

TO BE COMPLETED BY TI NATIONAL CHAPTERS (NCs)

Instructions before filling in the CONTENT table

- **Objective of the table:** provide factual information on developments on the ground in your Member State **related to the areas of our work in TI** within the Four Pillars: Justice System, Anti-corruption, Media Pluralism and Checks and Balances.

Your written contributions will feed the assessment of the Commission for drafting the Annual Rule of Law Report.

- **Content and format:** - provide consistent, clear and short information in the areas specified in the cells/columns (**max. 3000 characters per sub-topic**);

- contribution should highlight significant developments, **since January 2019**: refer briefly to existing reports, statements & legislation (**title or short summary + link to the documents / no need full text !!**)

- focus on significant developments both as regards the **legal framework and its implementation in practice** (e.g. policies, evaluations and impact assessments, decisions of independent authorities, Case-law)

- **Language English**

- **Deadline: 30 April**

- **Please indicate the e-mail of contact person for your chapter here:**

Commented [J1]: email

- **Contact person for coordination/information:** Angels Gimenez Bofarull (TI-EU) / e-mail: abofarull@transparency.org

Link to the consultation: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-report_en

Pillar I	JUSTICE SYSTEM										
Topics & Sub-topics	Independence					Quality of Justice			Efficiency of the Justice System		Other
Member State (NCs)	Appointment and selection of judges and prosecutors (3000 characters)	Allocation of cases in the court	Independence and powers of the body tasked with safeguarding the independence of the judiciary (3000 characters)	Accountability of judges and prosecutors, including disciplinary regime and ethical rules.	Significant developments capable of affecting the perception that the general public has of the independence of the judiciary	Accessibility of courts	Resources of the judiciary	Use of assessment tools and standards (e.g. ICT systems for case management, court statistics, monitoring, evaluation, surveys among court users or legal professionals)	Length of proceedings	Enforcement of judgements	Any other relevant information/areas that are missing
Czech Republic	Following the activity of GRECO focused on judiciary, the Czech Republic is obliged to improve the independence of judges and prosecutor. However, most of the objectives have not been fulfilled yet and regarding the prosecution, these will not be met soon. Judges: Rules for appointment, selection, irremovability, promotion and remuneration are generally satisfactory. Following the GRECO recommendations, an amendment to the current law has been drafted. This amendment should improve the situation in most of the aspects significantly to a very high level of	No known issues at the moment.	There are some signals, that the judiciary sector is under pressure from influence groups to steer their verdict, especially in the prosecution cases. After several court decisions	Ethical code for prosecutors has been adopted in late 2019.	See first column. The power of the government led by prosecuted prime minister over the prosecutor general are one of the main topics of huge anti-government protests, focused on preservation of prosecution's independence.	Czech courts are generally accessible to anyone filing a suit or other motion. There is an on-going discussion whether court fees should be increased as they are rather	Operation of courts has been underfunded for decades. Judges' salaries are fixed by the law, so the lack of resources affects mainly the administration and amount of	ICT systems and other tools are generally not coordinated within the justice system, which leads to dysfunctionality and bureaucracy.	In comparison to other EU member states, proceedings are not lengthy (on average). However, many publicly observed cases with political or corruption background do		The judiciary became more important tool for checks and balances in democracy regime in the health crisis, where there is a higher number of efforts to restrict the free movement and behavior of people/businesses and courts dismissed several times some of the government attempts without

	independence. Currently, the draft law has been passed by the Chamber of Deputies and is going to be discussed in coming months in the Senate. Prosecution: On the other hand, there are serious threats to the independence of public prosecution in the Czech Republic, as the prime minister (as well the head of president's office) is currently prosecuted for subsidy fraud, and many other high-ranking politicians and officials close to the government and the president are under investigations. The prosecutor general may be removed by the government without any reasons given. The appointment, selection and promotion of prosecutors is in hands of the prosecution system and generally satisfactory. However, following the GRECO recommendations and development of prime minister's case, the amendment to the current law would seriously threaten all the aspects of prosecution's independence. The draft amendment has not been approved by the government yet.		dismissing the government measures, they were publicly smeared by the Prime Minister or the Ministers.			low and do not deter from any obstruction legal actions.	investments in property and management. In the last few years, the situation has improved as the government allocated more money to the courts administration	Ministry of Justice is currently about to start a public register of all court decisions in anonymized form. There is a current topic of beneficial ownership and 5th AMLD transposition, that is a challenge to the outdated public registries to reflect that.	take more time to solve, due to complexity of the cases and/or resources of the high profile parties to take advantages of imperfect procedural codes dating to the previous communist regime.		clear reasons behind the measures. Minister of Justice, Marie Benešová, often releases controversial statements toward the judiciary system, often unfounded.
Pillar II	ANTI-CORRUPTION FRAMEWORK										
Topics & Sub-topics	The institutional framework capacity to fight against corruption (prevention and investigation/prosecution)	Prevention					Repressive measures			Other	
Member State (NCs)	- Authorities in charge of prevention detection, investigation and prosecution of corruption (e.g. national agencies, bodies) - Resources allocated to these (the human, financial, legal, and practical resources as relevant).	Integrity framework: asset disclosure rules, lobbying, revolving doors and general transparency of public decision-making (including public access to information)	Rules on preventing conflict of interests in the public sector	Measures in place to ensure Whistle-blower protection and encourage reporting of corruption	Sectors with high-risks of corruption in a Member State and relevant measures taken/envisaged for preventing corruption in these sectors. (e.g. public procurement, healthcare, other).	Any other relevant measures to prevent corruption in public and private sector	Criminalization of corruption and related offences	Application of sanctions (criminal and non-criminal) for corruption offences (including for legal persons)	Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)	Any other relevant information/areas that are missing	
Czech Republic	Office for the Protection of Competition (ÚOHS) – functioning disturbed by conflict of interest causae of executive director (Petr Rafaj) and questionable fees, which	Resources of the respective institutions are satisfactory for their functioning.	Missing legislation and rules for transparent lobbying and act against revolving door schemes, unfinished reform of Supreme Audit Office are	Mainly two acts are present: Act on conflict of interest no. 159/2006 Coll. demands	Still missing legislation for whistleblowers protection. Very sloppy implementation of 5AMLD which leads to the unsatisfactory level of access to	Public procurement procedures (regulated by	Integrity Pacts – a program implemented by TI CZ on several	Corruption cases are being subject of criminal	Sanctions of corruption offences seems adequate,	LE struggle with more complex economic	Although there are basic institutions and legislative frameworks to keep the national

<p>were dismissed by Constitutional court in 2020 thanks to TI CZ litigation. Mr. Rafaj had been let go based on the pressure from TI and other NGO's. Current director (Petr Mlsna) is a longtime public official with ties to several political figures, so the much needed overall restart of the office is not likely to happen.</p> <p>Office for the Supervision of the Finances of Political Parties and Movements – Established in 2016. Its performance questionable: the first results of its audits of 2017 election campaign were only available in 2019. The following procedures are always delayed and partial.</p> <p>The accountability of Government Anti-Corruption Committee is destroyed by the fact that the chairperson is the Prime Minister, who currently faces several audits for missuses of European funding and conflicts of interest on national and European levels.</p> <p>The Prosecutor General's Office supervises the performance of high public prosecutor's offices. It plays essential role in defending of the rule of law in CZ, especially in 2019, when the Prime Minister's case peaked.</p>	<p>There was a successful NGO attempt to change the status quo of the ÚOHS, as the current state is open to political influence, mainly through the chairman of the office. Now there has to be concentrated pressure to change the functioning of the office and regain trust.</p>	<p>long-term impactful scratches in national integrity of CZ.</p> <p>Based on a Constitutional court ruling, the Register for Asset Declarations of politicians and public officials is crippled (based on a flaw implementation of the law, not the mechanism itself). Ministry of Justice is not amending the situation in any way, there are some initiatives in the Parliament, though. Currently it is not clear how the topic will be solved.</p>	<ul style="list-style-type: none"> - Obligation to prefer public interests over personal interests. - Prohibition on exercising incompatible functions. - Prohibition on exercising incompatible activities. - Obligation to report on personal interest. - Notice to a register of notices of public officials (assets declaration, property, obligations, other activities...). <p>Act on the Register of Contracts governs conditions for the disclosure of contracts between public entities and private individuals in which the value of performance exceeds CZK 50,000 (cca 2000EUR), and imposes a tough penalty of invalidity in cases where these contracts are not published.</p>	<p>information on beneficial ownership of companies for public.</p>	<p>Public procurement Act No. 134/2016 Coll.) are most vulnerable for missuses in these sectors: construction and development, energetic, IT solutions, defence. Big problem is also unjust distribution of European funding in agriculture and food production areas, since it is negatively affected by the conflict of interest of the Prime Minister, whose consortium Agrofert is a biggest receiver of EU funds in the CZ.</p>	<p>important procurements, usually in tight collaboration with both public authority and business entity.</p> <p>Higher cases of misuse of political role and ignoring the political responsibility.</p> <p>Health crisis was an opportunity for politicians and public officials to ignore any anticorruption measure, which lead to a series of controversial procurements, that would be unacceptable in the past.</p> <p>Although having audit reports on the conflict of interest of Andrej Babiš, NO national institution is acting on it.</p>	<p>law on-going investigations and there have been recently few executed corruption cases (causa Rath 2019, ...).</p>	<p>although there is a issue of a small number of closed corruption cases. Some of them are formally closed as fraud. Some corruption offences (such as conflict of interest) seems to be not adequate.</p>	<p>offences/crimes. Most of the cases are attacked for the lack of evidences or formal procedures. There appears to be active efforts to influence the investigation (not just political).</p>	<p>integrity together, the Czech Republic is a (already pre-covid situation, further deepened by the non-systemic approach of the government, dismantling already fragile anti-corruption measures) subject to capture of state, whereas the biggest media owner is at the same time top 5 richest businessman and a leader of government. Such a accumulation of powers is very unhealthy and proves that legislation and institutional frameworks are not immune against groundstrokes. There is a long-time discussed reform to change the status quo of public prosecutors office, that can lead to more independence/more political influence.</p>
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Pillar III MEDIA PLURALISM

Topics & Sub-topics	Media regulatory authorities and bodies	Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body	Transparency of media ownership & government interference	Public information campaigns on rule of law issues (e.g. on judges	Rules governing transparency of media ownership	Framework for journalists' protection	Other			
Member State (NCs)	Independence, enforcement powers and adequacy of resources of media authorities and bodies	Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body	The transparent allocation of state advertising (including any rules regulating the matter)	Public information campaigns on rule of law issues (e.g. on judges	Rules governing transparency of media ownership	Rules and practices guaranteeing journalist's independence and safety and	Law enforcement capacity to ensure journalists' safety and to	Access to information and public documents	Any other relevant information/are as that are missing	

		of media authorities and bodies		and prosecutors, journalists, civil society)		protecting journalistic and other media activity from interference by state authorities	investigate attacks on journalists				
Czech Republic	<p>Media of public service so far keep their independence from strong political pressures. In 2019 had one of the strongest attacks on independence of national broadcaster took a form of unwillingness towards acceptance of annual reports of Czech TV and Czech Radio by the Chamber of Deputies/President. But so far national broadcasters seem uncompromised.</p> <p>The regulatory bodies stay generally behind a trend of transparency or safeguarding the media sector. There is a need for policy revision of such bodies.</p> <p>There is a growing number of politically loyal or antisystemic candidates for membership in those bodies, which can lead to damaging the fragile balance of public/commercial media and their independence.</p> <p>Health crisis showed the lower capacity of media to stay impartial or provide verified information.</p>	<p>Appointing is in the hands of Parliament. The procedures as well as legal framework are satisfactory, yet the recent developments weaken the liberal democratic rule of</p> <p>The Council for Radio and Television Broadcasting (RRTV) and The Council of the Czech News Agency by appointment of personalities representing the "alternative" media approach (fake-news and disinformation-oriented outlets).</p>	<p>Using advertising in political competition or steering the public opinion is underestimated and not systemically monitored.</p> <p>There are several cases, where public funds are directed to commercial media (e. g. media owned by the PM) without objective need. Also, public enterprises often spend fund on advertising without any reasoning and business rationale (e. g. Lesy ČR, ČEPS).</p>	Missing, sadly.	<p>Weak. Beneficial ownership of majority of commercial media remains unclear (http://www.taxparency.eu/cz/structures/). Growing number of small media outlets brings a question about financial sources transparency as a necessary add-on to the ownership transparency.</p>	<p>Satisfactory, functioning. State interference does not happen very often, political interference is usually happened behind closed doors.</p> <p>If any attacks happen, they are verbal (not institutional or physical).</p>	<p>Satisfactory, functioning in theory, steps from LE were more preventive recently to ensure the safety of journalists.</p>	<p>Has been rather satisfactory so far thanks to functioning Act on free access to information no. 106/1999 Coll. Since fall 2019 there is a amendment procedure started by the Government which can potentially allow the public institutions to dismiss requests of information more easily.</p> <p>There is a general unwillingness, strengthened by the pandemic, of the institutions to disclose any data, which makes the FOI even more important. There is a serious lack of data, which the health measures are based on.</p>	<p>Breach of the Act on conflict of interest regarding the media ownership of persons in executive powers of state is still a subject of infringement proceedings, since the Prime Minister of the country is top 3 biggest media owner in the country.</p> <p>Oligarchization of the media sector has been deepened by pending purchase of media house CME (biggest commercial TV Nova among others) by the PPF group of Petr Kellner in 2019, which would lead to consolidation of his influence in Central-Eastern Europe media scene.</p> <p>Politicians are trying to misuse the health crisis to silent on filter the</p>		

									journalists access to their press conferences/ asking questions. Government made several steps not to allow media to attend the conferences.		
Pillar IV	OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES										
Topics & Sub-topics	The process for preparing and enacting laws		Independent authorities	Accessibility and judicial review of administrative decisions		The enabling framework for civil society	Other				
Member State (NCs)	Stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), transparency of the legislative process, rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).	Regime for constitutional review of laws.	Independence, capacity and powers of national human rights institutions, ombudsman institutions and equality bodies;	modalities of publication of administrative decisions and scope of judicial review	implementation by the public administration and State institutions of final court decisions	Measures regarding the framework for civil society organisations	Any other relevant information/are as that are missing				

Czech Republic	<p>Stakeholders are usually participating on the process of drafting new legislation, which has its pros and cons – in some areas of law, the regulator is partly hijacked by the interest groups (e.g. transportation, agriculture, telecommunications). There are no defined moments for CSO and public to give opinions on drafted legislation, unless the government/ministry/regulator or voluntarily decides to include them (that happens on some occasions).</p> <p>Judiciary reform is long needed, but at the same time an ideal target for state capture deepening, more under pressure within the health crisis.</p> <p>Fast-track procedures not used often in last decade, with the exception of pandemic response, where it became a favorite tool for the government to push through controversial leg. steps. There are cases, where the emergency procedures are misused to adopt unrelated laws, raising the risks of further state capturing.</p>	<p>Satisfactory, functioning. The Constitutional Court is often ruling against the government and/or other institution and enjoys general recognition.</p> <p>In the 2020, courts were often critical to the government measures, not allowing the government to impose measures without proper data/argumentation.</p>	<p>Satisfactory and functioning with the exception of appointment of the new ombudsman in February 2020. The ombudsman publicly denies to grant protection for sexual and/or ethnic minorities and insists on interpreting the goals of ombudsman's office as he sees fit, contrary to legal obligation to carry out duties of a defender of human rights in the country.</p>	Satisfactory, functioning.	Satisfactory, functioning.	The legal framework for functioning of CSOs is rather satisfactory comparing to central EU. Any efforts to set up a more strict framework for CSOs were stopped in the beginning (but might on the agenda after covid).	There is a strong anti-NGO narrative, played by nationalist and populist actors. We see it penetrating the mainstream discourse. Traditionally wide and strong non-government scene in CZ (which in fact implements essential part of public services for state) is being under constant stress regarding the state funding, which in some areas (anti-corruption, gender equality, civic rights) is unsatisfactory by any standard in long-term perspective anyway.				