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**TRANSTERRITORIAL ADMINISTRATIVE ACTS
IN SLOVAK ADMINISTRATIVE – LAW SCIENCE****Introduction**

Every state, of course, protects its exclusivity, sovereignty. This also applies to the operation of decisions, as the results of the activities of the authorities of that State. Obviously, decisions that are issued by the authorities of a particular state bind the entities in the territory of that State, because the exclusivity of the State is bound to the borders of that State. On the other hand, the state must be legally regulated, whether and under what conditions decisions of the authorities of foreign states may operate in its territory¹.

Where an individual legal act is issued by a State-owned entity, it is principally active in that State's territory. There are such acts between individual administrative acts whose scope or effects extend beyond the territory of their own State. In Slovakia, there may be effects, that is, extraterritorial effects of acts of authorities of foreign states, either directly, without examining, assessing, approving or recognizing enforceability, or these extraterritorial effects of acts of foreign state authorities can only occur after the conditions of enforceability have been examined.

The Slovak Republic takes into account in its own legislation the fact that it is a member of the European Union and thus the extraterritorial effects of certain decisions of foreign public authorities may occur directly in our territory without recognition of enforceability. The effects of other decisions of foreign public authorities in the territory of the Slovak Republic can only occur after reviewing the conditions of their enforceability by administrative courts in administrative justice.

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The Slovak Republic takes into account the fact that it is a Member State of the European Union and that the extraterritorial effects of certain decisions of foreign public authorities may occur directly in our territory, without recognition of enforceability, and the effects of other decisions of foreign public authorities in the territory of the Slovak Republic may arise only after examining the conditions of their enforceability by the administrative courts in the courts.

The Slovak administrative science must respond promptly to changing conditions of law, and to provide legally significant theoretical conclusions that will lead to the improvement of the legal regulation of enforceability of decisions of foreign public authorities in the territory of the Slovak Republic. As well as it must maintenance of the permanent nature of the established system relevant legislation in particular taking into account the requirement of protection of sovereignty, the exclusivity of the state and also respect for the subjective rights of citizens as persons affected by administrative decisions of foreign public authorities whose extraterritorial effects are directed to performance in the Slovak Republic.

The aim of the paper is to analyze the concept of a transterritorial decision, to investigate its effects with extraterritorial character, as well as to examine the conditions of a decision of the administrative court on the enforceability of foreign administrative decisions in administrative justice. Consequently, draw conclusions from the findings in the sense of evaluation of positives and negatives of transterritorial administrative decisions with effects in the Slovak Republic.

Analysis of the terminus “transterritorial administrative act”

The origin of the term “transterritorial administrative act” from the aspect of linguistics

In administrative law science we must devote adequate attention to terms (content and importance), so that no term can be ambiguous and cause problems in legal interpretation. This requirement also applies to the term transterritorial administrative act (decision). In principle, the science of administrative law has resolved the issue of administrative decisions in terms of content, meaning and classification. In the phrase “transterritorial administrative act”, the foreign origin has a transterritorial adjective, so it is important to establish the meaning of the additional transterritorial, that is to say semantically, because of the exact wording.

Linguistics and law are scientific disciplines and we shall use linguistics to determine the linguistic significance of the term under examination as an auxiliary science. The exact interpretation of the legislature, as well as the clarity of the legal language used by the legal leadership, depends on the practical interpretation of the terms in the practical activity of the power holders applied to any adresats of the legal norms.

At this point, I will only marginally point out the meaning of the phrase “administrative act” or “administrative decision” as it is a term that is fundamentally defined both in the theory of law and in administrative science. Administrative Law textbooks point to the theoretical-scientific basis of the term “administrative acts”. For example: “Legislation does not define the concept of a legal act; it is a category of legal science”². Administrative decisions are only one of several forms of public administration activity, for example the following definition of the content of the administrative decision is appropriate from the point of view of scientific definitions: “The administrative decision is a unilateral administrative act (decision) by which the administrative authority in a specific case resolves the legal relations of specifically designated persons”³. For the purpose of the contribution, this definition is most appropriate because I draw attention to the individual administrative acts where the addressee is concretized, that is to say, an act in which rights or obligations are specified against a particular entity.

Linguistic analysis of the term “transterritorial administrative act” will consist in identifying the origin of the term, ie, the language it is based on, and then defining the meaning of the term so as to correspond as closely as possible to the legal context because it is a juristic term.

The expression “administrative act”, pointing to the previous treatise, will not be subject to linguistic analysis. It will be important to flawlessly analyze the “transterritorial” adjective and transfer its meaning to the definition of the content of the entire “transterritorial administrative act”. The word “transterritorial” is made up of two terms combined in one word. It is “trans” and “territorial”. At this point it is necessary to state that both expressions have a foreign origin, these are not Slovak words. Therefore, the meaning of foreign words is determined first and foremost in the dictionary of foreign words and subsequently in the vocabulary of the language from which the term originates. The term “trans-” originates in the Latin language and is the first part of compound words with the meaning “over-, for-, pre-”⁴. The Latin dictionary interprets the term “trans” as follows: “trans – preposition with accusative over, through”⁵. The term “territorial” also originates in the Latin language and means *territorial*⁶ or “specific territory”⁷. The original translation of the term “territory” from the Latin language reads: “territorium – land”⁸. Well, the term “territory” has its basis in the Latin word “terra”, which means earth.

² P. Škultéty, P. Andorová, J. Tóth, *Správne právo hmotné. Všeobecná časť*, Šamorín 2012, p. 105.

³ D. Hendrych *et al.*, *Správni právo. Obecná časť*, Praha 2006, p. 219.

⁴ Compare: S. Šaling, M. Šalingová, O. Peter, *Slovník cudzích slov*, Bratislava 1965, p. 1073.

⁵ J. Špaňár, L. Hrabovský, *Latinsko-slovenský, slovensko-latinský slovník*, Bratislava 1983, p. 613.

⁶ Compare: S. Šaling, M. Šalingová, O. Peter, *Slovník cudzích slov*, p. 1060.

⁷ Compare: P. Tvrđý, *Slovník inojazyčný*, Žilina 1932, p. 205.

⁸ J. Špaňár, J. Hrabovský, *Latinsko-slovenský, slovensko-latinský slovník*, p. 602.

In the Slovak language we do not find the Slovak equivalent of the term “transterritorial” administrative decision, but would most accurately sound as a “cross-border” administrative decision. Thus, in the literal translation, the term “transterritorial administrative decision” means “cross-border administrative decision”. Since the territory of the State is bounded by borders, the term “cross-border” is also applicable, which further accentuates the effects of a trans-territorial legal act which are to occur outside the territory beyond the State whose authorities have issued such an act. So much of linguistic interpretation.

In spite of the fact that we do not find in Slovak legislation the phrase “transterritorial administrative acts” and there is no definition of a transterritorial administrative decision, for theory and administrative law, this term is not unknown. In another place of the paper, we will focus on specifying the Slovak legislation that implies the trans-territoriality of administrative acts. Foreign law knows transterritorial administrative decisions. If we tried to summarize the conceptual definitions of foreign legal scholars⁹, they agree that the transterritorial administrative acts are decisions of the executive authorities whose purpose is to exert effects outside the territory, that is, beyond the state whose executive power it has issued.

Transterritorial decisions and sovereignty of the state

Let us ask ourselves whether it is in accordance with the exclusivity, sovereignty of the state, if it is to respect or even carry out decisions of foreign public authorities in its territory. It means decisions that were not issued by the authorities of that state. Sovereignty is an important element of every state. The boundaries of the state delimited space constitutes “sovereign state territory which controls it with its exclusive (sovereign) power”¹⁰. Answering this question is of key importance for understanding the content of the trans-territorial decision. “Legal acts with transterritorial effects represent a more significant interference with the sovereignty of the state (s) concerned than they are normally accepted in interna-

⁹ See more: J. Handrlica, *Vybrané problémy spojené s aplikací modelu transteritoriálních správních aktů*, *Studia „Iuridica Cassoviensia”* 2017, no. 2, p. 50. For example, prof. dr. Matthias Ruffert deals with the concept of a transsteritarian administrative act. See: M. Ruffert, *Der transnationale Verwaltungsakt*, „Die Verwaltung” 2001, p. 453–470. The transsteritorial act is also discussed by prof. dr. Volker Böhme-Neßler. See: V. Böhme-Neßler, *Der transnationale Verwaltungsakt – zur Dogmatik eines neuen Rechtsinstituts*, „Neue Zeitschrift für Verwaltungsrecht” 1995, p. 863–873, and also the transsteritorial act is discussed by Angelos S. Gerontas. See: A.S. Gerontas, *Deterritorialization in Administrative Law. Exploring Transnational Administrative Decisions*, „Columbia Journal of European Law” 2013, p. 423–468.

¹⁰ V. David, P. Sladký, F. Zbořil, *Mezinárodní právo veřejné. 3. přepracované a doplněné vydání*, Praha 2006, p. 75.

tional law”¹¹. In particular it is important the Slovak Republic’s membership in the European Union and in these contexts, the existence of transterritorial acts in conjunction with their effects.

Classification of transterritorial administrative acts according to the intended effects

For the purpose of creating the basic classification we choose the purpose of transterritorial acts. Two types of transterritorial acts can be defined for purpose.

The first group consists of transterritorial acts as individual decisions of executive authorities whose purpose is to produce effects outside the territory of the country of origin of the decision. Such acts are issued in order to bring about effects beyond the borders of the State whose executives have issued a transterritorial administrative act. While in theory and science, this kind of administrative act may exist, but in reality it would represent an immense interference with the sovereignty of another state, that is, the state in which the effects of the act are to occur. In fact, the effects pursued by any act are to occur in the territory of the State whose authorities have issued the act. It is only secondary to triggering effects in another state.

The second group may include transterritorial administrative acts whose purpose is not to produce effects outside the territory of the State of origin of the act but possess a specific effect. This effect is a transterritoriality that allows the execution of an administrative act outside the State of origin. In other words, these transterritorial administrative decisions have the property of bringing about legal effects outside the territory of the State whose power authority has issued the administrative act. The purpose of this group of trans-territorial acts is not to bring about effects abroad, it is only an option if enforcement does not occur in the country of origin of the decision.

Extraterritorial effects of administrative acts

Extraterritoriality in linguistic – legal sense

The most accurate translation of the term “extraterritorial” means “operating outside the territory”. From this meaning we then derive the meaning of the term “extraterritorial effects of an administrative act” as effects outside the territory of the State whose authority the administrative act issued. In the phrase “extraterritorial effects”, the adjective “extraterritorial” foreign origin, it comes from the Latin language. According to the dictionary of foreign words, the meaning is as

¹¹ R. Jakab, *Extrateritorialita a transteritorialita v podmienkach EÚ a jej členských štátoch* [in:] *Extrateritoriálne účinky činnosti orgánov verejnej moci*, ed. R. Jakab, Košice 2018, p. 14.

follows: “extra” – (lat.) is the first part of compound words with meaning *outside, separately, extra, separate*, and so on¹². The older linguistic literature contains such a translation: “extra, lat., except, extra, especially”¹³. It is translated into Slovak from Latin as follows: “extra – (...) 2nd preposition with an accusative on the outside, out of, out for”¹⁴.

As the adjective “extraterritorial” consists of two words (the territory is explained elsewhere in the paper), its meaning is “operating outside the territory”. The extraterritorial effects of administrative acts will therefore mean “effects outside the territory of the State whose authority issued the administrative act”. This interpretation, also from the perspective of linguistics and law, fully corresponds to the meaning of both words of foreign origin from which it is composed.

Reason for the extraterritorial effects of transterritorial acts

Referring to previous sentences on sovereignty of states, we will be interested in the possibility of acts of public authorities outside the territory of the State whose authorities have issued the act. The principle of non-interference with the sovereignty of another state is not contradicted by the need to execute a decision of the authority of one state in the territory of another state if there is a legal basis for such a procedure. Taking into account geopolitical reality, states cannot function in isolation. Managed entities move within the territories of many states where they must, of course, submit to the national rules of that particular state. Therefore, it is not possible to exclude the need for the act of the authorities of one state in another state. An example is the imposition of a fine for traffic violations that occurred in one state, with the responsible entity being a citizen of another state, who not paying the fine and it is necessary having to enforce the decision of fine. In these cases, the extraterritorial effects of transterritorial acts should actually occur, it means thus the decision of the authority of the State to be enforced in another State. The State whose authority has imposed a fine has an interest in executing the imposed monetary obligation if it has not been voluntarily fulfilled. However, no state authority has an immediate, immediate direct legal command to impose a fine on a financial institution in a foreign country where the citizen concerned is liable to pay equivalent to the amount of the fine.

A decision with a trans-territorial nature acquires extraterritorial effects, in this case enforceability, in a foreign country only on the basis of a legal procedure which is essentially either an agreement between States on the reciprocal resolution of the enforceability of decisions of their authorities, or it is on the base of

¹² S. Šaling, M. Šalingová, O. Peter, *Slovník cudzích slov*, p. 327.

¹³ P. Tvrдый, *Slovník inojazyčný*, p. 69.

¹⁴ J. Špaňár, J. Hrabovský, *Latinsko-slovenský, slovensko-latinský slovník*, p. 229.

a national law that stipulates the conditions of enforceability of foreign public authorities decisions. As a matter of principle, it will be possible to execute a decision of one State's authority in the territory of another only by the competent authority of that other State. The fundamental legal title for the execution of the foreign authority decision in another state will be a transterritorial decision.

The execution of a foreign decision may be twofold. Either without any further examination of the decision of the authority of the foreign state, or with the recognition of the enforceability of the decision of the foreign authority on the basis of the lawful procedure and by competent authority of the state in whose territory enforcement is to take place. In the Slovak Republic, this recognition authority is an administrative court. It should be emphasized that the administrative courts in Slovakia, in the proceedings for enforceability of decisions of foreign public authorities, merely express enforceability, but they are not the authorities that would make executive the decisions of foreign authorities.

Relationships, as a rule mutual recognition of decisions, are generally based on an agreement of at least two states among themselves. Also, each state may, within its own national legislation, resolve the possibility of enforcing foreign decisions in its territory. At the same time, it can legitimately expect reciprocal legislation in the foreign country concerned.

Legal process of slovak administrative courts about the enforceability of foreign administrative acts

Importance of judicial proceedings on enforceability of decisions of foreign public authorities

There are since 1 July 2016, Act no. 162/2015 Coll. Administrative Judicial Process Act in the Slovak Republic. This governs the process of judicial proceedings on the enforceability of decisions of foreign public authorities. Public authorities abroad issue decisions whose effects are expected to occur in the Slovak Republic. We divide such decisions into two groups. The first group is decisions enforceable in Slovakia without the need for a special procedure on their correctness or legality, and the second group are decisions enforceable in Slovakia only after the process of judicial proceedings on the enforceability of decisions of foreign public authorities.

The proceedings of the administrative court on the enforceability of decisions of foreign public authorities are included in the proceedings carried out by authorities of the general judicial authority, which independently and objectively assess the conditions of the decision execution of a foreign public authority in the Slovak Republic. However, the proceedings of an administrative court on the enforceability of decisions of foreign public authorities are possible only for

those decisions whose enforceability in Slovakia requires “further recognition”. In addition to such decisions there are decisions that are enforceable in Slovakia without *exequatur*¹⁵.

The court proceedings before the administrative court on the enforceability of decisions of foreign public authorities have rules laid down by law. However, the provisions on this trial will only be used in legal contact with the Member States of the European Union to the extent that the special regulation does not provide otherwise. This special legislation also includes Act No. 183/2011 Coll. on Recognition and Enforcement of Decisions on Financial Penalties in the European Union and on Amendments and Supplements to Certain Acts, Act no. 466/2009 Coll. on International Assistance in Recovery of Certain Financial Claims and on Amendments to Certain Acts. However, it is necessary to distinguish strictly between the Member States and the Contracting States, since the enforceability of administrative acts in the Slovak Republic without judicial enforcement proceedings concerns the Member States and also depends on the type of claim or the type of obligation.

The procedural aspect of judicial proceedings on the enforceability of decisions of foreign public authorities under the Administrative Judicial Procedure Code

The court proceedings on the enforceability of decisions of foreign public authorities concern that the plaintiff may plaintiff seek a decision on the enforceability of a decision of a foreign public authority in matters decided by public administration authorities, if the international treaty is The Slovak Republic bound or legally binding act of the European Union obliges the Slovak Republic to implement decisions of foreign public authorities. The parties to the proceedings are the plaintiff and the defendant. The plaintiff must indicate, in addition to the general formalities, the specification of the petition, the specification of the

¹⁵ For example the decisions included in Act no. 466/2009 Coll. on International Assistance in Recovery of Certain Financial Claims and on Amendments to Certain Acts. The effects of these administrative acts of the Member States in the Slovak Republic result directly from the law and no further recognition is necessary for their enforceability. However, in order to have effects in Slovakia, the type of claim is also important. These are claims relating to all taxes, charges of any kind, import or export duty levied by a Member State, its territorial unit or its administrative unit, including local authorities, or levied on behalf of a Member State or on behalf of the European Union, except for compulsory levies social security and contractual charges. And the competent authority of the Slovak Republic will ensure the recovery of the Member State’s claim upon the request of the competent authority of the Member State for its recovery, while the Member State’s claim is enforced in the same way as the Slovak Republic’s claim and its enforcement does not take precedence over the recovery of the Slovak Republic’s claim. However, for enforcement purposes, a single enforcement order is deemed to be an enforceable title issued under a special regulation of the Slovak Republic and is not subject to recognition under a special regulation, which is the Administrative Judicial Code.

defendant, the specification of the decision and the foreign public authority issuing it, and the date of its issue, the decisive facts and its official translation of decision into the state language.

Four conditions must be cumulatively fulfilled in order to obtain the required judicial decision, which the administrative court reviews in accordance with the Code of Administrative Procedure.

First, the administrative court must examine whether the decision of the foreign public authority is enforceable in the State in which it was issued. If the decision of a public authority is not enforceable abroad, it cannot be enforced in Slovakia. It is the duty of the administrative court to examine whether the foreign decision under consideration is still enforceable at the time of the judicial decision. It will be in the form of a declaration of enforceability, the enforceability clause that the competent authority places on the decision, or, where the decision does not contain an enforceability clause, can be confirmed separately by the competent authority.

The second area of examination of the administrative court in court proceedings on the enforceability of a decision of a foreign public authority is the question of the competence of public administration authorities. The Administrative Court must examine whether the decision-making in the matter was within the competence of the public authorities of the Slovak Republic. If the administrative court finds that the decision-making in the matter was within the competence of the public administration of the Slovak Republic, the court shall not issue a decision on the enforceability of the decision of the foreign public administration body.

Third, the administrative court is required to examine whether the defendant was not deprived of the possibility of a foreign public authority to participate properly, in particular whether he was duly informed of the opening of the proceedings and summoned for questioning. Verifying that this condition is met is an important prerequisite for success. Here it is important to consider the extent to which the administrative court is actually capable of examining the procedural practice of a foreign administration body. Indeed, the decision of a foreign public authority can externally declare compliance with the lawful procedure. However, the Administrative Court will be required to ascertain whether, in fact, the person had or did not have the opportunity to take part in the proceedings. The requirement to allow proper participation in the procedure is imposed on every procedural procedure if it is to meet the requirement of a fair trial. The right to a fair trial is one of the rights established by the Convention for the Protection of Human Rights and Fundamental Freedoms¹⁶. There is also the possibility of acting without the presence of the person concerned. However, in such cases, the re-

¹⁶ The Convention for the Protection of Human Rights and Fundamental Freedoms was published in Czechoslovakia, No. 209/1992 Coll. as an international treaty.

quirements for allowing participation in the proceedings must be met. It is possible the person to whom the proceeding relates, refuse to participate, for example, by failing to appear in the proceedings despite the timely and proper notification, exercising his rights voluntarily, not raising objections or remedies. The competent authority as the holder of the power is the obligation to allow the person to take part in the proceedings, in particular the right to speak, to comment on and to duly defend himself. In court proceedings on the enforceability of decisions of foreign public authorities, the administrative court will become acquainted with the decision of a foreign public authority, which should have prescribed particulars, including due justification¹⁷. Although, from a formal point of view, power holders may act lawfully and have a convincing justification, in fact, the process prior to issuing a decision may not correspond to the rules imposed on it.

The finding of the Slovak administrative court may be different from the content of the justification of the assessed administrative decision of a foreign public authority, which merely declares that the condition of proper participation in the proceedings has been fulfilled, while the actual course of proceedings before the foreign authority could have been different. The Slovak Administrative Court may ascertain the withdrawal of the person's right to participate properly in proceedings from the file material of a foreign administrative body whose submission to the Slovak administrative court in proceedings for enforceability of a foreign administrative decision is sufficiently substantiated. For example, according to the file of a foreign public authority, the party before the foreign public authority waived the remedies, but he did not even understand what he actually gave up.

From the Resolution of the Constitutional Court of the Slovak Republic, file no. III. ÚS 163/2011, it follows that *general courts in the Slovak Republic are not correctional authorities of foreign administrative authorities*. The Constitutional Court of the Slovak Republic dealt with the question of the reviewability of the procedure of a foreign administrative body by a general court in proceedings on recognition of enforceability of a foreign administrative decision and judged: "The purpose of the assessment of a condition (...) of withdrawn the opportunity to participate properly in the proceedings, it is not a review of the entire proceedings of foreign administrative authorities, including the identification of individual procedural errors, because the general courts in the Slovak Republic are not authorities of remediation of foreign administrative authorities decision. It is important to assess whether the proceedings before the foreign administration were in line with the basic criteria of a fair trial, ie in particular whether the person against whom the proceedings took place had the opportunity to comment, to oppose the defense of its rights and whether or not its objections

¹⁷ About the right to reasoning reasonably enough see more: T. Seman, *Verejná správa v správnom súdnictve*, Košice 2016, p. 69–76.

have been resolved; the Constitutional Court, in connection with the proceedings on the enforceability of decisions of foreign public authorities, pointed to a fair trial. Therefore, it is necessary that the Slovak administrative court, in proceedings on enforceability of a decision of a foreign public authority, duly attention to the defense of the data subject and to examine the possible or affected person's discrepancy in the decision of the declared process with its actual course".

Finally, as the fourth, the administrative court will examine whether a decision of a foreign public authority imposes a performance that is permissible or enforceable under the law of the Slovak Republic or if it is otherwise contrary to public policy. In this regard, the Administrative Court will have to assess these criteria cumulatively. Public order in Slovak law is one of the undefined legal terms, it occurs eight times in the Constitution of the Slovak Republic¹⁸ and in a number of other generally binding legal regulations.

The trial is further characterized by ruling on the petition without hearing the defendant.

The court can decide on the petition in two ways, so the petition can be successful or unsuccessful. If, after examination, the administrative court finds that all the conditions subject to review in this court have not been met at the same time, it will reject the motion by order. If, after examination, the administrative court finds that all the conditions have been fulfilled, decides that the decision of the foreign public authority is enforceable. Thus, a decision of a foreign public authority becomes equivalent to any other decision of a public administration body of the Slovak Republic. The only difference is that the enforceability clause is not placed on the foreign decision, but this decision will be executed in conjunction with the administrative court's ruling on enforceability.

Conclusion

The Slovak legislation does not define a transterritorial administrative act, but it refers to administrative acts corresponding to the transterritorial administrative acts, which are understood as decisions of the executive authorities whose purpose is to produce effects outside the territory, ie beyond the state whose executive power it has issued.

Transterritorial decisions of foreign administrative authorities, enforceable in the Slovak Republic, are divided into two groups. First, which are directly enforceable in the Slovak Republic, without the need for a court ruling on their enforceability. For these acts to produce effects in Slovakia, a court decision in the administrative judiciary is not necessary because the enforceability of these transterritorial acts in the territory of the Slovak Republic results from special

¹⁸ The Constitution of the Slovak Republic, published, No. 460/1992 Coll.

laws. It can be stated that these administrative acts represent a state of compulsory confidence in the legal conduct of administrative proceedings before a foreign administration, thus preventing access to judicial protection from a possible illegal act of a foreign public authority. The disadvantage of these, a priori already legally enforceable acts, is the risk that if a foreign public authority does mistakes, this fact cannot be reversed in the state of enforcement. In this way, the power of a foreign state authority is directly applied in Slovakia.

Since state power is bounded by the territory of the state, so-called The “automatic” enforceability of decisions of foreign authorities on the territory of other states should always be an exception to the exclusivity of power. In my opinion, it is more appropriate to minimize the range of decisions of foreign public authorities that are enforceable in the Slovak Republic without prior judicial proceedings on their enforceability.

The second group are acts enforceable in the Slovak Republic only on the basis of a court ruling on their enforceability, which occurs in the administrative judiciary. With regard to the separation of the judicial power from the executive, the administrative court in the administrative judiciary has the possibility to objectively examine the assumptions of enforceability of foreign administrative acts in Slovakia.

Decisions issued by the authorities of foreign states may be only formally act and have a convincing reasoning, but the real process prior to issuing them may be not fully comply with the rules of a fair trial, so the finding of a Slovak administrative court may be different as the justification of the administrative decision of foreign public authority.

Thus, in proceedings on the enforceability of a decision of a foreign public administration body, the administrative court implements the judicial protection of the person, concerned by the decision of the foreign public authority. And, if the administrative court finds that only one of the four legal conditions is not fulfilled, the foreign decision will not enforceable in Slovakia.

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Summary

The author deals with the concept and effect of transterritorial acts of public administration authorities, he interprets the term transteritorial administrative act, he examines its effects with an extraterritorial character and subsequently he deals with the conditions of the decision of the administrative court about enforceability of transterritorial administrative acts in administrative judiciary. The findings from the research are reflected in the positive and negative aspects of the transterritorial administrative acts with effects in the Slovak Republic and he offers relevant *de lege ferenda* matter.

Keywords: administrative act, enforceability of the decision, transterritoriality, extraterritorially effects, administrative judiciary

TRANSTERYTORIALNE AKTY ADMINISTRACYJNE W SŁOWACKIEJ ADMINISTRACJI – NAUKA PRAWNA

Streszczenie

Autor zajmuje się pojęciem i skutkiem transterytorialnych aktów organów administracji publicznej, interpretuje pojęcie transterytorialnego aktu administracyjnego, bada jego skutki o charakterze eksterytorialnym, a następnie zajmuje się warunkami decyzji sądu administracyjnego o wykonalności transterytorialnej akty administracyjne w sądownictwie administracyjnym. Ustalenia z badań znajdują odzwierciedlenie w pozytywnych i negatywnych aspektach ponadregionalnych aktów administracyjnych ze skutkiem w Republice Słowackiej i dostarczają istotnej kwestii *de lege ferenda*.

Słowa kluczowe: administracja publiczna, transterytorialne akty, sądownictwo administracyjne, Republika Słowacka