REPORT

on the Free Movement of Workers in Slovakia in 2012-2013

Rapporteurs: Martin Škamla and Peter Varga

July 2013
Contents

Chapter I    The Worker: Entry, residence, departure and remedies
Chapter II   Members of the family
Chapter III  Access to employment
Chapter IV   Equality of treatment on the basis of nationality
Chapter V    Other obstacles to free movement of workers
Chapter VI   Specific issues
Chapter VII  Application of transitional measures
Chapter VIII Miscellaneous
Chapter I
The Worker: Entry, Residence, Departure and Remedies

Texts in force


Directive 2004/38/EC was transposed into the Slovak legislation at the end of 2005 already by the Act No 558/2005 amending the Old Foreigners Act, which was adopted on 8 November 2005 and came into force on 15 December 2005. The new Foreigners Act re-transposed the Directive 2004/38/EC.

Title II of the Section III of the Foreigners Act regulates the residence of EAA citizens and their family members, and Title II is named ‘Residence of the Union citizen and his/her family member’.

Article 7 (1) (a) of the Directive 2004/38/EC
The wording of the Foreigners Act has almost the same wording as the relevant provision of the Directive 2004/38/EC. Article 65 (1) (a) and (b) provides that a Union citizen has the right of residence in the Slovak Republic during the period of more than three months, if she/he is employed in the Slovak, or she/he is a self-employed person in the Slovak Republic.

No difficulties with transposition of this provision of the Directive 2004/38/EC were observed.

Article 7 (3) (a) – (d) of the Directive 2004/38/EC
According to relevant provisions of the Foreigners Act, the right of residence of a Union citizen will retain even then, if she/he is no longer employed or self-employed, if she/he is temporarily unable to work as the result of an illness or accident; she/he is registered as a job applicant at the respective Office of Labour, Social Affairs and Family after having been employed for more than one year; she/he is registered as a job applicant at the respective Office of Labour, Social Affairs and Family after completing a fixed-term employment contract of less than a year or after having become involuntarily unemployed during the first twelve months; she/he embarks on vocational training – the training has to be related to the previous employment, unless she/he is registered as a job applicant at the respective Office of Labour, Social Affairs and Family.³

---

³ Article 65 (3) of the Foreigners Act.
The wording of the Foreigners Act fully corresponds with the wording of the Article 7 (3) of the Directive 2004/38/EC.

Article 8 (3) first intend of the Directive 2004/38/EC

The relevant provisions of the Foreigners Act provide that a Union citizen who applies for the registration of residence as an employed person shall be obliged to submit a valid identity card or a valid travel document and an assurance of an employer or a work contract, and a Union citizen who applies for the registration of residence as a self-employed person shall be obliged to submit a valid identity card or a valid travel document and a document which confirms that she/he is a self-employed person.

No difficulties with transposition of this provision of the Directive 2004/38/EC were observed.

Article 14 (4) (a) and (b) of the Directive 2004/38/EC

With regard to Article 14 (4) (a) and (b) of the Directive 2004/38/EC, following provisions are important in Slovak Foreigners Act:

A police department can withdraw the right of residence from a Union citizen, if she/he has become a person in material need, if the right for residence is based on different purposes than work, self-employment, family membership or an assumption that she/he would find employment.4

A Union citizen has the right of residence in the Slovak Republic during the period of more than three months, if there is an assumption that she/he would find employment.5 A Union citizen who applies for the registration of residence on the ground of an assumption that she/he would find employment shall be obliged to submit a solemn declaration that she/he is continuously looking for work in the Slovak Republic.6 The Act No. 75/2013 amending the Foreigners Act introduced a new obligation for Union citizen who applies for the registration of residence on the ground of an assumption that she/he would find employment besides the solemn declaration – a document on a health insurance.

The police department, can, on the basis of a decision, withdraw the right of residence from the family member of the Union citizen, if she/he has the right of residence based on family membership to a Union citizen and has become a person in material need.7 If the police department discovers that the consequences of the withdrawal of the right of residence from the family member of the Union citizen would be inappropriate with regard to his/her family situation, they shall not withdraw the right of residence from the family member of the Union citizen.8

The wording of the Foreigners Act seems to be in conformity with Article 14 (4) (a) and (b) of the Directive 2004/38/EC, as regards EEA citizens. The position of the family members of EEA citizens in this situation is not that clear. Article 72 (2) (c) allows for withdrawal of the residence permit from third country family members on the ground of being in material need even in situations, when they are family members of EEA workers, self-employed persons, or those seeking employment. However, when deciding on the withdrawal, the family situation of family members concerned should be taken into considera-

---

4 Article 68 (2) (c) of the Foreigners Act.
5 Article 65 (1) (e) of the Foreigners Act.
6 Article 66 (6) of the Foreigners Act.
7 Article 72 (2) (c) of the Foreigners Act.
8 Article 72 (3) of the Foreigners Act.
tion. Nevertheless, the current legislation allows for the possibility of withdrawing the residence permit on the grounds of being in material need from third country family members of EEA citizens, who are EEA workers, self-employed persons, or those seeking employment.

**Article 17 of the Directive 2004/38/EC**

Article 17 of the Directive 2004/38/EC was transposed to the Foreigners Act in full.

**Article 24 (2) of the Directive 2004/38/EC**

This provision was not transposed in the Slovak legislation.

**Job seekers**

A Union citizen has the right of residence in the Slovak Republic during the period of more than three months, if there is an assumption that she/he would find employment\. A Union citizen who is the holder of a valid identity card or travel document shall be entitled, without any further conditions or formalities, to reside in the Slovak Republic for three months from the entry to the Slovak Republic. A Union citizen can submit, instead of a valid identity card or travel document, any other document by which she/he demonstrates his/her identity and citizenship of a Member State in a trustworthy way\. The beginning of residence in the Slovak Republic shall be notified by a Union citizen at a police department within ten working days from the date of entry into the Slovak Republic. A Union citizen who resides in the Slovak Republic for more than three months shall be obliged to apply for the registration of residence in the Slovak Republic. An application for the registration of the residence shall be filed in an official form in person at a police department within 30 days from the elapse of three months from the entry into the Slovak Republic\. A Union citizen who applies for the registration of residence for the purpose of seeking employment shall be obliged to submit a valid identity card or a valid travel document together with the application and a solemn declaration that s/he is continuously looking for work in the Slovak Republic. The Act No. 75/2013 amending the Foreigners Act introduced a new obligation for Union citizen who applies for the registration of residence on the ground of an assumption that she/he would find employment besides the solemn declaration – a document on a health insurance.

This means that it is necessary to notify the residence in the Slovak Republic within ten working days from the entry into the Slovak Republic. After three months plus thirty days at the latest, the person concerned has to register her/his residence.

As the residence of a Union citizen is considered as a permanent residence permit, he/she can ask for any social assistance available for those having permanent residence permit.

Moreover, Article 65 (3) of the Foreigners Act provides that the right of a Union citizen for a residence remains preserved even if such citizen is unemployed and has been employed for more than one year and is registered as a job seeker, or if his/her employment agreed for a fixed period of less than one year ended or if his/her is unemployed and has been employed for less than one year and is registered as a job seeker.

No reference to recital 9 of the Directive 2004/38/EC can be found in Slovak legislation and in preparatory documents to it.

---

9 Article 65 (1) (e) of the Foreigners Act.
10 Article 64 (1) of the Foreigners Act.
11 Article 66 (1) of the Foreigners Act.
The 2013 amendment to the Foreigners Act introduced a new obligation for a job seeker in order to be registered – he/she has to submit a document on health insurance. This does not seem to be in conformity with the Directive 2004/38/EC.

Free movement of Roma workers

The specific issue of Roma workers was not on the debate in Slovakia, neither with regard to Slovak Roma workers moving from Slovakia or back to Slovakia, nor with regard to Roma workers from other countries moving to Slovakia.
Chapter II
Members of the Family

Texts in force
- zákon č. 5/2004 Z. z. o službách zamestnanosti a o zmene a doplnení niektorých zákonov\textsuperscript{12} v znení neskorších predpisov - the Act No. 5/2004 on Services of Employment and on Amendments of Some Acts, as amended

1. THE DEFINITION OF FAMILY MEMBERS AND THE ISSUE OF REVERSE DISCRIMINATION

Definition of family members

According to Article 2 (5) of the Foreigners Act, family member of a Union citizen shall mean:
1. his/her spouse,
2. his/her or spouse's child younger than 21 years or dependent child,
3. a direct relative dependant on him/her or on the spouse,
4. any other family member, who is a dependent person in the country, where he/she comes from,
5. any other family member, who is member of his/her household,
6. any other family member, who depends on his/her care due to serious health problems,
7. his/her partner with whom the Union citizen is in a permanent, duly certified relationship,
8. third country national with the right of residence of the family member of the Union citizen in the Member State in which the Slovak Republic national is the Union citizen with whom the third country national returns or joins him/her to reside back in the Slovak Republic territory and fulfils any of the conditions specified previous points in relation to the Slovak Republic national.

This definition corresponds to definition of family members in the Directive 2004/38/EC, the only missing element from the Directive 2004/38/EC are children of registered partners. According to Slovak legislation, children of registered partners of Union citizens, who are under 21 and are not dependent on the parent, are not considered as family members in contrast to Article 2 (2) of the Directive 2004/38/EC.

Reverse discrimination

The conditions for granting of the permit are still tougher for family members of Slovak citizens, who were not living with their family members in other Union country, than for family members of Union citizens, or family members of Slovak citizens, who were living

with their third country family members in other Union country. Apart from the conditions for the family members of Union citizens mentioned below, the family member of Slovak citizen has to prove that he/she has no criminal record, needs to have his/her stay financially secured, which has to be proved by the sum of 2 277.96 EUR, needs to have the accommodation secured, and has to prove that he/she has no.

Moreover, there are differences in the definition of family members of Slovak citizens and family members of Union citizens. As regards Slovak citizens, only their spouses and direct relatives of Slovak citizens dependant on them are entitled for the permanent residence in Slovakia. Children of a spouse must be younger than 18 years. Direct relatives of the spouse of Slovak citizen dependant on the spouse, and other family members dependant on the Slovak citizen or members of his/her household are not entitled for the permanent residence in Slovakia.

2. ENTRY AND RESIDENCE RIGHTS

A family member of the Union citizen who is the holder of a valid travel document shall be entitled to reside in the Slovak Republic during three months from the date of entry into the Slovak Republic, if she/he accompanies or joins the Union citizen whose family member she/he is. A family member of the Union citizen can submit any document instead of a valid travel document by means of which she/he demonstrates his/her identity and a family relationship with the Union citizen to the police department in a trustworthy way. The beginning of residence in the Slovak Republic territory shall be announced by the family member of the Union citizen at a police department within ten working days from the date of entry into the Slovak Republic. The right of residence of the family member of a Union citizen during the three months period shall remain untouched, unless s/he becomes a person in material need.13

A family member of the Union citizen has the right of residence in the Slovak Republic during the period longer than three months, if the warrantor has right of residence in the Slovak Republic. The warrantor shall be understood as the Union citizen with the right of residence or with the right of permanent residence in the Slovak Republic territory who is accompanied or joined by his/her family member.14 The Foreigners Act does not include any other requirements for the family member for his/her residence in the Slovak Republic. The Foreigners Act introduced the obligation the register for residence permit. The family member of the Union citizen shall be obliged to submit an application for the issuance of a document of residence at a police department within 30 days from the elapse of three months from the date of entry into the Slovak Republic.15

The retention of the right of residence in the Foreigners Act is transposed in accordance with Article 12 of the Directive 2004/38/EC.

Article 70 (5) of the Foreigners Act provides for the right for retention of the residence for, among other issues, the reasons worth special consideration. Domestic violence, dependence on alcohol, narcotic drugs, psychotropic substances, hazardous games or other serious reasons are explicitly mentioned in the Foreigners Act. However, to have the residence permit retained for one of the reasons stipulated in Article 13 (2) of the Directive 2004/38/EC,

13 Article 69 of the Foreigners Act.
14 Article 70 (1) and (2) of the Foreigners Act.
15 Article 70 (8) of the Foreigners Act.
the third country family member or the warrantor has to fulfil not just one, but all conditions set in Article 7 (1) (a) to (c) at once and, moreover, the family has to be established in the Slovak Republic.

Third country family members are entitled for permanent residence under circumstances provided in Article 17 (4) of the Directive 2004/38/EC, according to the Foreigners Act.

3. **IMPLICATIONS OF *METOCK* JUDGMENT**

In Slovak legislation, the right of residence of family members (both, citizens of EEA countries and citizens of third countries) of Union citizens is not conditioned by prior lawful residence of those family members in another Member State. The only situation, where prior lawful residence in another Member State comes into play, is the situation of third country family members of Slovak citizens returning to Slovak Republic. Those third country family members need to have the right of residence of the family member of the Union citizen in another Member State in which the Slovak Republic national is the Union citizen, before joining him/her in the Slovak Republic.

4. **ABUSE OF RIGHTS, I.E. MARRIAGES OF CONVENIENCES AND FRAUD**

No explicit provisions allowing a police department not to issue a document on residence on the ground that there is a suspicion that the foreigner entered into marriage with the aim to obtain a residence permit are to be found in the Foreigners Act. The only provision that could be used this way states that a police department shall individually evaluate submitted documents including a document which confirms the existence of a family relationship with the warrantor, whereas they shall investigate the facts which are demonstrated by the family member by means of these documents. The police department shall, following to inspecting the documents, decide, whether the submitted documents are sufficient. If the submitted documents are not sufficient in order to demonstrate in a trustworthy way the facts, the particular person shall not receive the document of residence from the police department.

No other provisions with regard to marriages of conveniences of third country family members are to be found in the legislation. As regards, EEA family members, this issue is not covered at all.

5. **ACCESS TO WORK**

Article 2 (2) of the Act on Services of Employment provides that citizens of a Member State of the European Union, citizens of a state, which are a party to the Agreement on European Economic Area, and citizens of the Swiss Confederation, and their family members, have the same legal position as citizens of Slovak Republic, if not stipulated otherwise.

Moreover, according to Article 22 (7) (a) of the Act on Services of Employment, foreigners with permanent residence in Slovakia are not required to have a permission to work. Therefore, family members with residence (i.e. those having permanent residence within the meaning of the Foreigners Act) are allowed to work without a need to get any other permission.
6. **THE SITUATION OF FAMILY MEMBERS OF JOB SEEKERS**

No specific provisions are applied with regard to family members of job seekers.

7. **OTHER ISSUES CONCERNING EQUAL TREATMENT (SOCIAL AND TAX ADVANTAGES)**

Family members having permanent residence have the same access to social and tax advantages as other persons having permanent residence in Slovakia.
Chapter III
Access to Employment

1. ACCESS TO EMPLOYMENT IN THE PRIVATE SECTOR

Texts in force
- zákon č. 365/2004 Z.z. o rovnom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon) – the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on Change and amendment of some acts (Antidiscrimination Act), as amended
- zákon č. 5/2004 Z. z. o službách zamestnanosti a o zmene a doplnení niektorých zákonov\(^\text{17}\) v znení neskorších predpisov - the Act No. 5/2004 on Services of Employment and on Amendments of Some Acts, as amended
- zákon č. 270/1995 Z. z. o štátnom jazyku Slovenskej republiky\(^\text{18}\) v znení neskorších predpisov - the Act No. 270/1995 Coll. on the National Language in Slovak Republic as amended
- zákon č. 578/2004 Z. z. o poskytovateľoch zdravotnej starostlivosti, zdravotníckych pracovníkov, stavovských organizáciách v zdravotníctve a o zmene a doplnení niektorých zákonov\(^\text{19}\) v znení neskorších predpisov - the Act No. 578/2004 on Providers of Healthcare, Health Service Workers, Professional Organisations in Health Care and on Amendments of Some Acts, as amended
- zákon č. 586/2003 Z. z. o advokácii a o zmene a doplnení zákona č. 455/1991 Zb. o živnostenskom podnikaní (živnostenský zákon)\(^\text{20}\) v znení neskorších predpisov - the Act No. 586/2003 on Advocacy and on Amendment of the Act No. 455/1991 on Trade Business (Trade Act), as amended
- zákon č. 293/2007 o uznávaní odborných kvalifikácií\(^\text{21}\) - the Act No. 293/2007 on Recognition of Professional Qualifications

1.1. Equal treatment in access to employment (e.g. assistance of employment agencies)

Access to employment is regulated by EU legislation (most of the legal acts are directly applicable and are also binding in a horizontal relationship) as well as by Slovak legislation, which is the transposition of EU legislation.

The Act No. 5/2004 Coll. on Services of Employment and on Amendments of Some Acts, as amended (Act on Services of Employment) regulates access to employment in Slo-
SLOVAKIA

The Act on Services of Employment is applicable both in the private sector as well as the public sector.

According to this act, no work permit is required for citizens of EEA countries, citizens of Switzerland, and their family members. Article 2 (2) of the Act on Services of Employment provides that citizens of a Member State of the European Union, citizens of a state, which are a party to the Agreement on European Economic Area, and citizens of the Swiss Confederation, and their family members, have the same legal position as citizens of Slovak Republic, if not stipulated otherwise.

There is no formal provision which would threaten the equal treatment in access to employment between Slovak citizens on one hand, and of EU, EEA and Swiss citizens on the other hand, as Article 2 (2) of the Act on Services of Employment stipulates that EU/EEA and Swiss citizens have equal status in relationship arising from the Act on Services of Employment as Slovak citizens, including access to employment.

The position of third country family members is not completely clear. They are regarded as foreigners according to Article 2 (1) (n) of the Act on Services of Employment (unless they are EU/EEA or Swiss citizens), however, according to the abovementioned Article 2 (2) of the Act on Services of Employment, they have the same legal position as Slovak citizens. This might cause problems in practice with regard to equal treatment.

Right to access to employment is regulated in Article 14 of the Act on Services of Employment. Article 14 (1) ensures the right to access to employment. The right to access to employment includes a right of a person (Slovak citizen and those with the same legal position, i.e. including EU, EEA and Swiss citizens) to services designed to help and support in order to facilitate the entry in the labour market, including help and support for the entry and persistence of handicapped job seekers on the labour market, for a minimum period of six consecutive months.

Paragraph 2 of Article 14 of the Act on Services of Employment provides for a general anti-discrimination clause with regard to access to employment by referring to the Anti-Discrimination Act. A ban on discrimination based on national origin is explicitly mentioned in the above mentioned provision of the Act on Services of Employment. A similar ban is also expressed in the Antidiscrimination Act, which is a general act applicable to non-discrimination. Article 6 (2) (a) of the Antidiscrimination Act explicitly prohibits discrimination in access to employment based on grounds of national origin (by using of broad interpretation and in connection with indirect effects of EU law, the term national origin can also be applicable to EU/EEA and Swiss citizens). Similar provisions can be found in the Labour Code as well.

The Act on Services of Employment requires the employers to observe the non-discrimination principle. Employers must not advertise discriminatory employment offers, including employment offers that would discriminate based on national origin.

Assistance of employment agencies is regulated by Articles 25 to 31 of the Act on Services of Employment. As EU citizens and their family members have the same legal position as Slovak citizens, they should be treated equally.

The issue of possible reciprocal measures by Slovakia to those applied by a Member State of the EU with regard to Articles 1 and 6 of the Council Regulation on free movement of workers is dealt with in Chapter VII on transitional measures.

1.2. Language requirements

There is no condition requiring knowledge of Slovak language for access to employment in general. Article 14 of the Act on Services of Employment provides that regarding the right for access to employment, no discrimination on the basis of language or ethnic origin is permitted. This prohibition for employers also applies to advertising of employment offers. The same prohibition of discrimination is in Article 1 of the Basic Principles of the Labour Code. However, the employer can have specific language requirements, as long as the language requirement is not discriminatory, i.e. they must be objectively justified by the character of the concrete work position.

According to the Act No. 270/1995 Coll. on the National Language in Slovak Republic (hereinafter ‘National Language Act’) execution of employment documentation in foreign languages is possible only beside the Slovak language text.23 This obligation applies also to foreigners employed in the Slovak Republic.

The Act No. 293/2007 Coll. on Recognition of Professional Qualifications provides for requirements to know the Slovak language with regard to regulated professions.24 Article 27 (1) of the Act on Recognition of Professional Qualifications provides for a requirement of an applicant to know the Slovak language to the extent necessary for the execution of a particular regulated profession. According to Article 27 (2) of the Act on Recognition of Professional Qualifications, knowledge of the language may be tested by a special commission in well-founded cases. The commission consists of two professionals in the particular regulated profession and a person with a university degree in the Slovak language, the latter being chairman of the commission. The knowledge of the Slovak language is tested by a general interview, reading an article from the press or a professional magazine, an interview about the article, and a test on knowledge of the Slovak language.

Article 31 (4) of the Act No. 578/2004 Coll. on Providers of Health Care as amended provides that a foreigner is required to know Slovak language and special terminology in the Slovak language to the extent necessary for the medical profession. As there is no explanation of the term foreigner in the Act, EEA citizens seem to be considered as foreigners in this regard.

Article 5 of the Act No. 586/2003 Coll. on Advocacy as amended provides that in order to be enrolled in the List of Advocates in Slovakia, EEA citizens have to pass a legal qualification exam in Slovak, if they did not provide legal services in Slovakia for three years as settled attorneys at law (Slovak law used the term settled Euroadvocate). However, there is no language requirement for enrolment into the List of settled attorneys at law (and consequently the List of Advocates in Slovakia) after three years of performance of activities in the Slovak Republic and upon the request of the settled attorney at law. The legal position of a settled attorney at law is the same as an Advocate, subject to some restrictions regarding applying for positions in the Bar Association.

23 Article 8 (2) of the National Language Act.
24 The list of regulated professions is in Annex to this report.
2. ACCESS TO EMPLOYMENT IN THE PUBLIC SECTOR

Texts in force
- zákon č. 400/2009 Z. z. o štátnej službe a o zmene a doplnení niektorých zákonov v znení neskorších predpisov – the Act No. 400/2009 on Civil Service and on Amendments of some Acts, as amended
- nariadenie vlády SR č. 411/2009, ktorým sa ustanovujú štátnozamestnanecké miesta, na ktorých môže štátnu službu vykonávať len občan Slovenskej republiky – Governmental Regulation No. 411/2009 Coll. on stipulating the public service positions that can only be performed by the citizens of the Slovak Republic
- zákon č. 73/1998 Z. z. o štátnej službe príslušníkov Policajného zboru, Slovenskej informačnej služby, Zboru väzenskej a justičnej stráže Slovenskej republiky a Železničnej polície v znení neskorších predpisov – the Act No. 73/1998 on civil service of members of Police Corps, Slovak Information Service, Corps of Prison and Court Guard, and Railways Corps, as amended
- zákon č. 315/2001 Z. z. o Hasičskom a záchrannom zbore v znení neskorších predpisov – the Act No. 315/2001 on Firemen and Rescue Corps, as amended
- zákon č. 385/2000 Z. z. o sudcoch a prísediacich a o zmene a doplnení niektorých zákonov v znení neskorších predpisov – the Act No. 385/2000 Coll. on Judges and Associate Judges and on Amendments of some Acts, as amended

2.1. Nationality condition for access to positions in the public sector

According to Article 61 (2) of the Constitution of the Slovak Republic, only Slovak citizens may be elected for the posts of president and vice-president of the Supreme Audit Office. Also a Member of Parliament, according to Article 74 (2) of the Constitution, may only be an elected Slovak citizen. Furthermore, according to Article 103 (1), only a Slovak citizen may be elected as President of Slovakia. Slovak citizens only can also be appointed as a prime minister, deputy prime minister and minister (Articles 110 (2) and 111). According to Articles 134 (3) and 145 (2), as constitutional court judges and judges, Slovak citizens must

---

be appointed. Finally, the Public Defender of Rights (ombudsperson) can only be a Slovak citizen too.

The Act No. 400/2009 Coll. on Civil Service (Act on Civil Service) regulates legal relations when executing civil service. Article 3 (1) of the Act on Civil Service stipulates that the right to employment in civil service belongs to Slovak citizens as well as to EU/EEA and Swiss citizens under conditions stipulated in the Act on Civil Service and under conditions stipulated by special laws. However, if required by legitimate interests of the Slovak Republic, it is possible to restrict the employment in civil service only to Slovak citizens. The list of civil servants employment posts, which are open only for citizens of Slovakia, is set by a generally binding Governmental regulation. The Governmental Regulation 411/2009 Coll. specifies the employment posts, which are open only for Slovak citizens. The civil service in the following areas of state service is open for Slovak citizens only:

- Justice,
- Defence,
- Industrial Property,
- Home Affairs,
- Protection of Secret Issues,
- Posts of extraordinary significance (According to the Article 8 of the Act on Civil Service this post is defined by the Slovak government as important for fulfilment of tasks and priorities defined by the government),
- Posts where the civil servant must be authorized to be acquainted with secret matters.

In addition, the civil service in the following authorities is open for Slovak citizens only:

- Supreme Audit Office,
- Ministry of Foreign Affairs,
- Public prosecutor authorities on all levels,
- Government Office of Slovak Republic.

According to Article 2 (4) of the Act on Civil Service, civil service by members of the Police Corps, Slovak Information Service, National Security Authority, Corps of Prison and Court Guard, Railways Corps, custom officers and professional soldiers, and of members of Fighting and Rescuing Corps is governed by special acts.

Members of the Police Corps, Slovak Intelligence Service, National Security Authority, Corps of Prison and Court Guard, and Railways Corps must only be Slovak citizens speaking Slovak according to Article 14 (1) of the Act No. 73/1998 Coll.

Article 14 (1) of the act No. 200/1998 comprises the same citizenship and language requirement for custom officers, and Article 17 (1) of the act No. 315/2001 for firemen.

The language requirement applies also to soldiers. It is embodied in Article 13 (1) of the act No. 346/2005 on Civil Service of Professional Soldiers of Armed Forces of Slovak Republic. According to this provision, those speaking Slovak may be accepted as professional soldiers. However, citizens of other EU countries are allowed to enter armed forces, provided that he/she has permanent residence in Slovakia and speaks Slovak.

Special categories are legal professions. The Act No. 385/2000 Coll. on Judges and Associate Judges stipulates that only citizens having permanent residence in Slovak territory can be appointed for judges. Similarly, executors and notaries can only be Slovak citizens.
2.2. **Language requirements**

According to Article 19 (1) (e) of the Act on Civil Service, knowledge of the Slovak language is one of the conditions for admission to the civil service. Similar provisions on knowledge of the Slovak language can be found also in acts governing special civil service positions as policemen, soldiers, custom officers, etc. There are no specific provisions on how the knowledge of the Slovak language is examined.

2.3. **Recognition of professional experience for access to the public sector**

The Act on Civil Service regulates the conditions for access to the public sector. Article 19 enumerates the conditions and requirements for candidates. However, previous professional experience is not explicitly stipulated as a condition for access to the public sector. However, this also does not exclude taking into account the previous professional experience in the recruitment process.

3. **Other aspects of access to employment**

Special laws can stipulate the conditions for candidates, including the requirements for holding a diploma. This is typical for legal professions, where the candidates must have a complete university education of the second degree.

The Act on Civil Service also contains an Appendix No. 1 that stipulates characterisation of salary classes of state service employees. These classes also stipulate the educational requirements, including the condition to be holder of a university diploma.
Chapter IV
Equality of Treatment on the Basis of Nationality

Texts in force
- zákon č. 365/2004 Z.z. o rovnom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon) v znení neskorších predpisov – the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on Change and amendment of some acts (Antidiscrimination Act), as amended
- zákon č. 5/2004 Z. z. o službách zamestnanosti a o zmene a doplnení niektorých zákonov v znení neskorších predpisov - the Act No. 5/2004 on Services of Employment and on Amendments of some Acts, as amended
- zákon č. 400/2009 Z. z. o štátnej službe a o zmene a doplnení niektorých zákonov \(^{32}\) v znení neskorších predpisov – the Act No. 400/2009 Civil Service and on Amendments of some Acts, as amended
- zákon c. 600/2003 Z. z. o prídavku na dieťa a o zmene a doplnení zákona č. 461/2003 Z.z. o sociálnom poistení v znení neskorších predpisov - the Act No. 600/2003 on Child Allowances and on Amendment of the Act No. 461/2003 on Social Insurance as amended
- zákon č. 571/2009 Z. z. o rodičovskom príspevku \(^{33}\) v znení neskorších predpisov - the Act No. 571/2009 Coll. on Parental Allowance, as amended
- zákon č. 235/1998 Z. z. o príspevku pri narodení dieťaťa, o príspevku rodičom, ktorým sa súčasne narodili tri deti alebo viac detí alebo ktorým sa v priebehu dvoch rokov opakované narodili dvojčatá a ktorým sa menia ďalšie zákony \(^{34}\) v znení neskorších predpisov - the Act No. 235/1998 on Childbirth Benefit, on Parental Allowance for those Parents, to Whom Three or More Children Were Born at the Same Time, or for those, to Whom Were Twins Born Repeatedly in Course of Two Years, and on amendments of other acts as amended
- zákon č. 595/2003 Z. z. o dani z príjmov \(^{35}\) v znení neskorších predpisov – the Act No. 595/2003 on Tax from Incomes, as amended
- zákon č. 461/2003 Z. z. o sociálnom poistení \(^{36}\) v znení neskorších predpisov – the Act No. 461/2003 Coll. on Social Insurance, as amended
- zákon č. 580/2004 Z. z. o zdravotnom poistení a o zmene a doplnení niektorých zákonov \(^{37}\) v znení neskorších predpisov - the Act No 580/2004 Coll. on Health Insurance and on Amendments of some Acts, as amended

---

1. **Working Conditions – Direct and Indirect Discrimination**

Article 36 (b) of the Constitution constitutes a general equal treatment provision with regard to working conditions. It provides that all employees shall have the right to fair and satisfactory conditions at work. The law shall provide particularly for security from arbitrary dismissal and discrimination at work.

The Antidiscrimination Act provides for a general prohibition of discrimination. All employers are also prohibited from discriminating against an individual, directly or indirectly, on the following grounds: marital status, family status, colour of skin, language, political or other conviction, trade union activity, national or social origin, property, nationality or ethnic origin, race, lineage, descent, sex, religious affiliation, health incapacity, sexual orientation or any other status. The Antidiscrimination Act prohibits discrimination in labour relationships and relationships connected with labour-law relationships. The term *labour relationships and relationships connected with labour-law relationships* is interpreted very broadly and covers all relationships and all areas of the employment of an employee. Discrimination is prohibited not only during employment, but also prior to establishing the employment relationship, including discrimination against job seekers. In addition, during employment, the employer is prohibited from discriminating against the employee in all employment areas, such as work conditions, vocational training, remuneration, promotion, dismissal, etc.

Article 6(2)(a) of the Antidiscrimination Act explicitly prohibits discrimination in access to employment for grounds of national origin (by using broad interpretation and in connection with indirect effects of EU law, the term national origin can also be applicable on EU/EEA and Swiss citizens). Similar provisions can be found in the Labour Code as well.

The Labour Code explicitly prohibits discrimination (direct or indirect) against individuals in labour relations based on the above-mentioned grounds.

The Act on Services of Employment comprises in its Article 2 (2) a general clause on the equality of treatment regarding EU/EEA and Swiss citizens, and their family members. This provision stipulates that the EU citizens and their family members have in general the same legal position as Slovak citizens. Article 14 (2) of the Act on Services of Employment prohibits discrimination based, among other grounds, on nationality. Prohibition of direct or indirect discrimination regarding working conditions based on nationality is also part of the Labour Code, in particular Article 1 of the Basic Principles of the Labour Code. Article 6 of the Basic Principles of the Labour Code contains a clause on equal treatment regarding access to employment, remuneration, professional education and working conditions. However, this applies to equal treatment between men and women, and not particularly with regard to nationality. Ban on discrimination and equal treatment applies also to posted workers from the EU countries.

Provisions of Slovak law also apply to posted workers from EU countries regarding length of working time and of rest, length of holiday, minimum salary, minimum tariffs and extra pay for overtime, safety and protection of health at work, working conditions of women and juveniles and of the workers taking care of a child younger than three years, working conditions, if employed by an agency of temporary employment. Where the law of the country of origin is more favourable, that law may be applied.
Specific issue: Working conditions in the public sector

The Act on Civil Service says that the civil service is based on the principles of professionalism, independency, effectiveness and stability of the civil service, political neutrality and ethics (Article 1(2) of the Act on Civil Service).

The Act on Civil Service respects the principles of non-discrimination (for access to civil service of EU/EEA and Swiss citizens; see Chapter III, point b.1.). However, the prohibition of discrimination in civil service shall apply in relation to the conditions of civil service performance, remuneration and provision of other benefits, education, promotion and termination of civil service relationship (Article 4(1) of the Act on Civil Service).

- Recognition of professional experience for the purpose of determining the working conditions (e.g. salary; grade, career perspectives)

The Act on Civil Service in Articles 84 and 132 explicitly reflects the professional experience of civil servants in their remuneration. For each year of civil service professional experience the salary of the civil servant is increased by 1 percent of the tariff salary (capped by 32 years of professional experience).

- Taking into account diplomas for determining working conditions (salary, grade, career perspectives etc)

The remuneration in civil service is set by the tariffs grades. Each tariff grade stipulates the conditions that must be fulfilled by the civil servant, including the requirement for diplomas and education.

The Act on Civil Service stipulates the system of recruitment and the selection of candidates. The free positions can be occupied by new candidates not working in the civil service and by candidates actually working in a civil service. The candidates must submit the relevant documentation confirming their education prescribed for the free position.

- Equal treatment in relation to issues like civil servant status, trade union rights etc.

The Act on Civil Service respects the principles of non-discrimination also in relation to the right of each citizen to occupy a position in a civil service. This principle includes the prohibition of discrimination in the recruitment process (Article 4(2)). Discrimination of civil servants and candidates to civil service is prohibited for the following grounds: sex, sexual orientation, religion or belief, racial or ethnic origin, colour, language, social origin, property, origin, health handicap, age, marital or family state, responsibilities to the family, membership or activity in a political party or political movement, trade union organization or other organization, or for grounds of another state.

2. SOCIAL AND TAX ADVANTAGES

Act No. 600/2003 on child allowances came into force on 1 January 2004. Child allowance is a state social benefit, which is a contribution by the state to the upbringing and maintenance of a child. Conditions for entitlement to child allowance are determined in Article 7 (1), including permanent or temporary residence in Slovakia for both parent and child.

Another family benefit, parental allowance, is regulated by the act No. 571/2009. Parental allowance is a state social benefit, which is a contribution by the state to secure personal
and proper care of the child up to the age of three years, or of a child with a long-term unfavourable health condition up to the age of six years. The conditions for the entitlement of the parental allowance are provided in Article 3 (1) of the Act, and contain the same requirements as the child allowance.

A requirement of permanent residence is also embodied in Article 3 (1) and Article 6 (1) of Act No. 235/1998 on childbirth benefits and on benefits to parents to whom three or more children were born, or to whom twins were born in the course of two years repeatedly. According to both provisions the entitled person needs to fulfil the requirement for permanent residence in order to receive the benefit. In the latter case, which regulates the conditions for the benefit to parents to whom three or more children were born, or to whom twins were born in course of two years repeatedly, the requirement for permanent residence counts for children too. The childbirth benefit is a state social benefit, which is a contribution of the state to cover the expenses related to secure the essential needs of a newborn child. The benefit to parents is a state social benefit, which is an annual contribution by the state for parents for increased expenses which incur regarding care for three or more children born simultaneously, or for in the course of two years repeatedly born twins. The person is not entitled to childbirth benefits, if this contribution was paid by a social security institution of another state.

EEA citizens do have access to all these advantages as long as the workers as well as their children are in Slovakia. However, if the child is not present in Slovakia, he/she is not considered as having permanent residence in Slovakia. Consequently, such families do not qualify for most of the benefits mentioned above.

In Act No. 595/2003 on Tax from Incomes, there is a provision which enables individuals to apply a tax bonus for each child living in the household with the individual and even if the child is not living temporarily in the household, as long as he/she is dependent on parents. According to Article 33 (10) of the Act on Tax from Incomes those, who have the sufficient percentage (90 %) of income received in Slovakia, are entitled for tax bonus.

2.1. General situation as laid down in Art. 7 (2) Regulation 492/2011

Slovak legislation does not enable different treatment with workers coming from other EU Member States.

In relation to equal treatment concerning the conditions in employment and work conditions, the Labour Code (and subsidiary the Antidiscrimination Act) provides for a general prohibition of discrimination for a broad range of reasons, including national origin, which can also be applicable to EU/EEA or Swiss citizens.

In relation to equal remuneration, the Labour Code only regulates the explicit prohibition of discrimination in remuneration between men and women and between employees performing the same type of work. This provision could also be extensively applicable to foreign workers. In relation to dismissal, the Labour Code stipulates that the employer can dismiss an employee for grounds stipulated in the Labour Code (not other grounds are allowed). The rules on dismissal are applicable to all employees regardless of their nationality or national origin. However, the selection process, i.e. selection of an employee that is being redundant is up to the employer. The Labour Code does not regulate the selection process for dismissal of employees.

Slovak social security system consists of the following funds:
a) social insurance (namely, payments to sickness, pension, unemployment, accident insurance and reserve funds of solidarity and guarantee funds) – regulated by Act No. 461/2003 Coll. on Social Insurance; and
b) health insurance – regulated by the Act No 580/2004 Coll. on Health Insurance.

The Act on Social Insurance and the Act on Health Insurance cover the social and health insurance of employees performing work in an employment contract. If Slovak law is applicable to an EU/EEA or Swiss citizen, such a citizen is entitled to all benefits under the same conditions as a Slovak citizen.

In relation to tax aspects, a foreigner becomes a Slovak tax resident if he/she has a permanent residence in the territory of the Slovak Republic or if he/she usually resides in the territory of the Slovak Republic for more than 183 days within one calendar year (continuously or in several periods). The tax object of a Slovak tax resident are all incomes from sources from the Slovak Republic and sources from abroad. The Act No. 595/2003 Coll. on Tax from Incomes does not recognize different treatment of Slovak citizens and foreign citizens. The only difference is division of tax-payers between Slovak tax residents and tax non-residents. This criterion does not depend on citizenship of the tax-payer.

A worker’s personal income tax is calculated from the worker’s total taxable income in a calendar year, reduced by tax bonuses, deductions and obligatory contributions, such as social security contributions and contributions on health insurance.

The personal income tax could also be reduced by the following non-taxed parts of the employee’s income:
- assigned amount of the non-taxable part of the worker’s income: that is, the lower the income, the higher the non-taxable part of the income will be. The maximum non-taxable part corresponds to 19.2 times the life minimum\(^{38}\) if the worker’s tax base does not exceed the amount corresponding to 100 times the life minimum.
- a sum corresponding to 19.2 times the life minimum for a spouse living with the tax resident together in one household, provided that the spouse does not have his or her own income, or income exceeding 19.2 times the life minimum and provided that the employee’s income base is equal to or lower than 176.8 times the life minimum.
- Participation in the voluntary pension saving scheme, in a life insurance scheme, or in a purpose-saving scheme.

2.2. **Specific issue: the situation of job seekers**

Slovak Act on Services of Employment provides a legal definition of job seekers (Article 6). Job seekers are citizens (EU/EEA and Swiss citizens are not excluded) who can and want to work and are actively searching a job, unless they are employed, are freelancers or perform a gainful activity in another EU Member State or perform a gainful activity and earn more than 75% from the sum of the life minimum.

The Act on Services of Employment also stipulates that EU/EEA and Swiss citizens and their family members have the same status as Slovak citizens (Article 2(2)). Each citizen is guaranteed a right to access to a job and services according to the Act on Services of Em-

---

\(^{38}\) The life minimum is currently 189.83 EUR per month.
employment aimed to help and to support the access to the labour market, including the help and support of the disadvantaged job seeker for a period of 6 consecutive months.

Job seekers have the right for residence in the Slovak Republic and should register the residence after three months of their stay in the country. In order to register the residence, they have to submit a valid identity card or a valid travel document, a solemn declaration that s/he is continuously looking for work in the Slovak Republic, and a document on health insurance. As their residence is regarded as permanent residence permit, they are entitled to request social assistance on that basis.

In relation to social assistance, the Act on Services of Employment recognizes the following possibilities of recruitment of candidates (chosen based on each employer’s discretion):

**Labour Office**
The Labour Office is the official public institution that is responsible for social affairs and monitors employment activities in the Slovak Republic. The Labour Office maintains official evidence of unemployed persons and official evidence of vacancies; provides consultation services to candidates and employers; and cooperates with employers in its region about employment issues.

**Natural or legal entities entrusted by the Labour Office**
Applicable Slovak law enables partnerships of private entities with the Labour Office concerning the realization of a concrete employment project aimed to support employment of people older than 50 years of age, recent graduates, minimally qualified candidates, or otherwise handicapped job seekers.

**Recruitment agencies**
*Recruitment agencies* are private licensed agencies that provide paid recruitment services. The payments for recruitment are be paid by the employers who intend to employ specific employees according to the employers’ needs. The agencies are prohibited from charging such payments to the candidates.

**Agencies of temporary work**
*Agencies of temporary work* are private licensed companies that place specific employees to their clients. The employees remain employees of the agencies of temporary work despite their performance of work for the client.

**Agencies of supporting employment**
*Agencies of supporting employment* are private licensed companies that prepare handicapped and long-term unemployed candidates as well as the employers for employment of the disadvantaged candidates. These agencies provide vocational consulting and counselling for employers; prepare disadvantaged employees for work performance; and provide a selection of suitable candidates to the employer.

Job seekers are entitled to following social benefits specifically designated as facilitating access to the labour market:
• The allowance for reimbursement of travel expenses related to attending a job interview or a selection process for the employer\footnote{Article 32 (12) (d) of the Act on Services of Employment.} - travel expenses of job seekers are the travel expenses of collective transport from the place of residence or place of temporary residence to the venue of the interview or selection process and back.

• Contribution for self-employment\footnote{Article 49 of the Act on Services of Employment.} – Contribution for self-employment is provided to those, who are registered as job seekers at the Labour Office at least for three months, and who successfully complete a training to start operating or performing self-employment and develop a business plan together with the calculation of costs.

• Contribution for commuting to work\footnote{Article 53 of the Act on Services of Employment.} – allows to pay a monthly portion of travel expenses for commuting to work from the permanent residence or temporary residence of the employee to his/her place of employment and back or from the place of residence or place of temporary residence of a citizen to the point of operation or self-employment and back.

• The resettlement allowance\footnote{Article 53a of the Act on Services of Employment.} – reimbursement of documented expenses associated with relocating a job seeker from the place of his/her residence in relation to obtaining employment, if the new place of residence in the Slovak Republic, to which he/she has moved from the original place of residence is at least 50 km away.
Chapter V
Other Obstacles to Free Movement of Workers

We are not aware of any other obstacles to free movement of workers than those mentioned in this report.
Chapter VI
Specific Issues

1. **FRONTIER WORKERS (OTHER THAN SOCIAL SECURITY ISSUES),**

Tax bonuses on children are not connected with the permanent residence. The residence criterion was changed to income criterion. 90% of the income of the person concerned has to be from Slovakia.

Almost all social benefits in Slovak legislation are conditioned with permanent residence in the country, or at least temporary residence. Therefore, individuals in similar position as in the Hartmann case would not be entitled, according to Slovak legislation.

2. **SPORTSMEN/SPORTSWOMEN**

Each sport discipline is governed by its own association in Slovakia, and those associations are issuing their own rules to regulate, among other issues, the registration and operation of foreign sportspersons in the country.

In football, number of players, who are citizens of the EU countries, is not restricted.

The ice-hockey competes with football for the status of the most popular sport in Slovakia. The Slovak Association of Ice-hockey (SAIH) is the managing body of Slovak ice-hockey. The Association issued the Transfer Code, which is governing also transfers and registration of foreign nationals. According to Article 32 (a) of the Code, there is no limitation for registration of foreign nationals in a SAIH club. However, according to the same provision, only two foreign players can play in a championship game, if the governing body of the relevant competition does not allow a higher number. According to Article 32 (b) of the Code, every player without Slovak citizenship is regarded a foreign player. Also a player who acquired Slovak citizenship and played abroad during last three seasons having another citizenship than Slovak is regarded a foreign player.

The governing body of the Slovak major ice-hockey league is the company Pro Hokej. The Pro Hokej decided that the number of foreign players allowed to play in a championship game will be 20, which practically means, there is no restriction anymore. Every transfer of foreign player is subjected to registration by SAIH.

In volleyball, the number of foreign players in the top league is not restricted.

Slovak basketball association has a special directive on foreign players. Neither restrictions on numbers of foreign players in a club, nor any restrictive fees with regard to foreign transfers are provided there.

In Slovak handball, there are no restrictions in number of foreign players in one club, or in a championship game.
3. THE MARITIME SECTOR

Since the accession of Slovakia into EU, five agreements were signed individually by Slovakia with a non-EU country, in particular with Korean Republic,43 Israel,44 Australia,45 Serbia,46 and Turkey47 covering the issues of equal treatment as regards employment and working conditions in the maritime sector.

The equal treatment clause in the agreement with Korean Republic provides that the individuals concerned have an equal position with the citizens of one of the contracting parties when the laws of the contracting party are applied.

The equal treatment clause in the agreement with Israel provides that the individuals concerned, who have residence at the territory of the contracting party, have equal rights and obligations under the law of that contracting party as its citizens.

The equal treatment clause in the agreement with Australia provides that the contracting parties shall treat the individuals concerned equally, as regards their rights and obligations arising directly from legal acts on social security of the Slovak Republic or Australia, or according to the agreement.

The equal treatment clause in the agreement with Serbia provides that the individuals concerned have an equal position with the citizens of one of the contracting parties when the laws of the contracting party are applied.

The equal treatment clause in the agreement with Turkey provides that the individuals concerned, who have residence at the territory of the contracting party, have equal rights and obligations under the law of that contracting party as its citizens.

4. RESEARCHERS/ARTISTS

There is no special legislation covering activities of researchers or artists in Slovakia. Therefore, provisions on equal treatment either from the Labour Code, or from the Trade Code apply.

A specific Act on Artistic Funds48 exists in Slovakia. Those artists, who have permanent residence in Slovakia, have to pay contributions to artistic funds established by this act.

5. ACCESS TO STUDY GRANTS:

The right to receive a social scholarship is conditioned by a permanent residence of the applicant; therefore, the worker and the members of his/her family need to have permanent residence (within the meaning of the national law) in Slovakia49 in order to apply for the social scholarship.

43 Communication No 51/2010 Coll.
44 Communication No 458/2011 Coll.
45 Communication No 459/2011 Coll.
46 Communication No 26/2013 Coll.
47 Communication No 121/2013 Coll.
49 Article 96 (1) of the Act on Universities as amended.
6. **YOUNG WORKERS**

There are no obstacles to free movement of workers specific to young workers.
Chapter VII
Application of Transitional Measures

As regards legislation in this field, no changes were made in 2012-2013. Article 24 of the Act on Services of Employment empowers the Government of Slovakia to take equivalent measures to those applied by a Member State of EU with regard to Articles 1 and 6 of the Council Regulation on free movement of workers. Article 24 reads as follows:

‘(1) If a Member State of the European Union applies against citizens of the Slovak Republic and their family members under conditions provided in the Treaty on accession of the Slovak Republic to the European Union a national measure, or fully or partly suspends application of articles 1 and 6 of the Council Regulation (EEC) on free movement of workers in the Community, the Government of the Slovak Republic may issue a regulation establishing application of equal (equivalent) measures and their scope against that Member State.

(2) If the European Commission announce with regard to free movement of workers on the basis of an application of the Slovak Republic under conditions provided by the Treaty on accession of the Slovak Republic to the European Union complete or partial suspension of application of Articles 1 and 6 of the Council Regulation (EEC) on free movement of workers in the Community by the Slovak Republic by the reason of restoration of the common state on the labour market, the Government of the Slovak Republic may issue a regulation providing against which Member State and in what scope suspends the Slovak Republic application of Articles 1 and 6 of the Council Regulation (EEC) on free movement of workers in the Community.’

A number of Member States applied national measures against Slovakia, and in suspension of application of articles 1 and 6 of the Regulation on free movement of workers until May 2011. In May 2011, these measures ceased to apply, as it was no longer possible to apply them against Slovakia. The Government of the Slovak Republic agreed at the beginning that no reciprocal measures will be applied, and they did not change that opinion since then. Slovakia also did not apply any transitional measures against Romania and Bulgaria.
Chapter VIII
Miscellaneous

1. **RELATIONSHIP BETWEEN **REGULATION 883/04 **AND **ART 45 TFUE **AND **REGULATION 492/2011

The basic principle in the Slovak Republic is that Slovak legislation is applicable if a person performs work in the territory of the Slovak Republic. Slovak legislation expresses the principle of non-discrimination of EU/EEA and Swiss citizens in the Act No 461/2003 Coll. on Social Insurance.

The benefits regulated included in the branches of social security schemes as stipulated by article 3 of the Regulation 883/04 are governed by the Act on Social Insurance. These benefits can be provided to individuals regardless of their residence in the territory of the Slovak Republic.

For providing of social benefits see chapter IV, point 2.

2. **RELATIONSHIP BETWEEN THE **RULES **OF **DIRECTIVE 2004/38 **AND **REGULATION 492/2011 **FOR **FRONTIER **WORKERS

No specific administrative or legal schemes for frontier workers in addition to the EU rules exist in Slovak legislation.

As regards bilateral agreements and trans-national cooperation developed in order to facilitate frontier mobility, Slovakia has concluded two agreements, one with Hungary and the second one with Poland and Czech Republic.

The cross-border partnership between Slovakia and Hungary is called EURES-T Danubius (for further information see: [http://eures-t-danubius.eu/](http://eures-t-danubius.eu/)).

The cross-border partnership between Slovakia, Poland and the Czech Republic is called EURES-T Beskydy (for further information see: [http://sk.eures-tbeskydy.eu/](http://sk.eures-tbeskydy.eu/)).

Both partnerships mentioned were officially approved by the European Commission.

Other cross-border cooperation supporting frontier mobility is on Slovak and Polish borders, namely the cross border cooperation Zamagurie.

The latest frontier initiative of Slovak EURES is to build cross-border cooperation on the Slovak-Austria-Czech border.

Finally, no public debate on the issue of frontier workers can be observed at the moment in Slovakia.

3. **EXISTING POLICIES, LEGISLATION AND PRACTICES **OF **A **GENERAL **NATURE **THAT **HAVE **A **CLEAR **IMPACT **ON **FREE **MOVEMENT **OF **EU **WORKERS

3.1. **Integration measures

There are no integration measures with regard to EU nationals.
3.2. Immigration policies for third-country nationals and the Union preference principle

According to the website of the Ministry of Interior, the aim of migration policy of the Slovak Republic is to ensure:
- Protection of the national interests of the Slovak Republic and the achievement of the objectives and priorities in the field of migration, as well as the procedure for securing by the entities participating in the implementation of the migration policy,
- Creation of conditions in the field of human, material, and financial resources and coordination of relevant institutions in this area,
- Active participation of the Slovak Republic on the creation of the law of the European Communities and the European Union in the field of migration,
- Further harmonization of Slovak legislation with the law of the European Communities and the European Union in the field of migration,
- Development of the institutional framework necessary for the implementation of the policies in this area.

The principles applied with regard to the migration police include following:
- Principle of regulation of the legal migration - creates the scope for the statutory regulation of migration in accordance with the interests of the Slovak Republic, in particular with regard to the issue of economic, political and cultural stability of the society, as well as the situation on the labour market and employment structure, through the migration policy in the forms of managed and regulated immigration.
- Principle of active cooperation with the European Union – the accession of the Slovak Republic to the European Union plus the emphasis on ensuring coherent policy in the field of asylum and creation of stable solutions related to the implementation of the migration policy in conjunction with international and non-governmental organizations.
- Principle of prohibition of the discrimination - represents provision of equal opportunities for all foreigners residing legally in the Slovak Republic and eliminates the possibility of discrimination and provision of any privileges and advantages to individuals.
- The principle of flexibility - anticipates creation of scope for innovation of the adopted measures and procedures in the field of migration policy.

3.3. Return of nationals to new EU Member States

Number of Slovak citizens working in other EU states gradually decreases from 2007.

4. National organizations or non-judicial bodies to which complaints for violation of Community law can be launched

Office of the Public Defender of Rights exists in Slovakia. However, the Public Defender of Rights is not entitled to deal with any possible violation of Community law, only those, who believe that their fundamental rights and freedoms were infringed contrary to the legal order or principles of the democratic state and the rule of law in relation to the activities, decision-making or inactivity of a public administration body, can turn to the public defender
of rights. No other organisations or non-judicial bodies to which complaints for violation of Community law can be launched exist in Slovakia.

According to Act No 9/2010 Coll. on complaints, individuals or legal persons can lodge a complaint when they seek to protect their rights or legitimate interests, which they consider to be infringed by an act or lack of action of a public authority, or when they point out specific deficiencies, in particular infringements of legal acts, where public authorities have the power to eliminate them.

5. **SEMINARS, REPORTS AND ARTICLES**

Nothing to report.