 10 substitutes who exercise their powers in three-member disciplinary benches.</p> <p>The Slovak Bar Association exercises the disciplinary power and supervises the proper and due practice of the profession. All the complaints related to the practice of the legal profession are first delivered and registered in a written form or by e-mail by the Bar's Headquarters. The General Secretary then deals with and handles the complaint within two months following its delivery to the Bar's Headquarters.</p> <p>Admissible or repeated complaints are submitted to the Supervision Committee. If the Supervision Committee comes to a conclusion that the lawyer breached any of his/her duties as prescribed by the obligatory rules, the chairman of the Supervision Committee shall file a proposal for the commencement of the disciplinary proceedings.</p> <p>The cases of professional misconduct are handled and decided by three-member disciplinary panels.</p>
<p>4.3. Reference to national legislation with other languages available + links</p>	<p>Legislation in general - SLOV-LEX portal: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act on the Legal Profession: CCBE website <a href="#">EN</a></p> <p>Code of Conduct: CCBE website <a href="#">EN /SK</a></p>
<p>4.4. Reference to existing national guides</p>	<p>Frequently asked questions on the Bar Association website: <a href="https://www.sak.sk/blox/cms/sk/sak/zahranicne/otazky">https://www.sak.sk/blox/cms/sk/sak/zahranicne/otazky</a> (in Slovak only)</p>
<p>4.5. Reference to services available for lawyers in that jurisdiction</p>	<p>No special services.</p>



4.6. Contact information	Slovak Bar Association International Relations Director Michaela Chládková, PhD. ( <a href="mailto:chladekova@sak.sk">chladekova@sak.sk</a> )