

# **Consumer market study on the functioning of the real estate services for consumers in the European Union**

Country fiche – SLOVAK REPUBLIC

## General information

<b>Country</b>	Slovak Republic
<b>Researcher name</b>	JUDr. Lucia Filagova, Mgr. Robert Jakubac, PhD., JUDr. Mojmir Plavec
<b>Researcher contact details (email)</b>	lucia.filagova@skgeodesy.sk; robert.jakubac@skgeodesy.sk; plavec@realitnaunia.sk
<b>Main Sources Used</b>	See list at point 1.2

## 1. Regulatory background

### 1.1 Level of regulation in the country

<b>Table 1: Level of regulation</b>			
	<b>Level of regulation</b>	<b>Source of relevant legislation</b>	<b>Ongoing discussion on regulation/deregulation (if applicable): current state of affairs and main arguments in the debate</b>
<b>Real estate transactions<sup>1</sup></b>	<p>Transactions of agricultural land are strictly regulated</p> <p>Transactions of other real estate property is partly regulated</p>	<ul style="list-style-type: none"> <li>• Cadastre Act Nr. 162/1995 (including Land Registry and Land Administration);</li> <li>• Act Nr. 140/2014 on Acquisition of Agricultural Land;</li> <li>• Act. Nr. 182/1993 on Residential and Non-residential Property;</li> <li>• Act. Nr. 97/2013 on Land Associations.</li> </ul>	<p>A complaint was submitted to the Constitutional Court of the Slovak Republic by some members of the Slovak Parliament. According to this complaint, Act Nr. 140/2014 violates the Constitution of the Slovak Republic. These members think that there is an inappropriate restriction of the right of ownership (to own agricultural land), inconsistency with Article 20 of the Constitution of the Slovak Republic - breach of the principle of the same content of property law, absence of public interest in the chosen legislative solution and failure to comply with the conditions of forced restraint of the property right. They also wanted to demand suspension of the aforementioned Act.</p> <p>In addition to these oppositions, members of Slovak Parliament, the European Commission has also called for the law to prevent cross-border capital flows.</p> <p>Next reason was that the enactor did not proceed with the adoption of the law in accordance with the constitutional rules for the adoption of laws formulated in previous decisions of the Constitutional Court of the SR (e.g. the enactor does not have the right of absolute discretion in the adoption of laws).</p>
<b>Notary system (or lawyer/conveyancer system)<sup>2</sup></b>	Relatively strictly regulated	Act Nr. 323/1992 on Notaries and Notary Activities	-

<sup>1</sup> E.g. limitations or prohibitions of certain transactions; specific formality requirements etc.

<sup>2</sup> Only in countries where notaries do not exist or do not have a monopoly on conveyancing.

Table 1: Level of regulation			
<b>Profession of estate agents</b>	There is no regulation so far.	-	The Real Estate Union of the Slovak Republic prepared proposal on Real Estate Mediation Act. However, it wasn't submitted to the Slovak Parliament yet.

According to the Slovak Civil Code real estate property are land plots and buildings. Flats are considered real estate property as well. In general, transaction of real estate property is regulated by Civil Code and Cadastral Act, but there are some special legal acts concerning transaction of flats and some kinds of land plots.

There is a need to explain the difference between real estate agency and real estate agent in terms of Slovak real estate market:

- Real estate agency – only real estate agencies are allowed to perform real estate services independently. Real estate agency is either a company or an individual person conducting entrepreneurial activity based on a trade licence. Companies or individuals obtain trade licence if they meet subjective and objective requirements (see table 20). This implies that the term “real estate agent” in this study represents “real estate agency” in terms of Slovak real estate market.
- Real estate agent – is either a company or an individual person that is not allowed to perform real estate services independently. Real estate agent is cooperating with real estate agency on commercial basis (real estate agents are not employees, but there can be exceptions). A real estate agent provides for example marketing and administrative services to a real estate agency in order to help the real estate agency to serve more clients.

## 1.2 National legislation

**Table 2: List of national legislation**

<b>List of national legislation</b>	<b>Classification of national legislation</b>	<b>Content of the national legislation</b>
Act Nr. 586/2003 on Advocacy <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/586/20160701">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/586/20160701</a>	On regulation of the profession	Contract authorized by attorney at law (only in case of transaction of real estate property)
Act Nr. 323/1992 on Notaries and Notary Activities <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/323/20160701">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/323/20160701</a>	On regulation of the profession	Notary records
Act Nr. 250/2007 The Consumer Protection Act <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/250/20160201">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/250/20160201</a>	On consumers and their protection	Unfair trading conditions, unacceptable contractual terms
ActNr. 513/1991 Commercial Code <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1991/513/20171108">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1991/513/20171108</a>	Ownership of business companies and way of transactions of real estate property	Transfer of company, conditions of establishment and dissolution of company, relationships between contractual parties
Act Nr. 7/2005 on Bankruptcy and Restructuring <a href="https://www.slov-lex.sk/vyhľadavanie-pravnych-predpisov?text=7%2F2005">https://www.slov-lex.sk/vyhľadavanie-pravnych-predpisov?text=7%2F2005</a>	Ownership and way of transactions of real estate property when debtor is insolvent or when is in bankruptcy	Conditions and process of bankruptcy and restructuring
Act Nr. 527/2002 on Voluntary Auction Act <a href="https://www.slov-lex.sk/vyhľadavanie-pravnych-predpisov?text=527%2F2002">https://www.slov-lex.sk/vyhľadavanie-pravnych-predpisov?text=527%2F2002</a>	The exercise of the lien by a voluntary auction	Conditions and process of auction

**Table 2: List of national legislation**

Act Nr. 40/1964 Civil Code <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/20160701">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/20160701</a>	The basic source of legal system in Slovak Republic	The adjustment of civil relations contributes to the fulfilment of civil rights and freedoms, in particular the protection of the personality and the inviolability of property. The Civil Code governs property relations.
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Legislation about registration of property is included in Cadastre Act. Nr. 162/1995, which is the main, law regarding transfer of property. Other substantive conditions are set by the abovementioned laws.

The GDPR (General Data Protection Regulation) is a European regulation introducing uniform rules on the protection of personal data, which will start to apply in all EU Member States from 25 May 2018. From this day in Slovak Republic a new law about protection of sensitive data, which is based on this regulation, will enter into force.

### 1.3 Implementation of relevant EU legislation

Table 3: Implementation of relevant EU legislation					
EU legislation	Implementation achieved?	Implementation of EU legislation at the national level (e.g. the name of the law)	Source of the national implementation legislation	Content of the national legislation in keywords	Which parts of the EU legislation have <u>not</u> been transposed?
<b>Directive 2005/29/EC on unfair commercial practices (UCPD)</b>	Yes	Consumer protection act (2007)  (Zákon č. 250/2007 Z.z. o ochrane spotrebiteľa)	<a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/250/20160201">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/250/20160201</a>	<ul style="list-style-type: none"> <li>• Rights of consumers;</li> <li>• Obligations of producers, sellers, importers and suppliers;</li> <li>• Unfair commercial practices;</li> <li>• Misleading commercial practices;</li> <li>• Aggressive commercial practices;</li> <li>• Codes of conduct;</li> <li>• Competence of public authorities in the field of consumer protection;</li> <li>• The status of legal entities established for consumer protection;</li> <li>• Consumer product labelling.</li> </ul>	None
<b>Directive 93/13/EEC on unfair terms in consumer contracts</b>	Yes	<ul style="list-style-type: none"> <li>• Act on protection of consumer in the sale of goods or the provision of services on the basis of a distance contract or a contract concluded outside the seller's premises (Zákon č. 102/2014 Z.z. o ochrane spotrebiteľa pri predaji tovaru alebo poskytovaní služieb na základe</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2014/102/20160201">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2014/102/20160201</a></li> <li>• <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/20160701">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/20160701</a></li> <li>• <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/</a></li> </ul>	<ul style="list-style-type: none"> <li>• Rights of consumers;</li> <li>• Off-premises contract;</li> <li>• Business premises;</li> <li>• Information requirements for contracts;</li> <li>• Right of withdrawal;</li> <li>• Unfair terms.</li> </ul>	None

		<p>zmluvy uzavretej na diaľku alebo zmluvy uzavretej mimo prevádzkových priestorov predávajúceho);</p> <ul style="list-style-type: none"> <li>• Civil code (Zákon č. 40/1964 Zb. Občiansky zákonník);</li> <li>• Advertising act (Zákon č. 147/2001 Z. z. o reklame)</li> <li>• Act on state control of the internal market in consumer protection matters (Zákon č. 128/2002 Z. z. o štátnej kontrole vnútorného trhu vo veciach ochrany spotrebiteľa)</li> </ul> <p>Zákon č. 129/2010 Z. z. o spotrebiteľských úveroch a o iných úveroch a pôžičkách pre spotrebiteľov</p>	<p>2001/147/2016 0301</p> <ul style="list-style-type: none"> <li>• <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/128/20160201">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/128/20160201</a></li> <li>• <a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2010/129/20170601">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2010/129/20170601</a></li> </ul>		
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<p><b>Directive 2008/122/EC on the protection of consumers, in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts</b></p>	<p>Yes</p>	<p>Act on the protection of consumers in the provision of certain tourist services  (Zákon č. 161/2011 Z. z. o ochrane spotrebiteľa pri poskytovaní niektorých služieb cestovného ruchu)</p>	<p><a href="https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2011/161/20140501">https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2011/161/20140501</a></p>	<ul style="list-style-type: none"> <li>• Timeshare contract;</li> <li>• Advertising;</li> <li>• Pre-contractual information;</li> <li>• Long-term holiday product;</li> <li>• Resale contract;</li> <li>• Exchange contract;</li> <li>• Right of withdrawal;</li> <li>• Payment;</li> <li>• Consumer information;</li> <li>• Penalties.</li> </ul>	<p>None</p>
<p><b>Directive 2010/31/EU of Energy Performance of Buildings Directive</b></p>	<p>Yes</p>	<p>Act on the Energy Efficiency of Buildings and on Amendments to Certain Acts  Zákon č. 555/2005 Z.z.  o energetickej hospodárnosti budov a o zmene a doplnení niektorých zákonov</p>	<p><a href="https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2005/555/">https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2005/555/</a></p>	<ul style="list-style-type: none"> <li>• Energy performance of a building;</li> <li>• Minimum energy performance requirements;</li> <li>• Energy performance certificate;</li> <li>• Display of energy performance certificate;</li> <li>• Inspection;</li> <li>• Penalties.</li> </ul>	<p>None</p>
<p><b>Directive 2005/36/EC on Recognition of Professional Qualifications, as last amended by Directive 2013/55/EU</b></p>	<p>Yes</p>	<p>Act On recognition of educational qualifications and on the recognition of professional qualifications  (Zákon č. 422/2015 Z.z. o uznávaní dokladov o vzdelaní a</p>	<p><a href="https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2015/422/20160101">https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2015/422/20160101</a></p>	<ul style="list-style-type: none"> <li>• Regulated profession;</li> <li>• Professional qualifications;</li> <li>• Conditions for recognition;</li> <li>• Professional experience;</li> <li>• Principle of automatic recognition;</li> <li>• Doctors of medicine;</li> <li>• Nurses responsible for general care;</li> <li>• Dental practitioners;</li> <li>• Veterinary surgeons;</li> <li>• Midwives;</li> <li>• Pharmacist;</li> </ul>	<p>None</p>

		<p>o uznávaní odborných kvalifikácií)</p> <p>Authorized architects and authorized building engineers act</p> <p>Zákon č. 138/1992 Zb. o autorizovaných architektoch a autorizovaných stavebných inžinieroch</p>	<p><a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/138/">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/138/</a></p>	<ul style="list-style-type: none"> <li>• Architect;</li> <li>• Competent authorities</li> </ul>	
<p><b>Mortgage Credit Directive, 2014/17/EC</b></p>	Yes	<p>Housing loans act</p> <p>(Zákon č. 90/2016 Z.z. o úveroch na bývanie)</p>	<p><a href="https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2016/90/20170101">https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2016/90/20170101</a></p>	<ul style="list-style-type: none"> <li>• Advertising;</li> <li>• Information about credit agreements;</li> <li>• Pre-contractual information;</li> <li>• Annual percentage rate of charge;</li> <li>• Assessing the creditworthiness of the consumer;</li> <li>• Property valuation;</li> <li>• Variable rate credits;</li> <li>• Early repayment;</li> <li>• Withdrawal;</li> <li>• Sanctions.</li> </ul>	None

- Regulation (EU) of the European Parliament and of the Council 650/2012 of 4 July 2012 on jurisdiction, applicable law, the recognition and enforcement of decisions and the adoption and enforcement of authentic instruments in matters of succession and the introduction of a European Certificate of Intellectual Property;
- Council Regulation (EC) No. 1346/2000 of 29 May 2000 on insolvency proceedings;
- The Hague Convention of 5 October 1961 repealing the requirement for a higher verification of foreign public documents (PDF, 258 kB) (hereinafter referred to as "the Convention");
- Convention fully transposed - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/213/20050901>;
- Regulations above became immediately enforceable as law. Slovak law refers to all regulations of the European Union.

## 1.4 Communications and strategy papers

**Table 4: Communications and strategy papers**

<b>Communication or strategy paper</b>	<b>Have the following communications and strategy papers been referred to in national documents?</b>	<b>Name of document</b>	<b>Source</b>	<b>Content</b>	<b>Differences with respect to communications and strategy papers listed in the first column</b>
<b>COM(2015) 550 final Communication of the Commission Upgrading the Single Market: more opportunities for people and business</b>	No				
<b>COM(2013)676 Communication from the Commission on evaluating national regulations on access to professions</b>	No				
<b>COM(2016)820 Communication from the Commission on reform recommendations for regulation in professional services</b>	No				
<b>European Consumer Agenda</b>	No				
<b>Consumer Programme 2014-2020</b>	No				

## 2. General market information

### 2.1 Key market data

**Table 5: Key market data**

**General market situation (e.g. trends in the market, recent developments in the market, price fluctuations, etc.)**

After the financial crisis in 2009, prices of real estate (flats, houses, and land) dropped significantly. Since 2014, prices have risen sharply, mainly in the capital city Bratislava. Prices in the capital city reached prices of 2008 (period shortly before financial crisis). In other regions (mainly with higher unemployment rate), the rise in prices is not so steep.

YEAR	Price €/m <sup>2</sup>	YEARLY CHANGE in %
2016	1 279	4,2
2015	1 227	0,9
2014	1 216	-0,8
2013	1 226	-0,9
2012	1 237	-1,1
2011	1 251	-3,1
2010	1 291	-3,9
2009	1 344	-11,1
2008	1 511	22,1
2007	1 238	23,8

source – Slovak national bank

<https://www.nbs.sk/sk/statisticke-udaje/vybrane-makroekonomicke-ukazovatele/ceny-nehnutelnosti-na-byvanie>

**Total value of residential transactions for buying and renting for the year 2015 expressed in EUR**

N/A

**Table 5: Key market data**

<p><b>Ratio house owners – tenants (i.e. the percentage of households that are owners resp. tenants of dwelling units)</b></p>	<ul style="list-style-type: none"> <li>• 90% of households are owners;</li> <li>• 10% are tenants, most of rented flats are in private ownership.</li> </ul> <p><a href="https://www.hlavnespravy.sk/az-90-slovenskych-domacnosti-byva-vo-vlastnej-nehnutelnosti-v-nemecku-je-to-len-polovica/724030">https://www.hlavnespravy.sk/az-90-slovenskych-domacnosti-byva-vo-vlastnej-nehnutelnosti-v-nemecku-je-to-len-polovica/724030</a></p>																	
<p><b>Usage of land (Quotas for built land, agricultural land, “wild land” (forests, lakes etc.)</b></p>	<ul style="list-style-type: none"> <li>• Agricultural land: 2389616 m<sup>2</sup>;</li> <li>• Forests: 2020116 m<sup>2</sup>;</li> <li>• Water surface: 95278 m<sup>2</sup>;</li> <li>• Built-up areas: 235511m<sup>2</sup>;</li> <li>• Other areas: 162937 m<sup>2</sup>.</li> </ul> <p><a href="http://www.skgeodesy.sk/files/slovensky/ugkk/kataster-nehnutelnosti/sumarne-udaje-katastra-podnom-fonde/statisticka-rocenka-2016.pdf">http://www.skgeodesy.sk/files/slovensky/ugkk/kataster-nehnutelnosti/sumarne-udaje-katastra-podnom-fonde/statisticka-rocenka-2016.pdf</a></p>																	
<p><b>Average prices of residential property</b></p>	<p><i>According to the type of property</i></p> <ul style="list-style-type: none"> <li>• Average flat of ca. 70 sqm</li> <li>• Terrace house of ca. 100 sqm</li> <li>• Detached (one family house) of ca. 150 sqm</li> </ul>	<p>Prices for m<sup>2</sup> in 2016 (whole Slovakia):</p> <table border="1" data-bbox="1122 772 2145 847"> <thead> <tr> <th>1-room flats</th> <th>2-room flats</th> <th>3-room flats</th> <th>4-room flats</th> <th>5 and more room flats</th> <th>house</th> <th>villa</th> </tr> </thead> <tbody> <tr> <td>1 626</td> <td>1 528</td> <td>1 405</td> <td>1 412</td> <td>1 526</td> <td>1 074</td> <td>1 776</td> </tr> </tbody> </table> <p>70m<sup>2</sup> is average 3-room flat</p>	1-room flats	2-room flats	3-room flats	4-room flats	5 and more room flats	house	villa	1 626	1 528	1 405	1 412	1 526	1 074	1 776		
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<p><i>According to the type of location</i></p> <ul style="list-style-type: none"> <li>• Capital city</li> <li>• Urban areas</li> <li>• Rural areas</li> </ul>	<p>Prices for m<sup>2</sup> in 2016 (according to regions):</p> <table border="1" data-bbox="1272 1112 2004 1193"> <thead> <tr> <th>Bratislava region</th> <th>Trnava region</th> <th>Nitra region</th> <th>Trenčín region</th> </tr> </thead> <tbody> <tr> <td>1 790</td> <td>863</td> <td>587</td> <td>653</td> </tr> </tbody> </table> <table border="1" data-bbox="1227 1225 2049 1292"> <thead> <tr> <th>Žilina region</th> <th>Banská Bystrica region</th> <th>Košice region</th> <th>Prešov region</th> </tr> </thead> <tbody> <tr> <td>812</td> <td>714</td> <td>932</td> <td>784</td> </tr> </tbody> </table> <p>Bratislava region = capital city Nitra region = rural area</p>		Bratislava region	Trnava region	Nitra region	Trenčín region	1 790	863	587	653	Žilina region	Banská Bystrica region	Košice region	Prešov region	812	714	932	784
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**Table 5: Key market data**

<b>Price development of residential property</b>	<i>According to the type of property</i> <ul style="list-style-type: none"> <li>• Average flat of ca. 70 sqm</li> <li>• Terrace house of ca. 100 sqm</li> <li>• Detached (one family house) of ca. 150 sqm</li> </ul>	<table border="1"> <thead> <tr> <th>YEAR</th> <th>1-room flats</th> <th>2-room flats</th> <th>3-room flats</th> <th>4-room flats</th> <th>5 + room flats</th> <th>houses</th> <th>villas</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>1 474</td> <td>1 403</td> <td>1 289</td> <td>1 313</td> <td>1 442</td> <td>1 065</td> <td>1 809</td> </tr> <tr> <td>2016</td> <td>1 626</td> <td>1 528</td> <td>1 405</td> <td>1 412</td> <td>1 526</td> <td>1 074</td> <td>1 776</td> </tr> <tr> <td>%change</td> <td>10,3121%</td> <td>8,9095%</td> <td>8,9992%</td> <td>7,5400%</td> <td>5,8252%</td> <td>0,8451%</td> <td>-1,8242%</td> </tr> </tbody> </table>	YEAR	1-room flats	2-room flats	3-room flats	4-room flats	5 + room flats	houses	villas	2015	1 474	1 403	1 289	1 313	1 442	1 065	1 809	2016	1 626	1 528	1 405	1 412	1 526	1 074	1 776	%change	10,3121%	8,9095%	8,9992%	7,5400%	5,8252%	0,8451%	-1,8242%							
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2015	1 693	830	556	633																																					
2016	1 790	863	587	653																																					
%change	5,7295%	3,9759%	5,5755%	3,1596%																																					
YEAR	Žilina region	Banská Bystrica region	Košice region	Prešov region																																					
2015	753	712	946	745																																					
2016	812	714	932	784																																					
%change	7,8353%	0,2809%	-1,4799%	5,2349%																																					
<b>Development of price index (Housing price index if existing, otherwise Consumer price index)</b>	Harmonised index of consumer prices: <ul style="list-style-type: none"> <li>• 2015 = 100;</li> <li>• 2016 = 99,52.</li> </ul>																																								

More info:

- <http://www.nbs.sk/sk/statisticke-udaje/vybrane-makroekonomicke-ukazovatele/ceny-nehnutelnosti-na-byvanie>
- <http://www.skgeodesy.sk/files/slovensky/ugkk/kataster-nehnutelnosti/sumarne-udaje-katastra-podnom-fonde/statisticka-rocenka-2015.pdf>
- In the country, 3-room apartment means an apartment including one living room and 2 bedrooms. Also, 3-room flat means two separate rooms and one room, which is open space.

## 2.2 Service providers

<b>Table 6: Service providers</b>						
	<b>Total number of firms</b>	<b>Total number of professionals</b>	<b>Total number of employees</b>	<b>Branch offices per firm</b>	<b>Market concentration in % of turnover</b>	<b>Average turnover per firm (expressed in EUR)</b>
<b>Estate agents</b>	1100	3000	90% of real estate agencies work on trade licence	0,15	Very small	100,000 €
<b>Lawyer/Advocate/Solicitor</b>	500	6000	2050	0,01	Very small	150,000 € (per professional)
<b>Notary</b>	N/A	346 (conduct professional activity on a personal basis)	400	0	Small	150,000 € (per professional)
<b>Licenced conveyancers</b>	There are no licenced conveyancers in Slovakia					
<b>Architects</b>	N/A	1690 (conducts entrepreneurial activity on personal basis)	N/A	0	Very small	80,000 € (per professional)
<b>Surveyor</b>	N/A	1072 (conducts entrepreneurial activity on personal basis)	N/A	0	Very small	50,000 € (per professional)
<b>Engineers</b>	N/A	N/A	N/A	N/A	N/A	N/A

- There is only information on number of attorneys at law, notaries, architects, etc., but there is no information on total number of firms, employees of attorneys at law, notaries, architects, etc. available.
- There is no regulation in Slovak Republic regarding the Service providers.

### 3. Roles of professionals and services in the real estate market

**Table 7: Role of professionals in the real estate market**

	<b>Estate agent</b>	<b>Property valuator<sup>3</sup></b>	<b>Lawyer/ Advocate/ Solicitor</b>	<b>Notary</b>	<b>Bank</b>	<b>Technical expert (architect, engineer, surveyor)</b>
<b>Main function: does the professional typically work independently or as part of a firm or another organisation?</b>	<p>Performs:</p> <ul style="list-style-type: none"> <li>Real estate advertising and marketing, real estate showing, communication with lawyer, financial agent, matching the parties, securing the transaction before the final contract is concluded, ensuring that the buyer knows all legal obligations and relevant features related to the property, ensuring that the contract is duly executed;</li> <li>Real estate agency – independent;</li> <li>Real estate agent – as part of firm (is not allowed to perform real estate services independently).</li> </ul>	<p>Performs:</p> <p>Property evaluation. If the price of property is lower than amount of the mortgage, the property it is not acceptable for the bank;</p> <p>Independently</p>	<p>Performs:</p> <p>Contract of sale;</p> <p>Independently</p>	<p>Performs:</p> <p>Signature verification;</p> <p>Independently</p>	<p>Performs:</p> <p>Mortgage</p> <p>N/A</p>	<p>Performs:</p> <p>Architectural changes, interior design</p> <p>Independently</p>

<sup>3</sup> In some EU countries, the real estate property valuers are regulated as a profession that is separate from estate agents (e.g. Hungary, Lithuania, Latvia); their services might be obligatory, especially when taking mortgage loans.



**Table 7: Role of professionals in the real estate market**

<p><b>Extent of engagement (at which point(s) does each professional intervene in the process?)</b></p>	<p>Whole real estate transaction – real estate advertising and marketing, real estate showing, communication with lawyer, financial agent, matching the parties, securing the transaction before the final contract is concluded, ensuring that the buyer knows all legal obligations and relevant features related to the property, ensuring that the contract is duly executed</p>	<p>Mostly when buyer needs mortgage</p>	<p>Elaborates contracts (contract of sale, landlord-tenant agreement etc.)</p>	<p>Verifies seller's signature</p>	<p>The Bank is an entity, which provides a mortgage to buyer to finance the purchased property.</p> <p>Bank intervenes when property value is lower than amount of mortgage. In this case, the bank can't provide a mortgage.</p>	<p>Only if needed (architect - house renovation, surveyor – dividing of land)</p>
<p><b>Mandatory involvement</b></p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Only notary office or municipal office is allowed to authenticate signatures. Only a contract with an authenticate signature of the seller is considered as a valid document.</p>	<p>N/A</p>	<p>No</p>
<p><b>How are their fees/charges structured</b></p>	<p>% of final cost or fixed fee</p>	<p>Fixed fee</p>	<p>Fixed fee</p>	<p>Fixed fee</p>	<p>-</p>	<p>Fixed fee</p>

#### 4. Land registration

**Table 8: Land registration**

<b>Table 8: Land registration</b>	
<b>Responsible authority(ies) dealing with land registration</b>	<ul style="list-style-type: none"> <li>• Geodesy, Cartography and Cadastral Authority of the Slovak Republic;</li> <li>• District offices, cadastral departments (state administrations)</li> </ul>
<b>Actors involved in the registration procedure and their main functions</b>	<ul style="list-style-type: none"> <li>• Purchaser (s/he can be represented by an attorney at law or by a notary, but it is not compulsory). Attorney at law or notary can help the purchaser also in preparing the contract, bank transfer of money, mortgage issues and land registry application;</li> <li>• Vendor (s/he can be represented by an attorney at law or by a notary, but it is not compulsory). Attorney at law or notary can help the vendor also in preparing the contract, bank transfer of money, mortgage issues (e.g. discharge of existing loan) and land registry application;</li> <li>• Purchaser or vendor can also be represented by a person other than the attorney at law or notary based on power of attorney.</li> </ul>
<b>Intermediate steps of the registration procedure, if applicable</b>	<ul style="list-style-type: none"> <li>• A search preserves priority for the registration of the transfer / mortgage provided the transfer is lodged within the priority period.</li> </ul>

## 5. The process to buy or sell a property

### 5.1 Main steps in the transaction process to buy or sell a property

<b>Table 9: Main steps of the process to buy or sell a property</b>			
<b>Main steps</b>	<b>Main function</b>	<b>Applicable</b>	<b>National specificities/additional functions/main actors</b>
<b>Estate agent services</b>	Matching the parties	Usual	Most people rely on Real estate agent services
<b>Alternative matching devices</b>	Matching the parties	Unusual	Newspaper or internet advertisement, personal contact
<b>Preliminary contract</b>	Securing the transaction before the final contract is concluded	Usual	Parties and agent or lawyer
<b>Preliminary checks (land register, administrative permits)</b>	Ensuring that the buyer knows all legal obligations and relevant features related to the property.	Yes	Preliminary checks are provided by Notary, Attorney at law, Real Estate Agent
<b>Drafting the sales contract and/or deed of conveyance</b>	Summarising the agreement of the parties	Yes	Usually Real Estate Agent, Attorney at law or Notary, but anybody can draft the sales contract
<b>Legal advice or counselling</b>	Ensuring that the transaction is valid and that the parties know about their rights and duties	Yes	Notary, Attorney at law, Real Estate Agent
<b>Certification of signatures</b>	Ensuring the identity of contracting party (e.g. vendor, donator). In Slovak Republic, it can be only notary or Registry office.	Yes	In certain cases, certification of signature of contracting party is compulsory (e.g. signature of vendor). If contract is authorized by attorney at law, certification of signature is not needed.
<b>Contract execution (transfer of payment)</b>	Executing the contract (and securing that both parties perform their obligations)	Yes	Notary custody, Bank custody, Bank transfer

<b>Table 9: Main steps of the process to buy or sell a property</b>			
<b>Contract execution (transfer of property)</b>	Executing the contract (and securing that both parties perform their obligations)	Yes	Decision of district office, cadastral department
<b>Registration</b>	Making the transaction visible to third parties and the public	Yes	Purchaser becomes owner by decision of district office, cadastral department
<b>Taxation (esp. transfer tax)</b>	Creating revenue for the state	Yes	Taxation depends on how long the owner holds the property. If the owner sells real estate property 5 years after s/he became an owner, an owner (vendor) does not pay a tax. If the owner sells real estate property before expiration of 5 years when s/he became an owner, the owner (vendor) has to pay tax (20 %) from the amount, which is the difference between the price at which the property was purchased and the price at which the property was sold. There are some exceptions to this rule.
<b>Post-transaction controls (if applicable)</b>	Securing that the contract is duly executed	unusual	

There is no transfer tax in Slovak Republic. There are only administration fees which are set by Act Nr. 145/1995 on Administrative Fees, Annex no. 1 item no. 10.

It is difficult to say whose role is more prominent, whether attorneys at law or notaries. Their privileges are set by law – by Act. Nr. 323/1992 on Notaries and Notary Activities and by Act. Nr. 586/2003 on Advocacy. Attorneys at law can make a contract between contracting parties and also can make an authorization of contract, when the identity of the parties of the contract is sufficiently proved to the attorney at law. Attorney at law can't verify the signature.

Notaries can make a contract between contracting parties and also can make an authorization of contract, when the identity of the parties of the contract is sufficiently proved to the notary. Notary also can verify the signature of the parties.

Registry office in Slovak Republic can also verify the signature of individual persons (set by Registry act Nr. 154/1994 (<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1994/154/20151001>)).

## 5.2 Sale contract and transfer of ownership

**Table 10: Contract of sale and transfer of ownership**

Main steps	Actors involved per intermediate step	Payment details <sup>4</sup>		Typical risks associated to these steps
		Payments expressed : • In EUR as % of total purchase price <u>and</u> • As a fixed amount if available (add if VAT applies)	When is the payment made	
<b>Estate agent services or alternative matching devices</b>	Real Estate Agency services are usual	2%-6 % of total purchase price	Payment is made after closing the purchase/rental contract.	N/A
<b>Preliminary contract (usual)</b>	<ul style="list-style-type: none"> <li>• Purchaser, Vendor, Real Estate Agency;</li> <li>• Usual</li> </ul>	Payment is included in the fee for real estate agency	After the signature of preliminary contract	<p>Vendor can sell the real estate property to another person.</p> <p>Both sides are left without binding commitment.</p>
<b>Preliminary checks (land register, administrative permits)</b>	<ul style="list-style-type: none"> <li>• Real Estate Agency, but it can be made by purchaser or vendor;</li> <li>• Usual</li> </ul>	Is included in fee which vendor pays to Real Estate Agency	Payment is included in fees paid to Real Estate Agency when the preliminary contract is signed, if Real Estate Agency is responsible for the contract	N/A

<sup>4</sup> Payment shall be considered as the 'discharge of an obligation by its settlement equal to the monetary value of the debtor's obligation' while fees can be defined as 'a charge for services rendered' (Retrieved from: <http://www.investorwords.com/3634/payment.html>, <http://www.investorwords.com/1922/fee.html>). Payment, therefore, includes both the cost of the service and the fees for the service in question.

**Table 10: Contract of sale and transfer of ownership**

<p><b>Drafting the sales contract and/or deed of conveyance</b></p>	<ul style="list-style-type: none"> <li>• Purchaser, Vendor, Real Estate Agency, Notary or Attorney at law or other person;</li> <li>• Usual</li> </ul>	<p>Is included in fee which vendor pays to Real Estate Agency, Notary, Attorney at law or other person who is responsible for contract.</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Legal advice or counselling</b></p>	<ul style="list-style-type: none"> <li>• Notary or Attorney at law;</li> <li>• Usual</li> </ul>	<p>N/A</p>	<p>When party needs some help with contract, it can ask for legal advice attorney at law and paid for it price set by law or price can be negotiated</p>	<p>N/A</p>
<p><b>Certification of signatures</b></p>	<ul style="list-style-type: none"> <li>• Notary, Registry office;</li> <li>• Some persons set by law have to have certification of signatures so in these cases it is mandatory;</li> <li>• Attorney at law in the case of authorized contract– there is no need of certification of signatures because attorney at law is responsible for the contract and for the identity of the parties</li> </ul>	<p>Fee for certification of signature is included in fee which vendor pays to Real Estate Agency, Notary or Attorney at law for the contract.</p>	<p>Fee is paid after certification of signature to authority, which the certification made.</p>	<p>The signature can be falsified</p>

**Table 10: Contract of sale and transfer of ownership**

<b>Contract execution (transfer of payment and registration; transfer of property)</b>	<ul style="list-style-type: none"> <li>• Purchaser, Vendor, Real Estate Agency, Notary or Attorney at law, Bank or other person;</li> <li>• Payment has to be made – is mandatory</li> </ul>	Fees paid to cadastre are set by Act Nr. 145/1995 on Administrative Fees	Fees are paid when the proposal is given to the cadastral procedure	N/A
<b>Registration in land register or similar device</b>	District office, cadastral department	N/A	N/A	Fraud
<b>Taxation (esp. transfer tax)</b>	Vendor in certain cases (when he/she sells the real estate property before 5 years of ownership).S/he has to pay tax (20 %) as a difference between the price at which the property was purchased and the price at which the property was sold.	N/A	N/A	N/A

**▲ Explain the legal position of a tenant occupying the dwelling to be sold. In particular: Does the rule emptio non tollit locatum apply?**

The transfer of ownership has no direct impact on the rights of tenant.

Property is usually sold with vacant possession, unless it is investment property. The vendor therefore serves notice of quit on any tenant and the tenant vacates before the land is sold. If the property is sold subject to a lease, the lease binds because it is a legal estate in the land. However, private sector tenants have little security and if necessary an assured short hold can be terminated by minimum three months' notice.

It is common practice that the fees for verifying signatures, fees regarding the proposal, fees for a preliminary check, and other fees are paid by the real estate agency. These fees are included in the commission, which is paid by the seller to the real estate agency. Subsequently, the real estate agency from this commission pays these obligatory fees. So there is no overlap payment, because contracting party doesn't pay an extra fee for verifying signatures

and other fees. These fees are included in total purchase price, which buyer pays for property. Seller usually sets the price of property plus commission for real estate property. In the end, it means that the commission for real estate agency is paid by the buyer. Cadastral fee (fee for proposal and cadastral procedure) is set by law – Act. Nr. 145/1995 on Administrative Fees. There is no annual fee, this fee is paid once, when the proposal is delivered to cadastral office.

In the cadastral proceedings, the employee responsible for deciding about the proposal is required to examine all the requirements of the contract, compliance with the cadastral act and whether there are factual and legal matters that might affect the authorization of the proposal. If all conditions are fulfilled, employee responsible for deciding will issue a decision about proposal in 30 days period.

When the contract is written in the form of a notarial record or the contract is written by an attorney at law, the employee deciding about the proposal shall only consider whether the subject of the contract (transfer) complies with the data specified in the cadastre. For all other conditions and content of the contract, the notary or attorney at law is responsible. If all these conditions are fulfilled, employee responsible for deciding will issue a decision about proposal in 20 days period.

Change of ownership will be made after decision of cadastral authority. These cadastral procedures are made in “Register V”.

The registration procedure has a different principle than the procedure about proposal, because the change of ownership has already been made by the decision of some other competent authority - for example, a certificate of inheritance, restitution decision. In this case, the cadastre will only consider whether the data listed in submitted document are in accordance with the cadastral data. If the data in document complies with cadastral data, the cadastre writes the document into the cadastre without considering other content of the document within 60 days.

There is no decision of cadastral authority. These procedures are made in “Register Z”.

### **Fees**

Legal fees for proposal are set by Act Nr. 145/1995 on Administrative Fees.

Legal fees are dependent on agreement between attorney and client. Usual fee is 200 – 800 € for contract of sale, but it can be different from case to case.



Amount of legal fees is below:

Stamp duty/ Land registry fees (for proposal):

	Fee EUR		Fee EUR
1 legal act in paper form	66	1 legal act in paper form in accelerated proceeding	266
1 legal act made electronically	33	1 legal act made electronically in accelerated proceeding	133
1 legal act in paper form + Notification of the proposal (minus 15 EUR)	51	1 legal act in paper form in accelerated proceeding + Notification of the proposal (minus 15 EUR)	251
1 legal act in electronic form + Notification of the proposal (minus 15 EUR)	18	1 legal act in electronic form in accelerated proceeding + Notification of the proposal (minus 15 EUR)	118

### 5.3 Professional services performed in the real estate market related to buying and selling a property

**Table 11: Professional services performed in the real estate market related to buying and selling a property**

<b>Services in the real estate market</b>	<b>Minimum standards for information provided by law, if applicable</b>	<b>Service providers involved</b>	<b>Quality of involvement (mandatory, optional; if optional, indicate whether usual or not)</b>	<b>Fees expressed:</b> <ul style="list-style-type: none"> <li>• In EUR as % of total purchase price <u>and</u></li> <li>• As a fixed amount (if available)</li> </ul>
<b>Estate agent services or alternative matching devices</b>	There are no standards for information	Real Estate Agency	Optional but usual	2%-6 % of total purchase price
<b>Provision of mandatory information before the start of the transaction, if applicable</b>	N/A	N/A	N/A	N/A
<b>Preliminary contract (usual)</b>	Yes	Real Estate Agency, but it can be made by purchaser or vendor	Optional but usual	Included in total fee
<b>Preliminary checks (land register, administrative permits)</b>	Yes	Real Estate Agency, but it can be made by purchaser or vendor	Optional but usual	Included in total fee
<b>Drafting the sales contract</b>	Yes	Purchaser, Vendor, Real Estate Agency, Notary or	Mandatory	<ul style="list-style-type: none"> <li>• Included in total fee</li> <li>• 100€/hour</li> </ul>

**Table 11: Professional services performed in the real estate market related to buying and selling a property**

<b>and/or deed of conveyance</b>		Attorney at law or other person		
<b>Legal advice or counselling</b>	Yes	Notary or Attorney at law	Optional but usual	<ul style="list-style-type: none"> <li>• Included in total fee</li> <li>• 100€/hour</li> </ul>
<b>Certification of signatures</b>	Yes	<ul style="list-style-type: none"> <li>• Notary</li> <li>• Attorney at law in the case of authorized contract</li> </ul>	Mandatory	<ul style="list-style-type: none"> <li>• Usually included in total fee</li> <li>• 10-30 €</li> </ul>
<b>Contract execution (transfer of payment; transfer of property)</b>	Yes	Purchaser, Vendor, Real Estate Agency, Notary or Attorney at law, Bank or other person	Mandatory	<ul style="list-style-type: none"> <li>• May be included in total fee</li> <li>• 200-800€</li> </ul>
<b>Registration in land register or similar device</b>	Yes	District office, cadastral department	Mandatory	<ul style="list-style-type: none"> <li>• Usually included in total fee</li> <li>• 33-266€</li> </ul>
<b>Taxation (esp. transfer tax)</b>	N/A	N/A	N/A	N/A

There is no overlapping fees as explained below Table 10.

## 5.4 Creating a Mortgage

**Table 12: Mortgage requirements**

Main steps to create a mortgage	Actors/institutions involved	Minimum standards for information	Additional requirements for consumer mortgages	Fees expressed: • In EUR as % of total purchase price <u>and</u> • As a fixed amount (if available)	Typical risks associated to these steps
<b>Conclusion of credit and mortgage agreement with lender (bank)</b>	Vendor, Purchaser, Bank	Act. Nr. 483/2001 on Banking	n.e.	<ul style="list-style-type: none"> <li>• Every bank has its own rate of fees;</li> <li>• OTP Banka Slovensko a.s. has 2 % of the loan volume;</li> <li>• Tatrabanka a.s. has 0,80 % of the loan volume;</li> <li>• Slovenská sporiteľňa, a.s., Všeobecná úverová banka, a.s., Československá obchodná banka, a.s., UniCredit Bank – they haven't credit processing fees.</li> </ul>	Mortgage fraud
<b>Insertion of mortgage in the land register, usually at first rank</b>	Purchaser or Bank or Agent	n.e.	n.e.	Basic fee for proposal is 66 EUR according to Act Nr. 145/1995 on Administrative Fees	Mortgage fraud
<b>Credit sum paid to mortgagor (buyer) or seller</b>	Purchaser	n.e.	n.e.	<p>Every bank has its own rate of fees</p> <p>It is not possible to specify the interest rate - it depends on the entity, whether it is the client of the bank, its credit history, the fulfilment of other conditions of the bank, the possibility of granting banks an exemption</p>	n.e.

## 6. The process to rent or let a property

### 6.1 Main steps in the transaction process to rent and let a property

<b>Table 13: Main steps of the process to rent and let a property</b>	
<b>Main steps</b>	<b>Process involved<sup>5</sup></b>
<b>Finding and matching landlords and tenants</b>	Mostly internet advertisements
<b>Information search by landlords or tenants (e.g. about salary, outstanding debts)</b>	Performed by the real estate agent if available
<b>Inspection of the property by tenants (in some cases with the help of professionals)</b>	Real estate agent presents the property to the tenant
<b>Delivery of mandatory information to tenants prior to the conclusion of the contract</b>	Usually preliminary information provided to consumers during the renting/letting process is the identification of property (address, number of flat, number of rooms in flat, equipment of the flat) the price of rent and price of utilities (electricity, water, heating, garbage). It is required by law, that the landlord/tenant agreement must contain personal data (name, address, DOB, etc.), identification of property (address, number of flat etc.), price of rent and price of utilities (electricity, water, heating, garbage etc.).
<b>Delivery of energy performance certificate to tenant</b>	Yes, the landlord (owner of the flat) is obliged to hand over the energy certificate to the tenant. Securing the energy certificate of an apartment is the responsibility of the owner on the date of conclusion of the contract of sale or lease of an apartment or a separate part. The energy certificate of the apartment together with the assessment and administration is made in two copies, one of which belongs to the owner of the flat and the other is part of the register of a person with a professional qualification for thermal protection of building structures and buildings with a storage period of 10 years.
<b>Provision of additional guarantees to landlord</b>	Landlords mostly demand additional guarantees – deposit (one – three month rent. Depends on type of property).

<sup>5</sup> Explain more precisely to what extent each step is relevant and how the step is performed

**Table 13: Main steps of the process to rent and let a property**

<b>Conclusion of the contract in the usual form (e.g. oral, written, preformulated)</b>	Written
<b>Rent payment and deposit (e.g. bank account)</b>	On bank account
<b>Registration of the contract in the land register (e.g. excluded, optional or mandatory)</b>	Lease contract on agricultural land that is agreed for period longer than 5 years can be registered in land register. No other contracts can be registered.

## 6.2 Rent contract

**Table 14: Rent contract**

Main steps	Actors involved per intermediate step; indicate if the intervention of a service provider is mandatory	Payment details <sup>6</sup>		Typical risks associated to these steps
		Payments expressed :	When is the payment made	
		<ul style="list-style-type: none"> <li>• In EUR as % of total purchase price <u>and</u></li> <li>• As a fixed amount if available (add if VAT applies)</li> </ul>		
Finding and matching the parties	Usually Real Estate Agency	1 month rent (apartment)	After the signing of the lease contract	<ul style="list-style-type: none"> <li>• Unsuitable tenant;</li> <li>• Poor quality of accommodation</li> </ul>
Information search by landlord on tenant (e.g. about salary, outstanding debts)	Unusual	N/A	N/A	N/A

<sup>6</sup> Payment shall be considered as the 'discharge of an obligation by its settlement equal to the monetary value of the debtor's obligation' while fees can be defined as 'a charge for services rendered' (Retrieved from: <http://www.investorwords.com/3634/payment.html>, <http://www.investorwords.com/1922/fee.html>). Payment, therefore, includes both the cost of the service and the fees for the service in question.

Table 14: Rent contract				
Inspection of the property by tenant (in some cases with the help of professionals)	Owner of the flat or Real Estate Agency or both	N/A	N/A	Need careful inventory
Delivery of mandatory information to tenant prior to the conclusion of the contract	Usually given by Real Estate Agency or owner of the flat	N/A	N/A	Misleading information
Delivery of energy performance certificate to tenant	Owner of the flat	N/A	N/A	N/A
Conclusion of the contract in the usual form (e.g. oral, written; if written, indicate whether preformulated are usual)	Usually written form and mostly preformulated	N/A	N/A	The oral form has a low legal probative value
Rent payment and deposit (e.g. bank account)	Bank account	N/A	N/A	N/A
Registration of the contract in the land register or other device (excluded, optional or mandatory)	N/A	N/A	N/A	N/A

There exists renting of flat/apartment and renting of agricultural land in Slovak Republic. Short-term rental apartment is regulated by Act. Nr. 98/2014 on short-term lease of the apartment. The lease agreement for flats/apartments is not registered but the lease agreement for agricultural land is registered.

### 6.3 Professional services performed in the real estate market related to renting and letting a property

**Table 15: Professional services performed in the real estate market related to renting and letting a property**

Services in the real estate market	Minimum standards for information provided by law, if applicable	Service providers involved	Quality of involvement (e.g. mandatory; exclusive rights)	Fees expressed: • In EUR as % of total purchase price <u>and</u> • As a fixed amount (if available)
<b>Finding and matching landlords and tenants</b>	Real Estate Agency	Real Estate Agency, Landlord or Tenant	Agreement or may be exclusive rights	Fees vary widely. However, for a letting only service fees are typically of one month's rent. VAT is included.
<b>Information search by landlords or tenants (e.g. about salary, outstanding debts)</b>	Data protection rules	Owner of the flat	Voluntary Agreement	N/A
<b>Inspection of the property by tenants (in some cases with the help of professionals)</b>	Defects should be disclosed but failure merely leads to rescission	Real Estate Agency, Landlord or Tenant	Voluntary Agreement	N/A
<b>Delivery of mandatory information to tenants prior to the conclusion of the contract</b>	Real Estate Agency, Landlord	Real Estate Agency, Landlord	Voluntary, agreement	N/A



**Table 15: Professional services performed in the real estate market related to renting and letting a property**

<b>Conclusion of the contract in the usual form (e.g. oral, written, preformulated)</b>	Usual is written form	Real Estate Agency, Landlord or Tenant	Agreement	N/A
<b>Rent payment and deposit (e.g. bank account)</b>	Bank account	Tenant	Agreement	N/A
<b>Registration of the contract in the land register (e.g. excluded, optional or mandatory)</b>	N/A	Landlord, Tenant	Agreement  A lease agreement for flats must not be registered in the real estate cadastre. The lease agreement for agricultural land that lasts more than 5 years can be registered in the real estate cadastre.	N/A

## 7. Professional services regulation: notaries

### 7.1 Market entry and structure regulation

**Table 16: Market entry and structure regulation**

	<b>Regulation</b>	
<b>Subjective requirements</b>	<i>Qualifications (diplomas, exams, concours) required to become a notary in the Country:</i>	<ul style="list-style-type: none"> <li>• University Education – Faculty of Law, 5 years of practice, to pass notary exams, incorruptness (person with a clean criminal record);</li> <li>• Requirements are regulated by Act Nr. 323/1992 on Notaries and Notary Activities</li> </ul>
<b>Objective requirements</b>	<i>Do numerus clauses and other objective requirements exist?</i>	<p>Yes</p> <p>Notary is a person appointed by a state who is called upon to perform a notarial activity and another activity within the scope and under the conditions laid down by law. His/her mission is to draw up notarial deeds and to carry out notarial acts that they want to give to parties/clients, participants/the authenticity of the authentic instrument. The role of the notary is at the same time to avoid a dispute, a highlighted key role that cannot be fulfilled, and the mediated exercise of justice as one of the basic tasks of the state and the scope of legal prevention.</p> <p>The notarial office holds powers, which have been conferred on notaries to carry out notarial and other activities and for an indefinite period by the State as they are permanently linked to the seat in which the notary was appointed.</p> <p>Objective requirements:</p> <ul style="list-style-type: none"> <li>• Citizen of European union;</li> <li>• Is at least 18 years of age;</li> <li>• 5 years of practice;</li> <li>• University degree in law;</li> <li>• Passed notary exam;</li> <li>• Unimpeachable</li> </ul>

<b>Table 16: Market entry and structure regulation</b>		
<b>Citizenship requirements</b>	<i>Are foreign candidates admitted de iure and also de facto under the same conditions as nationals?</i>	Yes, citizens of European Union or other countries of Agreement on European Economic Area are admitted under the same conditions as nationals.
<b>Inter-professional cooperation</b>	<i>Are forms of collaboration between notaries and other professionals allowed and usual?</i>	<p>Yes</p> <p>Almost all are solicitors, there is a closed number of notaries, their tasks are prescribed by law, a notary as a court commissioner is entitled to discuss the inheritance; the notaries also certify the authenticity of the signature, they prove the conformity of the documents, they write and issue documents on legal acts, proceedings in matters of notarial deeds and notary central registers.</p> <p>Forms of cooperation between a notary and attorney at law (or other professions) are not forbidden but are not common.</p>
<b>Business structure</b>	<i>Are notary associations/corporations allowed?</i>	<p>There is a Chamber of Notaries of Slovak Republic.</p> <p>The Notary Chamber of the Slovak Republic is a self-governing professional organisation, which brings together all notaries operating in the Slovak Republic.</p> <p>The mission of the Chamber and its bodies is to protect the interests of the notary public, to oversee the activities of notaries and to perform other functions provided by law. Notaries are governed by the Act of the Slovak National Council no. 323/92 Coll. of 6 May 1992 on Notaries and Notarial Activities (Non-Statutes), as amended. The Chamber maintains the Central Information System and is responsible for its smooth and safe operation.</p>

**Table 16: Market entry and structure regulation**

<b>Geographical limitations</b>	<i>Are there limitations with respect to the area in which the notary can exercise his/her activities (e.g. at the regional or municipal level)?</i>	Their limitation exists only in inheritance issues. The relevant notary operates in the jurisdiction of the court of first instance, in which the deceased had his/her last permanent residence.
	<i>Are these limitation restricted to specific tasks?</i>	Yes – inheritance issues.

## 7.2 Market conduct regulation

**Table 17: Market conduct regulation**

	<b>Regulation</b>	
<b>Exclusive rights</b>	<i>Specify for which transactions or parts of them only notaries may act against payment.</i>	No, there are no such transactions in Slovak Republic.
<b>Duty to provide services</b>	<i>Are notaries allowed to refuse a request to act?</i>	Yes, under conditions given by Act Nr. 323/1992 on Notaries and Notary Activities.
<b>Professional standards</b>	<i>How are professional standards regulated? What are the tasks of the professional representation (e.g. Chamber of Notaries) in this context?</i>	Membership in Chamber of Notaries of Slovak Republic is mandatory.
<b>Mandatory intervention</b>	<i>Is the intervention of a notary required for the registration procedure?</i>	Only in cases in which the notary is asked to make a contract or some certification of legally important facts, for example endurance.  The intervention of a notary is not required for the registration procedure. But the notary may be authorized to represent the parties in the cadastral proceedings. Notary is also authorized to authenticate signatures of the parties.
<b>Compulsory indemnity insurance</b>	<i>Is indemnity insurance compulsory? If yes, what is the indicative amount of the insurance? List of the different types of indemnity insurance (if applicable).</i>	Yes, but the law doesn't specify the maximum amount of the insurance cover limit.

**Table 17: Market conduct regulation**

<b>Continuing education</b>	<i>Do forms of continuing education exist? If yes, is continuing education mandatory?</i>	No
<b>Advertising restrictions</b>	<i>Are there limitations on advertising?</i>	No
<b>Fee regulation</b>	<i>Notarial fees system</i>	The fees are set by Decree Nr. 31/1993 on Remuneration and Compensation of Notaries. In case of inheritance, the fees are paid by successors (agreement) and in case of contract, the fees are paid according to agreement of the contractual parties.

8. Professional services regulation: lawyers or other licensed conveyancers (only relevant if legally admitted to perform real estate transactions and/or to assist the conclusion of tenancy agreements)

8.1 Market entry and structure regulation

Table 18: Market entry and structure regulation		
	Regulation	
<b>Subjective requirements</b>	<i>Conditions (diplomas, exams, concours) required to become a lawyer in your country.</i>	University education, Faculty of Law, completion of 5 years of legal practice as paralegal, after 5 years of practice they have to pass an exam to become an attorney at law, incorruptness (person with a clean criminal record).
<b>Objective requirements</b>	<i>Do numerous clauses and other objective requirements exist?</i>	No
<b>Citizenship requirements</b>	<i>Are foreign candidates admitted de iure and also de facto under the same conditions as nationals?</i>	Yes
<b>Inter-professional cooperation</b>	<i>Are forms of collaboration between lawyers and other professionals allowed and usual?</i>	Yes, contractual cooperation is usual.
<b>Business structure</b>	<i>Are lawyer associations/corporations allowed?</i>	Membership in the Slovak Bar Association is mandatory. There is only one such association for the whole territory of Slovak Republic.  Attorneys at law can make their business with other attorneys at law in different forms of cooperation, e.g. in a limited liability company.
<b>Geographical limitations</b>	<i>Are there limitations with respect to the area in which the lawyer can exercise his/her activities (e.g. at the regional or municipal level)?</i>	No, there aren't limitations with respect to the area in the Slovak Republic. An attorney at law can exercise his/her activities in the whole territory of the Slovak Republic.
	<i>Are these limitation restricted to specific tasks?</i>	No

An attorney at law may carry out activities as a tradesman or may carry out the activity within a commercial company, most frequently a limited liability company.

## 8.2 Market conduct regulation

**Table 19: Market conduct regulation**

	<b>Regulation</b>	
<b>Exclusive rights</b>	<i>Transactions or parts of them only lawyers may act against payment</i>	<p>Set by Act Nr. 586/2003 on Advocacy</p> <ul style="list-style-type: none"> <li>• Attorney at law is a person registered in the list of attorneys, which is kept by the Slovak Bar Association, and at the same time fulfils all the conditions set out in Act no. 586/2003 Coll. on advocacy and on amendment of Act no. 455/1991 Coll. on Trade Licensing (Trade Act), as amended;</li> <li>• An important activity of attorney at law is also the authorization of real estate transfer contracts, which consist in writing such a contract, identifying its participants and their representatives and assessing whether the contract is contrary to the law, obviates the law, does not speak with good morals and does not end up with the fact of establishing damage;</li> <li>• The attorney is obliged to protect and enforce the rights and interests of the client and to follow his/her instructions in the course of advocacy;</li> <li>• Attorneys at law also writes contracts, represents citizens in court proceedings and other bodies.</li> </ul>
<b>Neutrality</b>	<i>Is the lawyer allowed to act on behalf of both parties involved in the transaction? In this case, what type of fees apply and which party has to bear them?</i>	Yes, the lawyer is allowed to act on behalf of both parties involved in the transaction. It isn't regulated by law whether an attorney at law can act simultaneously for both parties.
<b>Duty to provide services</b>	<i>Are lawyers allowed to refuse a request to act?</i>	Yes, under conditions given by Act Nr. 586/2003 on Advocacy.
<b>Professional standards</b>	<i>How are professional standards regulated? What are the tasks of the professional representation (e.g. Chamber of Lawyers/Advocates) in this context?</i>	Discipline is enforced by law and is controlled by Disciplinary Board of Slovak Bar Association.

**Table 19: Market conduct regulation**

		<p>Slovak Bar Association (SBA) is an autonomous professional organization that associates all lawyers enrolled in the lawyer's cabinet list. The Chamber is a legal person; its seat is Bratislava.</p> <p>The bodies of SBA are:</p> <ul style="list-style-type: none"> <li>• Lawyers' conference;</li> <li>• The Chamber of Bureau, which has nine members and three alternates;</li> <li>• A Review Panel consisting of nine members and three alternates;</li> <li>• A Disciplinary Board, which has 31 members and 10 alternates;</li> <li>• An appeal disciplinary board with ten members and three alternates.</li> </ul> <p>SBA shall issue regulations in accordance with this Act.</p> <p>Slovak Bar Association may also establish advisory bodies. Details of the establishment and operation of the SBA's advisory bodies will be determined by the Chamber's regulations.</p> <p>SBA shall process personal data to the extent necessary for the purposes of this Act in accordance with a special regulation.</p> <p>The Slovak Bar Association is an independent self-administrative professional organisation, currently associating lawyers and 1220 lawyers. The Slovak Bar Association exercises the disciplinary power and supervises the proper and due practice of the profession.</p>
<p><b>Compulsory indemnity insurance</b></p>	<p><i>Is indemnity insurance compulsory? If yes, what is the indicative amount of the insurance?</i></p>	<p>An attorney at law (or his/her employees) is responsible to the client for the damage. Insurance is mandatory - 100.000 EUR (tradesman), 1.500.000 EUR (for 1 member of law firm).</p>



**Table 19: Market conduct regulation**

<b>Continuing education</b>	<i>Do forms of continuing education exist? If yes, is continuing education mandatory?</i>	Attorneys at law can attend seminars regularly organized by the Slovak Bar Association. However, attendance at seminars is not compulsory.
<b>Advertising restrictions</b>	<i>Are there limitations on advertising?</i>	<p>Attorney at Law is generally free to advertise subject, e.g. to ensuring adverts are not misleading.</p> <p>Advocate´s advertising, advertising of an association or a lawyer-based company may not even compare a lawyer, association or commercial law firm with another lawyer, association, or trade company based on advocacy, and advertise may not be:</p> <ul style="list-style-type: none"> <li>• Contrary to the regulations of the Slovak Bar Association;</li> <li>• Immoral, false or misleading;</li> <li>• Capable of jeopardizing the dignity of the legal profession.</li> </ul>
<b>Fee regulation</b>	<i>Lawyer fee system</i>	Fees are agreed between the parties but are liable to taxation.

## 9. Professional services regulation: estate agents

### 9.1 Market entry and structure regulation

**Table 20: Market entry and structure regulation**

	<b>Regulation</b>	
<b>Subjective requirements</b>	<p><i>Qualifications (level and duration of education and training, diplomas, exams, traineeships or professional experience requirements, concours) required to become an estate agent in your country. Other access requirements for a professional (such as compulsory membership in professional bodies/compulsory registration, minimum age requirements, clean criminal record, etc.)</i></p>	<ul style="list-style-type: none"> <li>• <b>Real estate agency</b> – only real estate agencies are allowed to perform real estate services independently. Real estate agency is either company or individual person conducting entrepreneurial activity based on a trade licence;</li> <li>• <b>Subjective requirements for real estate agency</b> – diploma from university (faculty of law, architecture, economy, civil engineering) or full high school education and 5 years of experience in field;</li> <li>• <b>Real estate agent</b> – is either a company or an individual person that is not allowed to perform real estate services independently. There are no subjective requirements for real estate agents. Anyone in Slovak Republic can be real estate agent. S/he just needs a trade licence and doesn't need any training, practice, diplomas or exams;</li> <li>• A person who performs real estate activities in the Slovak Republic as described in the enclosure to the Trade Licensing Act must submit a certificate of education – university education or a certificate of school leaving examination (maturity certificate) and a proof of 5 – years practice.</li> </ul>
<b>Objective requirements</b>	<p><i>Do numerus clauses and other objective requirements exist?</i></p>	<p>18 years of age, incorruptness (person with a clean criminal record), person having full legal capacity.</p>

<b>Table 20: Market entry and structure regulation</b>		
<b>Licence requirements</b>	<i>Are estate agents licenced or do they work as employees?</i>	A real estate agent can be an employee of a Real Estate Agency but most agents work as a tradesman (self-employed – trade licence).
<b>Citizenship requirements</b>	<i>Is unlimited access to the profession granted to foreign professionals de iure and de facto?</i>	Yes
<b>Inter-professional cooperation</b>	<i>Are estate agents allowed to exercise another profession or business activity? Is inter-professional cooperation regulated?</i>	Yes, they are allowed. Inter-professional cooperation isn't regulated.
<b>Business structure</b>	<ul style="list-style-type: none"> <li><i>Indicate the share of estate agent acts acting as sole practitioners and as companies (if data are available)?</i></li> <li><i>Can the agent be employed by another agent or establish a partnership with other agents?</i></li> <li><i>Are there any restrictions on the corporate structure of a real estate enterprise (such as voting rights reserved to qualified members of a profession, shareholding requirements etc.)?</i></li> </ul>	<ul style="list-style-type: none"> <li>Not known</li> <li>Yes</li> <li>No</li> </ul>
<b>Geographical limitations</b>	<ul style="list-style-type: none"> <li><i>Are there limitations with respect to the area in which the estate agent can exercise his/her activities (e.g. at the regional or municipal level)?</i></li> </ul>	No
	<ul style="list-style-type: none"> <li><i>Are these limitation restricted to specific tasks?</i></li> </ul>	No

## 9.2 Market conduct regulation

**Table 21: Market conduct regulation**

	<b>Regulation</b>	
<b>Neutrality</b>	<i>Is neutrality regulated? Is the agent allowed to act on behalf of both parties involved in the transaction? In this case, what type of fees applies and which party bears these?</i>	The agency/agent is generally employed by the vendor, but s/he can work for both parties.
<b>Professional standards</b>	<i>How are professional standards regulated? Are entities or associations ensuring the professional representation and respect of rules of good practice (e.g. association of real estate professionals)?</i>	There are no standards, nor regulation concerning real estate entrepreneurship. There is a national standard document: "STN EN 15733 –Services of real estate agents" but it is voluntary.  There are associations in Slovak Republic (e.g. Real Estate Union of the Slovak Republic), but membership is only voluntary.
<b>Compulsory indemnity insurance</b>	<i>Is indemnity insurance compulsory for estate agents? If yes, what is the indicative amount of the insurance?</i>	Insurance is voluntary.  Maybe 5% of real estate agents are insured.
<b>Continuing education</b>	<i>Do forms of continuing education exist? If yes, is continuing education mandatory? What are the requirements related to the content and duration of continuing education? What are the consequences of non-compliance?</i>	No.  However, Real Estate Union of the Slovak Republic offers some courses and trainings regarding selling, buying, lease, rent of real estate property.

**Table 21: Market conduct regulation**

<b>Advertising restrictions</b>	<i>Are there limitations on advertising?</i>	Restrictions are set in Commercial Code and Consumer Protection Act, for example deceptive advertising, concealed advertising, unfair competition.
<b>Fee regulation</b>	<i>Are fees limited by statute? Which party is responsible for their payment?</i>	There is no regulation nor standards, so everything is upon agreement. Fees are not limited. Fees are paid by that party who ordered services from real estate agency, so mostly the vendor pays fees.
<b>Compulsory membership in professional bodies/compulsory registration</b>	<i>Is membership in professional bodies compulsory? If so, what are the membership conditions and the membership fees? Does the professional body have a supervisory or another important regulatory role?</i>	It is voluntary. Membership fees to appropriate association.

## 10. The real estate market

### 10.1 Transaction costs for sample transactions

<b>Table 22: Transaction costs VAT excluded</b>						
	<b>Estate agent<sup>7</sup></b>	<b>Technical services (if usual)</b>	<b>Legal services</b>	<b>Land register fee</b>	<b>Transfer tax/stamp duty</b>	<b>Total usual transfer costs</b>
<b>€100,000 sales price (no mortgage)</b>	1500 € (upon agreement)	25 €	500€ (upon agreement)	66 €	19%	2500 €
<b>€100,000 sales price + 100.000€ mortgage</b>	1500 € (upon agreement)	25 €	500€ (upon agreement)	66 €	19%	2500€
<b>€250,000 sales price (no mortgage)</b>	3000-4500 € (upon agreement)	25 €	800€ (upon agreement)	66 €	19%	5000€
<b>€250,000 sales price + 250,000€ mortgage</b>	3000-4500 € (upon agreement)	25 €	800€ (upon agreement)	66 €	19%	5000€
<b>€500,000 sales price (no mortgage)</b>	10000€ (upon agreement)	25 €	2000€ (upon agreement)	66 €	19%	15000€
<b>€500,000 sales price + €500,000 mortgage</b>	10000€ (upon agreement)	25 €	2000€ (upon agreement)	66 €	19%	15000€
<b>%VAT applicable</b>	20%	20%	20%	n.e.	n.e.	20%

<sup>7</sup> An agent usually receives a percentage of the transaction value.

There is no property tax regarding transfer of ownership or transfer tax in Slovak Republic. There is also no inheritance tax or donation tax in Slovak Republic. We have only income tax in cases written above.

## 10.2 Transaction features

Table 23: Transaction features			
Transaction / service	Party bearing the costs of intermediation service (buyers or sellers, landlords or tenants)  Costs expressed: • In EUR as % of total purchase price <u>and</u> • As a fixed amount (if available)	Indicate fees as expressed in the contract: • In EUR as % of total purchase price <u>and</u> • As a fixed amount (if available)	Possible hidden costs faced by buyers or tenants, if applicable
Estate agents	Seller, Landlord	% of final cost or fixed	-
Technical services	Seller, Landlord	Fixed	Mortgage fees
Legal services	Seller, Landlord	Upon agreement	-
Land register fees	Seller	Determined by law	-
Taxes on conveyancing	-	-	-
Transfer taxes	Seller (income tax)	Determined by law	

### 10.3 Taxes during the process of buying and selling a property

<b>Table 24: Taxes related to buying and selling a property</b>			
	<b>Relevance of the tax</b>	<b>When to pay the tax as part of the process of buying or selling</b>	<b>Tax amount (expressed in EUR as % of total purchase price <u>and</u> as a fixed amount if available)</b>
<b>Registration tax<sup>8</sup></b>	No	-	-
<b>Mortgage tax</b>	No	-	-
<b>Cadastral tax</b>	No	-	-
<b>Stamp tax</b>	No	-	-
<b>Transfer tax (tax on the acquisition of property)</b>	Yes (it is income tax, not exactly transfer tax)	After selling until next 31 <sup>st</sup> of March	19% of income from property (example: if someone buys property for 80000€ and sells it for 100000€, is obliged to pay 19% from 20000€).
<b>Archives tax</b>	No	-	-
<b>Other taxes</b>	Property tax (tax for owning a property)	Every year until end of May	Each city has its own tax structure. For example in capital city – Bratislava, owners of flats in 1. district have to pay tax 0,455€ for each m2 of their flat.

<sup>8</sup> Registration taxes are public levies associated with the registration act. They are not to be confused with registration fees, i.e. the payment required by the registration office to carry out the registration. Registration fees are contained in Table 10.



#### 10.4 Taxes during the process of renting and letting a property

**Table 25: Taxes related to renting or letting a property**

	<b>Relevance of the tax</b>	<b>When to pay the tax in the process of renting or letting</b>	<b>Tax amount (expressed in EUR as % of total purchase price <u>and</u> as a fixed amount if available)</b>
<b>Registration tax</b>	No	-	-
<b>Stamp tax</b>	No	-	-
<b>Other taxes concerning the use of the property, if applicable</b>	Income tax	Until 31 march	19% of income from renting a property

## 11. Consumer situation in the market

### 11.1 Consumer rights

Table 26: Consumer rights		
<b>Are there specific consumer rights in the context of real estate transactions and residential tenancies in your country?</b>  <b>In particular: are residential tenants treated as consumers?</b>	<i>With respect to buyers</i>	No special consumer rights for real estate transactions.
	<i>With respect to sellers</i>	No special consumer rights for real estate transactions.
	<i>With respect to tenants</i>	No special consumer rights for real estate transactions.
	<i>With respect to landlords</i>	No special consumer rights for real estate transactions.
<b>Which existing marketing practices are non-compliant with national consumer legislation?</b>	Not relevant in the country	
<b>Which existing marketing practices are non-compliant with EU consumer legislation?</b>	Not relevant in the country	
<b>Are there existing marketing practices detrimental to consumers, even if not necessarily illegal, in both domestic and cross-border transactions?</b>	Not relevant in the country	

There are only general consumer rights in Slovak republic. A consumer is a person who does not, when concluding and fulfilling a consumer contract, engage in business or other business. Consumers' rights are, for example:

- Right to protect the economic interests of the consumer;
- Right to information and illumination;
- Right to compensation for damages s/he has suffered from;
- Principle of equality of participants;
- The principle of contractual freedom;
- Prohibition of other rights violation;
- The principle of legal certainty;
- No abuse of subjective law.

The residential tenants are treated as consumers in accordance with Act. Nr. 250/2007 Consumer Protection Act.

## 11.2 Consumer complaints

<b>Table 27: Consumer complaints</b>	
<b>How often do buyers and sellers complain due to arising legal issues (e.g. invalid contract, missing information, hidden defects, missing building permit, delay in payment)?</b>	<p>Consumers whose rights have been violated may apply to the Slovak Business Inspection with a request for an investigation. Invalid transfers or frauds can be solved only by courts in the Slovak Republic. There is no housing ombudsman in Slovak Republic, but only a general ombudsman. Complaints are solved by the district office, cadastral department, repeated complaints are solved by Geodesy, Cartography and Cadastral Authority of the Slovak Republic.</p> <p>Errors / mistakes are usually detected only after the decision of the district office, cadastral department is issued. Other issues may arise from the contract and must be resolved by the parties by agreement or by court.</p>
<b>How often do tenants and landlords complain due to arising legal issues (e.g. invalid contract, missing information, increase of rent, termination of the contract without proper notice)?</b>	No statistics on how often landlords and tenants complain.
<b>Are consumer complaints against a professional service provider frequent, in particular as regards the fees and quality or service?</b>	Not so often, but no statistical data available.
<b>To whom can consumers complain (e.g. local or national administration, consumer protection agencies)? And through which means (e.g. formal letter, online form)? Is the procedure effective (in particular: average time needed for reply, solutions available for redress)?</b>	<p>Consumers can complain to Slovak Business Inspection; Geodesy, Cartography and Cadastral Authority of the Slovak Republic; district office, cadastral department; Chamber of Notaries; Slovak Bar Association; Court.</p> <p>Anyone whose rights have been violated can make a complaint, e.g. every citizen such as seller, buyer, landlord, and tenant.</p> <p>People usually complain in writing (letter, email), there is no available on-line form.</p> <p>The administrative body has 60 working days to resolve the complaint and, if justified, is required to take action to remedy the deficiencies.</p>