



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Adoption: 22 September 2021
Publication: 16 June 2023

Public
GrecoRC4(2021)17

FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

SECOND INTERIM COMPLIANCE REPORT

CZECH REPUBLIC

Adopted by GRECO at its 88th Plenary Meeting
(Strasbourg, 20-24 September 2021)

F
O
U
R
T
H

E
V
A
L
U
A
T
I
O
N

R
O
U
N
D

I. INTRODUCTION

1. The Second Interim Compliance Report assesses the measures taken by the authorities of the Czech Republic to implement the recommendations issued in the Fourth Round Evaluation Report on Czech Republic (see paragraph 2).
2. The [Fourth Evaluation Round Report on the Czech Republic](#) was adopted by GRECO at its 72nd Plenary Meeting (1 July 2016) and made public on 2 November 2016, following authorisation by the Czech Republic. GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
3. The [Fourth Round Compliance Report](#) the Compliance Report was adopted by GRECO at its 80th plenary meeting (22 June 2018) and made public on 28 February 2019, following the authorisation by the Czech authorities.
4. The [Interim Compliance Report](#) was adopted at the 84th Plenary meeting (6 December 2019) and made public on 5 March 2020, following authorisation by the Czech authorities. As required by GRECO's Rules of Procedure, the Czech authorities submitted a Situation Report on further measures taken to implement the pending recommendations. This report, received by GRECO on 31 March 2021, served as the basis for the present Second Interim Compliance Report.
5. [This Second Interim Compliance Report](#) evaluates the progress made in implementing the pending recommendations since the adoption of the Interim Compliance Report and provides an overall appraisal of the level of compliance with these recommendations.
6. GRECO selected Turkey (with respect to parliamentary assemblies) and the Slovak Republic (with respect to judicial institutions) to appoint rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Furkan USTAOĞLU, on behalf of Turkey and Ms Zuzana ŠTOFOVÁ on behalf of the Slovak Republic. They were assisted by GRECO's Secretariat in drawing up this report.

II. ANALYSIS

7. It is recalled that GRECO addressed fourteen recommendations to the Czech Republic in its Evaluation Report. In the Compliance report, none of the recommendations (xii) had been implemented satisfactorily and seven had been partly implemented. In the Interim Compliance Report, only one of the fourteen recommendations had been implemented satisfactorily, seven recommendations had been partly implemented and six recommendations remained not been implemented. Compliance with the thirteen pending recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

8. *GRECO recommended (i) ensuring timely publication of records of parliamentary committee meetings and enhancing the transparency of the work conducted in sub-committee meetings; (ii) introducing rules for members of parliament on how to interact with lobbyists and other third parties seeking to influence the legislative process and making such interactions more transparent.*
9. GRECO recalls that recommendation i was partly implemented in the Interim Compliance Report, as a pertinent draft law on lobbying had been submitted to

Parliament. However, the draft had not been adopted by Parliament, and no progress had been demonstrated regarding the first part of the recommendation.

10. The Czech authorities now report that the legal regulation regarding meetings of committees and subcommittees have not been amended. During 2020, audio recordings of committee meetings have been published more frequently to remedy the limited public access to committee meetings owing to restrictions taken in the context of the Coronavirus pandemic. However, such recordings are not published *ad hoc* by all committees. The authorities also specify that it is possible to obtain recordings of committee meetings upon request. The authorities reiterate the already existing provisions regarding publications of resolutions and minutes of meetings of Parliamentary Committees and Sub-Committees.
11. As to the second part of this recommendation, it would appear that the first reading of the draft Act on Lobbying took place in December 2020. Following the discussion of the draft at the Constitutional Committee of the Chamber of Deputies in February 2021, the draft Act on Lobbying passed the second reading on 8 July 2021 and was examined in the third reading on 30 July 2021. However, owing to time constraints, the draft did not reach the voting procedure and was thus suspended. According to the authorities, it is unlikely that the Chamber of Deputies will finally adopt the draft Act on Lobbying before termination of its current mandate (7 October 2021).
12. GRECO takes note of the information provided. No tangible progress of a permanent character appears to have been made in respect of the first part of the recommendation. As far as the second part is concerned, draft legislation is still pending before Parliament, as was the case already in the Interim Compliance Report.
13. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii.

14. *GRECO recommended (i) that a code of conduct be adopted for members of parliament, made easily accessible to the public, and accompanied by explanatory notes and/or practical guidance, including on conflicts of interest and related matters (e.g. gifts and other advantages, incompatibilities, additional activities and financial interests, post-employment situations, contacts with third parties such as lobbyists, declaration requirements, etc.); (ii) that the code of conduct be complemented by practical measures for their implementation, such as dedicated training, confidential counselling and awareness-raising.*
15. GRECO recalls that this recommendation was not implemented in the Interim Compliance Report, as no progress had been demonstrated.
16. The Czech authorities now report that amendments of the Rules of Procedure of the Chamber of Deputies, which would be required for the Chamber to adopt a Code of Ethics, have still not been approved. A draft Code of Ethics for Members of the Chamber of Deputies, prepared by the Ministry of Justice, was submitted to the Chamber for discussion, initially envisaged in December 2020. However, following restrictions triggered by the Coronavirus pandemic, the discussion has been postponed until the lifting of the restrictions. The authorities report that the draft Code of Ethics has so far been discussed in other formats¹ and it is envisaged to be adopted in the form of a resolution, applicable only to parliamentarians during the election period, for which the resolution was adopted. Further, according to the

¹ Such as the Working Group for the Rules of Procedure of the Chamber of Deputies of the Parliament, consisting of representatives of parliamentary groups, non-profit organisations and professional public, convened by the Speaker of the Chamber of Deputies. The need to adopt a Code of Ethics was also discussed in a Board consisting of representatives of political groups and leaders of the Chamber of Deputies.

authorities, the current draft does not provide any detailed rules regarding incompatibilities, declaration of assets and interests, and ancillary activities as these rules are said to be regulated by legislation (Constitution and the Act on Conflict of Interest). Finally, the authorities report that the Senate (upper chamber of Parliament) has rejected adoption of rules of conduct altogether.

17. As to the second part of this recommendation, the authorities refer to Article X of the draft Code of Ethics for Deputies, which envisages the setting up of the Ethics Committee by the Chamber of Deputies, tasked with advisory, methodological and educational functions regarding ethical matters, including confidential advice. The future Ethics Committee is also said to be entrusted with training and awareness raising activities among deputies in the field of ethics.
18. GRECO takes note of the information provided. It regrets the lack of progress in the implementation of this recommendation. Above all, GRECO is seriously concerned that the Senate apparently has "rejected" the elaboration of a code of ethics applicable to senators. In addition, a very limited applicability of the draft Code of Conduct (relevant only to deputies sitting in the current Parliament) and the reported shortages in its content (rules on incompatibilities, declaration of assets and interests, ancillary activities etc.) risk that this code, even if adopted, will fall short of the requirements of this recommendation. GRECO urges the Czech authorities and both Chambers of Parliament to proceed with the implementation of this recommendation.
19. GRECO concludes that recommendation ii remains not implemented.

Recommendation iii.

20. *GRECO recommended that enforceable rules on gifts and other advantages – including advantages in kind – be developed for members of parliament and made easily accessible to the public; they should, in particular, determine what kinds of gifts and other advantages may be acceptable and define what conduct is expected of members of parliament who are given or offered such advantages.*
21. It is recalled that this recommendation was not implemented in the Interim Compliance Report, as no changes in the legislation concerning gifts and other advantages had been made.
22. The authorities now report that the draft Act on Lobbying and related amendments to the Act on Conflict of Interests passed the first and second readings in the Chamber of Deputies, but have not been adopted. Further, the authorities submit that the draft Code of Ethics mentioned under recommendation ii contains guidelines regarding gifts; a non-binding rule, stipulating that a deputy "shall act in such a way that in the performance of his / her duties he or she does not find himself/herself obliged or feels obliged to repay a gift, service or favour which have been offered to him/her."
23. GRECO takes note of the information provided. No relevant rules on gifts and other advantages or on expected conduct have been developed and adopted in respect of parliamentarians. Regardless of the content of the draft Act on Lobbying in Parliament, this draft text remains as such. In the given circumstances, GRECO cannot consider this recommendation implemented, even partly.
24. GRECO concludes that recommendation iii remains not implemented.

Recommendation iv.

25. *GRECO recommended (i) requiring members of parliament to also submit declarations of activities, declarations of assets and declarations of income, gifts and liabilities at the beginning of their mandate, introducing an electronic declaration system and making declarations more easily accessible on the internet; (ii) making it clear that declarations must also include in-kind benefits provided to members of parliament; and (iii) considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).*
26. GRECO recalls that this recommendation was partly implemented in the Interim Compliance Report. The first two parts of the recommendation had been complied with, while the authorities were considering widening the scope of the declarations to include information also on the information on spouses and dependent family members.
27. The authorities now report that the Constitutional Court in its judgment Pl. ÚS 38/17² delivered on 20 February 2020 ruled that the disclosing property held jointly with a spouse of a public office holder would be in conformity with the Constitution, and essential for the objectives of the Act on Conflict of Interest. However, the authorities state that the possibility of widening the scope of the declarations to cover information regarding spouses' and dependent family members has been considered by the management of the Ministry of Justice, which decided against such widening of the scope of the declarations.
28. GRECO takes note of the information provided by the authorities. It is recalled that the first two parts of this recommendation had already been complied with. As regards the third part, GRECO takes note of the judgment of the Constitutional Court of 20 February 2020, but regrets that the "management of the Ministry of Justice" has decided not to include information concerning spouses and dependent family members. In this respect, GRECO takes the view that a "consideration" by the "management of the Ministry" is not sufficient for a proper consideration according to GRECO standards, which would require the appropriate institution to be involved. Therefore, this part of the recommendation remains not implemented.
29. GRECO concludes that recommendation iv remains partly implemented.

Recommendation v.

30. *GRECO recommended significantly strengthening the supervision and enforcement of the various declaration requirements on members of parliament under the Act on Conflicts of Interest, notably by giving an independent monitoring mechanism the clear mandate, powers and adequate resources to verify in depth the declarations submitted, to investigate irregularities and to initiate proceedings and impose effective, proportionate and dissuasive sanctions if the rules are violated.*
31. It is recalled that this recommendation was partly implemented according to the Interim Compliance Report, in light of considerable improvement in practice of the supervisory system of declarations of members of parliament, carried out by the Ministry of Justice. However, more effective, proportionate and dissuasive sanctions (beyond a fine of up to €1850) had not been introduced at the time.

² The text of the judgment Pl. ÚS 38/17 of the Constitutional Court, in English, is available via the following link: https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Decisions/pdf/PI-38-17_1_-_EN.pdf

32. The Czech authorities now report that the Ministry of Justice continues fulfilling its role as the central supervisory authority with respect to declarations of assets and interests of public officials, including parliamentarians. As to the access to the Central Register of Notifications, following the judgment of the Constitutional Court of 20 February 2020 (see paragraph 26 above), the information contained therein is no longer immediately accessible to the public, but could be made accessible following a request to be addressed to the Ministry of Justice. However, the extent of information disclosed to those requesting it will be determined by the so-called "proportionality test", depending on the political and public exposition of the respective public office. The authorities also refer to a draft law to amend the Act on Conflict of Interests to reflect the above judgment of the Constitutional Court, expected to be adopted in September 2021.
33. The authorities furthermore report that on 1 September 2020 the Ministry of Justice issued a methodology for relevant supervisory bodies, which aims at setting in place an administrative process regarding violations under the Act on Conflict of Interest, and encourages the relevant supervisory bodies to impose sanctions in relation to the severity of the violation and the economic status of the official concerned. The authorities note that members of parliament may choose whether their administrative violations (including failure to comply with the Act on Conflict of Interest) are investigated by regular supervisory bodies, or by the Chamber of the Deputies' Committee.
34. GRECO takes note of the information provided by the authorities. It considers that the recent restriction of access to the Central Register of Notifications represents a supplementary administrative hurdle, which was not in place before, and may have a negative impact on the transparency in respect of declarations of assets and interests of members of parliament. Overall, this does not appear conducive to an anti-corruption environment. GRECO encourages the authorities to ensure public access in practice to the largest extent possible to public information on declarations of assets and interests contained in the Register of Notifications. As to the introduction of more effective, proportionate and dissuasive sanctions, even though the Ministry of Justice issued methodology for supervisory bodies, no new sanctions have been introduced.
35. In view of the above, GRECO concludes that recommendation v remains partly implemented.

Corruption prevention in respect of judges

Recommendation vi.

36. *GRECO recommended (i) regulating in more detail the recruitment and promotion of judges and court presidents so as to provide for uniform, transparent procedures and to ensure that decisions are based on precise, objective and uniform criteria, notably merit; and (ii) ensuring that any decisions in those procedures are reasoned and can be appealed to a court.*
37. GRECO recalls that this recommendation was partly implemented in the Interim Compliance Report. Further to adopting the rules regarding the initial recruitment to judicial functions and appointments to the Supreme Court and to the Supreme Administrative Court, the authorities had been planning to address judicial promotions through amendments to the Act on the Courts and Judges. However, these amendments had not been adopted at the time. In addition, measures had not been taken to ensure that decisions regarding recruitment and promotion of judges are reasoned be subject to appeal before a court.

38. The authorities now report that draft amendments to the Act on Courts and Judges, aimed at establishing a recruitment procedure of judges and selection of court presidents, have been adopted and will enter into force on 1 January 2022. The amendments, in particular, introduce new regulations of the selection of new judges, consisting of five phases: practice as an assistant of judge; judicial exam; selection procedure of a judicial candidate; practice as a judicial candidate; and an open competition for the position of a judge. Selection committees in phases three and five shall consist of judges and judicial experts, with judges having a majority. Other legal professionals (lawyers, notaries, bailiffs, prosecutors) will also be entitled to apply for the position of a judicial candidate and/or judge. New Articles 105b and 105d set out criteria applicable during the selection procedure, including professional knowledge, experience and moral qualities, as well as decision-making activities, communication and organisational skills, internships at higher courts and any disciplinary proceedings. Further, pursuant to newly adopted provisions, presidents of district, regional and high courts will be selected in open competitions form among by judges having at least five years' practice by selection committees, consisting of a majority of judges. According to the amendments, a judge cannot be selected as president of the same court more than once. Presidents of high and regional courts may again be selected as presidents at the different court of the same level after five years from the end of first mandate.
39. GRECO notes the adoption of amendments to the Act on Courts and Judges, introducing new provisions on the recruitment and promotion of judges in courts of different levels by selection committees consisting of a majority of judges. This is clearly a welcome development. That said, the second part of the present recommendation does not appear to be dealt with in a satisfactory manner: new provisions regarding judicial recruitments do not stipulate that decisions of selection committees must be reasoned and no provisions have been introduced in the Act on Courts and Judges to ensure that decisions on judicial recruitments and promotions can be appealed in court.
40. GRECO concludes that recommendation vi remains partly implemented.

Recommendation vii.

41. *GRECO recommended (i) that a code of professional conduct for all judges – accompanied by explanatory comments and/or practical examples, including guidance on conflicts of interest and related issues (e.g. on gifts, secondary activities, third party contacts/confidentiality, etc.) – be developed, communicated effectively to all judges and made easily accessible to the public; (ii) that it be complemented by practical measures for its implementation, including confidential counselling and dedicated training for both professional and lay judges.*
42. It is recalled that this recommendation was not implemented in the Interim Compliance Report. GRECO noted the setting up of a working group by representatives of the judiciary with a view to preparing a code of conduct, but no tangible outcome had been achieved.
43. The Czech authorities now report that the working group of the judiciary³ finalised, in June 2020, a new Code of Ethics for Judges. According to the authorities, the Code of Ethics contains chapters concerning independence, impartiality and equality, integrity and dignity, expertise and conscientiousness and is followed by a commentary with practical examples. The draft also contains, *inter alia*, provisions prohibiting judges to accept gifts and benefits which could give the impression to

³ The working group was presided by the then Judge of the Supreme Court, JUDr. Petr Angyalossy, currently the President of the Supreme Court, and was comprised of a further 22 judges from regional and high courts.

have been provided in connection with the performance of official functions. It also obliges judges to maintain confidentiality of information obtained during the performance of their functions, even after leaving judicial office. As to the adoption of the Code, the authorities submit that no procedural rules are in place for its formal approval or acceptance by the entire judiciary. Owing to this, the Code of Ethics is not officially binding, but serves as an informal guide. To enhance legitimacy of the Code of Ethics within the judiciary, it was presented for approval to the judicial councils of all courts. The authorities report that the absolute majority of judicial councils have accepted the new Code of Ethics, which was published on the websites of the courts. However, some of the courts⁴ have objected to the procedure of approval of the new Code of Ethics, or pointed out that such principles are already enclosed in the law.

44. The authorities also report that a possibility of confidential counselling for judges regarding ethical issues and conformity of their conduct has been introduced in the new Code of Ethics. Such consultations are to be provided by the Ethical Court of the Union of Judges, which has already carried out similar tasks under the Code of Ethics of 2005 adopted by the Union of Judges. Following introduction of the new Code of Ethics for Judges, the Judicial Union has offered counselling to all judges, and not only its members.
45. As regards training, the Judicial Academy continues fulfilling the central role of training of judges, prosecutors and other target groups in the judiciary by providing courses in various fields, including on judicial independence and ethics. Further, in December 2020, the Supreme Court joined the Global Judicial Integrity Network⁵ and became one of the training sites for Judicial Ethics. The package of training tools has been developed to assist judges in resolving ethical dilemmas that could arise in the context of their official functions. The package consists of an e-learning course, self-directed course, and trainers' manual for national trainers. Organising of dedicated training on judicial ethics is currently being discussed within the Judicial Academy, while some of the trainings in the curriculum of the Judicial Academy, especially for new judges, intend to reflect the theme of the new Code of Ethics as one of the main topics. In addition, the Supreme Court plans to organise in November 2021 an expert seminar for judges on selected questions of judicial ethics, namely on secondary activities of judges and behaviour of judges on social networks.
46. GRECO takes note of the information provided. The completion of the work on a new Code of Ethics, and the development of the Judicial Ethics Training Tools by the Supreme Court under the Global Judicial Integrity Network are clearly to be welcomed. However, the new Code appears not to be applicable to all judges in the Czech Republic, as not all judicial councils have approved it as yet. Further, in GRECO's view, the non-binding nature of the Code, along with the absence of any supervision and enforcement mechanism in cases of violations of its provisions, considerably weakens this instrument. Besides, the provisions of the Code do not seem to include rules regarding certain areas (e.g. secondary activities of judges, and their contacts with third parties). In addition, GRECO has not been provided with the practical guide, which is said to be a part of the Code, which makes it impossible to assess to what extent this aspect of the recommendation has been implemented. For the time being, no judicial trainings on the new Code of Ethics and its application in practice have been provided. Finally, the role of the confidential counselling appears to be left to the Ethical Court of the Union of Judges, which had a poor record

⁴ Municipal Courts in Rychnov and Kněžnou, Svitavy, Česká Lípa, Prague 5, Břeclav, Prague 9, Prague 10, Sokolov, Brno-venkov, Regional Court in Pilsen and Prague, High Court in Olomouc, High Court in Prague and Supreme Administrative Court.

⁵ The Judicial Integrity initiative launched by the UN Office on Drugs and Crime aims to assist judiciaries across the globe in strengthening judicial integrity and preventing corruption in the justice sector, in line with article 11 of the United Nations Convention against Corruption.

of applications for its advisory role, according to the Evaluation Report⁶. This also merits review. Overall, while putting in place the new Code of Ethics for Judges, as well as the efforts to have it endorsed by the entire judiciary are positive developments, this recommendation can be considered as implemented only partly.

47. GRECO concludes that recommendation vii has been partly implemented.

Recommendation viii.

48. *GRECO recommended regulating more closely the exercise by judges of secondary activities, including by introducing a reporting requirement and, as appropriate, monitoring of compliance with the existing restrictions on the exercise of such activities.*
49. GRECO recalls that this recommendation was partly implemented in the Interim Compliance Report, as the amendments to the Act on Courts and Judges to closer regulate judges' secondary activities was pending before Parliament.
50. The Czech authorities now report that the draft amendments to the Act on Courts and Judges (see paragraph 37) have been adopted and will enter into force on 1 January 2022. The amendments introduce new provisions regulating secondary activities of judges (Section 85, as amended), including a prohibition of membership in bodies of housing cooperatives, associations of unit owners and other legal entities; prohibition of holding a position in the statutory, managerial and supervisory body of a legal person engaged in business, and of being a trustee or another person designated to supervise the management of a trust fund for commercial purposes. Further, the amendments stipulate that function of a judge is incompatible with membership of a political party or political movement. New Section 85a of the Act on Courts and Judges sets out an obligation for judges to report any gainful occupation, pursuant to Section 85, to presidents of their respective courts.
51. GRECO takes note of the information provided. It welcomes the adoption of amendments to the Act on Courts and Judges, which introduced new, more detailed provisions regulating secondary activities of judges, including the reporting obligation. GRECO encourages the Czech authorities to ensure effective supervision of application of these newly adopted provisions in practice.
52. GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.

Recommendation ix.

53. *GRECO recommended introducing the possibility for judges to challenge disciplinary decisions including for dismissal before a court.*
54. GRECO recalls that this recommendation was not implemented in the Interim Compliance Report. The authorities had referred to preparatory work underway at the time in the Ministry of Justice on a legislative proposal, which would allow appeals against disciplinary decisions before court. However, these proposals had not yet been submitted to Parliament.
55. The Czech authorities now report that disciplinary proceedings are currently carried out by the disciplinary court, administrated by the Supreme Administrative Court. The authorities also indicate that draft amendments to the Act on proceedings

⁶ Paragraph 116 of the Evaluation Report states, inter alia, that "it would appear that the practical importance of this advisory and monitoring role of the Union is quite low, an average of one or two requests for advice being recorded per year."

relating to judges, public prosecutors and bailiffs are in a second reading before Parliament. These amendments aim, *inter alia*, at establishing a new system of appeals for judges, public prosecutors and court bailiffs. They envisage, in particular, that cases relating to disciplinary procedures be, at the first instance, decided by special disciplinary panels of high courts, while appeals will be decided by the appellate panel of the Supreme Administrative Court (in respect of judges not dealing with administrative law cases) and the Supreme Court (in respect of administrative law judges, public prosecutors and bailiffs). The proposal is also to establish a special chamber for unification of disciplinary proceedings' case law, according to the authorities.

56. GRECO takes note of the information provided by the authorities, namely that draft amendments aiming at enabling judges to appeal against disciplinary decisions before a court are currently being examined in Parliament. This represents a promising step towards the implementation of this recommendation. However, until the necessary amendments are adopted, GRECO cannot consider this recommendation to be implemented, more than partly.
57. GRECO concludes that recommendation ix has been partly implemented.

Corruption prevention in respect of prosecutors

Recommendation x.

58. *GRECO recommended (i) regulating in more detail the recruitment and promotion of public prosecutors so as to provide for uniform, transparent procedures and to ensure that decisions are based on precise, objective and uniform criteria, notably merit; (ii) ensuring that any decisions in those procedures are reasoned and can be appealed to a court.*
59. It is recalled that this recommendation was partly implemented in the Interim Compliance Report. GRECO welcomed the entry into force of an Agreement on the Selection and Career Progress of Public Prosecutors between the Ministry of Justice and different prosecutors' offices. However, it regretted that a possibility to appeal against recruitment/promotion decisions before court had not been dealt with. GRECO also stressed that the new rules should preferably be legislated.
60. The authorities refer to the provisions on public prosecutors contained in the Act on Public Prosecutor's Office (No. 283/1993 Coll.), which does not contain specific procedures for the selection of candidates to be appointed as public prosecutors. They also reiterate the content of the 2019 Agreement between the Minister of Justice and chief public prosecutors, which is said to have been applied in practice since its conclusion. According to the authorities, the Agreement requires that a refusal of the Supreme Public Prosecutor to propose a candidate for appointment be reasoned and, similarly, a decision by the Minister of Justice not to appoint a proposed candidate as a public prosecutor, also be reasoned. As to the selection procedure of candidates for appointment as public prosecutors, the authorities stated that it is to be part of draft amendments to the Act on the Public Prosecutor's Office, which is yet to be discussed by the Government.
61. GRECO takes note of the information provided by the authorities. It would appear that no significant developments or tangible steps have been taken since the adoption of the Interim Compliance Report. The legislative process regarding draft amendments to Act on Public Prosecutor's Office, already mentioned in the Interim Compliance Report, has not advanced either. In view of this lack of progress, GRECO

urges the Czech authorities to step up their efforts towards implementing this recommendation.

62. GRECO concludes that recommendation x remains partly implemented.

Recommendation xi.

63. *GRECO recommended reforming the procedures for the appointment and recall of the Supreme Public Prosecutor and other chief public prosecutors, in particular by ensuring (i) that any decisions in those procedures are reasoned, based on clear and objective criteria and can be appealed to a court; (ii) that appointment decisions are based on mandatory, transparent selection procedures and; (iii) that recall is possible only in the context of disciplinary proceedings.*
64. GRECO recalls that this recommendation was not implemented in the Interim Compliance Report. A draft Act on Public Prosecution had been in preparation to also address concerns underlying this recommendation, but it had been at a very early stage. In addition, the Agreement concluded in June 2019 between the Ministry of Justice and prosecutors' offices had not addressed the rules on prosecutors' removal from office and had not introduced a possibility to appeal recruitment/promotion decisions before court.
65. The authorities now refer again to the Agreement between the Ministry of Justice and prosecutors' offices, which regulates *inter alia* basic rules and procedure for appointing chief public prosecutors by the Minister of Justice (see paragraph 59). The authorities indicate that the selection procedure of candidates for district, regional or high public prosecutors' offices is included in the draft amendments to the Act on Public Prosecutor's Office, which has still not been discussed by the Government.
66. GRECO takes note of the information provided and regrets that no tangible progress in the implementation of this recommendation has been made. Further, GRECO has taken note of information from civil society and media on the recent replacement of the Prosecutor General (July 2021) in a procedure based on the current rules and without a required degree of transparency⁷. GRECO emphasises the urgency of the full implementation of this recommendation, calls upon the Czech authorities to proceed with the adoption of new legislation in this respect.
67. GRECO concludes that recommendation xi remains not implemented.

Recommendation xiii.

68. *GRECO recommended regulating more closely the exercise by public prosecutors of secondary activities, including by introducing a reporting requirement and, as appropriate, monitoring compliance with the existing restrictions on the exercise of such activities.*
69. It is recalled that this recommendation was partly implemented in the Interim Compliance Report, since the adoption of amendments to the Act on Conflicts of Interest, which introduced mandatory annual declarations, including in respect of secondary activities. More detailed reporting rules had not been adopted and no

⁷ A news article regarding resignation of the Supreme Public Prosecutor is accessible via the following link: <https://www.bloomberg.com/news/articles/2021-05-14/top-czech-prosecutor-quits-citing-attacks-from-justice-minister>

The OECD statement in relation to the resignation of the Prosecutor General is accessible via the following link: <https://www.oecd.org/daf/anti-bribery/independence-of-prosecutors-is-a-serious-concern-in-czech-republic-following-allegations-of-government-pressure.htm>

provision on reporting secondary activities had been included in the newly adopted Code of Ethics.

70. The Czech authorities refer, again, to the Act on Conflict of Interests (No. 159/2006 Coll), and the recent Code of Ethics, which contain reporting obligations in respect of some of the public prosecutors regarding their secondary activities. The authorities further indicate that a more detailed regulation of the reporting obligations is part of amendments to the Public Prosecutor's Office Act, which is yet to be discussed by the Government (see paragraph 64).
71. GRECO takes notes of the information provided by the authorities, which suggests that no further progress has been made regarding the implementation of the present recommendation.
72. GRECO considers that recommendation xiii remains partly implemented.

Recommendation xiv.

73. *GRECO recommended introducing the possibility for public prosecutors to challenge disciplinary decisions including dismissal before a court.*
74. It is recalled that this recommendation was not implemented in the Interim Compliance Report. It had been noted that a possibility to appeal before a court against disciplinary decisions regarding judges and prosecutors was part of legal amendments in preparation, which had not been adopted at the time.
75. The Czech authorities now inform GRECO that the introduction of appeal procedure against disciplinary decisions in respect of judges and prosecutors is envisaged through the same package of amendments, as already mentioned under recommendation ix. The proposed draft amendments are currently discussed in Parliament.
76. GRECO notes that the draft amendments to enable prosecutors to appeal against disciplinary decisions before a court is currently examined in Parliament. This represents a modest step towards the implementation of this recommendation. However, until the necessary amendments are adopted, GRECO cannot consider this recommendation to be implemented in a satisfactory manner.
77. GRECO concludes that recommendation xiv has been partly implemented.

III. CONCLUSIONS

78. **In view of the foregoing, GRECO concludes that the Czech Republic has implemented satisfactorily or dealt with in a satisfactory manner two of the fourteen recommendations contained in the Fourth Round Evaluation Report.** Nine recommendations have been partly implemented and the remaining three recommendations have not been implemented.
79. More specifically, recommendations viii and xii has been implemented satisfactorily, recommendations i, iv, v, vi, vii, ix, x, xiii and xiv have been partly implemented and recommendations ii, iii, and xi have not been implemented.
80. With respect to members of parliament, there is no progress, since the adoption of the previous interim compliance report. In particular, no tangible steps have been taken to enhance the transparency of the legislative process. The draft Act on Lobbying, submitted to Parliament a while ago, has still not been adopted. There is

still no code of conduct of the Chamber of Deputies in place, even though preparations to this end have been in the pipeline for some time. The Senate's position not to adopt such a code is a worrying development, discouraging greater transparency and contributing to an environment that is detrimental to efficient fight against corruption among parliamentarians. Finally, broadening of the scope of information subject to declaring by parliamentarians is yet to be given proper consideration.

81. As to the judges, the amendments to the Act on Courts and Judges relating to recruitment and promotion of judges have now been adopted, but further measures need to be taken to allow for the decisions on judicial recruitments and promotions to be appealed before a court. The elaboration of the new Code of Ethics for judges has been an important development. However, the new Code appears to be applicable only to judges in those courts, whose judicial councils have approved it. In addition, the non-binding nature of the Code of Ethics along with the absence of a supervision and enforcement mechanism regarding its implementation in practice considerably weakens the important role a code of ethics should fulfil. Besides, the Code does not appear to contain all relevant issues, e.g. secondary activities of judges and their contacts with third parties. Progress has been made as regards the reporting by judges of secondary activities, as amendments have been adopted to relevant legislation. Finally, draft amendments to enable judges to appeal against disciplinary decisions before a court have now been submitted to Parliament.
82. As regards prosecutors, some rules and criteria regarding appointment, transfer and promotion of prosecutors have been included in the Agreement on the Selection and Career Progress of Public Prosecutors with the Ministry of Justice. However, no significant steps have been taken since the conclusion of this Agreement in June 2019. The legislative process regarding draft amendments to the Act on Public Prosecutor's Office, already mentioned in the Interim Compliance Report, has not advanced either. Regrettably, there is still no possibility to appeal against recruitment/promotion decisions before a court, and draft amendments to reform appointment and recall of the Supreme Public Prosecutor and other chief public prosecutors have not been established. No new rules have been introduced on reporting obligations of prosecutors' secondary activities and monitoring compliance with the existing restrictions. Draft amendments to allow prosecutors to challenge disciplinary decisions, including dismissal, before a court are still in the making.
83. In view of the above, GRECO concludes that the current level of compliance with the recommendations is no longer "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decides not to continue applying Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report.
84. Pursuant to paragraph 8.2 of the Rule 31 revised of the Rules of Procedure, GRECO asks the Head of delegation of the Czech Republic to provide a report on the progress in implementing recommendations i to xi, as well as xiii and xiv as soon as possible, however – at the latest – by 30 September 2022.
85. Finally, GRECO invites the authorities of the Czech Republic to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.