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The court scrapped the not-guilty verdict in the case of the murder of Ján Kuciak and Martina Kušnírová. Marian Kočner is suspected of having ordered Kuciak's murder.

Photo: Sme – Jozef Jakubčo

Another try for justice in Kuciak case

BY MICHAELA
TERENZANI
Spectator staff

WHEN it comes to the murders of journalists around the world, it is very rare for the masterminds behind such crimes to face punishment. The verdict of the Specialised Criminal Court in September 2020, in which it decided to acquit two key defendants, sug-

gested that the case of journalist Ján Kuciak and Martina Kušnírová, who were killed in a planned, cold-blooded hit in February 2018, would be added to that list.

But in mid-June, the Supreme Court decided to scrap the not-guilty verdict previously handed down to Alena Zsuzsová, the woman who had worked for Marian Kočner, a controversial tycoon and now convicted criminal who was recently pictured for the first time in prisoner attire, and to Kočner himself. The new decision had the country breathe a collective sigh of relief, together with the families of the murdered couple.

While it was very critical of some of the decisions made by the justices of the Specialised Criminal Court senate, led by Judge Ružena Sabová, the appellate senate did not oblige the prosecutor's request to have a different senate of the lower-instance court deal with the case. Instead, it assigned the Sabová senate to reconsider its own verdict.

The main arguments of the Supreme Court senate was that the Specialised Criminal Court failed to consider some of the evidence that was presented to it and did not put the individual pieces of evidence into a context that may have shed a different light on them.

There is also new evidence that the court will take into account during the retrial. The Supreme Court argued that the lower-instance court did not provide sufficient reasoning for its ruling.

The Supreme Court's decision does not mean Kočner and Zsuzsová, both convicted for serious crimes in separate cases in the meantime, are guilty in the case of the double murder, which abruptly changed the course of Slovakia's history.

It means the judges who originally dealt with the case will have to look at it again and provide a new ruling, with better reasoning. That ruling

may – and very likely will – be appealed again to the Supreme Court.

Whatever its outcome, it will be crucial that the families of Kuciak and Kušnírová, plus Kuciak's former colleagues, all of Slovakia's journalists, and the public in general understand why the court ruled the way it did.

The Kuciak case, far from being just an ordinary murder case, is also special in terms of the attention it is getting from the public. It is a pivotal case at a time when, more than three decades after the fall of the totalitarian regime, Slovakia still struggles to ensure that the rule of law and justice

dominate the workings of the state.

The Supreme Court's decision about the Specialised Criminal Court's verdict demonstrates that the system has the capacity and the means to deal with controversial cases. If the Slovak public believes that justice has been delivered in this case, or at least that the courts have done their utmost to make sure justice has been delivered, it will play an important part in convincing the people to believe in judges, the courts, and the judicial system as a whole in the future.

Read more on pgs 2 and 5



Acquittal overturned. What happens next with the Kuciak case?

BY ROMAN CUPRIK
Special to the Spectator

THE PROSECUTORS and the lawyers of the bereaved families have convinced the Supreme Court senate that it was premature to acquit Marian Kočner in the case of the murder of Ján Kuciak and Martina Kušnírová and that the case needs to be tried some more.

The defendants in the case are Marian Kočner, the suspected mastermind behind the murder, and his decoy Alena Zsuzsová, who was to be the one to order it, according to the prosecutors. The Specialised Criminal Court acquitted them of charges in September 2020, citing the lack of evidence for a guilty verdict.

“The Specialised Criminal Court is ordered to try the issue again and decide,” the head of the Supreme Court senate, Judge Peter Paluda, stated and offered vast criticism of the work of the first-instance court in the case.

Tomáš Szabó, whom the prosecution believes to have participated in the murder as a driver, was, on the other hand, sentenced to 25 years in prison. The punishment also involves the case of the murder of businessman Peter Molnár. The Supreme Court confirmed that sentence.

Middleman Zoltán Andruskó and hitman Miroslav Marček have confessed to having committed the crime and they have both received prison sentences in separate trials.

“The verdict as such is internally controversial, issued prematurely based on an insufficiently investigated situation,” prosecutor Vladimír Turan wrote in his appeal to the Specialised Criminal Court verdict. “The court did not admit or rejected to admit certain proof as proposed by the procedural sides.”

The Supreme Court, which acts as the court of appeals in this case, has upheld its opinion. The judges on the senate decided unanimously.



The families of Ján Kuciak and Martina Kušnírová in court. Defendant Marian Kočner is in the front row. Photo: Sme – Jozef Jakubčo

The case will now go back to the Specialised Criminal Court, where it will be tried by the original senate of Judge Ružena Sabová. The court does not need to deal with all the evidence again, but it will be required to admit the evidence that the Supreme Court will bind it to look at in its written decision.

Doubts about the verdict

There have been questionable moments in connection to the verdict that acquitted Kočner and Zsuzsová. The court was expected to deliver the verdict in August 2020, but they unexpectedly postponed the hearing by one month. Information transpired that Sabová's senate, which also included judges Rastislav Stieranka and Ivan Matel, had conflicts between them and that the judges had different approaches to the evidence in the case.

Even though they did issue their verdict in Septem-

ber, it appeared that the different parts of the written verdict were written by different people approaching the case in different ways.

Chair of the Judicial Council Ján Mazák criticised the verdict, stating he saw no reasonable doubts that would lead to the acquittal of Kočner and Zsuzsová.

Specialised Criminal Court President Ján Hrubala said in an interview with the Sme daily after the verdict that the members of the senate had differing opinions on some aspects of the case, but he still considered their reasoning to be of good quality.

Prosecution was collecting evidence

In August 2020, shortly before the Specialised Criminal Court delivered its verdict, the prosecutors announced to the senate that they had acquired a new analysis of the data from Alena Zsuzsová's phone and proposed reopening the trial.

This data shows that Zsuzsová communicated the morning after the murder with someone. After the call, the bracelet connected with her mobile phone measured Zsuzsová's heartbeat at 161 beats a minute, a value it never recorded on her before or after that moment. Her heart rate was equivalent to that of Formula 1 drivers during races, or marathon runners.

The senate of the court has not dealt with the new evidence, though, which is also one of the things the Supreme Court is criticising now.

The senate then rejected as evidence the communication Zsuzsová's daughter had with her teacher, which was to prove that the morning after the conversation that led to the steep increase in her heartbeat, Zsuzsová suddenly changed plans.

Prosecutor Turan sent the Supreme Court an addendum to his appeal in November, whereby he also mentioned the existence of two more pieces of proof.

They concern data showing what websites Kočner and Zsuzsová visited online shortly before and after the murder. The data suggests, among other things, that the day after the murder, Kočner would visit news websites twice as often as usual.

The second piece of proof is the analysis of Kočner's and Zsuzsová's movements around Bratislava the day after the murder, which contradicts their previous testimonies.

Supreme Court found errors

The Specialised Criminal Court has not dealt with all the important evidence and has assessed it as isolated pieces of proof, outside of the context of other information, according to the Supreme Court.

“The file contains evidence, such as threatening messages, that the court did not look at at all,” said Paluda.

He also assessed the evidence that the court did not admit during the trial.

“It is very hard to find out which proof was rejected and why,” he said.

The Supreme Court also confirmed that the Threema messages were legal proof but noted that the senate of Sabová assessed them incorrectly.

“The individual parts of the communication between defendants were taken out of context and were not assessed in connection with other evidence,” Paluda said.

What comes next?

The Supreme Court has returned the case to the senate of the Specialised Criminal Court, which will be obliged to observe the legal opinion expressed by the appellate court.

In the written decision, the Supreme Court will point to the missing evidence and the errors in the original verdict. The Specialised Criminal Court will be obliged to respect it. It will also include evidence that was added during the appellate procedure.

Both sides of the case can then appeal once again against the verdict of the Specialised Criminal Court to the Supreme Court.

Kočner and Zsuzsová both remain in prison as they have been convicted in other cases. Zsuzsová was sentenced in December 2020 to 21 years in prison for the murder of the former mayor of Hurbanovo, László Basternák. The verdict is not effective yet. Kočner is serving a 19-year prison sentence he was handed in January when the Supreme Court confirmed the verdict of the lower instance court in the promissory notes case.

Even if he is not convicted in the Kuciak murder case, Kočner will not be released from prison any earlier than 15 years from now. If the last three years that Kočner spent in custody and in prison for the promissory notes case are deducted from his sentence, the earliest he will be released from prison is 2033. He will be 70 years old by then.

©Sme

Reactions: Justice got another chance in the Kuciak case

THE INITIATIVE that organised mass protests following the murders of Ján Kuciak and Martina Kušnírová, leading to the fall of the then government of Robert Fico, believes that those who ordered the murder will be proven guilty beyond doubt and convicted of the crime.

“Thanks to this decision, and even though this process will last for more months, we believe that those who ordered the murder will, in the end, be

unambiguously proven guilty and convicted,” they said.

The Sme daily's Editor-in-Chief Beata Balogová, who is also a member of the board of the International Press Institute (IPI), wrote that justice for Kuciak and Kušnírová needed another chance, and the Supreme Court has granted it.

“Thanks to the decision we heard today, judges of the Specialised Criminal Court will have the possibility to consider further evidence that the

prosecutor and the investigators used to build the story of the murder,” Balogová wrote on June 15. It will be important that the court explains why it had previously rejected some evidence.

“This society owes Ján and Martina justice without doubts and errors, without calculations,” she wrote.

The editor-in-chief of the Aktuality.sk news website, which Kuciak had worked for before he was killed, Peter

Bárdy, wrote on his Facebook page that the trial is not over. “Justice and our hope have not lost today!”

IPI Deputy Director Scott Griffen welcomed the ruling as bringing new hope.

“The Specialised Criminal Court now has a clear task: it must exhaustively consider all evidence and the full circumstances of this case,” Griffen stated. “The deficiencies in the ruling identified by the Supreme Court must be ad-

dressed and the logic of the original ruling scrutinised.”

IPI and its partners “will not rest until justice has been secured and all those involved in the murder of Ján and Martina are convicted and sentenced,” he added.

The suffering of the parents and relatives of Ján and Martina after the decision of the Supreme Court is not over yet, but they are a step closer to justice, commented President Zuzana Čaputová.

“Ján Kuciak pointed to the cynicism of powerful people, and he and his girlfriend Martina Kušnírová paid with their lives,” she commented. “Therefore, the public's trust in the state and its institutions will depend on the investigation of their murder and the punishment of all its perpetrators. The Supreme Court has taken a very important step in restoring trust in the judiciary.”

Compiled by Spectator staff

Warnings sound after the country's first fatal bear attack

Bears are a tourist attraction in Slovakia

BY NINA HRABOVSKÁ
FRANCELOVÁ
Spectator staff

THE BODY of a 57-year-old man was found in Banskô Valley in the Liptov region on June 14, one day after he had gone out for a walk but never returned.

He was found in the forests above the village of Liptovská Lúžna with his head, hip and neck mauled. There were fresh bear prints found at the site. The autopsy conducted by the Institute of Forensic Medicine and Medical Expertise of the Jessenius Faculty of Medicine in Martin on June 15 confirmed that the man was killed by a bear. It is the first case of a bear attack in Slovakia that resulted in a fatality.

The brown bear is a protected animal in Slovakia. The fatal attack has reignited the frequent clashes between hunters and environmentalists who do not share the same opinion in regards to bears in Slovakia.

Prior to the attack, there had been concerns about the occurrence of bears in localities unusual for them in the past, such as in Šurianky, a village in Nitra Region, where a bear seen recently in the vicinity had probably strayed from the forests of the Tribeč mountains. A bear was spotted in fields near Trnava, while another one with her cubs even walked among tourists in the popular hiking spot Hrebienok in the High Tatras. In another incident in the same location, a bear clambered across the roof of a hotel, and another was seen near underground car parks in nearby Starý Smokovec. In a separate case, a tourist was attacked as they hiked along a popular route to the Šútovský Waterfall. These incidents came less than a month after conservationists were forced to put down a bear in the High Tatras. They said they had also been monitoring other bears in the region at what is a very significant time for the animals.

"Mating season runs from mid-April to July," explained Michal Haring, chair of the Brown Bear Intervention Team of the State Nature Conservancy. "A bear usually tries to avoid contact with people, but in mating season, they can be seen in locations where they would not usually appear."

Mother bears can also often be seen with cubs at this time; they try to protect them as males can sometimes kill cubs during mating.



Not just bears, but also other wild animals have less living space in Slovakia than they used to due to deforestation.

Photo: Unsplash

More frequent encounters

For many years, debate has raged over whether there are too many bears in Slovakia and whether their numbers should be regulated.

The latest data available from the State Nature Conservancy, from 2014, showed that there were about 1,256 brown bears in Slovakia.

A new study on population numbers is currently being carried out.

The brown bear is a protected animal in Slovakia, and it may only be put down under special permission of the Environment Ministry. In the last three years, only four bears have been put down under the ministry's permission.

Such killings are permitted only in cases where the bears pose the threat of "serious damage to crops and livestock and in the interests of public health or public safety," Slavomír Held, spokesperson for the ministry, told The Slovak Spectator. This option is only taken when other preventive measures, such as scaring them off, or moving them to another location, have failed.

Two bears – a mother and cub – were put down in early May in the High Tatras near the Sliezsky Dom mountain hotel. Her three other cubs escaped into the woods.

The case caused uproar with the Slovak Hunting Chamber – which wants bear numbers managed through hunting – criticising the separation of cubs from their mother.

But it also focused attention on what experts say is increasingly frequent contact between humans and bears.

"Slovakia has seen a lot of deforestation in recent years," Haring told The Slovak Spectator. "Not just bears, but other wild animals have less living space."

More built-up areas are contributing to the problem, he said, adding that construction in national parks should be stopped as it is putting nature under "incredible pressure".

Another reason bears are coming closer to villages and towns is that feeding stations and bait for them set by hunters are often placed in fields not far from houses, tourist routes, farms, and even bus stops, explained Jana Zajaková from the environmental group Vlk.

"It is not surprising if bears hanging around near the bait also go into a [nearby] village and people are seeing them more often," she told The Slovak Spectator. "In such cases, the question should be asked where the bait is and have it removed."

Enough food

Seemingly the main reason for the greater number of encounters is food.

Food left by tourists, which until the Covid-19 pandemic were coming in greater numbers each year to Slovakia's favourite tourist sites, including national parks, draws bears into residential areas, experts point out.

Zoologist Tibor Pataky from the Department of Applied Zoology and Wildlife Management of the Technical University of Zvolen said that while there is an abundance of food for bears, there will be no natural regulation of their population.

"There are many bears, and not hunted," he told The Slovak Spectator. "They have lost their shyness [of people], food is accessible at town rubbish dumps while there is a lack of it in forests because of increased population density."

He gave the example of the situation in the High Tatras where there is not enough natural food for bears – beechnut, acorn or maize – especially in the spring and before winter.

Pataky suggested that it is probably only because of illegal hunting that the bear population is not larger.

Haring agreed that food availability was having a sig-

nificant effect on keeping bear numbers high.

"In addition to strict protection, food availability in particular plays a role in population growth," he said. "[Waste] is one of the primary factors which lure bears close to human dwellings."

Bears search for easily accessible food.

"Municipal waste is a high-energy food for bears who will not look for food in forests when people have left trash bins open and the animals can find yoghurt, butter, and cheese," Haring said. "For less effort, the bear eats much more and gains weight. If bears do not find a source of food close to people and their dwellings, they will certainly not linger close by."

Haring added that young bears can be taught to search for food elsewhere than close to human-populated areas by scaring them away from trash bins if they are seen near them. This will create a natural shyness of humans in the animal.

He also emphasised that killing bears will "not make much sense while trash bins remain open".

"The fact that bears move close to villages is not a sign of their overpopulation but a sign that they have changed their food habits and the use of their territory," Zajaková ad-

ded. "This change has been caused by us, humans."

Tourist attraction

With the rise in encounters between humans and bears, and debate continuing about whether the bear population should be regulated, Zajaková pointed out that Slovakia has been fortunate that, unlike in many other European nations, bears have not been hunted to local extinction.

Indeed, bears are actually a tourist attraction in themselves.

"In Tichá Dolina valley, we meet a bear every year and the first thing it does when it hears and sees us is to take to its heels and avoid contact with people," Erik Ševčík, owner of the Adventoura travel agency which offers bear watching in the High Tatras, told The Slovak Spectator. "I try to teach people that bears are the biggest scaredy-cats in the mountains."

In western Europe, Austria, and Switzerland, bears were killed off, and in France, Belgium, and the Netherlands these animals are only in zoos, he added.

"That's why people come here, and I am glad that I can show them bears in Tichá Dolina valley," Ševčík said.

Slovakia is filling the gap on the European car battery market

High hopes as InoBat announces its investment

BY JANA LIPTÁKOVÁ
Spectator staff

WHILE Slovakia is the leader in car production per 1,000 capita with an extensive network of suppliers, none of them has produced car batteries for the increasing production of electric cars so far. This will change as the electric vehicle (EV) battery developer and producer InoBat Auto has launched work to transform a brownfield in Voderady into an EV battery R&D centre and pilot line.

“If this project succeeds, we will hear a lot more about these people; it may be Slovakia’s next Eset,” said Speaker of Parliament Boris Kollár (Sme Rodina), comparing the project to the global IT security provider.

The centre might be a benefit not only for the four carmakers located in Slovakia, but also European countries as it will reduce the dependency of EV manufacturers on the import of batteries from Asia.

“The goal is to increase the global competitiveness of the European market in this area and provide the automotive industry with long-term sustainable solutions,” said Marián Boček, co-founder and CEO of InoBat Auto.

The site, located 40 kilometres from Bratislava in Voderady, is situated in the centre of central Europe’s automotive hub, with more than 4.25 million vehicles produced annually in a 500-km radius from the facility. InoBat Auto is preparing to build a 1GWh Gigafactory in Voderady, before scaling up to a 32GWh Gigafactory to support and serve the international market at scale.



InoBat Auto plans to produce the first batteries in Voderady within one year.

Photo: TASR

European Commission Vice-President Maroš Šefčovič, in charge of the European Battery Alliance, acknowledged that the private sector is maintaining the momentum built up by the European Battery Alliance.

“This ambitious new InoBat Auto project represents another significant stepping stone towards building a competitive, innovative and sustainable battery value chain here in Europe,” said Šefčovič online during the ceremonial launch of the hall’s reconstruction on June 1. “This will help bolster our strategic autonomy and protect millions of jobs in the face of increasing global competition – particularly important in central Europe.”

Šefčovič further noted that the EC would continue to mobilise all industrial actors, member states and the European Investment Bank to shift things into a higher gear

– leveraging investment, establishing a fit-for-future regulatory framework, building raw material resilience and upskilling people to meet the fast-growing needs of the battery ecosystem “so that our automotive industry can stay out in front”.

Marián Smik, chair of the Slovak Battery Alliance (SBA), acknowledged that InoBat Auto is not following the approach of some other companies that produce car batteries by using licensed technologies from Asia, but is building its own R&D centre instead.

“The plant in Voderady will be an exception in this regard,” said Smik.

Green focus

Powered by green energy through grid electricity and solar panels, the 27,000-m² site will create up to 150 skilled jobs and will include a training centre, modern office

space, research labs and manufacturing line. The annual production is projected at 260,000 units. The costs for the reconstruction of the existing hall are projected at about €50 million. It should be completed in the second quarter of 2022.

InoBat Auto, who purchased the existing brownfield site in the local industrial park to reduce the need for carbon-intensive construction methods, will use the new battery centre to identify the optimum cell chemistries to meet the exact requirements of any vehicle maker or manufacturer.

“Our new home, which sits in the heart of the European vehicle and carmaker ecosystem, will become a centre of excellence for battery development, and we look forward to working with current and future partners to deliver the best batteries customised to meet the exact specifications

for electric vehicles in the automotive, aviation, commercial and industrial sectors,” said Boček.

More than one month ago InoBat Auto signed an agreement with SOR, one of the largest producers of city and intercity-buses in central Europe, with the intention of designing, developing and supplying batteries for a new urban, intercity and long-distance electric bus fleet.

The company is holding negotiations with other carmakers while it has refused to specify their names for now. Out of four carmakers in Slovakia, two – Volkswagen in Bratislava and Stellantis in Trnava – produce electric cars.

The proprietary mixture of HTP (High Throughput Processing Technology) and artificial intelligence (AI) research developed by the American company Wildcat Discovery Technologies allows InoBat Auto to carry out

R&D to efficiently optimise battery requirements on a small scale, which can be quickly and efficiently replicated on a larger scale. This enables InoBat Auto to efficiently create customisable solutions which fit a manufacturer’s specification rather than the ‘catalogue’ approach currently offered by its competition.

The first batteries should be produced within one year while the company will start with the production of two batteries: the NMC 622 and NMC 811. The batteries are currently being tested in South Korea and the results so far are very promising, according to InoBat Auto. The testing of the former should be completed this June. The latter, which will have lower cobalt content, will be produced in the third quarter of this year and should be available for testing in the fourth quarter, noted Boček.

Recycling centre planned

InoBat Auto will build a recycling centre for lithium-ion batteries in Voderady. It will recycle not only its own batteries but also the batteries of other producers. The centre will return as much as 95 percent of metals back to production.

The batteries will be reassembled first. The wires, plastics and packages are separately recycled. What remains of the battery are the chemical and mineral components, the so-called black mass. This typically consists of a mixture of lithium, manganese, cobalt and nickel in different ratios. The mass is firstly ground and then goes into the hydrometallurgical recycling process, explained head of the centre, Marta Tomišová.

“At the end of this process we have active cathode material for the production of new batteries,” Tomišová told The Slovak Spectator.

Battery production in Europe

THE EUROPEAN automotive industry is driving the demand for batteries, which today is the fastest growing market in the world for plug-in vehicles.

Strong strategic alliances along with the value chain between carmakers and battery producers has resulted in the ongoing construction of two fully European Gigafactories for battery cell production, Northvolt Ett in Sweden and the MES HE3DA factory in the Czech Republic.

Leading Asian and US companies (Tesla, LG Chem,

CATL) are following their European customers and investing in production capacity in Europe, reads a December 2020 report by Batteries Europe, the technology and innovation platform of the European Battery Alliance (EBA).

EBA reports that there are a total of 25 announced projects on Li-Ion factories in Europe, including that of InoBat Auto.

They range from pilot plants to a Gigafactory which, if implemented, will add approximately 500 GWh production capacity for Europe by

2030. Europe should have a 16-percent share of the 2,550 GWh global battery market by 2029 compared to just under 6 percent of the current 450 GWh.

Global battery demand is expected to reach nearly 1,000 GWh per year by 2025 and exceed 2,600 GWh by 2030.

In Europe, the demand for electric vehicle batteries is expected to surpass 200 GWh per year by 2023 and reach around 400 GWh by 2028, reads the report.

Compiled by Jana Liptáková



Marián Boček, CEO of InoBat Auto, during the official launch of reconstruction works of the new facility.

Photo: Courtesy of InoBat Auto

THE
SLOVAK SPECTATOR
LEGISLATION



How the largest law firms cultivate some areas of law

Participation in legislative activities dominates law firms' CSR

BY ADAM VALČEK
Special to the Spectator

LAW firms can help communities or society as a whole, and not just through their pro bono activities when representing or advising individuals or organisations free of charge. Many offices are active in other socially beneficial activities, not linked with a specific client but still perceived as important by lawyers, for instance because they enhance the quality of the legal environment.

For the first time, the Sme daily and The Slovak Spectator compiled an overview of the socially beneficial activities of the largest law firms in Slovakia.

The overview was created on the basis of a survey in which 36 of 49 offices with an annual turnover of more than €1 million for the last known accounting period filled out questionnaires. Fifteen of them reported that they have been carrying out socially beneficial activities.

Focusing on a particular legislative area

Legislation-related activities significantly dominated the survey. The lawyers who responded participated in various working groups, commenting on draft laws, giving lectures or providing expert commentary on laws.

For example, partner of the Dentons law firm, Juraj Gyárfáš, is a member of the Commission for the Recodification of Private Law at the Justice Ministry and a member of the working group for the Commercial Code of the Slovak Bar Association.

In 2016, the prestigious publishing house of professional legal literature, C. H. Beck, published a commentary on the Arbitration Act, co-authored by Gyárfáš. His colleagues from the Dentons office also publish professional articles on a regular basis.

Last year, C. H. Beck published a commentary on European Insolvency Regulation, authored by Ivan Ikrényi, a partner at the law firm Ikrényi & Rehák and an expert in insolvency legislation. He regularly comments on legislation affecting bankruptcies and the restructuring and liquidation of companies.



One CSR activity pursued by the biggest law firms is education.

Photo: TASR

LAW FIRMS* - SOCIALLY BENEFICIAL ACTIVITIES

Company (Listed alphabetically) Address City, Postal Code E-mail	www Phone	Sectors with the greatest proportion								The most frequent sector of activities in 2020	Description of one selected socially beneficial activity (project started - project finished)
		Education	Science and research	Legislative process and public lobbying	Social services	Judiciary	Health care	Media	Other		
Allen & Overy Bratislava, s.r.o.											
Eurovea Central 1, Pribinova 4 Bratislava - Staré Mesto 811 09 infobank.bratislava@allenover.com	+421(0)2 5920-2400 www.allenover.com			•	•	•				health care	Preparation of legislative proposal, which aimed to facilitate easier employment of foreign medics in Slovakia to help with Covid-19. (2020 - 2021)
CMS Slovakia											
Staromestská 3 Bratislava - Staré Mesto 811 03 denisa.brighton@cms-srh.com	+421(0)2 3214-1414 www.cms.law	•			•		•		•	health care	Activities that support Doctors Without Borders, who provide emergency medical relief in areas affected by crisis, war and natural catastrophe. (2020 - Ongoing)
ČECHOVÁ & PARTNERS s. r. o.											
Staromestská 3 Bratislava - Staré Mesto 811 03 office@cechova.sk	+421(0)2 5441-4441 www.cechova.sk				•					social services	As volunteers, we helped paint the canteen of the DOMECC centre operated by OZ Vagus and focused on helping homeless people. (2020 - Ongoing)
Dentons Europe CS LLP, organizačná zložka											
Sky Park Offices, Bottova 2A Bratislava - Staré Mesto 811 09 bratislava@dentons.com	+421(0)2 2066-0111 www.dentons.com	•	•	•						legislative process and public lobbying	Juraj Gyárfáš is a member of the Commission for Recodification of Private Law at the Ministry of Justice of the Slovak Republic. (NA - Ongoing)
GARAJ & Partners s.r.o.											
Jozefská 3 Bratislava - Staré Mesto 811 06 marian.garaj@garajpartners.sk	+421(0)2 2071-0023 www.garajpartners.sk	•								education	Extension of the possibility to apply for alternative educational programmes to the whole territory of the Slovak Republic. (2018 - Ongoing)
HAVEL & PARTNERS s.r.o., advokátska kancelária											
Centrum Zuckermandel, Žizkova 7803/9, Bratislava 811 02 office@havelpartners.sk	+421(0)2 3211-3900 www.havelpartners.sk								•	other	We have provided an up-to-date and comprehensive information service to all in need on the legal and tax implications of the coronavirus pandemic. (2020 - Ongoing)
Hillbridges, s.r.o.											
Sedlárska 1 Bratislava - Staré Mesto 811 01 hillbridges@hillbridges.com	+421(0)2 3219-1111 www.hillbridges.com	•								education	Cooperation with Comenius University's Faculty of Law on a subject that combines the practical training of law students with the needs of non-profits. (2016 - Ongoing)
HKV Law Firm s.r.o.											
Poštová 3 Bratislava - Staré Mesto 811 06 office@hkv.sk	+421(0)2 5441-0160 www.hkv.sk	•								education	We teach the M&A Law Clinic course at Comenius University's Faculty of Law in Bratislava. (2019 - Ongoing)
IKRÉNYI & REHÁK, s. r. o.											
Šoltésovej 2 Bratislava - Staré Mesto 811 08 office@ikrenyirehak.sk	+421(0)2 5010-2111 www.ikrenyirehak.sk	•	•	•						science and research	Lecturing, legal books writing and legislative proposals in the field of insolvency law. (2012 - Ongoing)
Kinstellar, s. r. o.											
Hviezdoslavovo nám. 13 Bratislava - Staré Mesto 811 02 bratislavareception@kinstellar.com	+421(0)2 5929-1111 www.kinstellar.com	•			•		•		•	education	Ongoing support to Nexteria (a non-profit association). (2015 - Ongoing)
Paul Q											
Karadžičova 2, Twin City, Blok A Bratislava - Staré Mesto 811 09 office@paulqlaw.com	+421(0)2 5828-2828 www.paulqlaw.com	•							•	media	Advisory on the protection of the right to privacy, personal data protection, freedom of expression and related criminal proceedings. (2002 - Ongoing)
PRK Partners s.r.o.											
Hurbanovo námestie 3 Bratislava - Staré Mesto 811 06 bratislava@prkpartners.com	+421(0)2 3233-3232 www.prkpartners.com	•	•	•	•	•	•	•		legislative process and public lobbying	Participation in the preparation of the new Civil Code, membership in committees created by the Ministry of Finance, commentary on new tax legislation. (2011 - Ongoing)
Prosman a Pavlovič advokátska kancelária s.r.o.											
Hlavná 31 Trnava 917 01 tomas.pavlovic@ppak.sk	+421(0)33 533-2388 www.ppak.sk	•	•						•	legislative process and public lobbying	Legal support in legislation process. (2019 - Ongoing)
SOUKENÍK - ŠTRPKA, s. r. o.											
Šoltésovej 14 Bratislava - Staré Mesto 811 08 akss@akss.sk	+421(0)2 3220-2111 www.akss.sk	•	•	•	•	•	•	•		other	Provided €244,000 in material assistance through the #advokati-pomahaju project (www.advokati-pomahaju.sk) to mitigate the effects of the pandemic. (2020 - Ongoing)
Squire Patton Boggs s.r.o.											
Zochova 5 Bratislava - Staré Mesto 811 03 bratislava@squirepb.com	+421(0)2 5930-3411 www.squirepattonboggs.com			•						legislative process and public lobbying	Collaboration with the American Chamber of Commerce on commentary related to the new construction legislation. (2020 - Ongoing)
TaylorWessing e/n/w/c advokáti s. r. o.											
Panenská 6 Bratislava - Staré Mesto 811 03 bratislava@taylorwessing.com	+421(0)2 5263-2804 www.taylorwessing.com	•	•	•	•	•	•	•		legislative process and public lobbying	Ambassador of the idea of transparency of beneficial ownership/corporate transparency at various domestic and foreign public events. (2016 - Ongoing)

*only law firms with revenues over €1 mil. are listed

Lawyers from the PRK Partners law firm are active in the preparation of the new Civil Code and in legislative commissions mainly at the Finance Ministry, where they are involved in drafting and reviewing tax laws.

Similar cases of specialists who focus on a particular area of law, who lecture and publish in the area and thus try to improve the quality of discourse, can be seen in many other offices on the market.

"We consider these activities to be socially beneficial because law firms perform them free of charge and without the primary motive of helping specific clients," said Ján Pallo, project manager of the Právo magazine and publisher of The Slovak Spectator. "Sure, they try to improve the legal environment based on practical knowledge, which may ultimately help their clients, but usually it is not their primary motivation and by participating in the legislative process, they improve it for everyone else."

Transparency and development

Partners of the Taylor Wessing e/n/w/c law firm, Andrej Leontiev and Radovan Pala, are active in promoting the idea of the transparency of real ownership. They are the co-authors of the law on the register of public sector partners and lecture on this topic in Slovakia and abroad. They are also involved in drafting legislation on corporate law.

The Squire Patton Boggs law firm cooperates with the American Chamber of Commerce free of charge by commenting on intended laws on construction proceedings, currently in preparation by Deputy Prime Minister for Legislation and Strategic Planning Štefan Holý (Sme Rodina).

"Slovakia's building regulations date back to 1976 and have been unsystematically amended many times," said Tatiana Prokopová, a partner of the Bratislava branch of Squire Patton Boggs. "The current arrangement is unsatisfactory for business and there has been a call for reform for years."

The drafting of new construction laws, which Holý submitted to interdepartmental review, has been criticised for relaxing the rules too much to favour developers.

The Allen & Overy law firm has prepared a legislative proposal to alleviate the shortage of medical staff during the Covid-19 pandemic free of charge.

"The aim was to facilitate the easier employment of for-

eign medics in Slovakia to help with Covid-19," said pro bono lawyer at Allen & Overy, Barbora Olžbutová. The Health Ministry accepted the office's proposal after some modifications.

The Havel & Partners law firm's socially beneficial activities are linked with the pandemic as well.

"At the time of the crisis, we shared our know-how and we provided free-of-charge advisory aid to all businesses and citizens as part of our information service on the legal and tax consequences of the pandemic," said Jaroslav Havel, the managing partner of the firm. "We participated in several free-of-charge online advisory services helping citizens and businesses affected by the pandemic."

Education

The second-largest group of socially beneficial activities consists of those linked to the support of education or development in the social area.

For example, experts at the HKV law firm run their own M&A Clinic at the Faculty of Law of Comenius University in Bratislava, where students become acquainted with transaction advisory.

The Kinstellar law firm supports the non-profit association Nexteria, active in supporting students and graduates in their career development.

The Garaj & Partners law firm is committed to legislation that would allow for the application of alternative educational programmes to all of Slovakia, free of charge.

The Paul Q law firm, on the other hand, has systematically supported journalists and various non-governmental organisations through free consultations in the areas of protection of the right to privacy, personal data protection, freedom of expression and related criminal proceedings for a long time.

Every year, the CMS Slovakia law firm, together with CMS branches in other countries, selects and supports its main charity partner by providing services as well as financial assistance. For the years 2020 and 2021, they supported Doctors Without Borders, an organisation providing emergency medical relief in areas fraught with crisis, war and natural catastrophe.

The Čechová & Partners office provided non-legal support in the form of volunteer work - lawyers helped paint the canteen of the Domec day centre, operated by the non-profit organisation Vagus, which focuses on helping homeless people.

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Martina Filipová

Martina Filipová is the Managing Partner of the law firm BOOM & SMART Slovakia. Apart from her legal practice in the Slovak Republic, Martina is a member of the Liechtenstein Chamber of Lawyers, registered as an EU-based attorney. During her legal practice, she has acquired extensive experience in providing legal services across all fields of law, specialising in transactional legal counselling and advice on state aid related to EU funds. Martina is also an expert witness in the field of foreign legal relations registered in the Ministry of Justice of the Slovak Republic.



About our law firm

BOOM & SMART is an independent, client-centred boutique law firm operating in two jurisdictions, the Principality of Liechtenstein and the Slovak Republic. We have built a stable team of expert lawyers over 20 years, always putting our clients at the centre of our activities. With our knowledge of the local law environment, we cover all main legal areas required for our domestic and international clients and support them in all business activities. Our office in Vaduz specialises in the legal issues of investment law, alternative investment funds and wealth management. Our team has also gathered remarkable knowledge and experience in European Law and issues related to eligibility or non-eligibility of state aid. We provide advisory services to managing bodies within the government of the Slovak Republic who act in the provision of funding from European Union funds. We also represent clients from the private and public sector in litigations, our main goal being to save their financial resources. We meet the highest international security standards, and as a result, we are one of the few law firms in the CEE region that have successfully implemented the ISO/IEC 27001.

BOOM & SMART Slovakia



Recovery and Resilience Plan for Europe and State Aid Rules

How to Successfully Draw Finance from the EU Financial Support Scheme

LAST YEAR WAS DIFFICULT FOR ALL SPHERES OF THE ECONOMY WORLDWIDE. COVID-19 DECIMATED THE LABOUR MARKET, PUT RETAIL CHAINS UNDER STRESS, OR IN THE WORST-CASE SCENARIO, HALTED PRODUCTION COMPLETELY. AS A RESULT OF THE CRISIS, THE SLOVAK ECONOMY DROPPED BY ALMOST 5.2% IN 2020. THE QUESTION IS, IS IT POSSIBLE TO RESTART THE ECONOMY IN 2021?

The Recovery and Resilience Plan is the answer to this unprecedented crisis in which the entire European Union is now facing. Its main goal is to keep the economy of EU member states alive thanks to massive public spending. Last week the European Commission adopted a positive assessment of Slovakia's Recovery and Resilience plan that is set to provide Slovakia with resources amounting to over 6 billion EUR by 2026. The funds are expected to be used for transforming the economy and contribute to its sustainable development rather than a one-time capital injection. The approved stimulus package will not only emphasise the knowledge of the business environment but also set proper rules for public procurement and state aid. The measures that enable the allocation of funds from the national Recovery and Resilience Plan must be in line with specific regulations applicable to state aid, pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union ("TFEU"). However, there are certain exemptions and rules related to the provision of state aid, including general block exemptions and the provision of minimum aid determined and adopted by the European Commission itself. State aid is a broad and complex topic which should not be underestimated. On the contrary, transparency and eligibility requirements must be strictly adhered to by both providers and recipients. As for state aid, the Commission first reacted to the pandemic on March 19, 2020, by adopting the temporary recovery instrument to help repair the immediate economic and social damage brought

about by the coronavirus pandemic. It enables the member states to enjoy full flexibility when applying the existing state aid rules to boost the economy and mitigate the impact of the pandemic. Its validity has been extended to the end of 2021. In December 2020, the Commission published eleven guiding templates for state aid as part of the Reconstruction Plan. This was related to several investment projects to assist the member states in designing their national recovery and resilience plans to be in line with EU state aid rules. The Commission is consulting member states on a possible extension of the General Block Exemption Regulation.

The General Block Exemption Regulation defines specific categories of state aid compatible with the EU Treaty and whether or not they fulfil certain conditions. Therefore, the member states are exempt from requiring prior notification and Commission approval. The Recovery and Resilience Plan of the Slovak Republic, in terms of its specific measures, expressly states the conditions of providing state aid and possible requirements for any further consultation and verification by the Antimonopoly Office of the Slovak Republic or prior notification to the Commission.

In light of the above-mentioned facts, I would like to draw your attention to any possible risks of providing state aid the Commission might declare as incompatible with the internal market. Further to the decision of the Commission, the provider of unlawful state aid is therefore obliged to collect from the recipient the amount of money proportionate to unlawful aid, including interest. The decision shall be enforced and carried out by the member state in compliance with the internal regulations.

Any other claims that might arise include compensation claims sought by competitors of the recipient of state aid and enforced against the member state as well as against the recipient himself. Certain questions may also be raised in terms of compensation claims of the recipient of state aid against its provider due to the damage caused. Even if the damage was caused by the recipient, the latest practice of the European Court

of Justice confirms that the recipient of state aid has to make sure that they have duly notified the Commission about the state aid in compliance with EU legislation. As upheld by the European Court of Justice, a prudent entrepreneur should be in principle allowed to verify whether the conditions of state aid proceedings have been fulfilled. The current practice of the European Court of Justice, the Commission and national courts oppose the principle of compensation granted to state aid recipients. The main reason is that the possible compensation granted to the recipient would contravene the prohibition of state aid as the recipient of unjustified state aid would eventually end up in an advantageous position. However, the recipient's right to compensation should be regarded as justified under exceptional circumstances, even if the member state expressly reassured the recipient that the measure is not regarded as state aid pursuant to the Art. 107 (1) of the TFEU or is subject to exemption from the notification obligation. The obligation to prove such a statement shall be borne by the recipient.

As mentioned above, the subsequent assessment of lawfulness of state aid that is either granted or accepted may have a considerable impact on both the provider and the recipient. Prudence and care shall be essential when allocating the funds from the Recovery and Resilience Plan of the Slovak Republic. To eliminate the above risks, I strongly recommend expert assessment of the granted aid in terms of its compatibility with the EU internal market. Similar rules applicable to public procurement are now subject to legislative changes, including any possible controls and amendments to this regulation. Do not hesitate to seek professional legal advice from our law office to avoid unnecessary damage or sanctions you might suffer. BOOM & SMART has extensive knowledge of the state aid and public procurement law, as we have assisted central authorities in the systematic setting of state aid rules applicable to the allocation of EU funds. We have so far taken part in assessing several enforcement rules for state aid and public procurement and their compliance with the EU law for both private and public sector clients.

Pro bono involved unfair notices

Slovakia's largest law firms have shown which individuals and organisations they represented free of charge

BY ADAM VALČEK
Spectator staff

EMPLOYEES who believe they have been laid off unfairly are among the clients that several large law firms working in Slovakia represented pro bono in 2020.

This is the type of pro bono consultancy that appears most frequently in the overview of the pro bono activities of Slovakia's largest law firms, compiled by the *Sme* daily and *The Slovak Spectator* for the *Právo* magazine with the rankings of the largest law firms on the Slovak market.

For example, international law firm Squire Patton Boggs is representing Mária Bielíková in her case against the Faculty of Informatics and Information Technologies of the Slovak University of Technology in Bratislava. At the end of 2019, the current dean of the faculty, Ivan Kotuliak, took control of the school despite a great pressure from the media and from society in general. He subsequently fired Bielíková. His step prompted her supporters to launch a petition, and Czech academics have also supported the ousted professor. Bielíková has received pro bono services from the TaylorWessing e/n/w/c law firm, too.

Attorneys from the Čechová & Partners law firm are representing journalists Peter Kapitán and Martin Poláš in their case against the News and Media Holding publishing house, which operates under the Penta financial group. Partner at the law firm Tomáš Rybár said that they were fired in retaliation of their "internal whistleblowing actions".

He explained that they both pointed to a violation of ethical and journalistic standards committed by their employer.



Law firms provided legal advice pro bono related to the negative impact of the anti-pandemic measures on retail.

Photo: TASR

This case has the potential to impact a large part of the labour market.

"It is highly probable that the violation of a statutory prohibition of dependent work outside of an employment contract occurred in the case of these two journalists," Rybár noted.

The journalists performed their job under commercial contracts, even though they had the usual employment relationship with their employer.

The Kinstellar law firm is also dealing with a pro bono case regarding invalid termination notices. The case concerns a group of foreigners, but the firm has not given any more details. The White & Case law firm reports a similar case regarding a notice for a staff member in the Fire and Rescue Corps.

Different approach to classification

Sme and *The Slovak Spectator* compiled an overview of pro bono activities of the largest law firms in Slovakia based on a survey, whereby 36 of 49 firms with annual revenues of more than €1 million (in the last known accounting period) filled out the questionnaires. More than half of those that participated in the survey provided details about their pro bono activities.

The survey has been through a change since the previous edition, in order to use a more exact methodology. The pro bono category involved any free of charge activities of law firms, even those not directly linked with legal consultancy to concrete natural persons or NGOs. As a result, the pro bono activities in the survey included legislative activities that are socially beneficial and which lawyers were not paid for. However, they did not pertain to a specific client.

That was why the category was divided into two new ones.

"We adjust our rankings of law firms and the overview of their activities every year based on the feedback we receive from the firms, to make sure that the final rankings are as precise an image of reality as possible," said Ján Pallo, pub-

lisher of *The Slovak Spectator* publisher and project manager of the *Právo* magazine. "That was why we changed the methodology of the survey regarding pro bono activities."

The overview of pro bono activities now only includes cases where the law firm represents a specific natural person or legal person, meaning it bears responsibility for the provided legal service to a specific subject. This concerns only services provided free of charge.

"Next to pro bono, we have come up with a category that we named 'socially beneficial activities'," Pallo explained. "This is where law firms can present the activities they are involved in free of charge and that are not provided to a specific client, including the review of draft laws or cooperation with journalists."

The Petit Press publishing house, having *Sme*, *The Slovak Spectator* and *Právo* in its portfolio, has systematically supported the development of the social responsibility of companies, including through its partnership with the Via Bona Slovakia award.

"The overview of pro bono and socially beneficial activities of law firms is compiled with the aim of offering the public an insight into these positive activities, to highlight and promote them, so that other, perhaps even

smaller law firms become inspired," Pallo added.

An exceptional result

The overview of pro bono activities suggests that the activities are distributed more or less equally between helping specific persons and legal services for NGOs involved in socially beneficial activities.

The Allen & Overy law firm has concluded the successful case of a young man from Turkey who had tried for years to be granted asylum in Slovakia.

"This is an exceptional result because authorities only grant about a dozen asylum visas a year and it is even less frequent in this context, with Turkey as the country of origin of our client," said pro bono lawyer of Allen & Overy, Barbora Olžbutová.

The man is only the second person from Turkey to be granted asylum in Slovakia since the latter emerged as an independent country in 1993. The case was a game changer for the law firm in its pro bono activities.

"We closely cooperated with the Human Rights League (HRL) on this case and thanks to the close cooperation, the new position of pro bono lawyer emerged in the firm, taken up by a lawyer from the HRL who now deals solely with our pro bono cases," said Martin Magál from the law firm.

The Dentons law firm represented individual cases pro bono. The best known of their cases is representing the parents of the murdered journalist Ján Kuciak, the bereaved party in the criminal proceeding.

The firm also successfully represented Jozef Andrej, a man prosecuted for the alleged euthanasia of his disabled son, whom he had been looking after for more than 20 years. The father was facing a life sentence, but in the end, he was acquitted of murder charges.

The Škubla & Partneri law firm continued its pro bono cooperation with the Slovak Catholic Charity and represented children who have fallen victim to the crime of human trafficking.

The Ikrényi & Reháková law firm represents an unspecified primary school in lawsuits linked to the consequences of the Covid-19 pandemic.

"We are representing the school in anti-discrimination proceedings, seeking a temporary injunction demanding in-person tuition during the lockdown," explained the firm's partner, Viktor Ewerling.

Setting up processes

Within their pro bono activities, many large law firms provide legal services to NGOs, providing socially beneficial activities.

Sometimes this does not concern legal services linked to individual stories, but corporate services like setting up bylaws or contract relations. This too means significant support for the organisation, saving them thousands of euros.

The firm Garaj & Partners, for instance, provides pro bono complex legal advisory for the Waldorf School in Bratislava.

The TaylorWessing e/n/w/c law firm is helping the Circular Slovakia organisation to launch its activities and set up the legal framework of the circular economy in Slovakia.

The law firm White & Case assessed the compliance of the work of the Cesta Von association with personal data protection rules.

The association helps people caught up in poverty to become self-sufficient again. The perhaps best-known project of the association is Omamy, which helps children from socially excluded communities.

A similar service is offered by the Poláček & Partners law firm to the League for Mental Health in connection with its 24/7 helpline Nezábudka and TV programmes that raise mental health awareness. In this case, lawyers mainly helped the association with questions about personal data protection or the preparation of contracts.

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Pro bono specialists: Demand for free

The professional lawyer-client relationship is everything even in pro bono work

BY MICHAELA
TERENZANI
Spectator staff

LARGE transnational law firms coordinate their pro bono activities on both a national and global level.

Helen Rogers is a London-based senior pro bono manager of the Allen & Overy law firm. On the national level, pro bono lawyer Barbora Olžbutová of the firm's Bratislava office coordinates these activities.

The Slovak Spectator spoke to the two lawyers about how they select the cases to be represented by their lawyers free of charge, what it means for the client when the work done by lawyers is voluntary, and what the red lines are for the company when choosing who to represent.

The Slovak Spectator (TSS): Is it common for an ordinary person with a legal problem to contact large law firms with pro bono requests? How do large law firms like Allen & Overy choose which pro bono projects to take on?

Barbora Olžbutová (BO): We cooperate with a number of NGOs that we have set up regular cooperation with and we take our cases mainly from them. When they present their cases to us, they describe the added value they see in our involvement. We try to take on cases that we believe could help solve a systemic or broader problem. We are open to requests from other organisations or individuals, but the truth is that our capacity is limited, so we need to take that into consideration, too. We do have some cases that we took up out of our own initiative, for example after having seen reports on them in the media.

TSS: Is that how things work outside of Slovakia, too?

Helen Rogers (HR): It's broadly similar. In jurisdictions where there's a long tradition of pro bono work, like the US, Australia, and the UK, there are more established processes for including pro bono work in larger firms.

We rely a lot on our network of NGOs and charities who do a lot of grass roots work, for example with homeless people and people seeking asylum and immigration status. We have a long history of working with Law Centres in the UK; they are the interface between individual clients and our lawyers. We



Lawyers help clients who cannot afford to pay for legal representation navigate complicated court cases and laws.

Photo: TASR

Law firms are under increasing demand from clients, stakeholders and shareholders to respond ethically and responsibly to changes in society.

Helen Rogers



also rely on our connections with existing charities. We have some connections going back over 25 years. Another source is our staff. We have so many staff members who are passionate about this work on every level. Often, we try to include their cases in the programme.

We have three core themes guiding our pro bono work:

human rights, access to justice for individuals who cannot afford legal advice, and social finance and impact investment work. You can fit a lot under these three headings.

TSS: What is in it for the lawyers? Is the chance to tap into unexplored territory a motivation?

HR: I think that's part of it. Lawyers come to law at some point in their lives because they believe in a system of fairness. I still really believe that. We find people who want to do something completely different to their day jobs, and that interesting, new, challenging, intellectual part is certainly key to it. There are people who do it because they passionately believe in the subject area. We have a number of groups representing diversity and inclusion at the firm - we focus on LGBTQI+ issues, on race and ethnicity, on women's rights. Often, the lawyers dealing with the cases have a particular interest in supporting those groups.

TSS: How important is it that the lawyer is aligned with the client in their opinion about the issue that is at stake? Could a lawyer with very conservative views represent a client in a LGBTQ-related case?

HR: Our professional responsibility to our clients is of the utmost importance, whether it's a fee-paying or



Barbora Olžbutová

Photos: Courtesy of Allen & Overy

pro bono client. That professional lawyer-client relationship is everything. That said, our pro bono work is a voluntary programme. We don't force anybody to take on anything. Therefore, I think with pro bono clients, you do get a general alignment with the client's interest because they can choose not to take the case if they don't really believe in that issue.

TSS: Are there any guidelines on which clients you cannot represent pro bono? Extremist tendencies of the potential client, for example?

HR: Whenever we take on a client, we put them through the same conflict-checking processes that we do with all our commercial clients. Sometimes, we cannot represent them due to some of the reasons that you indicated, especially if there is a risk in bringing them to the firm as a client. Sometimes, there are business reasons why we can't. We are a global firm. We operate in many jurisdictions and we have to make sure that we're representing the whole of our business.

TSS: As an individual with no previous experience with any law firm, if I have a case, how can I effectively present it in a way that convinces you to take it on as a pro bono project?

legal advice increased in pandemic

BO: The most convincing presentation is somewhat related to the criteria I described earlier. If we see a case that actually deals with a systematic problem and we see that an NGO or an individual tried to tackle it somehow and that our involvement could be of added value, we then choose to participate. If we see that this is not just a regular case, we also take the case. And then, generally speaking, it's best to pinpoint the most important facts of the case rather than provide a huge pool of information. It's best if we have a brief overview of the problem.

TSS: Can you give an example of a case that dealt with a systematic problem or brought some added value?

BO: One case we presented in our submission to the Sme daily and The Slovak Spectator involved our cooperation with the Human Rights League concerning a Turkish asylum-seeker. The client got asylum at the beginning of this year. The added value is that he is an asylum seeker from Turkey, and Slovakia, for unknown reasons, would not accept refugees from Turkey even though from the legal point of

view they should be granted asylum. Our client did get asylum, and it was only the second time in the history of Slovakia. And in the context of just about a dozen cases granted in Slovakia every year, this is a precedential case and can bring a positive change to how asylum requests from Turkey are assessed. We fought for a long time for this outcome.

TSS: How ethical or how correct is it to use pro bono activities as a tool of business development? Is it common practice in large markets? And is that something that might be a purpose of pro bono activities for a law firm?

HR: Law firms as big corporations are under increasing demand from clients, stakeholders and shareholders to respond ethically and responsibly to changes in society. It's very short-sighted for businesses of any sort to turn a blind eye to world-changing events.

We do take on pro bono matters that are outside our commercial practice areas, for example, immigration and asylum cases, because there is a need to build capacity in the sector, certainly in the US, certainly in the UK. There's



Allen & Overy's case involving an asylum-seeker from Turkey was successful.

Photo: TASR

not enough good advice and representation available for people that can't afford to pay a lot of money for it. We have lots of lawyers who can be trained in different areas and

we work with a charity or an NGO to give our volunteer lawyers supervision and support.

We contribute to supervising solicitor salaries, often

in conjunction with other law firms, so that it doesn't cost the charity to provide supervision. The client wins because they benefit from the advice, our lawyers get

something out of it too - they learn something new, they are contributing to something that they are interested in, and the firm has a motivated workforce. There's no need to hide away from the concept of business development through pro bono, provided it is delivered as part of a responsible business model. Everybody wins if you operate with integrity.

TSS: Has the pandemic brought any new issues that you have to deal with in the pro bono area?

HR: I don't think it has brought new issues, but it has really increased demand on the free legal advice sector. There's certainly been an increase in domestic violence cases, and when government support packages such as furlough schemes end, we expect to see a huge surge in the number of people losing their jobs, and sadly their homes, too. The impact of the pandemic is far from over; the repercussions will be enormous.

BO: I agree completely. I think that the problems that have already existed in society will be heightened. Some of them are already visible and we are expecting to see more of that in the future.

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- ✓ Change
- ✓ Go

Artificial intelligence algorithms are not here to replace lawyers

AI helps lawyers sort docs and protect sensitive data

BY ADAM VALČEK
Special to the Spectator

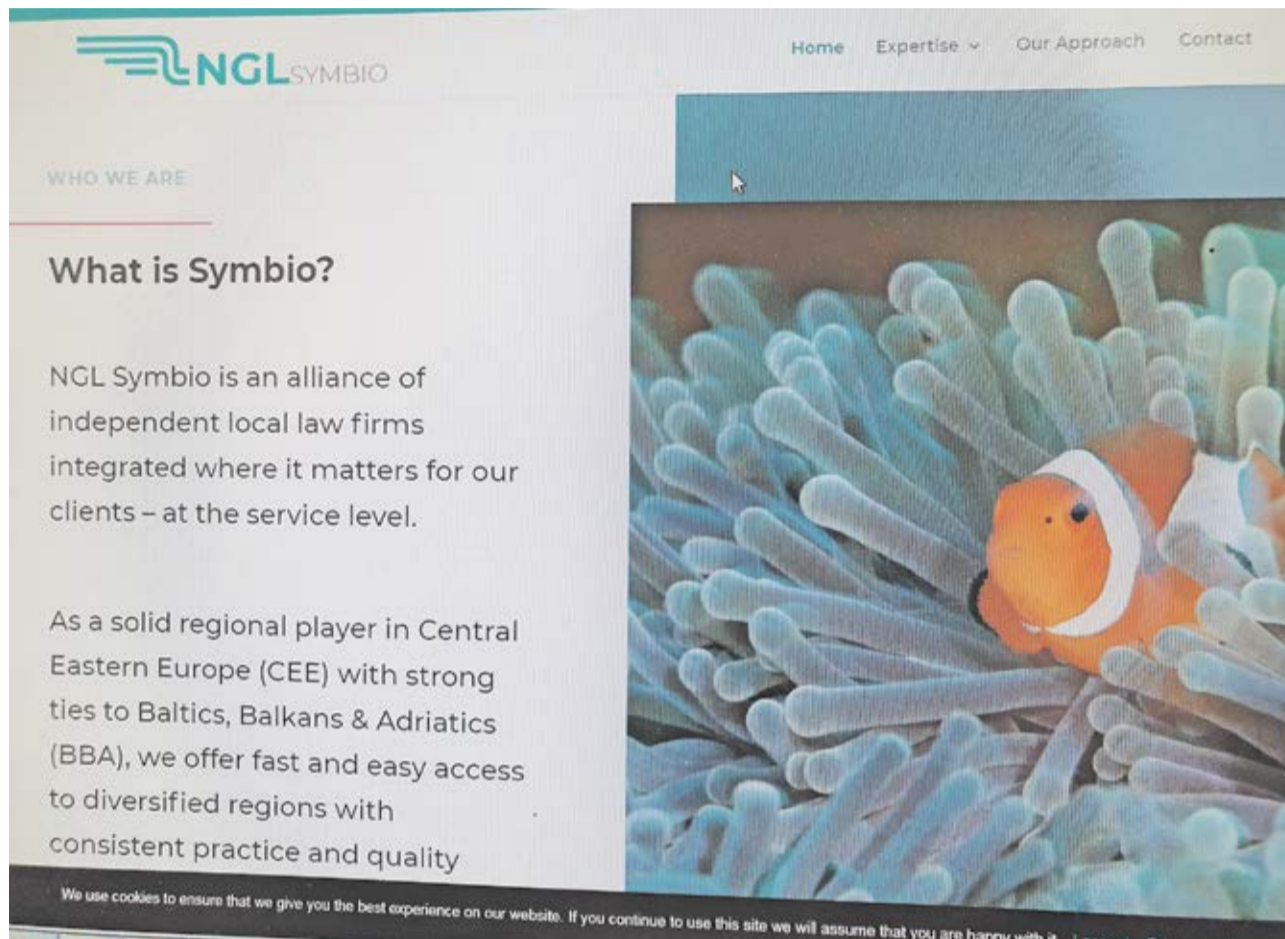
LAW firms in Slovakia innovate the processes they follow to provide legal services. At the same time, individual innovations correspond to world trends and predictions. Several offices have implemented tools that involve artificial intelligence (AI).

"I think that the next two years might be a turning point for AI adoption," Mori Kabiri, founder and CEO at Counsel, a company providing software and technology solutions to law firms, wrote for Forbes magazine in April. "AI algorithms are not here to replace lawyers but to equip them with the tools to automate daily repetitive tasks so that they can focus more on specialised tasks that require their creativity and intelligence."

Will the time saving rate decide?

The automation in order to prevent errors, increase data security and relieve lawyers from routine work is the essence of several innovations that law firms operating in Slovakia reported to be using in the survey by the Sme daily and The Slovak Spectator.

For example, the CMS Slovakia law firm uses the



NGL Symbio is a network of independent law firms that helps to exchange know-how.

Photo: Jana Liptáková

KIRA tool powered by machine learning technology. It can analyse and control English and German commercial and M&A contract provisions. Both languages are commonly used in the Slovak legal environment.

"KIRA can help save at least 30 percent on bulk contract review exercises," said Petra Čorba Stark, partner at CMS Slovakia.

In its latest report with predictions on the influence of

technologies on the legal services sector, the Gartner consulting company assumes that legal departments will have 50 percent of legal work related to major corporate transactions automated by 2024. The company links this to ever-improving language processing technology and machine learning.

It seems that the degree of automation will be decisive, suggests the innovation of another law firm, Dentons.

The firm's lawyers are taking part in developing a tool that helps to draft legal documents. The tool saves up to 70 percent of lawyers' time, said Linda Mendelová, counsel at Dentons Europe CS LLP.

AI algorithms are also used by the White & Case law firm for the purpose of increasing the security of sensitive data. This innovation is being addressed at a global level.

"I suspect the next decade will greet us with an abundance of new state and industry privacy as well as security laws, as officials figure out what needs to be monitored and the most effective measures by which to do so," Karibi wrote for Forbes. "This could force regulated legal departments to look for automated tools to aid growing compliance requirements."

White & Case managing partner Juraj Fuska said they are using two applications with AI algorithms. The Relativity app is a web-based document review and administration software used during the discovery phase of litigation and other investigative actions, for example in the investigation of suspected breaches of competition rules.

"Its includes an AI tool for the automatic identification of sensitive documents," said Fuska.

This law firm has also launched the Dawn Raid app, which contains useful information with guidelines on how to proceed during a dawn raid by a competition author-

ity, by their nature surprising and stressful.

"The app enables effective communication between the client and legal counsel during a dawn raid," said Fuska.

The Squire Patton Boggs law firm uses the award-winning Global Edge 2.0, which provides instant access to the latest labour law in 35 countries and the European Union.

"It is designed to save time and help minimise expenses," said Stanislav Ďurica of Squire Patton Boggs.

The Allen & Overy, Havel & Partners and Legate law firms also use digital circulation and document processing tools. Havel & Partners has the OneTrust tool that automates and simplifies the performance of duties of clients in personal data protection. Legate provides clients with their own court e-file sharing, a kind of mirror to the content of a normal file. Thus, costs and worries with access to a paper file or difficulties with access to a state electronic file, which often has outages and takes a long time to register, are eliminated.

Virtual arbitration hearing

During the pandemic, video conferencing has become a standard part of legal service, so it is no longer considered an innovation. Nevertheless, there is an exceptional case with regard to video conferencing and the use of telebridge, which is unique.

The Allen & Overy law firm is representing Zero Bypass Limited, a concessionaire in the D4R7 highway project, in a €120+ million construction arbitration against the Slovak Republic.

"Between April 26 and May 7, we participated in a two-week-long virtual arbitration hearing out of our Bratislava office," said Allen & Overy partner Martin Magál.

Arbitration rules are more flexible than in traditional court proceedings. State courts carry out telebridges only in exceptional cases and virtual video hearings do not even exist.

Magál concluded that there were more than 50 participants on behalf of both parties connected to the virtual hearing each day. This included 14 factual witnesses, seven expert witnesses and more than 30 legal representatives - all from three different continents.

Contact with clients

Three large offices have provided a reference for innovation in improving relationships with clients. The HKV law firm is part of the network of independent law firms, i.e. offices that are not part of large international and global networks, NGL Symbio, which helps to exchange know-how, especially in the region of central and eastern Europe.

"The goal is to create synergies between law firms so that they can compete with the large international networks of law firms," said HKV partner Lukáš Michálik.

TaylorWessing e/n/w/c introduced its own podcast, sPrávne Naladení, in 2020 as a response to the reduced social interaction of lawyers in the office during the pandemic.

"Communication through a podcast requires lawyers to engage in non-traditional ways of processing complex legal topics so that they are understandable to the public," said Ján Lazur, partner of the firm.

The Ružička and Partners law firm became involved in an interesting innovation in its approach to clients. With a client that is an unspecified IT company, they came up with a new employee benefit.

"It is about advising employees who found themselves in various life situations with legal context; the project was a huge success," said Ján Azud, partner of Ružička and Partners.

The employees of the IT company, which is a client of Ružička and Partners, thus gained the opportunity to ask a lawyer for legal advice any time as an employee benefit.

Innovations of law firms* in Slovakia (2017-2021)

Innovative approach to clients

HAVEL & PARTNERS (2019): OneTrust - comprehensive technical and automated data audit solutions, DPIA, cookies management, enforcement of data subjects' rights, consent management.

HKV Law Firm s.r.o. (2020): Co-founded NGL Symbio, an alliance of independent local law firms in the CEE region.

RUŽIČKA AND PARTNERS (2020): A unique HR benefit for employees of a global IT leader. Advises its employees on various life situations with legal context.

TaylorWessing e/n/w/c (2020): First regular legal podcast of a law firm focusing on current topics in Slovakia.

Innovative approach to legal issues

CMS Slovakia (2019): Analyses and investigates large document sets quickly & cost-effectively with AI technology. Provides accurate data extraction & lower client risk.

Dentons (2020): Members of its Corporate team take part in one of the Innovation Key Initiatives - Document Automation, which saves up to 70 percent of drafting docs time.

Squire Patton Boggs (2020): Global Edge 2.0 - Award-winning project for instant access to the latest labour laws of different countries directly to mobile phones or computers.

White & Case (2018): Implemented internal document review/e-discovery software - Relativity - used to review large amounts of e-mails and documents.

Technological innovation in the field of administration

Allen & Overy (2021): Virtual arbitration hearing out of its office. More than 50 participants were connected from three continents.

LEGATE (2018): Court e-files sharing; www.legate.online as a web application for registration and changes in the Commercial Register; QR code for invoices.

*only law firms with revenues over €1 mil. are listed

Lipšic: Penal law can be an opportunity for large law firms

The benefit of large law firms is there are more people to consult cases with

BY ADAM VALČEK
Special to the Spectator

IN THE US, we were trained by dealing with specific cases, recalls Special Prosecutor Daniel Lipšic of his studies at Harvard University. The career decision to go into the prosecution service does not need to be final, believes the special prosecutor who took up the post in February 2021, until when he served as an attorney.

You studied at Harvard Law School. What are the benefits of studying law abroad compared to studying it in Slovakia?

I cannot compare it with the level and style of instruction at law faculties nowadays because I taught a long, long time ago. In my time as a student, learning laws, judicature, doctrine and theses by heart was highlighted, while there was less focus on the lawyers' ability to apply the law to concrete cases. When I studied abroad, we would not take tests, but rather solve case studies, often very complicated ones. The important thing was for the student to show their ability to logically apply the law. That was the main difference back then.

Do you consider studies in the US an added value in practising law in Slovakia given the differences in the countries' legal systems?

In Slovakia, the differences between the two main legal systems, continental versus Anglo-American, is often stressed when teaching law. The difference is not as large in recent decades, though. Common law is basically just civil law, and all other legal sectors are codified, like constitutional or penal law. There are differences, but not dramatic ones. I believe that whoever learns to apply law in one country can learn to apply law in another country with a different legal system in a relatively reasonable time.

Which skills and qualities did you value in students and graduates the most when you served as an attorney and worked with young lawyers?

On the one hand, one needs to enjoy doing what they're doing because we only



Daniel Lipšic

Photo: TASR

At the end of the day, a career is a developing thing and I don't believe the decision must be, once and for all, unalterable.

graduate goes on to become a prosecutor, an attorney, or goes to court. At the end of the day, a career is a developing thing and I don't believe the decision must be, once and for all, unalterable.

Forensic psychologists often say that police officers have a tendency to see culprits in suspects. Is a person who doubts his own opinions a good lawyer? Is it an important quality in a prosecutor?

Yes. It's always good in law to maintain some distance. That goes both for prosecutors and attorneys. When a prosecutor or an attorney is too determined, it often tends to harm their case. An attorney's client lacks the distance because they are existentially involved in the case, but a defence lawyer must be able to keep that distance. The same goes for the prosecutor. The benefit of large law firms or of prosecution as an institution is that there is a larger team of people professionally dealing with penal law, and they can consult issues with each other.

In the past, large international law firms would not deal with penal law. The Dentons law firm that you worked for was one of the first. Now, large law firms are getting more involved in penal law. Is that a career path with a good prospect?

You're right that no other international law firm in Slovakia did penal law back then, so it involved some risk to see if it would work out. It did, and in hindsight we see it was inspirational. A law firm can provide much more complex legal services. We also had large clients and provided them legal services in other agendas, like corporate law or litigation, and the penal cases would then be added to that. We now have penal liability of legal persons, so the corporate sphere will be ever more interlinked with penal law.

How did the work of the Special Prosecutor's Office restart after the anti-Covid measures started lifting?

We have scrapped home office, as did other prosecutor's offices. The impact of the pandemic will show in the coming months, since many trials at the Specialised Criminal Court have been postponed. As the situation improves, we will have more court hearings but it will be a major challenge.

How can prosecutors work from home? Civil law has been digitalised to some extent, but that is not the case with penal law.

Prosecutors could study cases at home and draft filings, resolutions, indictments, and so on. They need

to sign and expedite them in person at the office, so nobody could stay working from home for several months. It was always done so that prosecutors would spend one or two days in the office.

How would that work? We have seen the trolleys carrying vast files in the Kuciak murder case. Does it mean prosecutors would take such large files home with them?

Not that large, but a relevant part of the file they needed to draft the documents.

What is the representation of men and women at the Special Prosecutor's Office?

Not good. We have 24 prosecutors, only two of whom are women.

Why is that?

It is partly due to the fact that the office is in Pezinok. Most of the new prosecutors who come now are from other places, like Žilina, Trenčín, Trnava. Commuting may be easier for men if their career has already gained some pace. I have addressed a few female colleagues, with no success so far, but I believe we will not fill all 10 vacancies now. I believe that in the next round, I will succeed in persuading women to join us, be it as prosecutors or colleagues from

other legal professions. The team benefits from diversity.

Is a prosecutor's job compatible with motherhood? Do you take any work-life balance measures?

Yes, I am convinced the job and parenthood go together. It seems to me the most promising work-life balance measure will be to fill the vacancies at the Special Prosecutor's Office. Right now, many of the prosecutors suffer from a lack of work-life balance mainly due to the enormous agenda they are dealing with. I believe that once we fill the 10 vacancies we have now, the workload will be distributed better among the team.

How has the job changed your private life?

Quite significantly. I have cut friendly contacts with many people. It's not that we don't exchange text messages for birthdays, but we don't meet at all and do not communicate about other things. The job affects my private life, but I knew it would before I applied for it, so I cannot complain.

This article is based on an interview that took place on May 13, 2021 during a special career online event for law students and graduates, Night of Chances LAW.

Women in law still face prejudice

What is the representation of women in law firms?

BY ADAM VALČEK
Special to the Spectator

MOTHERHOOD comes with the risk that the attorney will not have sufficient time to build her own clientele, or will lose the clientele she had built before going on maternity leave. Successful attorneys recommend that women maintain contact with law firms during maternity leave and that male lawyers go on parental leave to discover how a few months out of the office affects their expertise.

There are over 42 percent of women, including attorneys, working for the largest law firms in Slovakia. There are significant differences between individual firms, and it is not the case that only large transnational law firms automatically have a gender-balanced team.

This stems from data the 43 largest law firms in Slovakia provided to the Sme daily and The Slovak Spectator.

It is not clear if the representation of women among Slovak attorneys is on the rise or decline because there is no systematic tracking of data. The data that appears from time to time comes from different sources, may not be consistent, and is thus hard to compare.

The Better Attorneys Initiative (Iniciatíva za Lepšiu Advokáciu) published data in 2016, showing that women in the 50 largest law firms in Slovakia comprised 45 percent of their employees, but only about 10 percent in partner positions.

The 2020 data from the Lexis Nexis analytical company suggests that among law firms in the US, the representation of women attorneys is about 40 percent, while only about 25 percent hold the position of partners.

For the first time in the five years, they have been compiling rankings of the largest law firms, Sme and The Slovak Spectator also asked law firms about the representation of women among their staff. We will monitor and publish this data in the future.

"Equal opportunities is an important issue and data is essential to lead an honest debate about it, to show over time what is the trend in the representation of women among attorneys, what the causes may be," said Ján Pallo, publisher of The Slovak Spectator. "They can also help lawyers in their considerations on whether they want to



Having a child might slow down a woman's career in Slovakia.

Photo: TASR

apply for a job in a more female, more male, or a gender-balanced team."

Prejudice

Three out of four of the addressed successful and high-ranking female attorneys agree that it is harder for women to make their way in law. Prejudice, which men do not face, is one of the reasons.

"I have repeatedly heard female professionals from all over the world complain that they were frustrated when a man repeats the same idea they had formulated and communicated before, but suddenly the idea catches on and is treated as more important," said partner at the Allen & Overy law firm, Lucia Raimanová.

"In many cases, when a man, either attorney or clerk, enters the room, he immediately gets respect, while a woman, particularly a young one, must first speak out professionally and basically convince the people in the room with her professional approach," said attorney and CEO of the Squire Patton Boggs law firm, Tatiana Prokopová. "When we were young, my colleagues and I would have clients who thought we were assistants or translators and would ask if our attorney col-

league or boss were coming, too."

The older and more experienced the lawyer, the less frequent such situations, said Prokopová.

Attorney Patrícia Gossányiová of the Dentons law firm said that during her 23 years of practising law, she has never had a client who made her feel they did not trust or disrespect her just because she was a woman.

"If any clients had such an opinion, they did not show it," she said.

Some clients may under-rate a lawyer because she is a woman.

With such a mental set-up in clients, the woman attorney needs to be more engaged in explaining and reasoning the proposed solutions than a man would need to.

"This may be due to the general dogma that presents men as more rational and efficient problem solvers," TaylorWessing law firm senior attorney Andrea Čupelová said.

"The attorney must win the trust of the client regardless of being a man or a woman, but some clients tend to naturally turn to male colleagues more at the beginning," she added. "In such a case, it requires more engagement and assertiveness from

the woman attorney, ideally with the support of her male colleagues who prove her competence, so to speak."

Motherhood

Gossányiová of Dentons believes that career growth costs women the same amount of energy as men, but she admits that "especially in our central-European space, women face particular demands, mainly in the private sphere because women are still the main suppliers of family care and they usually need more strength and time than men to fulfill their duties not related to their professions". This leads to another challenge faced by female lawyers - the balance between motherhood and child care, and work.

"Maternal leave may be a problematic issue, if the attorney has not yet built her own clientele, or risks losing her clientele due to a longer absence from her profession," Prokopová of Squire Patton Boggs noted.

Attorneys who are mothers may be inclined to organise business meetings mainly during working hours rather than meet clients and colleagues in the evening, when they want time for their kids.

"That is true not just in law, where women eliminate

evening events due to family life," said Prokopová.

Parental leave for men and better infrastructure

Equal opportunities is the general answer to what would help women in law. The awareness of the problem among men is essential, according to Raimanová of Allen & Overy.

"Men should consider every day whether they are asking a male colleague to help with an important case that may be big for one's career growth just because they went for a beer together the day before and whether they shouldn't instead consider engaging a female colleague who could do the job just as well but did not come to mind because she did not go for that beer with them," she said.

Čupelová of TaylorWessing looks for inspiration in the Nordic countries where men go on parental leave, which is practically compulsory for them.

"It would make men see and experience what half a year or a year out of the office does to their expertise, and I think it would change their perspective on attorneys who are mothers," said Čupelová.

Gossányiová of Dentons added that it would take more

conceptual solutions for families and child care. "There is still a lack of respect for the woman who is a professional and a lack of services for preschool and primary school children, which only deepens the energy handicap of women when they have a child," she said.

Prokopová recommends to women who want to return to being attorneys after their maternal leave to stay in contact with the law.

"It really helps when law firms let them continue within internal communication, invite them to seminars, trainings, and allow them to keep in touch with the firm and with cases," Prokopová said. Part-time work helps too, in her opinion.

No quotas, only abilities

It follows from talks with the representatives of several companies who have a high number of women among their staff that it was not their intention.

"It was definitely not our target; things naturally developed in this way," said Maple & Fish law firm partner, Viliam Karas. The share of women in the company is 73 percent (detailed data in the charts).

Squire Patton Boggs answers along similar lines. The firm has the highest representation of women among its lawyers, at 79 percent, followed by Maple & Fish and Eversheds Sutherland (both 78 percent), Garaj & Partners (69 percent), Peterka & Partners (67 percent), bnt attorneys-at-law (62 percent), Malata, Pružinský, Hegedúš & Partners (60 percent), Dentons (56 percent), TaylorWessing (56 percent) and CMS Slovakia (53 percent).

The Sme Daily and The Slovak Spectator do not publish the ranking of firms based on the representation of women in non-lawyer positions because several law firms only have one or two such positions and the data would thus have no demonstrative power.

The law firms with the lowest representation of women are Prosman a Pavlovič, Barger Prekop and HKV Law Firm and Kinstellar. All of them had less than 20 percent of women among their staff based on the average data for 2020.

Kinstellar law firm partner Viliam Myšička said that it is their aim to create conditions that will allow the representation of women in the firm to increase.

"We are probably successful at that because we have managed to increase the representation of women among attorneys to 20 percent and to 40 percent in non-lawyer positions, while we are expecting another clerk to join the team soon," Myšička added.

Legislative intention – Recodification of the Corporate Law

Planned changes and modernisation of corporations in context of private law recodification

OPERATION OF CORPORATIONS UNDER THE CURRENT MARKET CONDITIONS IS SIGNIFICANTLY AFFECTED BY ELECTRONISATION, DIGITALISATION AND AUTOMATION OF INTERNAL PROCESSES AS WELL AS PROCESSES RELATED TO THE EXTERNAL ENVIRONMENT; ALL OF WHICH MODERN CORPORATE LAW MUST REFLECT.

In order to increase the attractiveness of the business environment, economic competitiveness of Slovakia and to reflect the needs of economic practice, as well as modernisation trends in advanced European jurisdictions and the harmonization of legislation at the European Union level, the Ministry of Justice recently presented legislative intent to recodify the Slovak corporate law (complete material is available online at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2020/627>).

Recodification of private law presumes the new Civil Code to constitute a general norm of private law and remove the current legal dualism of regulation of contractual law, which foresees a fundamental interference with the Commercial Code in its current form. The result of the intended changes is to create a comprehensive and uniform Civil Code as the primary private law code, in addition to which a new law on corporations ought to be adopted, similar to the one currently in force in the Czech Republic. The new Corporations Act should regulate in more detail only issues related to the special nature of corporations as a specific type of legal entity, with an emphasis on capital corporations (a limited liability company and a joint stock company). The aim of the proposed changes is to increase the flexibility of capital corporations and to simplify their foundation by using various forms established by the state, thus reducing administrative barriers to starting a business. Considering the current situation on the corporate market, Slovakia is characterised by a relatively narrow and closed structure of corporations' shareholders, which means high interdependence between shareholders and the management of the company and the associated risk of prioritising the interest of the shareholders at the expense of the corporation's creditors. In terms of company forms, the market is dominated by limited liability companies, which account for more than 95% of all existing companies, with concern structures being relatively common. Among joint-stock companies, which account for less than 3% of all companies, so-called private joint stock companies not publicly traded are the most common.

The economic aspects of operation of corporations in Slovakia are mainly based on financing by external resources and absence of significant equity, while growing trend can be seen in private equity investment (venture capital in the form of equity) in start-ups and project companies (start-ups and scale – up), as well as raising external resources outside the traditional banking sector (e.g., through issuance of corporate bonds and other securities).

The legislative intent proposes maintenance of the four basic legal corporate forms:

- a public company,
- a limited partnership
- a limited liability company, and
- a joint stock company.



JUDr. Katarína Bielíková
Managing Partner

A fundamental change compared to the current regulation is the proposed **abolition of the legal form of a simple share company** (jednoduchá spoločnosť na akcie, abbr. j.a.s.), which has been created as a hybrid between a limited liability company and a joint stock company. Its purpose was to streamline and facilitate the entry of risk capital, especially into joint venture structures and start-ups. However, due to the relatively complex changes in the standard legal forms of companies and their modernisation it would become redundant. Existing simple share companies will be able to transform into limited liability companies and those that do not exercise this option will be governed by the law of joint stock companies.

Substantial changes are proposed for capital companies – a limited liability company (s.r.o.) and a joint stock company (a.s.).

To make a limited partnership more attractive, the legislative intent proposes that, depending on the purpose of its establishment, the founders decide whether the limited participation of limited partners will be incorporated into security. At the same time, in connection with changes in the legislation of a limited liability company, it should be possible for business shares not to be compulsorily concentrated in a single business share.

Following shall be regulated for all capital corporations:

- certain rules for the exercise of a shareholder's rights, e.g., the minimum scope of the right to information and the legal instruments for its enforcement,
- common rules for the decision-making of corporate bodies, e.g., passing of resolutions at a distance using electronic means of communication, invalidity of corporate bodies' resolutions and legal instruments to claim such,
- uniform rules on protection of company's assets so that the shareholders draw only dividends from the company's assets and that this rule is not circumvented,
- specific rules on protection of capital which, under European legislation, are imposed only on joint stock companies, will apply only to joint stock companies (or only public limited companies) and will in principle not extend to limited liability companies,
- rules for transactions with related parties, in particular transactions between a corporation and its shareholders, as well as members of the company's bodies and their related parties,

- revised legal regulation of a company in crisis and obligations related thereto,
- special rules concerning the duties and responsibilities of members of the corporate bodies,
- regulation of business decision-making (especially of the statutory body) – application of the business judgment rule,
- regulation of accessory agreements of shareholders and related institutes (drag along or tag along rights or shoot-out),
- regulation of the basics of concern law, content requirements and requirements for publicity of the so-called contractual concern (control agreement), as well as the conditions under which a member of the body of a controlled entity may take into account the concern's interest to the detriment of the company of which they are a member, so as not to harm the creditor or public obligations and with the obligation to compensate concern.

Limited Liability Company (s.r.o.)

The aim of the proposed changes is to modernise the legal form of a limited liability company and thus reflect foreign regulatory trends. It shall be created as a primary capital corporation with share capital, responsible for its liabilities with all its assets and whose partners who have fulfilled their deposit obligations are not liable for the company's liabilities, and – same as at present – a single person will be able to found such and become its sole shareholder.

In terms of share capital, the legislative plan alternatively proposes to take over the Czech model and generally reduce the company's share capital to 1 Euro (Czech model), or the German model of gradual replenishment of share capital from achieved economic results with a temporary ban on profit sharing.

The proposed legislation foresees, inter alia:

- the possibility of a simplified online establishment using founding documents forms resulting in lower registration fees burden,
- the abandonment of the principle of unity of business share, i.e., a shareholders will be able to own several business shares with different characteristics and disposed of and encumbered separately,
- possibility of exercise of shareholders' right to participate in the management of the company within the participation in the general meeting at a distance will be extended; regulation of shareholders' decision-making per rollam shall also be further specified,
- possibility of incorporating a business share into the legal form of security,
- creation of space to regulate the shareholder's rights associated with security, similar to what is currently the case in a simple share company (j.a.s.),
- proposals for a solution of specific practical problems, particularly the property relationship to the business share (especially in relation to spousal joint co-ownership) and the disposal of a business share.

Joint Stock Company (a.s.)

The proposed new legislation of a joint-stock company reflects the fact that vast majority of joint-stock companies on the Slovak corporate market are characteristic of private joint-stock companies. The underlying motive for the recodification of public limited liability law is therefore the division between private and public joint stock companies,

while a substantial part of the legal regulation of public joint stock companies as well as other means used for investment (joint stock company or investment fund with variable share capital) will be incorporated into capital market law.

The legislative proposal proposes, inter alia:

- the abolition of gradual establishment of public limited liability companies. When it comes to formation with a subscription of shares, cooperation with securities dealer and the procedure under the rules of the capital market are already envisaged in the setting up process,
- the abolition of the numerus clausus of share types, i.e., to the extent that this does not conflict with the substance of the rules on capital protection of a joint stock company (prohibition of interest shares). It is possible for a joint stock company to determine in its bylaws the issuance of different types of shares, which may be accompanied by different rights defined by the statutes,
- the cancellation of the possibility to issue bearer shares in book-entry form,
- the regulation of the distance decision-making of shareholders, including per rollam form,
- the regulation of the shareholder's right to information and tools for its application,
- the enablement of a monistic structure of a joint-stock company i.e., in addition to the general meeting, a joint-stock company will only create the company's board of directors or a structure made up of a board of directors and a supervisory board.

In view of the complexity of the initiated corporate law recodification, it will be necessary to also reflect the changes within the related legal frameworks, in particular regulation on the transparency and publicity of companies, the Bankruptcy and Restructuring Act, rules on capital market law and securities, as well as the rules on tax law (in particular the tax aspects of concern relations, the tax regime for transfers of companies or transfers of participation in a company) and criminal law (e.g., criminal liability of members of bodies and associates).

We see the proposed legislative intent and the efforts to fundamentally modernise the corporate regulation resulting therefrom as bringing it closer to economic reality and European Union market standards, what undoubtedly represents a significant step towards improving the business environment in the Slovak Republic in line with the trends in neighboring European countries.

Draft of the new legislation is expected to be submitted to the Government of the Slovak Republic by the end of June 2022.

(This article has been brought to you by LEXIA Attorneys).



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The wrong way to do right

BY JAMES THOMSON
Spectator staff

OUR American friends have a name for this. They call it a 'mulligan'.

It's what you get after you've made such an embarrassing balls-up of something that everyone agrees to pretend it didn't happen. Then you get another go.

On 15 June, a senate of the Slovak Supreme Court decided to overturn the not-guilty verdicts returned in September last year by the Specialised Criminal Court in the trial of Marian Kočner and Alena Zsuzsová.

The pair had been accused of masterminding the murders of journalist Ján Kuciak and his fiancée Martina Kušnírová in February 2018, an event that rocked Slovakia and attracted global attention.

Prosecutors secured the convictions of the hitman, his driver and an intermediary, but they failed to convince the court that Kočner and Zsuzsová were behind the murders.

Now the Supreme Court has decided that they should get a mulligan.

This was not quite how they phrased it, of course. Rather, Peter Paluda, the Supreme Court senate chair, stated that the Specialised Criminal Court "didn't deal with all the circumstances, hasn't justified a comprehensible verdict and failed to

take all evidence into consideration," the TASR newswire reported.

Bewilderingly, the Supreme Court then ruled that exactly the same judges who apparently failed to consider all the evidence — there are no juries in Slovak trials, so this was their main job — should hear the retrial.

Even more bewilderingly, the prosecution will be able to submit new evidence at the retrial. This seems to consist mainly of a new analysis of some decrypted messages between Kočner and Zsuzsová that casts them in an even more nefarious light, and data from a heart rate monitor that showed Zsuzsová's racing like a Formula One driver the day after the murders.

In summary, the Supreme Court decision asks us to believe that the original senate of the Specialised Criminal Court is so incompetent that its decision to acquit was unjustified — but so professional that it can now be entrusted to reconsider dispassionately the original evidence (plus a bit more thrown in, for good measure) before finally reaching the correct verdict.

This is nonsense. But it is still not the biggest problem with this case.

No doubt, Kočner and Zsuzsová are a loathsome pair of individuals. Every report about the retrial decision has noted that both are already serving time for other serious offences — and news of the Supreme Court decision was

greeted with widespread jubilation.

The Kuciak and Kušnírová families have every right to feel some relief, after the horrific circumstances of their children's murders and the subsequent failure to obtain the conviction of those who ordered their killings. God knows, they have suffered enough.

But there is a good reason why common law jurisdictions observe the double jeopardy rule (the dictum that no person should be tried twice for the same crime): every defendant in a criminal trial operates at a disadvantage against the awesome powers and investigative authority of the state. To protect the rights of defendants, they may appeal if convicted — but prosecutors get only one chance. In this case, they blew it.

Even if the Specialised Criminal Court acquits again, the verdict may be appealed. If it convicts, it certainly will be. The case could drag on for years.

The purpose of the legal system is not to make us all feel better. It is to ensure that justice is done, and is seen to be done.

The process is complicated and often deeply unsatisfactory. But it must be seen to be impartial, and it should always grant the defendant the benefit of the doubt.

When it comes to condemning its own citizens, the state should never get a mulligan.

Austerity proved deadly

BY BEN CUNNINGHAM
Special to the Spectator

IN MID-June, Spain and Portugal were the first two countries to receive the European Commission's approval for their plans to tap into the EU's coronavirus rescue fund. For the first time ever, the €750-billion programme creates a common European debt pool, and the plan is a complete reversal from the disastrous austerity policies pursued in Europe in the wake of the 2008 crisis.

Led by Germany, and cheered-on by the likes of then Slovak finance minister Peter Kažimír, Europe had thus far refused to issue common debt. Instead, during the rolling crises of the 2010s they opted to force (mostly) southern European countries to cut spending in exchange for loans. More than a decade later it is clear that those policies did exactly the opposite of what people like Kažimír were claiming they would.

Instead of setting southern Europe on a healthy economic path, they made countries poorer and more indebted. Rather than stabilising tumultuous politics,

they generate erratic populist movements in places where they never before existed. It's no wonder Kažimír called on Greece to "surrender" back in 2015, because short of actually dropping bombs on southern Europe it is hard to imagine policies that could have done more damage.

Starting in 2008, Spain's debt as a percentage of GDP grew every year through 2014, eventually surpassing 100 percent of GDP. At the end of 2020, Spain's national debt was 120 percent of GDP. Compare that to 39.7 percent in 2008.

That same pattern holds throughout the region. In 2008, Portugal's debt was 75.6 percent of GDP. Last year, it was 133.6 percent of GDP.

In 2020, Italy's debt was 156 percent of GDP, versus 106 percent in 2008.

Translating those numbers into words, austerity policies advocated by Germany, the Netherlands, Austria and people like Kažimír shrank economies while increasing debt. With friends like that, who needs enemies?

Nowhere was this collective insanity more obvious than in Greece. In 2008, Greek debt equated to 109 percent of GDP. By 2020, it was 206 percent.

Worse yet, austerity policies proved quantifiably deadly.

In Greece, the death rate increased 17.7 percent between 2010-2016 — triple the western European average at a time when overall global mortality rates were in decline. Between 2010 and 2012, HIV cases doubled. Cases of tuberculosis increased, as did depression and suicide. By the pandemic year of 2020, Greeks were spending a lower percentage of GDP on health care than they did in 2008 (8.4 percent as compared to 8.8 percent) in an economy that was 46 percent smaller.

Dropping bombs will get you a war crimes trial, but starving Greeks and taking medicine from pensioners sees you re-elected chancellor of Germany or promoted to head of Slovakia's central bank.

Those responsible for Europe's austerity policies cannot be allowed to pretend their decisions did not have consequences. Post-2008 austerity ruined lives, killed innocent people, crushed the hopes of a generation of Europeans and destabilised the continent. The EC's coronavirus recovery fund shows they now admit as much, but I doubt people like Kažimír ever will.

Slovakia's "Me Too" moment?

JÁN Herák is no longer a member of the Slovak parliament. It took two weeks of mounting suspicions for the not very well-known deputy, representing a party whose leader never misses an opportunity to preach transparency and political fairness, to step down under the weight of the allegations against him.

The parliamentary election in February 2020 was Herák's first contact with national-level politics, as was the case for a large majority of the more than 50-strong caucus of the "ordinary people." A 33-year-old former university teacher, Herák grew up in a facility for children — and helping children from a similar background has been his main topic in politics.

The OLaNO website states that for 14 years he has systematically helped to improve the quality of care for and preparation of children in facilities. As such, he runs the Fantázia Detí (Children's Fantasy) civic association that organises summer camps, particularly for children from at-risk or socially challenged backgrounds.

The now former MP faces sexual abuse accusations in three cases: a 14-year-old girl who attended one of the camps he organised, a 16-year-old girl at a Christmas camp, and another underage girl at a different camp. In the latter case, the criminal motion was filed by the director of the facility where the girl lives.

"I myself grew up in a children's home. I understand how hard it is to grow up without the support of parents, without love. I understand children sometimes have the need to tell stories," was how Herák chose to defend himself when the first

accusations against him emerged in May.

He insisted that he had done nothing that could qualify as sexual violence, but

EDITORIAL



BY MICHAELA
TERENZANI
Spectator staff

decided to leave the OLaNO caucus while remaining an MP. He only said he would step down as an MP on June 9, when the police reported they were reopening the case related to the Christmas camp allegation, which was previously halted in 2019.

At that point, coalition partners SaS and Za Ľudí both called on Herák to leave parliament, and Prime Minister Eduard Heger, who is from Herák's own party, said that it was a sensitive issue that should prompt a resignation. He was a rare voice in OLaNO to make such a comment: party chair Igor Matovič remained silent. Sme Rodina's chair, Speaker of Parliament Boris Kollár, on the other hand, averred that other coalition parties have no business advising Herák what to do.

The context of Herák's resignation is that this is the

first time when a politician has stepped down following an accusation of sexual abuse, despite Slovakia having long since started conversations about allegations of sexual abuse made against politicians and the issue of sexual abuse against minors in children's camps: the first in connection with the scandal at the Čistý Deň resocialisation facility and the latter in connection with the charges against the founder of the Chachaland summer camp, which is expected to go to court soon.

Many of the lukewarm reactions from the political scene show that the "Me Too" conversation in Slovakia has a very long way to go — not unlike in the Czech Republic, where a rising political and social-media star, Dominik Feri, recently resigned after a number of women accused him of having sex with them against their will.

For the OLaNO caucus, and its momentarily and uncharacteristically invisible leader, this could also be a moment of reckoning with political reality — and with reality as such. It is another crack in the notion that righteousness in politics can be achieved simply by belonging to a movement that won an election on an anti-corruption ticket.

The presumption of innocence is a crucial legal principle, and OLaNO has been quick to assert it in this case. But when set against the party's shrill insistence that its political enemies should always be presumed guilty, voters may detect more than a faint whiff of hypocrisy.

Herák's step, although delayed and drenched in self-pity, is important and will be recalled when a similar situation (almost inevitably) occurs in future.

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EK WE ABIDE BY THE CODE
OF JOURNALISTIC ETHICS

Uprising museum to change hands

**Foreign historians
join critical voices
against the move**

**BY NINA HRABOVSKÁ
FRANCELOVÁ**
Spectator staff

THE 1944 uprising against the Nazi-allied regime, part of the European anti-fascist resistance, has been seen as a defining moment in the history of present-day Slovakia.

The museum, established in 1955, has documented and remembered the Slovak National Uprising (SNP). It is located in the central-Slovak city of Banská Bystrica, the centre of the resistance movement during World War II. Its iconic building, designed by architect Dušan Kuzma, is the venue for the annual celebrations of its anniversary on August 29. The SNP Museum has recently found itself in the middle of a conflict between its management, national and international historians, and the government, after the Culture Ministry and the Defence Ministry, agreed that the museum will effectively be transferred under the control of the latter.

Culture Minister Natália Milanová and Defence Minister Jaroslav Naď (both OĽaNO) announced at the beginning of May that the SNP Museum would no longer be managed under the Culture Ministry. The respective parliamentary committee has okayed the move, pending approval in the plenum of the parliament.

Yet experts are disturbed by the idea. By June 8, an online petition calling to cancel the transfer was signed by more than 5,000 discontented inhabitants and experts, including noted researchers from abroad. They upheld their counterparts, historians and other scientists in Slovakia who object to the idea that the Defence Ministry should administer the museum.

"It would be a step backwards, a step that will not benefit the development of this important and, in many respects, irreplaceable institution," Jan Němeček, deputy director of the Institute of History of the Czech Academy of Sciences, told *The Slovak Spectator*.

**Culture minister sees
no issue with the merger**

The plan is to merge the SNP Museum with the Institute of Military History, with the aim of creating favourable conditions for even better collection, scientific evaluation, protection, professional processing, use and subsequent access to the collected items, documents and archival materials, the Culture Ministry stated.

"This is a logical link between the two institutions,



The iconic building of the SNP Museum in the central-Slovak city of Banská Bystrica.

Photo: SITA

which are very close in their professional focus, and I'm convinced that this will be a new impetus for the further development of both institutions," Milanová said.

After the merger, the SNP Museum's Digitisation Centre and the Slovak National Exhibition in the Auschwitz-Birkenau State Museum in Poland will remain under the Culture Ministry. All other sections of the SNP Museum will be transferred under the defence department.

The transition is to be completed by the beginning of 2022, but the law that governs the work of the museum needs to be amended first.

The Defence Ministry perceives the step as "a strong commitment to the public, our significant history, its legacy and, of course, its protagonists."

"We will do everything to make sure common scientific and professional potential is used for the benefit of the further development of military historical science, military museology and archiving in Slovakia," said Naď after signing the memorandum with the culture minister.

The SNP Museum management insists that they were not involved in the decision and in fact oppose the idea of dividing the museum as proposed.

They have launched an online petition to gather public support.

Petition against the move

"We are by no means a museum of a military nature and we reject the imposition of an exclusively military orientation in science, research, presentations and fundraising activities," the text of the petition reads. "We want to explore the history of this important stage of our country in full. We want to present them without the application of ideology and the imposition of one-sided orientation."

The petition reads that the SNP Museum is dedicated to the history of Slovakia between the years 1938 and 1945, with an overlap just before and right after World War II.

Stanislav Mičev, SNP Museum director, deems the planned transfer a non-systemic step. He has repeatedly stated that he is ready to resign if the plan follows through.

One of his main concerns is that the SNP Museum would lose its legal subjectivity if it is moved under the Institute of Military History.

According to the director, the museum will not be able to decide for itself, for example, when using allocated funds.

The petition signatories are calling on Milanová to reconsider what they see as a wrong decision.

They want to deliver the petition to the parliament and to the ministers.

Despite the ongoing efforts to stop the transfer, the parliamentary committee for culture and media approved it at its session in early June. Both of the involved ministers presented their arguments at the session. The committee asked both ministries to make sure the cultural, historical and scientific role of this institution will be maintained after the change.

The SNP Museum will put together a group of experts to participate in the discussion about the museum's future projects. Naď noted that all issues of the transfer are open and the museum's legal subjectivity is an issue that has not been decided.

Something to be proud of

The SNP Museum is an institution the Czech Republic may envy Slovakia for in the field of history concerning the fight for national liberation of the Slovak and Czech people as well, opined Němeček of the Czech Academy of Sciences.

Němeček, who also signed the petition, specified the extent of foreign contact, the museum's operation not only in the area of scientific-popularisation, but also science, its role in modern Slovak historiography with its publication and conference activities. He also mentioned the irreplaceable archive and library.

SNP is an exceptional event in the history of World War II, with its multinational structure of fighters and its consequences.

"It is something that the Slovak nation can and must be proud of," Němeček told *The Slovak Spectator*. "And the SNP Museum has contributed in a key way to preserving and developing its legacy."

Hana Kubátová from the Faculty of Social Sciences of Charles University in Prague sees the decision as one that betrays the government's lack of understanding for the specific mission of the educational and cultural institutions, and its rather technocratic and technocratic attitude.

Kubátová was taken aback when Naď stated that soldiers perceive the SNP as a peak moment in Slovak history.

"Does he mean that only soldiers perceive SNP as a peak moment in Slovak history?" she asked and explained that all those statements show a lack of understanding in regards to the SNP legacy.

**Museum of European
importance**

The planned change that will ultimately make the SNP Museum a branch of the Institute of Military History is a big mistake, noted Martin Zückert from the Collegium Carolinum – Research Insti-

tute for the History of Czech Lands and Slovakia in Germany.

"Little is known about the history of the SNP in Germany," he told *The Slovak Spectator*. "It is all the more important that the museum in Banská Bystrica conveys this story in a larger context. The crimes committed by the Nazi during and after the suppression of the uprising cannot be classified historically if they are reduced to military processes alone."

The SNP Museum is a place for communication and research, as well as an important place of remembrance, the historian said. It would therefore be important in the current debate to reflect on who is actually commemorating whom in this place.

Zückert labelled the agreement between the ministries as "irritating."

"Why should the branch of the museum in the Auschwitz-Birkenau memorial remain with the Culture Ministry, while the other branches of the museum – also important places of remembrance for Slovakia – are assigned to the Defence Ministry?" he asked.

At first, as an outsider, he added, one could suspect a turning point in historical politics behind the proposed change.

"However, if one looks at the specific plans, one gets the impression that the lack of a concept in historical politics in the two ministries is the real problem," Zückert opined.

Alain Soubigou, an expert on the history of central Europe at Sorbonne University, noted that the process is rather the reverse in France, where the Defence Ministry tries to get rid of properties, often culturally and historically significant institutions, which are financially demanding and may operate under the Culture Ministry.

Soubigou, who also signed the petition, believes that enormous freedom is necessary for research and science, which he does not see as aligned with the attitudes of soldiers.

"I have a whole shelf in my library full of books published by the SNP Museum," Soubigou told *The Slovak Spectator*. He admitted he is afraid of how the proposed transfer would change the publishing activity of the museum under new administration.

Soubigou recalled his participation at five international conferences and his week as a host professor at the Banská Bystrica-based Matej Bel University, thanks to the international cooperation activities of the SNP Museum.

"It is not a small regional museum. It is a national museum of European importance," he concluded.

Every Irish village has a Gaelic football team. So does Bratislava

BY ANNA FAY
Spectator staff

WHILE the hockey-crazed nation of Slovakia rallied behind its national team in the 2021 Ice Hockey World Championship, another sports team recently returned to the pitch after being sidelined by the pandemic for eight months.

Established by a group of Irishmen, the Slovak Shamrocks, Bratislava's premier Gaelic football team, will celebrate its 10th anniversary this year. Since its inception, the men's and the ladies' team has actively promoted the quintessentially Irish sport of Gaelic football in Slovakia, continuing in its mission despite grappling with Covid-19 restrictions for close to a year.

"In Ireland, nearly every village has a Gaelic football team. It's the heart of the community; that's what we try to be here in Bratislava," remarked long-time member Ciarán Halley, who also acts as the team's public relations officer.

There are over 2,200 Gaelic football clubs established under the Gaelic Athletic Association in Ireland, but the sport is not well-known outside of its country of origin. Nevertheless, the Slovak Shamrocks are an undeniable force among the community of foreigners in Bratislava. Even those with little to no understanding of the game, a hodgepodge of volleyball, basketball, football and handball, among other sports, are likely familiar with the famously inclusive team.

"If we had a mission statement, it would probably be 'we're open to everyone'," said Halley.

Isolation highlighted importance of club

When The Slovak Spectator first spoke to the Slovak



The Slovak Shamrocks

Source: Courtesy of the Slovak Shamrocks

Shamrocks back in May 2018, the team was on top of its game. It had racked up some solid performances in tournaments in Italy, Germany, the Czech Republic and Austria, and was preparing for a home tournament in Bratislava.

However, in September 2020, the team, which usually trains year-round, had to completely suspend its activities. Its members, like the rest of Slovakia, learned to adapt to home isolation, but the long period away from the pitch took its toll.

"It just highlighted how much of a difference the club makes, not just for our physical fitness, but also in our day-to-day lives," said Halley, adding that he has made friends for life on the team.

The Shamrocks hosted some online chats and quiz nights to maintain the social aspect of the club, the importance of which was keenly felt

by its members, most of whom are foreigners living far away from their families. They also motivated each other to stay physically fit by posting videos of their workouts, but it was no substitution for in-person training.

Halley said that when they first had to suspend practices, they thought it would only have to be for weeks rather than months. The time they were away felt like a lifetime to him, so when the team finally did get to return to the pitch earlier this May, the air was buzzing with excitement.

"We probably had the biggest turnout we've had in a long time," Halley said.

Anyone can play at the championship

As an Irish native, Halley considers Gaelic football the best sport in the world and feels a great sense of pride

when people who are not from Ireland fall in love with it.

"It's not about recruiting talented athletes," he said. "We have so many people who 1) have never heard of the sport and 2) have never seen the sport. Then, three months later, they're playing in the European Gaelic Football championships."

The team trains Sundays and Wednesdays. During a typical training session players learn some basic skills of the game and then play some pickup games at the end.

After practice, it's not uncommon for the Shamrocks to grab a bite to eat or a drink with one another.

The social side of the Shamrocks and the Ladybirds, another name the women's team goes by, is what attracts most newcomers.

Brazil, New Zealand, France, Spain, Greece, the USA, Ireland, England, Scotland,

Wales, India, Serbia, Hungary, and other nations are represented on the team, and there are absolutely no limits on age or experience.

There are even some hockey-playing Slovaks among the ranks who have shown a true talent for the sport.

"People can be hesitant to join at first after seeing videos of the sport," said Halley, who stressed repeatedly during the interview that they welcome anyone interested in playing. "When new people come to trainings, we make sure we introduce [the sport] slowly and we don't just throw people into the deep end. We just want to make it a fun environment for someone to come into."

Five people and a dog

Right now, the Slovak Shamrocks' main goal for the

season is to get back to where they were before the pandemic while following proper Covid protocol.

Like other sports, this includes a limit on spectators, but Halley jokes that will not make much of a difference.

"I would love to say in normal circumstances, we have 20,000 people coming out to watch the Slovak Shamrocks, but we're an amateur Gaelic football team, so if we're lucky, we have five people and a dog watching us from the sidelines."

It is hard to say when the Shamrocks might be able to compete in tournaments again, or when they will be able to properly celebrate their 10th anniversary. Nevertheless, Halley and his teammates are just happy to be back on the pitch, sharing the sport they love with the Bratislava community.

"We're a Gaelic football team in one of the lesser-known capital cities in the world and it's just impressive the number of people who have come out to play for the Slovak Shamrocks," said Halley. "Team spirit is what keeps the club going."

Gaelic Football

- over 2,200 GAA clubs in Ireland
- each team consists of 15 players
- played on a 137 by 82 metre pitch with two goalposts on each end
- ball can be carried for four steps, kicked or struck with an open hand or fist
- goals scored by kicking/hand-passing the ball over the crossbar for one point or underneath the crossbar and into the net for three points

Invasive Asian mosquito has emerged in Slovakia

THE ASIAN bush mosquito, which spreads rapidly throughout the world and has been recorded in Austria and Hungary in previous years, has also emerged in Slovakia.

Slovak scientists who monitored invasive mosquito species last year said that this species not only affects biodiversity but can also affect people's health since invasive mosquitoes are excellent carriers of a wide range of pathogens.

The bush mosquito from Asia can transmit viruses that are not yet native to Slovakia, such as Japanese encephalitis, chikungunya, dengue or even Zika, the Slovak Academy of Sciences (SAV) added. For the area of Slovakia, however, there is a risk of transmission of already circulating pathogens, such as the West Nile virus,



Aedes japonicus japonicus (Asian bush mosquito)

Photo: ECDC

which was recorded in the south of Slovakia.

"The places of potential import such as highways and airports are very important for our monitoring," said Viktória Čabanová, a mosquito spe-

cialist of SAV's Biomedical Research Centre, as quoted by the TASR news-wire.

As for this particular species, experts are also monitoring the places it could decide to settle in. The first

colonies were confirmed in Bratislava, Zvolen, Košice and Prešov.

"In the native environment, these mosquitoes look for tree cavities to lay eggs, so it is not surprising they look for very similar cavities of different types in new areas," Čabanová said, as quoted by TASR.

Their eggs can be imported to a new place in tires filled with water, for example. Mosquitoes know how to lay eggs in any water container. Therefore, the mosquito expert recommends taking care of all water containers, such as buckets, barrels, flower pots, and water fountains by changing the water in them once a week or covering them to prevent the females from laying eggs in them.

Compiled by Spectator staff

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Glossary

anti-hero – antihrdina, protiklad hrdinu
 annually – (každoročne)
 aspect – stránka
 assimilation – prispôsobenie, splynutie
 bio (biography) – životopis
 bury – pochovať
 capacity – schopnosť
 choir – zbor
 contribution – príspevok, zásluha
 craftsmanship – majstrovstvo (remeselné)
 dedicate – venovať sa, zasvätiť
 destiny – osud
 empowerment – udelenie moci, splnomocnenie
 end up – skončiť, ocitnúť sa
 engaging – pútavý
 ensemble – súbor, teleso
 estimate – odhadnúť
 expat (expatriate) – vysťahovalec, emigrant
 feature – obsahovať, vystupovať (v knihe...)
 game changer – inovátor, kto prináša zmenu
 guidance – vedenie, poučenie
 honorary consul – honorárny konzul
 imply – naznačiť
 inprint – vtlačiť sa, vryť sa (do pamäti)
 Iron Curtain – Železná opona
 journey through – prejsť cez, vydať sa na cestu cez
 match (up with) – hodiť sa, ladiť s
 monument – pamätník
 non-governmental organisation (NGO) – mimovládna organizácia
 participate – zúčastniť sa, podieľať sa na
 promote – propagovať, podporovať
 proud – hrdý, pyšný
 recurring – opakujúci sa, vracajúci sa
 reflect – odrážať, odzrkadľovať
 remarkable – pozoruhodný
 resonate with – vyvolať emócie
 role model – životný vzor, príklad
 skyscraper – mrakodrap
 spark – iskra
 stumble on – naraziť na
 touching – dojemný
 tremendous – obrovský, ohromný
 twists and turns – zložité okolnosti
 vast – rozsiahly
 vibrant – živý, pulzujúci



A new book by Zuzana Palovic, David Keys and Gabriela Beregházyová tells the story of Slovakia through the profiles of 50 different Slovak personalities. Listen to the podcast to find out which are Palovic's favourite profiles and why Slovakia is not an isolated island. **Photo: Courtesy of Esopo**

Embassy of the
United States of America



This project is supported by the US Embassy in Slovakia.

How America learns Slovak folk songs



Dancers in Slovak folk costumes during the Pierogi Festival.

Photo: Courtesy of Šarišan

BY PETER DLHOPOLEC
Spectator staff

WHILE Slovakia boasts of its rich folklore traditions, music in particular, some feel the country falls behind when it comes to keeping Slovak folk music alive across North America.

"Slovakia is still expecting somebody else to do the job," ethnology expert Ondrej Mihál, a Serbia-born Slovak who emigrated to Canada in 1967, said.

Until the early 1990s, and despite communism, folk music exchange between Slovaks living overseas and their homeland flourished. But folk ensembles in North America have been on the decline since. Since the first Slovak folk ensemble was founded in Canada in 1923, only a handful of ensembles have held out in the country.

Slovakia's poor financial assistance, among other things, is to blame, people approached by The Slovak Spectator said. With 850,000 Slovaks estimated to live in Canada and the US, Slovakia approved about €7,000 for cultural projects overseas in 2015, increasing the support to over €30,000 annually in the years before the pandemic.

But even if more money and guidance were provided, Slovak folk music overseas has long been facing another problem: assimilation.

"Not only Slovak folklore, but folklore from every country is dying in the US because each generation has less interest," Joseph Senko, a Slovak honorary consul from Pittsburgh, said.

Against the odds, Slovak folk music continues to spark interest among English-speaking people, although the Slovak government cannot take much credit.

Americans love Slovak
folklore

"What made me fall in love with Slovak folklore was get-

ting to know Slovaks who wanted to proudly share their heritage through an experience rather than conversation," American Megan Wolf said.

She and her sisters joined the Šarišan folk dance group, based in Detroit since 1971, soon after they saw it perform at the Slovak Festival 11 years ago.

Over the years, Slovak folk dances from the Šariš, Myjava and Detva regions have become her favourite, and so have songs like "Pod horou, pod horou" and "Oči, oči, čierne oči". Wolf thinks, and she is not the only one, that the best way to bring Slovak folklore to English speakers is through cultural festivals and celebrations.

"Direct contact is the strongest," Miriam Normore, president of the Toronto-based Východná Slovak Dancers, said. "People join in and sing, even if it is just one line."

Ethnologist Zuzana Drugová believes it is necessary to create conditions to 'export' Slovak folklore as a commodity much more than it is today.

Hard to learn

But how can an English speaker sing a Slovak folk song? An English version is out of the question for many reasons; some efforts were made in the past but failed.

Mihál admits Canadians of Slovak origin who do not speak Slovak mostly dance.

"They cannot read in Slovak well, let alone sing," he said. If there is somebody singing, it is a person with singing experience who came from Slovakia, he added.

In the US, Šarišan created its own system of how to help non-Slovak speaking members learn folk songs.

The lyrics are typed up and translated, and the singers then sit together while those who speak Slovak lead them in the phonetic pronunciation and the melody. They take care to learn the appropriate pronunciation, since several of

them do not know the meaning of what they are singing.

"It is very hard to learn to sing a Slovak song!" Wolf admitted.

Online library

In December 2020, the Bratislava-based choir Technik STU stepped up to help non-Slovak speaking choir singers by launching an online library of several folk songs.

American Cassie Glinkowski, who runs the Philadelphia Women's Slavic Ensemble, picked out the "Oddavac še budu" song to teach to the group.

"This song is very pretty and slower than most of our songs," she said, noting they had never learnt Slovak songs in the past 10 years. "I would definitely have taught more of them sooner if sheet music were easy to find on the internet."

After stumbling on a Technik STU performance on YouTube, Glinkowski translated what she heard into sheet music to teach to the choir. Today, she is keen to add more Slovak songs to their repertoire.

"I think the reason we do not currently sing more of them is because Slovak music transcribed into a three- or four-part choir format is not as accessible for English speakers on the internet compared to other countries," she said.

A complex online database with educational materials on folk songs and dances, both in English and Slovak, that could help overseas ensembles perform Slovak songs does not exist. Drugová published some materials for children's folk groups, though.

Prior to 1993, Matica Slovenská, a Slovak cultural heritage institution, helped Slovak folk groups abroad.

"They sent out choreographers and musicians who taught us new dances," Milan Straka, the founder of Šarišan, said. "They also sent us books and other materials, according to which we could learn new dance steps."

Although cooperation with skilled professionals would definitely help folk ensembles overseas, Drugová noted that since most music schools focus on teaching classical rather than folk music, "ensembles in Slovakia themselves suffer from a lack of good musicians".

Money is a huge problem

Unlike other folk groups, Šarišan has been fortunate to cooperate with its Prešov-based counterpart for years. Moreover, thanks to a local church that offers its premises to Šarišan for free, the folk group does not have to pay rent.

However, the group's financial situation, depending on fundraising, is far from perfect.

"It would be great to have some money to invest in hiring a professional choreographer and teacher to work with our children," said Karen Groholová, whose daughters enjoy dancing in the group. "Our director is amazing, but she cannot do it all by herself."

Šarišan even made it to Slovakia in 2019 thanks to a grant from the Office for Slovaks Living Abroad. Still, families had to save up money for years to make the trip happen. More funding, according to Groholová, could indeed make things easier for the group in many aspects.

"Everyone involved in making this possible does it because they truly care about Slovakia, Slovak culture and also the children," Groholová, whose husband was raised in former Czechoslovakia, noted.

She travels two hours each Tuesday to and from Detroit so that her daughters could participate in the group. There are other Slovaks in her area who would love to have their kids participate, but they cannot travel that far.

"I do this because for me, preserving my children's heritage is very important," Groholová said. "I want my children to be proud of their roots and pass it down to their kids one day."