

254/2006 Coll.

## CONSTITUTIONAL ACT

of 20 April 2006

on the establishment and activity of the Committee of the National Council of the Slovak Republic for reviewing decisions of the National Security Authority

National Council of the Slovak Republic has passed the following Act:

### Article 1

#### Subject of the regulation

This Constitutional Act lays down the establishment, composition, sessions, scope of activity and procedure of the Committee of the National Council of the Slovak Republic for reviewing certain decisions of the National Security Authority (hereinafter referred to as the “Committee”).

### Article 2

#### Establishment of the Committee

- (1) The Committee is composed of 11 deputies of the National Council of the Slovak Republic (hereinafter referred to as the “National Council”) including its Chairman, who shall be elected by the National Council based on the proportional representation according to the number of the deputies of political parties or political movements elected in the general elections. The Chairman shall be substituted during his/her absence by the Vice-Chairman who shall be elected by the members of the Committee at its first session.
- (2) The Chairman shall convene and chair sessions of the Committee. The Committee has its quorum when attended by absolute majority of its members. Sessions of the Committee are closed, only the Committee members may participate in them and other persons only upon consent of the Committee.
- (3) The discharge of office by a member of the Committee shall terminate
  - a) upon termination of the mandate of a deputy of the National Council,
  - b) upon resignation from the position of a member of the Committee,
  - c) upon termination of membership in the Club of Deputies of the political party or political movement for which he/she was elected to the National Council,
  - d) upon removal from office, or
  - e) upon death.
- (4) The discharge of office of a member of the Committee according to paragraph 3 subparagraphs (b) and (c) shall extinguish upon delivery of a written notice to the Chairman of the National Council.
- (5) The National Council shall remove a member of the Committee if he/she fails to discharge his/her office for more than three consecutive calendar months.
- (6) Members of the Committee shall be obliged to maintain confidentiality of the facts they learnt about in discharge of their office. An obligation to maintain confidentiality shall continue also after termination of the discharge of office and this can be relieved only by the National Council.

### Article 3

#### Scope of activity of the Committee

The Committee shall review decisions of the National Security Authority (hereinafter referred to as the “Authority”) issued in accordance with a special regulation, which is to be determined by law.

#### Article 4

##### Procedure of the committee in reviewing decisions

- (1) Proceedings of the Committee shall commence upon delivery of an appeal, opinion on the appeal lodged and other file documents related to the challenged decision.
- (2) The Committee shall take decision on the case within 60 days from the commencement date of the proceedings. The Committee shall revoke the challenged decision if there are grounds in support thereof and refer the case back to the Authority for a new decision, otherwise it shall dismiss an appeal. The Committee’s decision shall contain a statement indicating the grounds supporting the decision, justification and appeal instruction.
- (3) The Committee takes decisions by voting. Consent of absolute majority of the attending members is required for a decision to be taken. Decisions of the Committee shall be signed by the Chairman of the Committee or by the Vice-Chairman in his/her absence. The Committee’s decision shall be delivered in the nominee’s own hands.

#### Article 5

The Committee’s decision is subject to review by court. Jurisdiction for reviewing the decision lies with the Supreme Court of the Slovak Republic.

#### Article 6

##### Common and transitional provisions

- (1) Provisions of a separate Act on sessions of the National Council and its committees shall apply accordingly to the establishment and sessions of the Committee unless otherwise stipulated by this Constitutional Act.
- (2) Provisions of a separate Administrative Procedure Act shall not apply to the proceedings for reviewing decisions of the Authority.
- (3) The proceedings for reviewing decisions of the Authority commenced in accordance with a special law under which an appellate body was represented by an appellate commission, shall be finalised in compliance with this Constitutional Act.
- (4) Until the end of the term of office in 2006, the activity of the Committee according to this Constitutional Act shall be performed by a Special Supervisory Committee of the National Council of the Slovak Republic supervising over the activities of the National Security Authority.

#### Article 7

This Constitutional Act shall come into effect on the day of its publication.

Ivan Gašparovič, in his own hand  
p.p. Béla Bugár, in his own hand  
Mikuláš Dzurinda, in his own hand