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FOURTH EVALUATION ROUND

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

THIRD *INTERIM* COMPLIANCE REPORT

CZECHIA

Adopted by GRECO at its 98th Plenary Meeting
(Strasbourg, 18-22 November 2024)

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I. INTRODUCTION

1. The Third Interim Compliance Report assesses the measures taken by the authorities of Czechia 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.
5. The [Second Interim Compliance Report](#) was adopted by GRECO at the 88th Plenary meeting (22 September 2021) and made public on 16 June 2023, following authorisation by the Czech authorities.
6. The [Second Compliance Report](#) was adopted by GRECO at the 93rd Plenary meeting (24 March 2024) and made public on 16 June 2023, 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 May 2024, served as the basis for the present Third Interim Compliance Report.
7. This [Third Interim Compliance Report](#) evaluates the progress made in implementing the pending recommendations since the adoption of the Second Compliance Report and provides an overall appraisal of the level of compliance with these recommendations.
8. GRECO selected Türkiye (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 Ms Zehra Cansu ORHAN, on behalf of Türkiye and Ms Zuzana ŠTOFOVÁ on behalf of the Slovak Republic. They were assisted by GRECO's Secretariat in drawing up this report.

II. ANALYSIS

9. It is recalled that GRECO addressed fourteen recommendations to Czechia in its Evaluation Report. In the most recent report, the Second Compliance Report, three of the fourteen recommendations had been implemented satisfactorily, five recommendations had been partly implemented and six recommendations remained not implemented. Compliance with the eleven outstanding recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i

10. *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.

11. GRECO recalls that this recommendation had not been implemented.
12. The Czech authorities state that there were no changes in the legal regulation regarding meetings of committees and subcommittees in the Chamber of Deputies and the Senate since 2019. However, records of committee meetings are regularly published on the Parliament's website¹, except for the Mandate and Immunity Committee and the Organisational Committee of both Chambers, whose meetings are held *in camera* based on the Rules of Procedure of both chambers of Parliament. As to the subcommittees, the meetings are public but not all meeting reports are published on the Parliament's website.
13. As regards the second element of the recommendation, the Minister of Justice presented in March 2024 a draft on the Regulation of Lobbying to the Government after inter-governmental commentary procedure and further expert discussions and political negotiations both with governmental and opposition parties. The Government approved the draft in its session on 6 March 2024 (resolution 152/2024). The draft is now in second reading in the Chamber of Deputies, the first reading having taken place on 2 May 2024.
14. The draft regulation defines lobbying and sets its scope in a positive and negative way; it further defines lobbyists and those who are lobbied and sets the obligations of these persons. A lobbying register and procedures for registration and deletion from it are established. Data on the contacts of lobbyists with lobbied persons will be recorded in the register through the lobbyist's statement every six months. The information that the lobbyists will have to provide include the aim of lobbying, a list of the names of all lobbied persons and lobbyists who were involved in the process of adopting a legal regulation, as well as whether their lobbying fulfilled its purpose (on the bases of whether a draft legal regulation was submitted, the draft legal regulation underwent changes, or an amendment was submitted). The purpose of the lobbying register is to create conditions for the public to obtain a comprehensive picture of ongoing lobbying contacts in a user-friendly manner. Lobbying occurring outside the framework of the established rules will be penalised.
15. This regulation is expected to contribute to uncovering the links between lobbyists, interest groups and public officials, as well as to record the "legislative footprint" of a legal regulation. Data will have to be mandatorily provided on successful lobbying, i.e. on lobbying contacts with persons who provided consultations, advice or proposals that actually influenced the preparation, creation, and especially the final form of legislation. This information is to be recorded in the explanatory report of the draft law, in the reasoning of the amendment proposal or in the minutes of the committee meeting at which the amendment proposal was adopted. The draft regulation is anticipated to come into effect on 1 July 2025.
16. GRECO takes note of the undergoing process of adoption of a draft regulation on lobbying. This text could allow for more transparency in the interactions between lobbyists, other third parties and members of parliament, which is one of the aims pursued by the second element of the recommendation. This element may, therefore, be regarded as partly implemented. However, GRECO recalls that this element also calls for rules on how members of parliament interact with lobbyists. The only rule applicable to MPs is the obligation to report lobbying contacts which actually influenced the preparation, content or form of legislation. This is of course welcome,

¹ <https://www.psp.cz/sqw/hp.sqw?k=194> (in Czech only).

but GRECO recalls that the recommendation also calls for guidance for MPs on do's and don'ts around such contacts. As regards the first element of the recommendation, GRECO notes that some records of committee and subcommittees are published. However, this is not the case for all, as confirmed by the authorities and consultation of the link mentioned in the previous paragraph. Moreover, the authorities confirmed that the legal framework on this issue remains unchanged. As a whole, the recommendation is now partly implemented.

17. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii

18. *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.*
19. GRECO recalls that this recommendation had not been implemented. There was a plan of the Speaker of the Chamber of Deputies to prepare a new code of conduct, but the Senate was opposed to such a code.
20. The Czech authorities indicate that the Mandate and Immunity Committee of the Chamber of Deputies adopted on 20 June 2023 resolution no. 38 on the establishment of a working group on the Code of Conduct for Members of Parliament and its application. According to the discussion (the report has been exceptionally published), the working group was to prepare a draft Code of Ethics of a Deputy, submit it to the Mandate and Immunity Committee for adoption and then submit it for discussion and adoption by the Chamber of Deputies. The authorities report having no information on meetings and other actions of the Committee or the working group, as meetings of this Committee are closed by law.
21. On 7 February 2024, the Mandate and Immunity Committee adopted resolution no. 43 on Rules Recommended by the Mandate and Immunity Committee for the Ethical Behaviour of Deputies. There are basic rules and duties of deputies on conflicts of interest, lobbying, information sharing, behaviour as a member of Parliament, their activities in their capacity of deputy, gifts and other benefits, use of public funds and competence of the Mandate and Immunity Committee in case of breach of these rules.
22. These Rules were adopted by the Committee as an internal document in the form of a resolution of the current Mandate and Immunity Committee for this (9th) election term, but they were distributed to all MPs and published on the Committee's website². Rules were not adopted at the level of the Chamber, nor discussed, however, they are used in discussion in the Plenary by various deputies. No methodical guidance has been adopted. As there is no continuity between terms in the Chamber of Deputies, the Rules will not remain applicable for the next term, and they would have to be adopted again by the new Chamber of Deputies.
23. The authorities are not aware of any similar activity towards the adoption of rules of conduct happening in the Senate.

² <https://www.psp.cz/sqw/hp.sqw?k=3712&z=18688>

24. GRECO welcomes the adoption by the Mandate and Immunity Committee of the Chamber of Deputies of resolution no. 43 on Rules for the Ethical Behaviour of Deputies. This document contains some principles of conduct on issues highlighted in the recommendation, most especially on conflicts of interest, but also on gifts and other advantages, declaration duties and use of public funds. However, many of these rules would benefit from more explanations, comments or illustrative guidance, especially as regards gifts (see below under recommendation iii). GRECO also notes that the resolution does not touch on other matters of relevance, namely additional activities, post-employment situations and contacts with third parties. Most importantly, the rules contained in the resolution are only valid for the current term of office of the Chamber of Deputies, as they were not adopted at the level of the Chamber itself. GRECO stresses that the gaps underpinning the recommendation need to be addressed in a permanent manner and not only for the current legislature. It is of the view that resolution no. 43 is a good first step towards a properly complete and illustrative code of conduct for members of parliament. It urges both chambers to work towards the adoption of such a document. Finally, it notes that no activity towards this end seems to be happening in the Senate.
25. Consequently, the first element of the recommendation may be regarded as partly implemented by the Chamber of Deputies but remains unimplemented as regards the Senate. Pending the adoption of a proper code of conduct by both chambers, the second element of the recommendation remains unimplemented as well.
26. GRECO concludes that recommendation ii has been partly implemented.
- Recommendation iii
27. *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.*
28. GRECO recalls that this information was not implemented in previous reports.
29. The authorities refer to the information submitted under paragraph 21. Resolution no. 43 on Rules Recommended by the Mandate and Immunity Committee for the Ethical Behaviour of Deputies contains in its article 5 rules on gifts and other benefits. Accordingly, a member “shall not, in the exercise of his/her rights and duties, solicit or accept gifts, gratuities or any other advantage which may impair impartiality, unless as a courtesy.” S/he also “shall act in such a way as not to give the impression that s/he has made an offer constituting an invitation to corruption”.
30. GRECO takes note of article 5 of the Rules for the Ethical Behaviour of Deputies. It acknowledges that this article sets out enforceable rules on the acceptance of gifts and other advantages, as required by the recommendation. The enforceable character of the rules contained in the resolution is manifested in the powers of investigation of the Mandate and Immunity Committee and in its power to signal breaches of the regulation’s provisions to the Chamber’s leadership for possible action (article 7).
31. That said, article 5 is not detailed enough to meet all the requirements of the recommendation. It merely states the principle that gifts and advantages impairing a member’s impartiality must not be accepted, but it does not give any examples or illustrations of this principle. It does not define either which gifts may be acceptable or what conduct members should adopt when offered such gifts without a possibility to refuse them. GRECO invites the authorities to complement article 5 according to

the recommendation's requirements in the future code of conduct. Moreover, Resolution no. 43 is only valid under the current legislature, as explained in paragraph 22. Finally, GRECO notes that no rules on gifts apply to members of the Senate.

32. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv

33. *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).*

34. GRECO recalls that this recommendation was partly implemented. The first part was partly implemented, as GRECO had noted in the Second Compliance Report a worrying trend towards a narrowing of the scope of and the access modalities to the declarations. The second part was fully complied with. As to the third part, it remained not implemented.

35. As regards the third part of the recommendation, the authorities communicate that an analysis of the Act on Conflicts of Interest was carried out throughout 2023. It was concluded in 2024 and presented at a meeting of the Government Anti-Corruption Council on 4 June 2024. The analysis was commissioned by the Minister for Legislation and chairman of the Government Legislation Council, who also presides the Government Anti-Corruption Council. It was carried out by the Conflict of Interest and Anti-Corruption Department of the Ministry of Justice. The analysis explicitly discusses topics such as the publication of asset declarations of top state officials and the general set-up of the system for filing such declarations by all public officials, as well as the tightening of the revolving door regulation. It suggests several options to address any shortcomings identified in the legislation or application practice. The choice of the appropriate measures is now in the hands of the Ministry of Justice.

36. As regards close relatives of public officials, the analysis examines the opportunity of extending to them the prohibitions stipulated in sections 4b and 4c of the Act on Conflicts of Interest, which concern participation in public procurement or the acceptance of subsidies.

37. As regards the third part of the recommendation, GRECO takes note of the Analysis of the Act on Conflicts of Interest carried out by the Ministry of Justice. The excerpt referred to by the authorities regarding extending some provisions of the Act to public officials' close relatives focuses on a prohibition contained in section 4 regarding public procurement procedures and the acceptance of public subsidies. The Analysis does not seem to address the declaration obligations which are contained in sections 10 and 11 of the Act. Therefore, GRECO takes the view that the Analysis does not constitute an appropriate response to the third element of the recommendation, which remains not implemented.

38. GRECO concludes that recommendation iv remains partly implemented.

Recommendation v

39. *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.*
40. GRECO recalls that this recommendation had been assessed as partly implemented in the Second Interim Compliance Report, in the light of considerable improvement in the practice of the supervisory system of declarations of MPs. However, more effective, proportionate and dissuasive sanctions had not been introduced at the time.
41. The authorities now report that the Analysis mentioned under recommendation iv also examines the possible establishment of an independent monitoring authority, the issue of sanctions and how to change the practice of administrative authorities that impose the lowest possible fines and frequently apply material corrections to the declared information. One of the proposed legislative solutions is to remove the competence to consider offences at the first degree of municipal authorities with extended jurisdiction, and to give it to other administrative authorities. Following this analysis, draft amendments to the Act on Conflicts of Interest are under preparation to tighten sanctions.
42. GRECO takes note of the fact that the Analysis carried out by the Ministry of Justice examines the issues of supervision and sanctions, which is welcome. It also takes note of the draft amendments aiming at tightening sanctions. It looks forward to assessing these amendments in its next report.
43. GRECO concludes that recommendation v remains partly implemented.

Corruption prevention in respect of judges

Recommendation vii

44. *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.*
45. GRECO recalls that this recommendation was partly implemented in the Second Interim Compliance Report. It welcomed the new Code of Ethics and the development of Judicial Ethics Training Tools. However, the new Code had not been made applicable to all judges as not all judicial councils had approved it. GRECO had also taken issue with the non-binding nature of the Code and with the absence of a supervisory and enforcement mechanism. Furthermore, the provisions of the Code did not include rules regarding certain areas (e.g. secondary activities, contacts with third parties) and GRECO had not been provided with the practical guide which was said to be part of the Code. The first element of the recommendation was thus only partly implemented. As regards the second element, GRECO noted that no judicial training had been provided on the new Code and its application in practice and that the role of confidential counselling appeared to be left to the Ethical Court of the

Union of Judges, which was criticised for a poor advisory role, in the Evaluation Report. This element therefore remained not implemented.

46. The authorities inform GRECO about training activities relating to ethics and integrity carried out since the last report, namely: annual conference on ethics in law, gathering 24 participants in 2022, 65 in 2023 and 90 in 2024; introductory one-day seminar for newly admitted judicial candidates focusing on the Role of a Judge and Fundamentals of Professional Ethics; two-day meeting of judges in January 2022 to review and expand the set of ethical dilemmas two years after its adoption; international conference in June 2023 on Intensifying the Fight against Corruption: Moral Dilemmas of Judges and Public Prosecutors, with the participation of 14 members of the judiciary; one-day training in February 2024 on Disciplinary Proceedings and Ethical Questions for 36 court presidents, vice-presidents and judges; participation of 9 judges in total from Czechia to international training events in 2022 to 2024 on judicial and prosecutorial ethics organised in cooperation with the European Judicial Training Network (EJTN).
47. GRECO welcomes the training activities on ethics and integrity reported. However, it points out that these activities did not focus specifically the new Code of Ethics and its application in practice. It would also encourage the authorities to involve more judges in these activities, as well as lay judges, as required by the second part of the recommendation. Finally, it does not appear that any measures have been taken to develop confidential counselling on issues of ethics and integrity.
48. GRECO concludes that recommendation vii remains partly implemented.

Recommendation ix

49. *GRECO recommended introducing the possibility for judges to challenge disciplinary decisions including for dismissal before a court.*
50. GRECO recalls that this recommendation was not implemented. Amendments aimed at enabling judges to appeal against disciplinary decisions before a court had been pending before Parliament when it was dissolved following elections in October 2021. The process of adoption of these amendments had to be started anew by the new Government and Parliament.
51. The authorities now report that the draft was presented to the Government again, after an inter-ministerial commentary process, in November 2023. The Government adopted it on 31 January 2024 and passed it on to the Chamber of Deputies, where the third reading took place on 25 October 2024. It was sent to the Senate on 12 November 2024.
52. The aim of the amendment based on GRECO recommendation is to strengthen the guarantees of the legality of disciplinary proceedings involving judges, prosecutors and bailiffs by introducing an instance review on the basis of an appeal and to increase the efficiency of the proceedings through several measures - extension of the circle of disciplinary courts, introduction of an appeal review, new composition of disciplinary chambers, establishment of a unifying disciplinary chamber of disciplinary courts of appeal for the purpose of unifying case law, review of reproach by the disciplinary court, the establishment of a procedure for the coordination of disciplinary petitioners, the disclosure of certain evidence, the extension of the subjective time limit for filing a disciplinary petition from 6 months to 9 months, the proposed effect of certain facts on the running of the time limits for filing a disciplinary petition and for the extinction of disciplinary liability, the limitation of the payment of the salary of a judge or prosecutor who has been temporarily

suspended from office, the extension of the range of cases in which a judge or prosecutor may be required to pay recourse under Act No. 82/1998 Coll..

53. The draft also includes amendments that are not directly related to disciplinary law (terminological changes concerning the composition of the selection committee for the office of president of a supreme, regional and district court and facilitating access of courts to data from the public administration information system, basic registers, and agency information systems). The anticipated entry into force of the draft is on 1 January 2025.
54. GRECO welcomes the adoption in third reading by Parliament of draft amendments introducing an instance review on disciplinary cases involving judges, prosecutors and bailiffs. This is a positive development towards the implementation of the recommendation. GRECO looks forward to assessing the content of the draft in its next report.
55. GRECO concludes that recommendation ix is partly implemented.

Corruption prevention in respect of prosecutors

Recommendation x

56. *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.*
57. 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 noted that a possibility to appeal against recruitment/promotion decisions before court had not been dealt with. Moreover, GRECO stressed that the new rules should preferably be legislated. In the Second Compliance Report, GRECO took note that draft amendments to the Act on the Public Prosecutor's Office had been submitted to an inter-ministerial consultation procedure.
58. The authorities indicate that the draft amendments were approved by the Government on 24 May 2023 and submitted to the Parliament. They were adopted and signed by the President on 22 March 2024. The new law has been published in the Collection on 9 April 2024 as Law no. 83/2024, which entered into force on 1 July 2024. The authorities state that the new law responds to recommendations made by GRECO as well as the Rule of Law reports on Czechia. Specifically, the following changes have been made:
 - removability of chief prosecutors only in disciplinary proceedings and introduction of disciplinary offences of chief prosecutors;
 - introduction of the conditions for the removal of the Prosecutor General from office: on the proposal of the minister of justice, the Government may remove the Prosecutor General from office if "*by the fault of a serious breach of his or her duties or by his or her grossly inappropriate conduct, he or she fundamentally compromised confidence in the proper functioning of the Prosecutor General or of the system of the public prosecutor's office, in particular confidence in the legality of their procedure or in their impartiality*

or expertise, or fundamentally endangered the seriousness and dignity of the function of the Prosecutor General or the public prosecutor's office". The statement of the minister must contain grounds for the proposed dismissal.

- introduction of the possibility for the Prosecutor General to bring an action under the Judicial Administrative Code against the decision on his or her dismissal from the office;
- introduction of the length of the terms of office of the chief public prosecutors including the Prosecutor General;
- a prerequisite for the appointment of the Prosecutor General will be legal experience of at least 10 years, of which at least 6 years as a public prosecutor. Such a person can be appointed only once;
- introduction of basic requirements for the position of chief public prosecutor, including the Prosecutor General (professional knowledge and experience, moral qualities guaranteeing the proper performance of the function, the Prosecutor General should fulfil the requirement for managerial skills);
- the selection of high, regional and district chief prosecutors will be done exclusively through selection procedures, only in exceptional cases may the Minister of Justice refuse to appoint a proposed candidate on the grounds that the person does not provide guarantees for the proper performance of the function.

59. Following the adoption of the amendments to the Act on the Public Prosecutor's Office, the Prosecutor General's Office, in application of section 12 paragraph 7 of the Act³, drafted Rules on career advancement of public prosecutors, which were adopted by the Prosecutor General on 4 July 2024. These rules complement the new legal provisions as regards the career advancement, the procedure for announcing a competition for the post of prosecutor or chief prosecutor, the rules of procedure for selection procedures for the post of prosecutor or senior prosecutor and the rules of procedure for the selection committee.

60. GRECO welcomes the entry into force of Law no.83/2024 amending the Act on the Public Prosecutor's Office and the adoption of the Rules on career advancement of public prosecutors. It notes that the Rules now provide for uniform and transparent procedures for the recruitment and promotion of public prosecutors, which are regulated with an adequate degree of detail. The criteria for selection and promotion are uniform, objective and based on merit, as foreseen in specimens of evaluation forms and minutes of selection committees' meetings, which are appended to the Rules. Appointment and promotion decisions must be reasoned and are subject to appeal. Both parts of the recommendation may therefore be regarded as fully complied with. As regards the amendments referred to in paragraph 58, they deal with the selection procedure of chief prosecutors, which is the object of recommendation xi below.

61. GRECO concludes that recommendation x has been implemented satisfactorily.

Recommendation xi

³ "7) The Prosecutor General shall issue, after consultation with high and regional state prosecutors and with the prior approval of the Minister of Justice, rules for the career advancement of state prosecutors, rules of procedure for announcing a selection procedure for the post of state prosecutor or chief state prosecutor, rules of procedure for selection procedures for the post of state prosecutor or chief state prosecutor and rules of procedure for the selection committee; these rules shall be binding on state prosecutors and members of the selection committee."

62. *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.*
63. GRECO recalls that this recommendation was not implemented.
64. The authorities refer to the information submitted under recommendation x (see paragraphs 58 and 59).
65. As regards the first and second parts of the recommendation, GRECO welcomes that all decisions on appointment and recall of the Prosecutor General and chief prosecutors must be reasoned and are subject to judicial review. All decisions during the selection procedures by members of the selection committees and by the “announcer of the selection procedure” are reasoned. A report on the selection procedure is available upon request to all candidates. In case the appointing authorities decide not to appoint proposed candidates, they have to motivate their decision. Likewise, all recall decisions have to be reasoned. As far as the criteria for career decisions are concerned, GRECO already assessed positively the criteria and procedures for the selection and promotion of prosecutors as foreseen in the Rules on career advancement of public prosecutors (see paragraph 60). The same procedures apply to chief public prosecutors, including the Prosecutor General. It follows that the first and second parts of the recommendation are fully implemented.
66. Turning to the third part of the recommendation, GRECO welcomes that according to section 10, paragraph 6 of the new law, chief prosecutors may only be dismissed in the context of disciplinary proceedings. The Prosecutor General may be dismissed by a decision of the Government, but only under certain conditions (see paragraph 58) and this decision is subject to review by the Supreme Administrative Court, including on its merits. The third part of the recommendation is, therefore, dealt in a satisfactory manner.
67. GRECO concludes that recommendation xi has been implemented satisfactorily.

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 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 provisions on reporting activities had been included in the Code of Ethics. In the latest report, the authorities had communicated that a more detailed regulation on the exercise by prosecutors of secondary activities was part of the draft amendments to the Law on the Public Prosecution Service.
70. The authorities refer to the new section 24a of the Law on the Public Prosecution Service, which was introduced by the above-mentioned amendments which entered into force on 1 July 2024 and which mirrors the standards set up for judges on secondary activities. This section specifies which secondary activities may or may not be carried out by prosecutors. All activities that may be carried out are subject to a

duty of notification to the prosecutor's superior at the latest by 30 June of the following calendar year. The notification must include the purpose of the activity, the manner and place it is carried out, for whom it is performed and to what extent it was carried out. There is no duty of notification if the activity was not effectively performed in a given year or if the total gross annual income from that activity does not exceed 20% of the prosecutor's annual salary for that calendar year. According to section 13i paragraph 1 of the law, lead prosecutors have an obligation to file a disciplinary motion if they find circumstances indicating that a disciplinary offence has been committed. This is the case if an annual notification indicates that a secondary activity does not fulfil the legal requirements, if a prosecutor failed to notify a secondary activity or if notification was incomplete. Lead prosecutors may detect such irregularities from the notifications themselves, or from other means – such as media reports, personal interviews or reports to their office – and may carry out investigations in the matter according to section 32 of the law. Moreover, income from secondary activities must also be declared in the annual declaration on income and liabilities, if it exceeds 100.000 CZK (approximately 4.000 EUR) in a given year, regardless of whether it comes from one or several activities.

71. GRECO welcomes section 24a of the Law on the Public Prosecution Service, which introduces clearer rules on secondary activities, as well as an annual reporting requirement, as required by the recommendation. It also welcomes the provisions regarding appropriate monitoring of compliance with these rules.

72. GRECO concludes that recommendation xiii has been implemented satisfactorily.

Recommendation xiv

73. *GRECO recommended introducing the possibility for public prosecutors to challenge disciplinary decisions including dismissal before a court.*

74. GRECO recalls that this recommendation was assessed as not implemented in the previous report.

75. The authorities refer again to the information submitted under recommendation ix (see paragraphs 51-53) as regards changes to disciplinary rules applicable to prosecutors.

76. GRECO again welcomes the adoption in third reading by Parliament of draft amendments introducing an instance review on disciplinary cases involving judges, prosecutors and bailiffs. It looks forward to assessing the content of the draft in its next report.

77. GRECO concludes that recommendation xiv is partly implemented.

III. CONCLUSIONS

78. In view of the foregoing, GRECO concludes that Czechia has implemented satisfactorily or dealt with in a satisfactory manner six of the fourteen recommendations contained in the Fourth Round Evaluation Report. The other eight recommendations have now been partly implemented.

79. More specifically, recommendations vi, viii, x, xi, xii and xiii have been implemented satisfactorily, recommendations i, ii, iii, iv, v, vii, ix and xiv have been partly implemented.

80. There has been progress with respect to members of parliament. A draft regulation on lobbying is under preparation, which could allow for more transparency in the interactions between lobbyists and MPs. The Mandate and Immunity Committee of the Chamber of Deputies has adopted a resolution on Rules for the Ethical Behaviour of Deputies. Article 5 of this text sets out enforceable rules on the acceptance of gifts and other advantages. That said, many issues remain incompletely resolved. There are still no rules on how MPs interact with lobbyists. The Rules for the Ethical Behaviour of Deputies need to be complemented and further illustrated; moreover, it is only valid under the current legislature. A similar document is still lacking for senators. GRECO still has concerns regarding the scope of and access to declarations submitted by MPs. Finally, proportionate, effective and dissuasive sanctions are still not in place for violation of the provisions on declaration requirements.
81. As to judges, the adoption in third reading by Parliament of draft amendments introducing an instance review on disciplinary cases is welcome. However, there has still been no progress in making the Code of Ethics applicable to all judges and in developing complementary training and counselling.
82. The above-mentioned instance review would also be competent on disciplinary cases involving prosecutors. Amendments to the Law on the Public Prosecution Service and rules adopted to implement it enabled progress as regards the selection procedure of prosecutors and the need to motivate decisions on their career. There are now clearer rules on secondary activities by prosecutors, as well as appropriate monitoring of their implementation.
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 revised, paragraph 8.3 of the Rules of Procedure. It therefore decides not to pursue the application of Rule 32 with regard to those members who do not comply with the recommendations contained in the mutual evaluation report.
84. Pursuant to Rule 31 revised, paragraph 8.2 of the Rules of Procedure, GRECO invites the Head of Delegation of Czechia to provide a report on the progress in implementing recommendations i to v, vii, ix and xiv by 30 November 2025 at the latest.
85. Finally, GRECO invites the authorities of Czechia to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.