Právny obzor, 2011, ročník *94*, číslo 1

Príspevky z konferencie **Sociálne zabezpečenie:**
Doterajšie výsledky a perspektívy

Právny obzor, 2011, ročník *94*, číslo 2

Autors: Chmielewski Grzegorz
Title: FREEDOM OF MOVEMENT IN POLISH LEGISLATION (Sloboda pohybu a pobytu v poľskom práve)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 2, pages: 115–130
Key words: PROBLEMS WITH FREEDOM, DEFINITION OF FREEDOM, LEGISLATION IN POLAND
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Dr. Grzegorz Chmielewski, doktor pravnych vied na Fakulte manazmentu Technickej univerzity v Opole, Polsko, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The author of this contribution tried to outline problems with freedom of movement. At the beginning it presents definition of freedom of movement and history of law related to freedom of movement in Poland. Then there are presents current legislation in Poland (with judicature Constitutional Court and administrative courts) and in the European Union.

Autors: Vozar Jozef
Title: EVOLUTION OF UNFAIR COMPETITION LAW IN OUR TERRITORY (Vývoj práva nekalej súťaže na našom území)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 2, pages: 131–144
Key words: NATIONAL UNFAIR COMPETITION LAWS, TERRITORY OF FORMER CZECHOSLOVAKIA
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Jozef Vozar, CSc., Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The author deals with creation of national unfair competition laws. He refers to two models of evolution of this law – the French and German ones. He especially focuses on the evolution of unfair competition law in the territory of former Czechoslovakia. He analyses in detail the individual historical periods, and in particular the first model Czechoslovak act on protection against unfair competition. In the following section of his article he deals with unfair competition legislation in the years of 1918 – 1938 and in the years of 1938 – 1990.

Autors: Barancova Helena

Title: CONCEPT AND FORMS OF DISCRIMINATION IN LABOUR LAW IN THE LIGHT OF CASE LAW OF THE EU COURT OF JUSTICE (Pojem a formy diskriminácie v pracovnom práve vo svetle judikatúry Súdneho dvora EÚ)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 2, pages: 145–160
Key words: INDIRECT DISCRIMINATION, DIRECT DISCRIMINATION, FUNDAMENTAL HUMAN RIGHT, EU COURT OF JUSTICE, DISCRIMINATION ON THE BASIS OF AGE, SEXUAL ORIENTATION, DISABILITY, RACE, ETHNICITY, BELIEF AND RELIGION
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Prof. JUDr. Helena Barancova, DrSc., Pravnicka fakulta Trnavskej univerzity, Trnava, Slovak Republic, usapvera@savba.sk,
http:www.pravnyobzor.sk

Abstact: Regulations issued in early third millennium were the first to define not only the term of indirect discrimination, but also the term of direct discrimination. Although these elementary terms are defined in both the EU secondary law and the application practice, problems with their interpretation still persist and are directly related to the fundamental human right – prohibition of discrimination. The correct definition of these basic terms is also required for the judicial practice of the EU Member States, because national courts of the Member States are competent to decide on actions in case of the violation of the prohibition of discrimination.

In the recent years the abundant case law of the EU Court of Justice brought more light into definition of the term of direct and indirect discrimination. The judicial practice justly expected in particular the legal interpretation of the prohibition of discrimination in relation to indicia of discrimination on the basis of age, sexual orientation, disability, race, ethnicity, belief and religion. From the case law of the EU Court of Justice it results that correct legal identification of the existence of direct discrimination or indirect discrimination is not simple. It is even truer for the terms of harassment, sexual harassment and incitation to discrimination that are explicitly regarded by the regulations as the forms of discrimination.

The correct definition of the terms of direct discrimination, indirect discrimination, harassment, sexual harassment and incitation to discrimination is currently even more important, because in the application practice the number of cases of violation of the prohibition of discrimination, not only on the ground of gender but also for other reasons, is increasing. Victims of different forms of discrimination in labour relations currently lack the courage to defend their rights in court. Also the courts in the Slovak Republic presently have not excessive legal information about these problems.

Autors: Cepek Branislav
Title: WHERE CRIMINAL RESPONSIBILITY AND ITS IMPORTANCE IN RELATION TO LOSSES IN THE ENVIRONMENT (Deliktuálna zodpovednosť a jej význam vo vzťahu k stratám v životnom prostredí)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 2, pages: 161–169
Key words: THE LEGISLATION OF CRIMINAL RESPONSIBILITY, NEW CATEGORY OF LOSSES, NON-MATERIAL DAMAGE, ENVIRONMENTAL DAMAGE, DAMAGE IN THE ENVIRONMENT
Discipline: LAW & ADMINISTRATION

Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Branislav Cepek, PhD., odborny asistent na katedre spravneho a environmentalneho prava, Pravnicka fakulta UK, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: In conclusion, the legislation of criminal responsibility for the losses in the environment shows that the mechanism of damage and its recovery is not sufficient and does not cover any loss which occurs in the environment, both on substantive grounds as well as legal, in terms of substantive and but also procedura. Into Slovak law is necessary to introduce a new category of losses in the environment, whether it will be referred to as non-material damage, environmental damage, damage in the environment and the like, especially with developing a mechanism for its application and enforcement in practice. The responsibility for this loss must then be based on principles in essence, exactly the opposite of a lack of private legislation (principle and oficiality compulsoriness application, long enought, or best indefinite period for application, restitution in kind or compensation, the extension of statutory bodies to remedy provision their hierarchy, etc.

Autors: Jurasek Dalibor
Title: CURRENT LEGISLATION ON CRIMES OF NEGATION IN THE SLOVAK REPUBLIC AND CERTAIN OBJECTIONS TO IT (Súčasná právna úprava popieracích trestných činov v Slovenskej republike a niektoré výhrady voči nej)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 2, pages: 170–182
Key words: LEGISLATION ON CRIMES OF NEGATION, VALID LEGISLATION, INDIVIDUAL FORMS OF NEGATION, PENAL RATES, AND BRIEFLY TOUCHES
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Bc. Dalibor Jurasek, Pravnicka fakulta Univerzity Komenskeho v Bratislave, student 2. stupna studia, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The author deals with legislation on crimes of negation in the Slovak Republic in the context of its most recent amendment from the year 2009 and raises certain objections to it.

In the first part of the article the author analyses the currently valid legislation: definition of crimes falling under the prohibition of negation, forms of negation, and conditions of negation for the individual forms of negation, penal rates, and briefly touches upon international documents on which the Slovak legislation is based.

In the second part the author points out that the current legislation probably does not meet the principle of legality, is apparently redundant, its influence on suppression of extremism and crime is at least disputable and has further technical deficiencies, which casts doubts on it.

Finally he summarised the findings and expresses the belief that adoption of the existing legislation was affected by political rather than professional factors.

Právny obzor, 2011, ročník *94*, číslo 3

Autors: Svidron Jan
Title: NEW CHALLENGES FOR LEGAL SCIENCE BASED ON COMPARISON OF GOALS ESTABLISHED IN 1989 WITH THOSE ACHIEVED BY 2011 (Nové výzvy pred právnou vedou na základe porovnania chceného v roku 1989 a dosiahnutého v roku 2011)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 3, pages: 233–247
Key words: LEGAL SCIENCE AND OTHER SOCIAL SCIENCES, EXPLANATORY INTRODUCTION BY THE PRINCIPAL INVESTIGATOR
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Prof. JUDr. Jan Svidron, CSc., riaditel Ustavu statu a prava SAV, Bratislava, Slovak Republic, Jan.Svidron@savba.sk, usapvera@savba.sk, http:www.pravnyobzor.sk

Abstact: The article responds to several professionally interrelated events, proposals, and challenges relevant to the field of legal science and other social sciences: 1. The colloquium, "British system of evaluation of scientific organizations and possibilities of common evaluation of research at the Slovak universities and the Slovak Academy of Sciences (SAV)", which took place on April 5th, 2011 in Bratislava, under the auspices of the Minister of Education, Science, Research and Sport of the SR, and the chairman of the SAV; 2. The international scientific conference organized by the Institute of State and Law of SAV on the topic "Law and its environment", which was held in Tatranská Štrba from April 6th – 8th, 2011; 3. The evaluation colloquium of the SAV Institute of Social and Cultural Science, which took place on April 12th – 13th, 2011, in Bratislava; 4. The new document of the European Commission entitled "GREEN PAPER: From Challenges to Opportunities: Towards a Common Strategic Framework for EU Research and Innovations funding".
This document provides an explanatory introduction by the principal investigator of the Institute of State and Law SAV – APVV-0340-10 grant project, "Law in the dynamics of social development and its theoretical reflections", to be implemented from 2011 – 2014.

Autors: Azud Jan
Title: ENVIRONS AND INTERNATIONAL LAW (WITH REGARDS NAMELY THE ENVIRONMENT OF GLOBALISATION) (Prostredie a medzinárodné právo (so zameraním najmä na prostredie globalizácie))
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 3, pages: 248–265
Key words: GLOBAL POLITICAL SYSTEM, GEOPOLITICS AND INTERNAL SYSTEM OF STATES, INTERNATIONAL LAW COMMISSION
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE

Publication order reference: Prof. JUDr. Jan Azud, DrSc., Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk

Abstact: The issue of law and the environment and its change are conditioned by several factors. Such factors as ideology, the impact of the global political system, geopolitics and internal system of states. It is diffucult to categorize effects and the importance of individual factors. The system of international law in theory be understood differently. Also in the area of globalisation we live in. This idea was stressed also by International Law Commission of UN. In its report 2006 named Fragmentation, diversification and extension of international law and in this report are stresed difficulties raising of this process with regards to globalisation. It is stresed problems arasing from the new branches of international law conditioned by development of science and technology, the new problems connected with globalisation etc.

This article is devoted also the problem of division of international law stressing so call self-contained branches, principles of interpretation of elementary principles of international law. Prediction of its development is difficult. Some authors make the development and role of different scenarios, such as continuation of U.S. hegemony, chaos, effective multilaterismus and paralell worlds. In our view, effective multilaterismus is perhaps the best and can make use the of existing fundamental principles of international law. UN charter and in particular the Declaration of Principles of International Law in 1970. These principles should perhaps add the principle of the right to live in peace and the principle of respect for human rights for all. International law in our view should change in world law.

It may be largely changing in the world in two ways: 1st As the law of mankind, the earth to any existing civilizations on other celestial bodies and their laws. This reasoning is theoretical, hypothetical. 2nd The concept of international law, global law would be more consistent with realities.

Autors: Janac Viliam, Kurilovska Lucia
Title: THE COMPETITION AND IT'S PROTECTION BY CRIMINAL LAW (Hospodárska súťaž a jej ochrana v trestnom práve)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 2, pages: 266–277
Key words: SLOVAK CRIMINAL CODE, CRIMINAL OFFENCE "COMPETITION MALPRACTICE"
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Mgr. Viliam Janac, JUDr. Lucia Kurilovska, PhD., Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The article is aimed on analysis of selected provisions of Slovak Criminal Code, especially on provision recognizing the criminal offence "competition malpractice". The authors deal with several uncertainties and imperfections regarding the regulation of competition malpractice in Criminal Code. The other criminal offences concerning the competition are also the subject of this article.

Autors: Filko Jan
Title: ANOTHER AMENDMENT OF THE MUNICIPAL ESTABLISHMENT ACT (Ďalšia novela zákona o obecnom zriadení)
Source: Pravny obzor (Juridical Review)

year: 2011, vol.: *94*, number: 3, pages: 278–289
Key words: TERRITORIAL SELF-GOVERNMENT, MUNICIPAL COUNCIL, PUBLIC ADMINISTRATION, CAPITAL CITY
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Jan Filko, CSc., dôchodca, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk

Abstact: Twenty years ago, the Slovak National Council adopted the Municipal Establishment Act. After November 1989, it was the first act that laid legal foundations of territorial self-government at municipal level.

From the adoption of this act until the end of year 2010, this Act was amended forty times. The last amendment was implemented by the Act No. 102/2010 Coll. of 2 March 2010.

This amendment stipulates among others the following issues:

a) Specification of relations between the municipal council and the mayor in the interest of further improvement of the balance of competences between both municipal bodies;
b) Specification of issues of convening and leading the municipality council´s meetings;
c) Regulation of the mayor´s position in the process of decision-making on rights and obligations of individuals and legal persons in the area of public administration;
d) The amendment stipulates a new procedure of appointment of the vice-mayor of a municipality.

The author points out that as the Act on the Capital City of the Slovak Republic Bratislava and the Act on the City of Košice were not amended, the mayors of these two cities have in many issues smaller competences than lord mayors of municipalities and cities. It is desirable to deal with this issue.

The article also refers to several motions the acceptance of which could contribute to the enhancement of the quality of work of territorial self-government bodies.

Some members of municipal councils regard the new provision on the number of meetings of the municipal council (at least once every three months) as insufficient. This provision has been clearly misunderstood. According to Art. 12 (1) of the Act the municipal council meets as needed, but at least once every three months. From its diction it clearly results that a decisive criterion for convening a municipal council´s meeting is the need and necessity of the meeting. The decision whether the meeting is required or not is up to the council members. The amendment of the Act created conditions for the improvement of quality of work of the territorial self-government bodies.

Autors: Smihula Daniel
Title: CZECH AND SLOVAK „ACTS ON MERITS" AS A JURISPRUDENTIAL PROBLEM (České a slovenské „zákony o zásluhách" ako teoretickoprávny problém)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 3, pages: 290–309
Key words: CZECH AND SLOVAK "LAWS ON MERITS", BASIC CRITERIA REQUIRED FROM A LEGAL REGULATION, HISTORICALLY PROVEN METHODS
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. et MUDr. Daniel Smihula, PhD., Dr. iur., Ustav politickych vied SAV a Stredoeuropska vysoka skola v Skalici, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk

Abstact: The article deals with the subject of Czech and Slovak "Laws on Merits" that declare special merits of some historical personalities in the development of the Czech and Slovak nations. The author takes a critical attitude, because these acts do not fulfil basic criteria required from a legal regulation, because respect and recognition as explicitly subjective feelings cannot be imposed by a legal regulation and because legal regulations ordering to pay tribute to historical personalities are largely opposed to the principle of freedom of conscience, conviction and scientific research.

The author proposes to abandon this practice and to use historically proven methods how state power can pay tribute to a personality (solemn declaration, erection of a memorial, etc.).

Právny obzor, 2011, ročník *94*, číslo 4

Autors: Oveckova Olga
Title: INTERPRETATION AND APPLICATION OF GOOD MORALS AND PRINCIPLES OF FAIR TRADE IN DECISION-MAKING OF COURTS (Výklad a aplikácia dobrých mravov a zásad poctivého obchodného styku v rozhodovacej činnosti súdov[1])
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 4 , pages: 351 – 364
Key words: good morals, principles of fair trade, legal act, invalidity of legal act, enforcementof law
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: prof. JUDr. Olga Oveckova, DrSc., Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The first part of the contribution deals with the issue of contradiction of a legal act with good morals. It defines the term of good morals and their function in law, as well as the substance of contradiction of a legal act with good morals. It analyses the application of the provision of Art. 39 of the Civil Code. It refers to the most serious weaknesses in the application of Art. 39 in the case-law.
The second part of the contribution is devoted to the enforcement of law and to the principles of fair trade. First it analyses the terms enforcement of law and principles of fair trade. Then it examines the issue of application of the provision of Art. 265 of the Civil Code in the case-law. It deals with the following specific problems: relationship of provision of Art. 265 of the Commercial Code and the provision of Art. 3 (1) of the Civil Code; relationship of the provision of Art. 39 of the Civil Code and the provision of Art. 265 of the Commercial Code, as well as the issues of an abuse of law enforcement and moderation law.

Autors: Hodas Milan
Title: ELIMINATION OF CONFLICTS BETWEEN LEGAL NORMS IN APPLICATION PRAXISAND THE DOCTRINE OFRATIONALLAW – MAKER (Odstraňovanie kontradiktórnosti noriem v aplikačnej praxi a doktrína racionálneho zákonodarcu)

Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 4, pages: 365 – 377
Key words: contradiction, doctrine of rational legislator, norm setting, inflation of legal regulations, inconsistency of legal regulations, Frege semantic triangle, requirement for non-contradictory law, legal state, legal certainty, interpretation of law, functions of legal language
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Milan H o d a s, riaditel legislativno-pravneho odboru Ministerstvo skolstva, vedy, vyskumu a sportu SR, doktorand, Katedra ustavneho prava, Pravnická fakulta Univerzity Komenskeho, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: Communication in general and the problem of understanding legal norms in particular is acomplex process that can be explained by Frege's semantic triangle as the relationship between objective reality, world of ideas and linguistic sphere. We are witnessing a growing number of laws, which are characterized by low quality and often incoherence, and even contradiction. This situation would seem necessary to use the interpretative doctrine of rational law-maker, which consists of projecting rationality on the law-maker, respectively on legal norm created by him. This way are eliminated interpretative methods, which would lead to absurd results or contradictory results. At the same time is created potential for greater credibility of law, increased coherence of law and effectiveness of legal norms. The article refers to the related jurisprudence of constitutional courts of the Slovak Republic, the Czech Republic and Poland.

Autors: Tothova Marcela
Title: THE AGENT AND ITS USE FOR PROBATION OF CORRUPTION (Inštitút agenta a jeho využitie na účely dokazovania korupcie)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 4 , pages: 378 – 394
Key words: corruption, detection of corruption, agent controller, agent provocateur, evidence of corruption
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Marcela T o t h o v a, interna doktorandka, Ustav verejneho prava, Fakulta prava, Paneuropska vysoka skola, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The present article deals with the Institute of agent view current Slovak legislation. We are dedicated to the possibilities of its use for detection purposes and also proving the corruption crime. Deal with the legal possibilities for using the Institute's agent - the controller and analyze the possibility of enjoyment Institute agent - agent provocateur. Those institutes enshrined in the Slovakian criminal procedural value adjustments to match the terms of their legality and admissibility in the context of European legislation and case law. Emphasize the importance of inquiry agent and I deal with aspects of the agent questioning the use as evidence in criminal proceedings. **I make a**nalysis of the characteristics of that admission. I emphasize that agents have obtained information in criminal proceedings, the nature of the evidence. I note that the agent's testimony is largely problematic, since under European Court of Human Rights, significantly weakens the right of defense and the right to a

fair trial and to the extent that our current adjustments to these questions is not in accordance with European legislation.

Autors: Dietz Adolf (preklad Kralickova Barbora)
Title: THE NEW LEGAL REGULATION OF COLLECTING SOCIETIES IN RUSSIAN COPYRIGHT LAW (K novej úprave kolektívnej správy v ruskom autorskom práve)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 4, pages: 395–410
Key words: Russian Civil Code, Russian copyright law, legal status of collecting societies, distinction between accredited and non-accredited collecting societies
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Prof. Dr. Dr. h. c. Adolf Dietz, Forschungsgruppenleiter a. D am Max-Planck-Institut für Immaterialgüter- und Wettbewerbsrecht, München; veduci vyskumnej skupiny na Institute Maxa Plancka pre pravo dusevneho vlastnictva a sutazne pravo, Mnichov, Bundes Republik Deutschland, usapvera@savba.sk,
http:www.pravnyobzor.sk
Abstact: The aim of the article is to provide an overview over most significant changes, which have brought the new legal regulation of collecting societies in the Russian copyright law entered into the force by adoption of the amendment of the Russian Civil Code. The article tries to stress out advantages as well as negatives of the new legal regulation and at the same time to compare it with the previous legal regulation regarding collecting societies in Russia. An important innovative element within the new regulation of collecting societies in Part IV of the Russian Civil Code is the distinction between accredited and non-accredited collecting societies. The former have a privileged status, but have to apply for accreditation, and are supervised by a special authority. The consequences and reach of that important distinction are discussed in the article as is the general legal status of collecting societies with respect to their members (the right owners) and also the work users in the relevant fields of exploitation of protected works.

Právny obzor, 2011, ročník *94*, číslo 5

Autors: Galdunova Katarina
Title: SOME ISSUES ON A CRIME OF AGGRESSION AS DEFINED DURING THE REVIEW CONFERENCE TO THE ROME STATUTE OF INTERNATIONAL CRIMINAL COURT (Vybrané aspekty trestného činu agresie definovaného počas hodnotiacej konferencie k Rímskemu štatútu medzinárodného trestného súdu)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 5, pages: 441–453
Key words: International Criminal Court, crime of aggression, Review Conference in Kampala Rome Statute
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE

Publication order reference: Katarína Galdunova, odborna asistentka Katedry medzinarodneho a europskeho prava Fakulty prava, Bratislavska vysoka skola prava, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The article focuses on the development and current state of international norms covering the crime of aggression. It aims to analyse last updates relating to the adoption of a definition of the crime of aggression and conditions of exercise of jurisdiction of the International Criminal Court over it. The amendments of the Rome Statute, the establishing document of the International Criminal Court, were adopted by consensus during the Review Conference that took place in Kampala, Uganda, from 31 May to 11 June 2010. The article also provides comments on amendments to the Elements of Crimes and on Understandings regardings the amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression.

Autors: Lindakova Martina
Title: ORDER TO TAKE EVIDENCE IN THE EUROPEAN UNION (Príkaz na zaistenie dôkazov v Európskej únii)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 5, pages: 454–461
Key words: integration process, justice cooperation, secondary law, direct effect, judicial body, transposition, freezing of property, freezing of evidence, double criminality, mutual recognition, legal aid, order for freezing, executing judicial body, judge for preparatory proceedings
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Martina Lindakova, Krajsky sud v Banskej Bystrici, vyssia sudna uradnicka, externa doktorandka, Ustav verejneho prava, Fakulta prava, Paneuropska vysoka skola prava, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: One of prerequisites of effective cooperation among the EU Member States in the area of criminal law is not only the theoretical definition, but also the legal regulation of exact procedures, methods and conditions of this cooperation. These intentions resulted in the Act No. 650/2005 Coll. on the execution in the European Union of orders for freezing of property and evidence and on amendment of certain acts („Act“), that represents the transposition of the Council Framework Decision 2003/577/SVV of 22 July 2003 on the execution in the European Union of orders to freeze property and evidence („Framework Decision“) into the national law of the Slovak Republic. This instrument has become the legislative basis and prerequisite of effective cooperation of the individual States in criminal matters with the aim to simplify the process of taking evidence in criminal proceedings. In her article the author refers to the individual conditions and procedures for successful application of this instrument in the practice and in the conclusion evaluated, from her point of view and on the basis of available findings, the usage rate of this instrument in the conditions of the Slovak Republic.

Autors: Klimek Libor
Title: GENESIS OF EUROPEAN ARREST WARRANT AND PROCESS OF ITS IMPLEMENTATION IN THE SLOVAK REPUBLIC (Genéza európskeho zatýkacieho rozkazu a proces jeho implementácie v Slovenskej republike)
Source: Pravny obzor (Juridical Review)

year: 2011, vol.: *94*, number: 5, pages: 462–482
Key words: European arrest warrant, Corpus Juris, European Council meeting in Tampere, mutual recognition of judicial decisions in criminal matters, Council framework decision on the European arrest warrant, implementation, Act on the European arrest warrant
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Libor K l i m e k, interny doktorand (Trestne pravo), Fakulta prava Paneuropskej vysokej skoly, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The European arrest warrant, based on the surrender procedure, replaced traditional extradition procedure between Member States of the European Union. First time we met the European arrest warrant is unsuccessful project Corpus Juris, but the establishment of the area of freedom, security and justice, the conclusions of the European Council meeting in Tampere and the establishment of the mutual recognition of judicial decisions in criminal matters, led to the adoption of the Council framework decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. The European arrest warrant is the first concrete measure in the field of EU Criminal Law implementing the principle of mutual recognition which the European Council referred to as the cornerstone of judicial co-operation in the EU. The European arrest warrant has been implemented into the legal order of the Slovak Republic twice – firstly in 2004 and secondly in 2010. Former implementation was performed by the Act of the National Council of the Slovak Republic of 24 June 2004 No. 403/2004 Coll. on the European arrest warrant. In 2010 the Slovak Republic adopted new legislation for purposes of the EAW – Act of the National Council of the Slovak Republic of 9 March 2010 No. 154/2010 Coll. on the European arrest warrant.

Autors: Bulla Martin, Svec Marek
Title: LEGAL REGULATION OF SUPRANATIONAL STRIKE AS A PREREQUISITE OF GLOBAL LABOUR MARKET (Právna úprava nadnárodného štrajku ako nevyhnutná podmienka globálneho trhu práce)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 5, pages: 183–500
Key words: right to strike, supranational (cross-border) strike, protection of rights and interests of employees, collectively organised event, European social partners
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Marek Svec a Mgr. et Bc. Martin Bulla posobia ako interni doktorandi na Katedre pracovneho prava a prava socialneho zabezpecenia Pravnickej fakulty Trnavskej univerzity v Trnave, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: This paper analyzes the issue of transnational industrial action in the European Union. European Union law neither national legal orders in individual the Member States do not deal with the matter in an explicit way. Hence the legal framework for a multinational strike is derived from the fundamental guarantees of the right to strike, contained in several international instruments (including the Charter of Fundamental Rights of the EU) as well as in constitutions or other national regulations. Likewise decision making process of both European and national courts plays an important role in creating the legal environment for realization of transnational forms of industrial action. The authors present their proposals de lege feranda in relation to the possible development of legislation in the field of the issue in

question on the basis of analysis of legal environment in the EU law and selected national legislations.

Autors: Vitez Miroslav
Title: FACTORING CONTRACT (Zmluva o faktoringu)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 5, pages: 501–517
Key words: factoring, factor, supplier, receivables, assignment, financing, insuring
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Prof. Dr. Miroslav Vitez, profesor obchodneho prava, Ekonomicka fakulta v Subotici, Univerzita v Novom Sade, Srbsko – Vojvodina, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: Factoring is a special independent banking business. In economic meaning it is a form of financing of commercial companys based on selling short – term mostly unmatured receivables. In legal meaning it is unnamed, atypical contract about selling receivables based on precontract *(pactum de contrahendo)* and main contract combined with contract of assignment and elements of other contracts. Factoring has a financing function (crediting), service function and function of insuring collection of suppliers receivables *(del credere function).*Factoring shortens the time limit for collecting of receivables, enables the collection of receivables and thus speeding up commercial company's money flows.

Právny obzor, 2011, ročník *94*, číslo 6

Autors: Nikodym Dusan
Title: SECOND CHAMBER OF PARLIAMENT (Druhá komora parlamentu)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 6, pages: 531–544
Key words: bicameralism, regional chamber, stabilisation of legislation, representation of interests, types of chambers
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Dusan Nikodym, CSc., Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: In the legal theory and practice we often encounter weaknesses that are attributed to the law-making. For the purposes of the improvement of parliamentary powers as a system solution, the introduction of bicameralism into legislation can be considered. A two-chamber system in plural democracy can contribute to the balancing of interests that may be competitive or conflicting, which can be observed in the regional policy as well. For the Slovak Republic that is a unitary state, it is suitable to consider the setting up of the second chamber of a regional type. The regional and territorial development requires the mitigation of regional disparities. The second chamber can also contribute to the prevention of inflation in the law-making and insufficiently elaborated draft legislation. In the mutual relations of the chambers the method of settlement of disputes is important. The relations between chambers are also affected by the political composition. If it is more or less single-party, the importance

of the second chamber may decline. It is assumed that elections in the individual chambers will take place at different dates. The application of a majority election system in the regional chamber is suggested to allow higher-tier territorial unites to exert an influence on the election of candidates. The possibility of candidature without membership in a political party is opening up.

Autors: Kuklis Peter
Title: ON A PUBLIC ADMINISTRATIVE ACTIVITY (O verejnosprávnej činnosti (I. časť))
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 6, pages: 545–557
Key words: contents of the public administrative activity, forms of the activities and their classification, normative administrative legislative acts, application of the administrative legislative acts, administrative legal agreement (contract), other significant legislative acts, socio-organizational acts material-technical acts.
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: JUDr. Peter Kuklis, CSc., Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The forms of the public administrative activity have an unsubstitutable signification. This phenomenon represents expressive dynamic conception of the public administration. Basic elements of the public administrative activity are: target – task – function – contents – methods of action -forms of the activities. Definition of contents of the public administrative activity is complicated. Also a classification of the forms of the public administrative activities is very difficult. The fact that an administrative act could have (could not have) legal implication is the essential base of this division. The article deals also with particular forms of the public administrative activities: normative administrative legislative acts *(generally binding acts)*, application of the administrative legislative acts *(individual administrative acts)*, administrative legal agreement (contract), other significant legislative acts, socio-organizational acts and material-technical acts and their sub-forms. In connection with this the article is motivated by the inspiring examples from Czech legal system, German legal system and Recommendations of the Council of Europe. It is necessary to pay attention to e-government and the conception of good governance.

Autors: Vozar Jozef, Lapsansky Lukas
Title: COMPARATIVE ADVERTISING IN SLOVAK LAW (Porovnávacia reklama v slovenskom právnom poriadku)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 6, pages: 558–576
Key words: Comparative advertising. EU Directive 97/55/EC on comparative advertising. Implementation of the Directive. Regulation of comparative advertising in SR. Judgements of the European Court of Justice in the area of comparative advertising
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE

Publication order reference: JUDr. Jozef Vozar, CSc., Mgr.Lukas Lapsansky, PhD., Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: The authors deal with the issue of comparative advertising in Slovak law, putting stress on the specific implications of the inclusion of regulation of this institute in the legal norm of public law, that implemented the European directive. The authors also deal with the definition of comparative advertising and analyse the individual requirements for admissibility of comparative advertising.
For the integration of the institute of comparative advertising in Slovak law, the law-maker has opted for its incorporation in the public advertising law, which naturally raises the question of the relationship between the regulation of comparative advertising and rules on fair commercial practices or other regulations applicable to advertising. Moreover, the fact that the incorporation of the regulation of comparative advertising in the advertising law resulted in the fulfilment of the commitment to transposition of the European directive in Slovak law, will have certain implications for the method of interpretation and application of the Slovak regulation of comparative advertising. We can already state that the case-law of the European Court of Justice had an important influence on the interpretation of the definition of comparative advertising and of the individual positive and negative conditions of admissibility of comparative advertising.

Autors: Durechova Jana
Title: ABOUT HARMONIZATION AND UNIFICATION OF INTERNATIONAL COMMERCIAL LAW (K otázkam harmonizácie a unifikácie medzinárodného obchodného práva)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 6, pages: 577–588
Key words: International commercial law, harmonization and unification, globalization, advantages of soft-law, unification of substantive law, current harmonization efforts
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Mgr. Jana Durechova, PhD., advokatska koncipientka, Vojcik&Partners, s. r. o., advokatska a patentova kancelária, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: Introduction to international commercial law, the definition and its sources. The position of international commercial law as an autonomous system of law. Features of autonomous systems of law. Globalization as a motor of harmonization and unification of law. Different ways of harmonization. Comparison of harmonization by internationally binding conventions and by sof-law. Advantages of unification of substantive law by means of soft-law. Current harmonization and unification efforts in international commercial law.

Autors: Janac Viliam
Title: THE PROBLEMS WITH THE REPRESENTATION OF THE SHAREHOLDER ON GENERAL ASSEMBLY AND THE SELECTED ISSUES (Problematika zastupovania akcionára na valných zhromaždeniach a niektoré vybrané otázky)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 6, pages: 589–600
Key words: power of attorney, proxy, share, voting right, re-purchasing agreement, custodian

Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Mgr. Viliam Janac, Ustav statu a prava SAV, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: In the article, the author deals with selected issues associated with the representation of the shareholders on general assembly of the company. After the initial characterization of power of attorney for the representation on the general assembly, the author's attention focuses mainly on several issues discussed related to the representation of shareholders, namely the issue of the possibility of present attendance for the shareholder and his proxy at the general assembly, further if it is permitted to exercise voting rights for all shares in the same way. The author is also approaching the situations selected from practice, which demands the attendance for the shareholder as well as his proxy at the same time.

Autors: Kralickova Barbora
Title: RELATIONSHIP BETWEEN INTELLECTUAL PROPERTY LAW AND COMPETITION LAW IN THE SLOVAK AND CZECH LEGAL ORDER WITH EMPHASIZE ON THE PRACTICE ABUSE OF DOMINANT POSITION (Úprava vzájomného vzťahu práva duševného vlastníctva a súťažného práva v slovenskom a českom právnom poriadku s dôrazom na oblasť zneužívania dominantného postavenia)
Source: Pravny obzor (Juridical Review)
year: 2011, vol.: *94*, number: 6, pages: 601—616
Key words: relationship between competition law and intellectual property law, abuse of dominant position, essential facility doctrine, comparison of Czech and Slovak legal order, protection of effective competition
Discipline: LAW & ADMINISTRATION
Language: SLOVAK
Document type: ARTICLE
Publication order reference: Mgr. Barbora Kralickova, PhD., Ustav statu a prava, Bratislava, Slovak Republic, usapvera@savba.sk, http:www.pravnyobzor.sk
Abstact: Contribution deals with relationship between IPR´s and Competition Law in the legal order of both Slovak and Czech Republic. First part of the contribution deals with common questions related to mutual relationship between mentioned law disciplines. Second part aims to analyse the mutual relationship between IPR´s and Competition Law in Slovak legal order with main focus on abuse of dominant position as well as essential facility doctrine. The most significant case law of the Antimonopoly office of the Slovak Republic within this field are also being analysed within this part. Third part focuses on mutual relationship between IPR´s and Competition Law in Czech legal order, providing critical analyses of current stage of rules related to essential facility doctrine. The current stage of legal order is arousing question, whether the current legal position of owners of IP right according to Czech legal order is sufficient to protect their rights related to their ownership. Out of provided analyses is being seen, that Slovak as well as Czech legal order -despite some problematic points -are similar and fully harmonised with EU law. Fourth part aims to provide final conclusion and possible advices into the future, how the legal orders should deal with the interaction and relationship between both legal disciplines.