

## Situation in the Czech Republic

### I.

#### The proposal of the new Public Prosecutor's Office Act is prepared

The most significant changes are:

- measures to increase independence of the Supreme Public Prosecutor and other chief public prosecutors so as to ensure transparency of their selection and elimination of risks of possible external influences, particularly from executive power;
- public prosecutors status changes – they will carry out their function as public function (subsidiary use of the Labour Code will be excluded);
- abolition of high Public Prosecutor's Offices and establishing of national Special Public Prosecutor's Office, which will be focused particularly on the most serious forms of crimes against property and economic crimes and corruption;
- the Act stipulates to carry out regular evaluations of public prosecutors and their working schedules and it also restricts issuing so called negative instructions/enables to reject such issuing if it is in apparent breach of interpretation of the law.

### II.

In view of the findings of the evaluation report from the 1st July 2016, GRECO addressed the following recommendations to the Czech Republic regarding public prosecutors:

- to adopt legislation regulating in more detail the recruitment and promotion of public prosecutors so as to provide for uniform, transparent procedures (deciding should be based on precise, objective and uniform criteria) and to ensure that any decisions in those procedures are reasoned and can be appealed to a court;
- to reform the procedures for the appointment and recall of the Supreme Public Prosecutor and other chief public prosecutors (any decisions in those procedures are reasoned and can be appealed to a court; appointment decisions are based on mandatory, transparent selection procedures and recall is possible only in the context of disciplinary proceedings);
- **to adopt a code of professional conduct for all public prosecutors** including dealing with conflicts of interest and related issues (e.g. gifts, secondary activities, third party contacts/confidentiality, etc.);
- **to adopt legislation regulating more closely the exercise of secondary activities by public prosecutors**, including adoption of a reporting requirement of such activities and appropriate monitoring compliance with the existing restrictions on the exercise of such activities;
- **to adopt legislation which provide to public prosecutors to challenge disciplinary decisions before a court.**

Jana Zezulová