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Review of the habilitation thesis of JUDr. Bystrík Šramel, PhD., entitled
***Prokuratúra Slovenskej republiky ako orgán ochrany práva a jej miesto v oblasti verejnej správy*,**
Univerzita sv. Cyrila a Metoda v Trnave. Trnava: FSV UCM, 2019, pp. 326

1. Characteristics of the thesis

The reviewed habilitation thesis consists of fourteen previously published papers which were completed by a joint preface and conclusion. According to the regulations in force in the Slovak Republic in general (Decree of the Ministry of Education, Science, Research and Sport of the Slovak Republic No. 246/2019 Z.z.) and at the University of St. Cyril and Methodius in particular, a habilitation thesis could be made up of published papers, provided that a commentary in form of preface and concluding will be added. In case of the thesis of Dr. Šramel this condition should be considered satisfied, since the preface of 8 pages reveals in a sufficient way the aim of the thesis and the used methods, while the conclusion which is very long one (42 pages) presents several *de lege ferenda* and *de constitutione ferenda* proposals and recommendations. Therefore, the conclusion should be assessed as comprehensive enough. As a side note, I will point out that according to Polish regulations a habilitation thesis can also take form of a book (monograph) or a set of papers or chapters (article 219 of the Act of July 20, 2018: Law on Higher Education and Science, Dz.U. item 1668). However, there is no requirement to attach a separate commentary concerning the conclusions of previously published works included in the set being a habilitation work. In my view, the requirement of Slovak provisions requiring the addition of a commentary are justified and reasonable.

Dr. Šramel's aim was to "examine the existing legal regulation of the Prosecutor's Office of the Slovak Republic, both in the context of organizational aspects of this law protection authority and in the context of its competence in the non-criminal field (field of public administration)" (p. 2). In my view, the subject chosen by the author is relevant from the scientific point of view and suitable for a habilitation thesis. It is wide enough to present findings of very general character, concerning the constitutional level of legal regulation, but at the same time it is not to broad. I find the author's choice to focus on organizational side of Slovak Prosecutor's Office as felicitous, since the examination of al spheres of the Prosecutor's Office activity would be too wide a subject for a single monograph or a set of papers. Thus, it is likely that a work trying to encompass the entire scope of the Prosecutor's Office

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tasks and competences would be shallow and sketchy. However, the author rightly notes that it is impossible to omit completely the criminal-law aspects of the Prosecutor's Office's functioning, since criminal-law function "is the basic, main and dominant form of the prosecution's activities, not only in Slovakia but also abroad" (p. 8). To conclude, both the subject and aim of the thesis is appropriate and correspond with standard requirements concerning habilitation theses' in such countries as Poland, Slovakia or the Czech Republic. The methods used by Dr. Šramel are the standard methods of research in the field of legal sciences and they are undoubtedly proper.

The fourteen papers forming a set of papers belong to three groups. As it is said in the preface (pp. 4–5), the first group is devoted to the legal position of Prosecutor's Office in the system of public authority. The issues included in this group of papers are analyzed from the point of view of both constitution and statutes. The second group refers mainly to the competences of Prosecutor's Office in the area of public administration, with special emphasis on the regulations of administrative supervision. The third group, in turn, is based on comparative approach. The author focuses, however, on the Visegrád Four. In my view, this choice is reasonable, first of all because the V4 countries underwent transition from "real socialism" to democracy based on rule of law and certain problems, including those with the legal design of public prosecution, were common. In short, the author properly chose the issues being the subject of detailed analyses. Examination of these issues is sufficient to present the legal status and organizational aspects of the Prosecutor's Office of the Slovak Republic against the comparative background.

2. Detailed remarks

The first paper being a part of the habilitation thesis is entitled "Constitutional Status of Public Prosecution in the Czech Republic and Slovakia: Comparative aspects". Dr. Šramel presents here and defends the view that: "From institutional-comparative perspective it is possible to conclude that in the existing legally consistent states with a long democratic tradition institution of public prosecution is not an institution, which must be the subject of constitutional regulation. … I do not think that such a legislative approach of creating the public prosecution is especially in our socio-political conditions appropriate. Ordinary law passed by the ruling political group can, in certain cases, become a means to gain influence over the activity of public prosecution and lead to promoting the interests of the ruling parties. The law which requires only a simple majority of votes can very easily change the basic provisions concerning the organization and competence of public prosecution" (pp. 13–14). I find this position well-grounded and reasonable. As to Polish circumstances, I think that it would be better if the Polish constitution comprised provisions concerning the institution of public prosecution, even as general as the provisions of the constitution of the Czech Republic and the constitution of the Slovak Republic regarding this institution. Unfortunately, Polish Constitution of April 2, 1997 does not mention this institution at all. It lists the Prosecutor General among the bodies, persons and entities who have the right to submit a request to the Constitutional Tribunal (article 191 section 1). However,

it is not indicated who is the Prosecutor General and what are competences of that organ. Moreover, it is stated that a public prosecutor shall not exercise the mandate of a member of parliament (article 103 section 2). The noted Polish constitutional lawyer, professor Halina Zięba-Załucka aptly wrote: "The Polish legislator has not yet defined the prosecutor's office as an authority in the system of state authorities by means of a formal definition. In the literature on the subject it has been situated somewhere between the executive and judicial authorities …" (H. Zięba-Załuska, "Prokuratura w nowej ustawie z 2016 roku. Eksperyment z podległością władzy wykonawczej", *Przegląd Prawa Konstytucyjnego* 2016, No. 5 (33), p. 117). According to the quoted scholar: "… the lack of a detailed regulation in the Polish Constitution of 1997 regarding the prosecutor's office means that far-reaching changes in the competence and status of this body are permissible" (*Ibid.*, p. 121). Thus taking into consideration not only Slovak and Czech, but also Polish regulations, I am compelled to agree completely with Dr. Šramel's position concerning the need for constitutional regulation of public prosecution institution, at least in the countries of Central and Eastern Europe.

Dr. Šramel finds extremely brief regulation of public prosecution in the 1992 Constitution of Slovakia unsatisfactory (p. 18). He plausibly points out that Czech Constitution of 1992, stating that "public prosecutors shall represent public prosecution in criminal proceedings" (article 80 section 1), "provides higher standards of protection of competence of public prosecution as the Slovak Constitution" (p. 24). At the same time, the author emphasizes: "the Slovak constitutional regulation of the organization of public prosecution provides a slightly higher level of protection of cardinal organizational principles of public prosecution. Although Slovak regulation is not also quite satisfactory, the anchoring of one of the principles of its organization (principle of centralism) directly at constitutional level provides some guarantee of stability of the construction of public prosecution" (p. 25). In my view, Dr. Šramel's suggestion that "some form of responsibility of public prosecution for its activity to … Parliament" (p. 28) is worth considering. As he rightly stresses: "Strengthening of responsibility relations is necessary mainly because of the fact that public prosecution holds significant powers to interfere also with the fundamental human rights and freedoms" (*ibid.*). It is only from the reviewer's duty that I must indicate a few language errors which occur in the paper. On page 17, it should be stated: "In March 2001, however, a new act no. 153/2001 Coll. on public prosecution was adopted …", instead of "… has been adopted …". Similarly, on the subsequent page the first sentence should be corrected as follows: "At the same time, legal relations arising from the service of public prosecutors enacted in a single act on public prosecution from 1996 were codified in a new special act". The sentence in the middle paragraph on page 27 need to be slightly reformulated: "Individual public prosecutors may be the experts or professionals, but in a case of periodic political changes occurring in the executive power this certainly important qualification condition is considerably relegated to the background". These minor errors do not diminish, however, the substantive value of the reviewed paper.

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In the second paper of the habilitation set: "Moderné trendy v oblasti organizácie verejnej žaloby: Nezávislosť", the author deals with the independence of public prosecution, advocating as much independence of prosecutor's office as possible in the democratic state realizing the rule of law principle (although he observes that in several European states public prosecution is still subordinated to the executive, e.g. in Germany, Austria, Denmark and the Netherlands). While analyzing this issue, Dr. Šramel distinguishes between independence of the state's organ and its willfulness. Moreover, he is of the opinion that external independence of the prosecutor's office is even more important for the proper functioning of that state body than its internal independence (pp. 30–33). The author's remarks on the history of the notion of public prosecution's independence are particularly interesting (pp. 34–38). Then, three main models (or ideal types) of public prosecution are discussed and it is quite clear that in the author's view, Scandinavian regulations (with the except of Denmark) can be treated as an example to follow in regards to the independence of public prosecution (cf. pp. 40–41). As to comparative issues, the author describes the legal design of public prosecution in the V4 countries, including Poland. This part of the paper is based mainly on Bolesław Banaszkiewicz's article of 2012, published in the Czech journal *Trestní právo*, and it does not take into account legal changes that took place later (p. 43). It is quite understandable because the paper was originally published in 2012. In my view, however, at least in conclusion the author should add a commentary informing about the latest legal regulations which were not mentioned in particular papers included in the habilitation set.

As to the issue of independence of Polish Prosecutor's Office, it should be noted that between 1990 and 2010 the Minister of Justice was also the General Prosecutor. In the short period between 2010 and 2016 the functions of General Prosecutor and Minister of Justice were separated. It did not mean, however, that Prosecutor's Office was fully separated from the executive power. As professor Zięba-Załuska puts it: "Limited impact on its own budget, lack of legislative possibilities, and above all the assessment of the annual report of the Prosecutor General, which gave grounds for his dismissal, were the basis for calling the prosecutor's office to order. Such situations would probably not occur if the prosecutor's office were a constitutional body" (H. Zięba-Załuska, "Prokuratura w nowej ustawie z 2016 roku. Eksperyment z podległością władzy wykonawczej", *Przegląd Prawa Konstytucyjnego* 2016, No. 5 (33), p. 115–116). The Act of January 28, 2016: Law on the Prosecutor's Office (Dz.U. item 1668) restored the legal solution, which was in force until 2010. Thus, the functions of Minister of Justice and General Prosecutor are merged again. The law of 2016 guarantees the independence of an individual prosecutor, although at the same time he or she "is obliged to comply with orders, instructions and commands of a superior prosecutor" (article 7 paragraph 2). The independence of the Prosecutor's Office as the authority, however, is not fully recognized under Polish law. Therefore, the legal status of this state authority in Poland is still a subject of debates among legal scholars. In that regard the considerations of Dr. Šramel, who defends a different view of the prosecutor's office than realized in scope of Polish legal system, can be also interesting and even illuminating for Polish lawyers.

The subject of contemporary trends regarding the public prosecution is continued in the third paper, referring to the issue of specialization ("Moderné trendy v oblasti organizácie verejnej žaloby: Špecializácia"). The author focuses on "organizational specialization" which consists of "creating of specialized bodies of prosecution". The tendency towards specialization of that type is aptly noticed and described in the paper. Under Polish law, this tendency is manifested, e.g., in creation of such authorities as Centralne Biuro Śledcze Policji (Central Police Investigation Bureau, existing since 2000 and dealing with organized crime) and Centralne Biuro Antykorupcyjne (Central Anticorruption Bureau, being a separate special service created in 2006), since both organs fulfil certain functions and tasks of public prosecution, mainly concerning evidence proceedings. The author rightly points out that beginnings of specialization of public prosecution should be seen in the creation of specific bodies dealing with juvenile crime at the turn of the 19th and 20th centuries. For instance, the institutions of juvenile prosecutor and juvenile courts were created in Hungary in 1913 (pp. 55–57). Analyzing contemporary issues, Dr. Šramel uses many examples taken from such European countries, as Denmark, Sweden, Norway, Finland, Spain, Portugal, Italy, the Netherlands, Austria, Latvia, Lithuania, the Czech Republic, Hungary, and Poland (Institute of National Remembrance – Main Commission for the Prosecution of Crimes against the Polish Nation is mentioned; pp. 67–68). The analyses presented in the paper should be considered as comprehensive.

In the fourth paper, entitled: "Public Prosecution Service in the political system of the Slovak Republic: really politically independent public authority?", Dr. Šramel presents his own, original proposals for the public prosecution service in Slovakia, designed to enable the implementation of the principle of independence to the greatest extent possible. It should be noted that the original article is indexed in the Web of Science database. The author rightly observes that "excessive hierarchy, excessive centralization and bureaucracy lead to the weakening of the autonomy of public prosecutor …" (p. 77), and thus internal independence of the public prosecution service becomes problematic. As to external independence, Dr. Šramel focuses primarily on the election of the Prosecutor General. In his opinion: "Under the conditions of parliamentary election of candidates for the Prosecutor General, the influence of political parties on the selection of candidates is in fact undeniable and for this reason doubts about his independence from the ruling political group may and must arise" (p. 76). It should be noticed, however, that the same can be true concerning the justices of the Constitutional Court and all other positions, the appointment of which depends on politicians (it is worth noting that in Poland the Constitutional Court justices are elected directly by the parliament, while in Slovakia the parliament plays decisive role in indicates candidates who are presented to the president). Therefore, it can be doubted whether full independence from politicians in case of such positions and functions is possible at all. Notwithstanding, Dr. Šramel is optimistic about such a possibility and ascertains us that: "The model operating at the European Anti-Fraud Office (OLAF) could serve as a potential model for securing and controlling the independent operation of the Public Prosecutor's Office" (p. 80). Therefore, the presents several *de constitutione ferenda* and *de lege ferenda* proposals. In his

view, Slovak Prosecutor General should be elected by an independent personnel committee or commission, consisting of twelve persons. The Prosecutor General and five prosecutors elected by the community of prosecutors would consist the first group of members. Six legal practitioners would be included in the second group (appointed, in equal numbers, by the government, the National Council of the Slovak Republic, and by the president). According to Dr. Šramel, this body could also deal with other personnel issues, e.g. disciplinary proceedings (pp. 81–82). Moreover, the author points out that in recent years prosecutor's discretion in criminal proceedings was strengthened in order to "relieve criminal courts from dealing with a large number of less serious criminal cases and to enable them to focus on handling the serious crime" (p. 85). The tendency to enhance this discretion ("principle of opportunism") is deemed by Dr. Šramel, quite rightly, to be dangerous. The author sees a remedy for its negative consequences in the institution of subsidiary prosecution "through which the injured party could assert his interest in the prosecution and punishment of the perpetrator if the public prosecution authorities refuse to perform their tasks". He advises, however, that "the possible introduction of the institution of subsidiary prosecution in the Slovak legal order should be exercised with great caution and with particular care" (p. 85). Dr. Šramel's views should be assessed positively because of their originality and many-sidedness. Both in Poland and in Slovakia it is not so common, as I suppose, that new regulation of a specific legal institution is proposed in the habilitation dissertation. Therefore, the author's effort should be appreciated.

The issue of subsidiary prosecution is discussed in details in the next paper included in the habilitation set: "Subsidiárna žaloba a možnosti jej využitia v slovenskom trestnom konaní". The author is of the opinion that under Slovak law, the injured party has virtually no legal measures to ensure, independently of the prosecutor's office, the control over the correctness of the prosecutor's decisions (p. 88). The institution of subsidiary prosecution could serve as such a legal measure. In the paper, Dr. Šramel presents his views against a broad comparative legal background, taking into consideration legal order of such countries as Belgium, Norway, Sweden, Austria, Slovenia, Croatia, and Poland. The author's analyzes based on comparative law approach should be considered as particularly valuable. Among many European regulations, Polish Code of Criminal Procedure of June 6, 1997 is extensively quoted (pp. 95–96). According to the author, Polish provisions could serve as a kind of pattern for Slovak legislator (p. 104). Moreover, Dr. Šramel aptly refers to the classic, Czech and Czechoslovak legal scholars of the late nineteenth and early twentieth centuries: František Storch and František Kronberger. It should be concluded, therefore, that the paper is of proper quality and level of scholarship.

In the sixth paper the issue of the immunity of the president of Slovak Republic is discussed in detail ("Exempcia prezidenta a niektoré problematické otázky jeho stíhania exempcia"). The author is of the opinion that the president's immunity is of substantive-law nature, although during holding the office of president, this substantive-law immunity overlaps with the procedural-law immunity. Moreover, it is an absolute immunity (pp. 108–109). However, the paper's subject slightly goes

beyond the main topic of the habilitation set, but the paper itself should be assessed as an interesting contribution concerning border area between criminal proceedings and constitutional law. In Dr. Šramel's view, the flows of Article 107 of Slovak Constitution consist in the lack of definition of "treason" and of the "willful infringement of the Constitution" (pp. 111–117).

The paper entitled "Reforma prokuratúry Slovenskej republiky" contains the assessment of the reform of Slovak Prosecutor's Office, adopted by parliament in 2011. On the one hand, the author criticizes the prohibition of so-called negative instructions. According to the amendment, only the directly superior prosecutor is able to order not to prosecute, not to charge, not to bring the accused into custody, to stop the prosecution, not to prosecute and not to bring an ordinary or extraordinary remedy against the accused, as well as to refrain from taking certain actions on the ground of civil law. In the author's opinion, this change weakens the principle of centralism which is one of the main principles of public prosecution. Moreover, it may endanger the uniform application of generally binding legal provisions as well as the uniform application of criminal policy (pp. 129–130). On the other hand, repeal of military prosecutions is assessed as a welcomed step. The efforts to increase transparency and public scrutiny of the selection process for prosecutors are also be positively evaluated in the paper. Dr. Šramel presents mixed view concerning the replacement of candidates for the prosecutor's office with prosecutors' assistants. In his eyes, the creation of the position of prosecutors' assistant is desirable. The repeal of the institution of candidate for the prosecutor's office was premature. The candidates were comprehensively trained to perform the tasks of prosecutors, while it is likely, according to Dr. Šramel, that assistants who perform only administrative work may not be prepared enough to perform the entire scope of these tasks on their own in the future. He rightly observes that "there is no single state in Europe that does not have a sophisticated system of training to pursue the profession of prosecutor to the full extent of his/her rights and obligations before or immediately after being appointed as prosecutor" (p. 142). Equally mixed is the author's view concerning the amended provisions obliging the publication of final prosecutor resolutions. It is rather obvious that certain aspects of Slovak reforms could be assessed differently than Dr. Šramel does. However, his considerations are conducted correctly and are within the framework of scientific discourse on legal institutions.

The establishment of the European Public Prosecutor's Office is the subject of the eighth paper ("Genesis and development of idea of European public prosecutor's office"). Here, the very idea of the institution which was finally regulated by the Lisbon Treaty of 2007 is analyzed in detail. The author accurately points out that the creation of the Office by only a part of the EU Member will not reach the main purpose of creating this authority (p. 166). Finally, 22 out of 28 Member States take part in the Office which was eventually created in 2017 (because its opt-out from the area of freedom, security and justice, Denmark cannot be a member due to legal reasons). Thus, the establishment of the Office only by certain EU members confirms the existence of "many speeds" of European integration.

An important place in the habilitation set is taken by the paper of comparative approach, devoted to the competences of prosecutor's office outside the scope of criminal law and criminal procedure ("Non-criminal competence of public prosecution and its forms in the V4 countries", the paper is included in the Web of Science database). In this contribution, two basic models of public prosecution, namely the French and German models, are a starting point for discussion of the legal solutions adopted in Central Europe. After referring to different approaches presented in the (mainly Slovak) literature, the author presents his own view on the analyzed issue, pointing out the advantages for the society, related to the existence of competences of the prosecutor's office outside the realm of criminal law: "significantly contributes not only to ensuring the rule of law in a democratic state, protection of property and interests of the state and of public interest or public order, but also to the protection of the rights and freedoms of individuals, especially of those who are unable to protect and defend their rights (e.g. the minors, consumers). Thereby it enables and helps to improve citizens' feeling of legal certainty" (p. 174). Dr. Šramel aptly rejects the hyper-individualistic vision according to which, the society consists of autonomous subjects who are always able to defend their own rights and legal interests. Thus, in my view the justification for the broad competence of the prosecutor's office, given by Dr. Šramel, is reasonable. The comparison shows clearly that among the V4 countries, the prosecutor's office in the Czech Republic is the most restricted regarding the competences outside the criminal-law sphere. According to the author: "Most adequate and most suitable seems to be the legal regulation of non-criminal competence in the Slovak Republic and Poland. Non-criminal competence in these countries is traditionally regulated by the law broadly, but in a manner consistent with the principles of democratic state following the rule of law and with existing needs of society" (pp. 178–179). It should be noted, however, that the competences of Polish prosecutor's office on the ground of administrative law are far more limited than it is the case under Slovak law. Only from the reviewer's duty I have to point out a small flaw, since in the following fragment a part of the sentence is missing: "As far as the assessment of legal regulation of non-criminal competence of public prosecution in Hungary is concerned, it should be noted that despite the adoption of the new act on public prosecution in 2011 [??], this act cannot be regarded as a flawless act, particularly in view of the problems of its conformity with the basic principles of democratic state following the rule of law" (p. 179).

The four subsequent papers concern the same broad topic, i.e. the supervision of Public Prosecutor's Office over public administration under Slovak law. Three of these papers are in English and two of them were written in co-authorship with Dr. Jaroslav Mihálik of the University of Ss. Cyril and Methodius in Trnava. In the paper "Changes in the prosecutorial supervision over public administration in the Slovak Republic", the four basic methods and instruments of the supervision in question are described and analyzed. Bystrík Šramel and Jaroslav Mihálik, in their joint paper ("Supervision of public prosecution service over public administration: The case study of Slovakia"), presen t the opinion that not only the supervision of public administration by the Prosecutor's Office is

a proper solution, but also the scope of that supervision under Slovak should be expanded so to include also "the administrative agreements (public contracts) and the so-called factual act, or immediate intervention of public administration authorities" (pp. 209–210). Moreover, according to both scholars, it should be also stipulated that "the review of the procedures of public administration authorities as a method of prosecutorial supervision relates also to public measures with general effects and resolutions (with general effects)" (p. 210). After a brief comparison of the legal position and competences of Public Prosecutor's Office and Public Defender of Rights, it is stated that competences and tasks concerning the supervision should not be transferred to the ombudsman (on the sidelines: the competences of Polish ombudsman are somewhat greater than those of the Slovak one, since Polish Commissioner for Citizens' Rights is able to file an action to a court). Another article by these authors refers to the same issue, but at a higher level of generality ("Constitutional and legal foundations for local self-government law-making: Does the Slovak Republic need more precise legal regulation?"). According to the presented view, Slovak provisions concerning the competences of municipalities are not clear enough and "in practice, municipalities have a rather widespread problem to determine when the municipality exercises the law-making competence under Art. 68 [of Slovak constitution] (in matters of local self-government) and when under Art. 71 (2) (in matters of the state administration)" (p. 217). As to the main topic of the habilitation set, the scholars strongly emphasize that a prosecutor "does not have a superior position and, if a local self-government does not respect opinion of a prosecutor contained in his protest or warning (i.e. in case of continuing in a violation of laws), the prosecutor may apply to the relevant general (regional) court within the so-called administrative justice" (pp. 218–219). Here the opinion concerning the need of the prosecutor's office supervision, known from the previous papers, is reiterated. As it is pointed out, prosecutors protect constitutional rights and freedoms which can be infringed by unlawful municipalities' decrees (the examples of decrees prohibiting begging in public places and restricting business activities, e.g. gambling, are put in this regard, p. 220–221). Moreover, several *de lege ferenda* proposals of changes to legal regulations of local government are formulated. Although these proposals do concern directly the main topic of the set, i.e. the tasks of public prosecutor's office, they should be nevertheless considered interesting. The authors are of the opinion that the statute should stipulate explicitly the persons and organs entitled to initiate the law-making process at the local self-government level and the body which would be responsible for preparation of a draft decree. Several weaknesses of the provisions concerning promulgation of self-government normative acts are revealed. Therefore, the authors recommend introducing the legal definition of the term "official board" of the municipal office and publishing the content of this board on the web-site of the municipality (in Poland publishing the acts of self-government units on the Internet is a standard prescribed by the law in force). In their view, the legal terms "municipality decree" and "municipality resolution" should be also clarified (pp. 227–234). The lasts paper in this group contains the assessment of the changes concerning the supervision of the Public Prosecutor's Office over municipal self-government, introduced by the act

no. 125/2016 Z.z. ("Dozor prokuratúry nad vykonávaním obecnej samosprávy"). According to Dr. Šramel, these changes are in general positive in nature, since the issue of administrative acts that may be reviewed by the Prosecutor's Office of the Slovak Republic as part of its supervisory activities was made more precise under the amendment to the Public Prosecutor's Office Act (p. 247).

The very last paper included in the habilitation set is devoted to the controversial reform of the prosecutor's office in Hungary, which was adopted on November 28, 2011 ("Nová právna úprava maďarskej prokuratúry: krok späť?"). Considering the paper's merits. it should be emphasized that the author used primary sources in original language version, i.e. in Hungarian. The analyzes are conducted in a proper scientific way, thus both advantages and disadvantages of legal design of Hungarian Prosecutor's Office are pointed out. For instance, the provision of Hungarian constitution of April 18, 2011 (Article 29 section 4) which stipulates that Prosecutor General is elected from among the individual prosecutors for a term of nine years by the qualified majority of a two-thirds of all members of parliament is accessed as acceptable (p. 251). It is emphasized, however, that the obligation to submit an annual report to the Parliament, imposed on the Prosecutor General by the constitution (Article 29 section 5) is not sufficient to speak about the Prosecutor General's responsibility to the Parliament (p. 252). In Dr. Šramel's opinion, the position of the Prosecutor General under Hungarian law is so strong that the risk of abuse of the office is noticeable (p. 255). Furthermore, it is shown, that waiver of immunity of the Prosecutor General requires his own consent [*sic!*], since the provisions of Act LV of 1990 on the Legal Status of Members of Parliament are applied in this case (p. 256). I find the author's view on competences of the Prosecutor General under the current Hungarian law as well-grounded and plausible. Moreover, certain doubts concerning the competence of Hungarian Prosecutor's Office on the ground of civil law are exposed (pp. 262–264).

3. Other scientific achievements of Dr. Šramel

Dr. Šramel published many works, including papers in scientific journals, chapters in books and textbooks. He is a co-author of a valuable monograph concerning mutual recognition of financial sanctions in the EU (*Vzájomné uznávanie peňažných sankcií v Európskej únii*, Bratislava: Wolters Kluwer, 2017). Three publications are registered in the Scopus/ Web of Science databases. Moreover, 18 of his works are published in congress languages, and that is quite a significant number. I consider Dr. Šramel's output as sufficiently diverse, since he has dealt not only the issues related to the tasks and activity of public prosecution, but also with such topics as domestic violence, corruption, restorative justice, privatization of criminal proceedings (the subject interesting not only from the perspective of so-called legal doctrine, but also philosophy of law and political sciences), and civic participation in Slovakia. Moreover, Dr. Šramel has examined the subject of public prosecution in a thorough way, as papers and other works which are not included into the habilitation set show sufficiently. It is enough to say that Dr. Šramel writes extensively about legal framework of public

prosecution in such countries as U.S., United Kingdom, France, and Germany. Thus, I have no doubts that Dr. Šramel's achievements are sufficient to obtain the title of docent.

4. Conclusion

Dr. Šramel's habilitation thesis, taking form of fourteen previously published papers with the added preface and conclusion, analyzes the issues of the Prosecutor's Office of the Slovak Republic as a body of law protection and its place in the area of public administration in a comprehensive way. The research methods used in the thesis are proper, and the conclusions are profound enough. The papers included in the habilitation set are interrelated and undoubtedly form a logically built and coherent whole, showing problems related to the functioning of the prosecutor's office as a public authority. The entire thesis has a sufficient amount of novelty. It should be emphasized that the main *de constitutione ferenda* and *de lege ferenda* proposals presented in the thesis are well-grounded and relevant. Thus, **I have no doubts that the habilitation thesis of JUDr. Bystrík Šramel, PhD. is of proper quality as the basis for obtaining the title of docent. After the comprehensive analysis of the scientific achievements of Dr. Šramel, including his habilitation thesis, I am of the opinion that Dr. Šramel fulfills all the criteria to be given the scientific-pedagogical title of docent (associate professor) in the field of Public Policy and Public Administration (Verejná politika a verejná správa).**

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