

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

Please see the answer to the question 2. b).

A. Independence

2. Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

a) Judges

As reported in the previous input to the 2022 Rule of Law Report, the amendment to the Act on Courts and Judges was adopted in 2021 (No. 218/2021 Coll.), which came into force on 1 January 2022, established the new system of selection of judges and presidents of the district, regional and high courts. No further changes are envisaged for the moment.

b) Prosecutors

As reported previously, the legislative process of the draft reform of the Public Prosecutor's Office Act following GRECO evaluation and presented by the Ministry of Justice in June 2019 was not completed. The new government (established in December 2021 stated in its policy statement adopted on 6 January 2022 that by the end of 2022 the draft amendment of the Public Prosecutor's Office Act will be prepared. The Act should bring changes to the positions of chief public prosecutors such as the term of office, transparent selections, and conditions for dismissal, including the specification of the conditions for dismissal of the Prosecutor-General.

On 25 October an amendment to the Act on Public Prosecution was submitted to the legislative process, namely into the inter-ministerial consultation procedure. The amendment responds to recommendations by GRECO as well as the 2022 Rule of Law Report on the Czech Republic. It introduces clearer rules for the appointment and dismissal of chief prosecutors and the duration of their terms of office. The legal regulation of the procedure for their appointment and dismissal should eliminate the risk of impermissible political influence or pressure on the activities of the prosecution service and its functioning. As a result, district, regional and high chief prosecutors could only be removed in result of disciplinary proceedings. The draft submitted to the government contained the original regulation of removal from the office of the Supreme Public Prosecutor, as at that time no consensus had been found on reasons and ways how to remove him.

For the moment, these elements are proposed in the draft, and all of them are subject to criticism both from the Prosecution Service and from the other Ministries:

- the length of appointment of the Supreme Public Prosecutor for a period of 7 years;
- specification of who can be appointed as an SPP – public prosecutor with a 10-year-long practice of state prosecutor, prosecutor at an international court, international criminal tribunal or a similar judicial body, a judge, a judge of the Constitutional Court or a judge of an international court, international criminal tribunal or a similar international judicial body or an advocate. There are of course other conditions such as professional expertise, moral grounds etc. (the comments received –

not only from the Prosecution Service – propose to change the provision and only allow prosecutors to run for the function, as they have knowledge of the structure, processes as well as practical details of criminal procedures);

- the mostly criticised provision stipulating that “the Government may remove the SPP on the proposal of the Minister of Justice.”

The comments received in the inter-ministerial consultation procedure are currently being dealt with, but it is already evident that the draft law needs to be changed in order to deal with the comments received.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

Please see the answer to the question 2 and previous reports.

4. Promotion of judges and prosecutors (incl. judicial review)

There were no legislative changes with regard to promotion of judges following the adoption of the new amendments to the Act on Court and Judges. As for prosecutors, please see the answer to the question 2.

5. Allocation of cases in courts

There were no legislative changes concerning the allocation of cases in courts.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

There were no changes with regard to the independence and powers of the body tasked with safeguarding the independence of the judiciary.

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

The legislative process of the draft amendment to the Act on proceedings in the cases of judges, public prosecutors and bailiffs that was supposed to introduce a new system of appeal was not completed due to the latest elections of the new Chamber of Deputies of the Parliament of the Czech Republic. New draft is currently being prepared and it is expected to be sent into the inter-ministerial consultation procedure in near future.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

Due to the COVID-19 pandemic and its economic consequences, on 5 January 2022, the newly appointed government submitted a proposal to the Czech Parliament to freeze the salaries under the Salary Act (including judges and prosecutors) on the 2020 level from February to December 2022 (technically it would be a decrease in salary as in January 2022 the general rule for calculating the salary base applied). The freeze was lifted as of 2023, therefore there will be an increase in basic salary by 13 %.

9. Independence/autonomy of the prosecution service

Please see the answer to the question 2.

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

There were no legislative changes with regard to the independence of the Bar.

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

See the answer to the question 2. The mentioned amendment promoting transparency has a potential to ultimately affect the perception of general public towards judiciary/prosecution and its independence.

B. Quality of justice

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

There is an amendment being prepared to the Lawyer's Tariff that is expected to enter the legislative process in 2023, aiming at increasing the rewards for legal aid provided by lawyers.

Legal aid, court fees - no legislative changes are previewed.

13. Resources of the judiciary (human/financial/material)

No significant changes. Updated information is available in the EU Justice Scoreboard 2022.

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

There are no significant changes in training of judges, public prosecutors and judicial personnel, in comparison with the information already provided in the previous reports.

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

There are several national projects realized by the Ministry of Justice:

1) Meeting room computerisation project (UŠI) - a modernisation and innovation project aiming at introducing unified recording equipment in a total of 1100 meeting rooms with subsequent service support for 10 years. The actual implementation of the project is planned by May 2023. To date, we have successfully installed the equipment in 813 meeting rooms and are continuing to work intensively on this project. The main benefit is the speeding up and reduction of errors and the increased transparency of the proceedings as a whole.

2) eSIR and eScrip (electronic case file) - the project supports and expands electronic communication between the subjects of law and the components of the Ministry of Justice, making it the most important project of the Ministry of Justice at the moment. The development of the eDossier will increase the quality of access of the subjects of law to the Ministry of Justice and reduce the burden on the components of the Ministry of Justice. The eSIR part introduces not only a new system for insolvency proceedings, but above all a future new concept of servicing the processes of individual components, e.g. through remote viewing of the eDossier.

3) ELVIZ - a new information system for the Electronic Information Management of the Public Prosecution Service, which should be created on the basis of the above-mentioned eFile.

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

Please see the answer to question 15.

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

No changes from previously reported information.

C. Efficiency of the justice system

18. Length of proceedings

In general, the judicial system in the Czech Republic is efficient, as proven by the comparative CEPEJ reports and EU Justice Scoreboard. A comparison of the EU countries in terms of length of proceedings in civil and commercial disputes is available online: <https://justice.cz/web/msp/statisticke-udaje-z-oblasti-justice>.

Other – please specify

II. Anti-corruption framework

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

In line with the recommendation and with the Action Plan for Combating Organized Crime, the Police is taking measures to strengthen in particular the economic crime departments of the Regional Police Directorates, as well as the capacity to detect corruption on the regional level, which is considered one of the priorities of the Criminal Police and Investigation Service for 2023.

High-level corruption cases are investigated by the National Centre to Combat Organized Crime (NCOZ) or, if NCOZ does not take over the case, by Regional Police Directorates. One of the measures that help to focus the work of Regional Police Directorates (i.e. their economic crime departments) was the change of Section 138 of the Criminal Code in late 2020. This Section establishes levels of damage (or profit) which determine gravity of the offence, which is relevant in case allocation within regional or lower levels of Police authorities. Since the “large-scale” damage (or profit) level was raised from 5 to 10 mil. CZK (to reflect changes in price levels since 2009), the Regional Police Directorates are able to increasingly focus on the investigation of the more important cases.

Additionally, in 2022, the Police President amended the internal rules on competence (jurisdiction) of police authorities. The economic crime departments of Regional Police Directorates have been relieved from investigating the crimes against the currency and means of payment to be able to focus on the most difficult and relevant cases of economic crime.

For other topics, see below.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the

resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

One of the major changes in the relevant authorities in 2022 (Public Prosecution, the Anti-Corruption Council of the Government and the Conflict of Interest and Anti-Corruption Department of the Ministry of Justice) is that the Minister of Legislation and Chairman of the Legislative Council of the Government became also the Chairman of the Anti-Corruption Council of the Government, and the Prime Minister (former Chairman of the Council) became one of its Vice-Chairmen.

Also, prior to the creation of the EPPO in 2021, the contact point for cooperation in the area of criminal law between the Czech Republic and OLAF had been the Prosecutor General's Office. Within the framework of the trilateral negotiations among the Central Contact Point of AFCOS, the Prosecutor General's Office and the Police of the Czech Republic, it was agreed that the new contact point for cooperation in the criminal law area between the Czech Republic and OLAF will be the Police of the Czech Republic, specifically the National Headquarters against Organised Crime unit (*Národní centrála proti organizovanému zločinu - NCOZ*). This point is responsible for cooperating with OLAF in dealing with situations where national judicial authorities remain competent to prosecute, in particular situations foreseen in Articles 25 and 34 or Article 27 of the Regulation (EU) 2017/1939 (EPPO Regulation). During these discussions, emphasis was placed on the optimal and functional set-up of the entire AFCOS network in the Czech Republic with regard to the practical functioning of the various entities involved in the protection of the financial interests of the European Union in the Czech Republic.

On 1 January 2023, a part of NCOZ (NOCA) dealing with terrorism, extremism and cybercrime was constituted as a special police authority with a nation-wide competence: the National Agency against Terrorism, Extremism and Cybercrime (NCTEKK). This new police authority is a part of the Criminal Police and Investigation Service (as is NCOZ and other similar authorities, such as the National Anti-Drug Agency). This split of competencies should enable the two agencies to better focus on their respective tasks – NCOZ to deal with organized forms of crime and NCTEKK with prevention of terrorism and cyber-attacks. Naturally, this step has not led to changes in the capacity, jurisdiction or personnel of NCOZ when dealing with corruption and economic crime, as reported in the previous years. Director of NCOZ remains a member of the Government Council for Coordination of Combating Corruption, which is an advisory body. NCOZ continues to invest in analytical tools that enable extraction of relevant information from IT sources, including both electronic evidence and open sources online (to detect possible corruption cases).

As regards the cooperation with OLAF and EPPO, NCOZ joined forces with EPPO in 2022 to organize several trainings in cooperation between EPPO and police units. European Prosecutor and Delegated European Prosecutors participated in those events. New such training is prepared for 2023 as well. Cases investigated by the Czech Police, which are supervised by EPPO, remain similar to the previous years (submission of false or misleading documents leading to unlawful drawing of EU funds, e.g. fictitious costs or wages related to construction or IT supplies). Regional Police Directorates consider the close cooperation with EPPO to be on a very good level.

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

No changes from information in the 2022 Report.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

The implementation of measures foreseen in the Government Anti-Corruption Action Plans is evaluated ex-post on the annual basis, where the evaluation reports are discussed by the Government and published by the end of March of the following year. Thus, the latest comprehensive evaluation available is for the year 2021 when 62 % of the foreseen anti-corruption measures were completed, 12 % were partially-completed and 26 % of measures were not completed (see <https://korupce.cz/protikorupcni-dokumenty-vlady/na-leta-2018-az-2022/2021-2022/>). The evaluation of foreseen anti-corruption measures for 2022 is not available by the time of creation of this contribution to the Rule of Law Report.

A new Governmental Strategy for the Fight against Corruption for years 2023-2026 has been presented to the inter-ministerial commentary procedure in November 2022. Currently comments of ministries, courts and other relevant actors are being incorporated. Both the Conception and subsequent bi-annual Action Plans contain measures such as whistleblower protection or regulation of lobbying.

Lobbying

There are currently no legally binding rules regulating lobbying. The Ministry of Justice submitted a bill on lobbying to the Chamber of Deputies on 21 August 2019, in line with the then legislative governmental plan and governmental anticorruption documents. In the course of the third reading in 2021, the bill was suspended from further proceedings due to the end of the previous term of office of the Chamber of Deputies.

According to the previously proposed bill, lobbying would be defined as “an activity consisting of communication with the purpose of influencing the conduct of the person being lobbied during:

a) the preparation, discussion or passing of

i. a legal regulation passed by the Parliament or issued by the Government, a central administrative authority, an administrative authority with nationwide competence or the Czech National Bank;

ii. a document containing a concept of the development of a sector entrusted to a central administrative authority, which is approved by the Government or the head of a central administrative authority.

b) the approval of the ratification of an international treaty by the Parliament of the Czech Republic.”

The bill would, inter alia, regulate the conduct of relevant persons in a broader sense, including Ministers and their deputies, advisors, cabinet directors etc. Further, the bill included the requirement to disclose who and how sought to influence a particular piece of legislation through a so-called legislative footprint. This means that relevant information on lobbyists’ involvement in the legislative process would be recorded and made public, leading to increased transparency. The findings of GRECO’s 4th evaluation round are explicitly mentioned in the explanatory memorandum.

According to the bill, a register containing lobbyists’ personal data as well as the extent of their lobbying activity would be mandatorily administered by the Office for Oversight of Financing of Political Parties and Movements. A certain degree of enforcement capacity would be ensured in the sense that failure to disclose relevant information either by lobbyists, intermediaries or lobbied

persons could incur a misdemeanour penalty, specifically a fine in the amount of either 50,000 CZK or 100,000 CZK (approx. 2030 EUR or 4060 EUR, respectively) or a disqualification order for up to 3 years.

On 15 November 2021, another bill on lobbying that heavily built on the 2019 bill was submitted to the Chamber of Deputies by a group of deputies. This bill was discussed in the first reading and returned by the Chamber of Deputies for amendments on 3 March 2022.

The Ministry of Justice submitted a new bill on lobbying at the end of November 2022 to the interministerial commentary procedure. Currently comments received are being incorporated. The new act is to be effective from 1 January 2025. The Czech Republic is obliged to implement the lobbying regulation by 31 March 2026, according to the anti-corruption reform included in the National Recovery Plan of the Czech Republic that was adopted within the framework of the EU Recovery and Resilience Facility.

Whistleblowing

The comprehensive Bill on Protection of Whistleblowers implementing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law was discussed before the end of the Chamber of Deputies' mandate and before the end of the transposition period of the Directive. Thus, the legislation process had to start again from the beginning. The new draft already underwent the interministerial commenting procedure and was adopted by the Government by the end of November 2022, before being submitted to the Chamber of Deputies of the Parliament on 30 November 2022 and has passed the first reading on 12 January 2023.

The purpose of the protection is to provide a whistleblower with a guarantee that if he or she reports in the prescribed manner facts indicating that someone has committed an infringement, he or she will not be sanctioned in any way. The aim of the proposed whistleblower protection legislation is to enable workers in both the private and public sectors to safely make a disclosure through compulsorily established internal mechanisms or external mechanisms, as appropriate, and subsequently to protect them from possible retaliation by employers and others.

The proposed measures are designed not only to protect potential whistleblowers but also to prevent wrongdoing in general. The introduction of whistleblower protection into the Czech legal system is intended to provide persons in employment and other similar relationships with a better opportunity to assert their rights if they are harmed by their employer or another person in connection with their reporting of an infringement. This will be helped by strengthening the procedural position of a whistleblower in court proceedings. The proposed legislation is being accompanied by public awareness-raising activities intended to promote an appropriate interpretation of the legislation, including the procedural rights of whistleblowers or obliged entities in cases of report of infringements.

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.

As for the Code of Conduct of a member of the Parliament – discussions on the draft Code of Conduct of a member of the Chamber of Deputies are ongoing. The senators repeatedly adopted negative opinion on the adoption of a Code of Conduct, most recently when discussing the 2022 Rule of Law Report (resolution no. 49 of 1 December 2022) when the Senate decided “it does not consider it necessary to adopt a Code of Ethics for MPs and Senators of the Parliament of the Czech Republic, as

stated in one of the recommendations addressed to the Czech Republic, since for these purposes, the provisions of the Constitution of the Czech Republic and the rules of procedure of both chambers are fully sufficient”.

The crucial civil service regulation No. 13/2015 providing the rules of ethical conduct for civil servants is one of the key instruments for strengthening the integrity of the civil service. As the rules of ethical conduct should be up-to date, their revision is to be expected in the future. When it comes to other instruments such as an ethically favorable human resources policy, ethical leadership or education in the area of ethics, these are neither centrally regulated nor systematically monitored. Service authorities use these instruments according to their needs and capacities.

On 1 January 2023, an amendment to the Civil Service Act came into force as the Act No. 384/2022 Coll. This amendment has brought more progress in improving the integrity specifically as regards high-level positions in the civil service. The position of the Deputy Minister for Management of a Section has been changed to the position of the Director General of the Section. This allows a clearer separation of political leadership from the professional civil service management of the Ministry. At the same time, the functional benefits of the former Deputy Ministers for Management of a Section have been maintained in order not to increase the risk of potential corruption.

According to the amendment to the Civil Service Act, all senior civil servants except Heads of Units (as they represent the lowest management level) will be newly appointed to their service position for a fixed period of time, namely for 5 years. Should a senior civil servant hold the same service post repeatedly, she/he must succeed in selection process again after the five-year period has come to an end. These new measures are expected to have a positive impact on reducing a potential corruption risk.

24. General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

Lobbying

Please see answers to questions 22 and 23.

Asset disclosure rules

The previously mentioned draft law to amend the Act on Conflict of Interests no. 110 was adopted as the Act no. 180/2022 Coll. Notifications of public officials (including those under the section 2 para 1 are now available to the public upon request.

Transparency of political party financing

In 2022, there were no changes in the rules on the transparency of political party financing. In September 2022, the Government submitted an amendment to the Act no. 424/1991 Coll., on association in political parties and political movements to the Czech Parliament. The aim of the proposal is to eliminate the shortcomings of the existing legislation. The law, which is now being discussed by the Parliament, is supposed to specify the role of the members of the supervisory body and to establish a collegium that will decide on issues of supervisory activity. This strengthens the principle of collective management of the Office. The reason for the change is the fact that the current wording of the law made it possible to perceive the office as a monocratic body not only from the point of view of the administration of the institution as such, but also in matters of supervision. The main proposed changes are the creation of a Collegium of the Office, the definition of the position of the

members in the performance of supervisory and methodical activities, and the improvement of the transmission of information within the Office. To date, this proposal has not yet entered into force. Newly, supervisory issues should fall under the collective decision-making of a collegium composed of members and the chairman of the Office.

The 2020 decision of the Supreme Administrative Court, according to which third parties do not have to register and report campaign expenses until the final registration of candidate lists, can be seen as a risk for following years.

25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

For details, see the input to the 2022 Rule of Law Report. There are also rules on conflict of interests and its prevention within the Act No. 134/2016 Coll. on Public Procurement that for example contain an obligation for the winner to declare its beneficial owners before a contract is signed or a general obligation to prevent conflicts of interest in public procurement processes.

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption.

Since 2015, there has been a service post of an investigator within the service authority. The investigator examines notifications of suspected unlawful conduct. At the same time, investigators are supposed to ensure the protection of a civil servant who made the notification (hereinafter referred to as a whistleblower) and who might worry about potential consequences of his/her notification in terms of retaliation, discrimination or coercion. The authority of the investigator and the nature of his/her duties is based on the provisions of Section 205 (d) of the Civil Service Act, that authorizes the Czech Government to enact Government Regulation No. 145/2015 Coll., on measures related to a notification of suspected unlawful conduct in service authorities (hereinafter referred to as the government regulation). A whistleblower can therefore submit a notification to the designated investigator within the public authority. Such notification may relate to all types of unlawful conduct such as committing a criminal offence, an offence, a breach of service discipline or even a criminal behavior committed while performing the civil service or in connection with it.

With regard to the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (hereinafter referred to as the Directive), the Government of the Czech Republic has approved a draft legislation on protection of whistleblowers transposing the abovementioned Directive into the Czech legal order. At the end of 2022, the Government submitted the draft legislation to the Chamber of Deputies of the Parliament of the Czech Republic (draft law No. 352/0). Since the transitional period for transposition of the Directive has expired, it is essential to meet certain obligations resulting from the Directive until the process of transposition is completed.

27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

For details, see the input to the 2022 Rule of Law Report. Corruption risks within this sector are addressed among others by the Act No. 134/2016 Coll. on Public Procurement. At present an

amendment to this act is being discussed within the legislative process, which is to introduce mainly technical changes that have the potential to clarify some parts of the act and change them according to the practical experience and desirable best practice, including in the area of conflicts of interest.

28. Any other relevant measures to prevent corruption in public and private sector

No new information.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

No new information.

30. Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

Please see enclosure.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

As for investigation of high-level and complex corruption cases, we do not see any obstacles, the answer remains as in the 2022 Rule of Law Report.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

No substantial change since the last report.

Other – please specify

III. Media freedom and pluralism

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

As regards strengthening the rules and mechanisms to enhance the independent governance of public service media, the Czech government has in 2022 according to its Policy Statement adopted a draft of law to involve the Senate (the Upper Chamber of the Parliament) in the system of election the councils of the Czech Television and the Czech Radio. The draft has been debated in the Chamber of Deputies of the Parliament in late 2022 and early 2023 and is foreseen to be adopted during the first half of 2023.

A. Media authorities and bodies

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

The law transposing the Directive 1808/2018/EU brought several changes in respect of ensuring the independence of a regulatory body, described in more detail in para 35. Since new competences were entrusted to the regulatory body as regards the regulation of video-sharing platforms and the participation in ERGA in relation to the revised AVMS Directive, the budget of the regulatory authority has been increased accordingly, as well as the number of staff.

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

The law transposing the Directive 1808/2018/EU has been adopted by the Parliament in the summer and came into effect on 15 September 2022. This law brought significant changes as regards the constitution of the Council (Czech regulatory authority). The appointment and dismissal process shall be entrusted only to the Chamber of Deputies of the Parliament (no role of the prime minister any more). Apart from that, the competence of the Chamber of Deputies to dismiss the Council as a body was removed, and there was introduced an obligation on specification of reasoning in case of recalling individual members.

36. Existence and functions of media councils or other self-regulatory bodies

No substantial change since the last report.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

No substantial change since the last report.

38. Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)

No substantial change since the last report.

- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

The governing boards of public service media are defined by the specific laws concerning each public service media (Czech Television Act, Czech Radio Act). Members are elected by the Chamber of Deputies of the Parliament based on the nominations proposed by civil society organisations. The Chamber of Deputies of the Parliament can recall individual members on the conditions prescribed by law or dismiss the body as a whole.

The government adopted a proposal to strengthen the independence of public service media in June 2022. Its aim is to include the other Chamber of the Parliament – the Senate – into the election process of members of the governing boards and moreover, to specify the conditions under which civil society organisations can submit nominations for members of the governing boards.

Furthermore, the possibility to recall the body as a whole should not be available anymore.

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance

No substantial change since the last report.

39. *Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter*

In 2022 an amendment to the Act no. 37/2021 Coll., on the Evidence of Beneficial Owners, came into effect as of 1 October 2022, which gives the Council for Radio and Television Broadcasting the possibility to enter the evidence and fully verify data on the ownership of certain companies.¹

C. Framework for journalists' protection, transparency and access to documents

40. *Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications*

No substantial change since the last report.

41. *Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists*

There have been no substantial changes as compared to previous years. For the sake of completeness, it is noted that in 2022, the Section 49 of the Police Act was amended. New para (2) enables the Minister of the Interior, on the proposal of the Police President, to determine persons other than constitutional officials or foreign dignitaries to be protected. This is intended to cover diverse situations, e.g. where the reasons for protection are very general or lie outside the Czech Republic, or to ensure that a particular person can e.g. rely on the police protection from the moment of entry into the Czech Republic.

42. *Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)*

Since January 2022, the following changes have been made as regards the general legal regulation on access to public sector information:

On 31 August 2022, the Act No. 241/2022 Coll. was published, amending the Act No. 106/1999 Coll., on Free Access to Information, as amended, the [Act No. 123/1998 Coll.](#), on Free Access to Environmental Information, as amended, and the [Act No. 130/2002 Coll.](#), on the Support of Research and Development from Public Funds and on the Amendment to Some Related Acts, as amended.

A) The main purpose of this law is the transposition of the [Directive \(EU\) 2019/1024 of 20 June 2019 on open data and the re-use of public sector information](#) (hereinafter referred to as the Directive). The amendments relating to the transposition of the Directive came into force on 1 September 2022.

The main changes resulting from the Directive are as follows:

- The Directive requires that **public undertakings**, i.e. entities acting in the transport (under public service obligations) and public services (performing relevant activities), have the information

¹ "Sec. 16, par. 2:

The Ministry shall make it possible, in a manner allowing remote access, to obtain from the register of beneficial owners a complete extract of valid data and data that have been deleted without replacement or with replacement by new data:

....

(s) to the provider for the purposes of conducting the procedure for the granting of a grant or repayable financial assistance, (t) the Broadcasting Council for the purposes of exercising its competence, and..."

obligation as defined by the [Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC](#).

Before the amendment to the Act on Free Access to Information, these subjects were classified as obliged entities in the category of public institutions only if 100 % owned by state or local authorities. To comply with the Directive, the amendment has extended the range of obliged entities by a special category of public undertakings which newly includes legal entities over which the state or local authorities exercise the dominant influence.

At the same time, the amended Act on Free Access to Information has brought an exemption from the obligation to provide information on activities carried out by the public undertaking or public institution in the ordinary course of business within the scope of its activities as recorded in the public register, or where the disclosure of information on activities of commercial or industrial nature would disadvantage the public undertaking or public institution concerned on the market.

- The explicit regulation of the access to research data as a specific category of documents created in the course of scientific research supported by public funds, namely to the results of scientific research process (experiments, surveys, etc.). Publications in scientific journals remain excluded from the scope.
- The possibility to **publish dynamic data** (data that change over time, e.g. meteorological data) **through programmable application interfaces**.
- Provisions on **high-value datasets** which shall be made available free of charge as laid down in the Directive. The thematic categories from which the list of high-value datasets will be created are: geospatial data, Earth observation and environment, meteorology, statistics, companies and their ownership, and mobility.

As regards the transposition of the Directive, our aim was to maintain the current level of the right to information in terms of the range of obliged subjects and in terms of the scope of information to which information obligation applies (as it follows from the Section 2 (1) of the Act on Free Access to Information and the case-law of the courts, including the Constitutional Court). The extension of the information obligation has only occurred where the Directive explicitly requires it (extension of the information obligation to public undertakings).

B) In addition to the provisions transposing the Directive, the amendment **has also included other changes resulting from the application experience**.

These changes, with effect from 1 January 2023 (with one exception, see point 7), include:

1. **An explicit provision allowing for refusing a request for information on the grounds of abuse of the right to information** consisting of the use of the information request as a means of coercion on the natural person to whom the information relates, or a request which would impose a disproportionate burden on the obliged entity.
2. Explicit regulation of the **rejection of the request for information for lack of the requested information**. It will be possible to refuse a request if the obliged entity does not have the requested information or if there is no legal obligation to have it.
3. **Protection of information, the disclosure of which could jeopardise equality of parties to judicial, arbitration or other proceedings (including before the opening of such proceeding)**. Typically, this will involve legal analyses or opinions prepared for the purposes of a potential legal case etc.

4. **Protection of information, the disclosure of which could directly or significantly disrupt the protection of critical infrastructure.**
5. **Explicit rules for providing information on salaries and remuneration paid from public funds.**
In response to the “salary ruling” of the Constitutional Court (Case No. IV. ÚS 1378/16), the Act provides that in case of public officials, advisors of a Member of the Government or her/his Deputy and members of management, supervisory or control bodies of the obliged entities, such information are provided without further delay, while in case of others it will be necessary to carry out a salary test in accordance with the afore-mentioned ruling.
6. **Procedural rules.** In particular, the Act newly regulates a simplified processing of an information request in case of “marginal anonymization” of personal data in the provided documents (with certain exceptions, it will not be necessary to issue a decision on the partial refusal of an information request), as well as the possibility of extending the deadline for communication with the person concerned, etc.
7. Establishment of the **Central Register of Annual Reports**, in which obliged entities will publish their annuals reports on a voluntary basis. With effect from 1 January 2024, the Register will be administered by the Ministry of the Interior.

The Ministry of the Interior has developed a detailed methodology for the application of the amended Act on Free Access to Information, which is available on the website <https://www.mvcr.cz/odk2/clanek/metodicke-materialy-k-zakonnym-zmocnenim.aspx?q=Y2hudW09Mw%3d%3d>.

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Significant progress has been made during the Czech Presidency in the Council of the EU on the proposed SLAPP Directive. At the working group level, the Member States largely supported the general objective of the Directive, which is to protect the defendant's right to freedom of expression and freedom of the media. Discussions held exposed the conviction that the Directive should not be an instrument of abuse by defendants and should not prevent access to justice for legitimate claims. During the last Justice and Home Affairs Council organised during the Czech Presidency, a political discussion was held on the balance that needs to be struck in order to ensure adequate safeguards against strategic lawsuits against public participation while preserving the right to effective access to justice. Further work will continue under the current Swedish Presidency in the Council.

Other – please specify

In frame of a newly established department for strategic communication and the Government commissioner for media and disinformation, a new strategic plan for this area is being shaped. So far, the commissioner has presented a working draft of the strategy to the government and discussions over various individual goals included in the plan are now taking place before the final version will be drafted and the plan itself will be formalized.

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

As for the recommendation to take steps to establish a National Human Rights Institution, there was a preparatory committee set up with the first meeting being held on 22 November 2022. It builds up on the work done by the previous government and besides the representatives of the relevant ministries (justice, social affairs and legislation) it also involves variety of deputies engaged in this topic and the representatives of the Ombudsperson office as such. On this level, the amendment to the Ombudsperson Act is being shaped, including the implementation of the UN Paris Principles into the Ombudsperson office. Another substantial meeting over the drafted legislation will follow during spring 2023. In light of the international aspect of this agenda, the current governmental commissioner Klára Šimáčková Laurenčíková will represent this agenda also as a Deputy of Minister for the European affairs Mikuláš Bek.

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

Regarding the transparency and public consultations, the Czech law-making procedure is, generally speaking, rather transparent and inclusive. Central state administrations (ministries, offices) are legally required to consult with all relevant stakeholders—typically representatives of the individual business sectors or social groups that the proposed legislation most affects. These stakeholders are often already involved in the early stages of the preparation of regulations.

As cleared out in previous report inputs, the minimal level of ex-ante assessment of draft bills on the parliamentary level is ensured by sec. 86 (3) of [Act No. 90/1995 Coll., on the Rules of Procedure of the Chamber of Deputies](#). It still comes as a rule that a framework, policy planning, impact assessment works and evidence based policy-making should be undertaken by sponsors who present bills (sponsor of a bill may be any deputy, a group of deputies, the Senate, the government or the Assemblies of higher self-governing units). Every member of the Parliament may be provided with a certain budget with a threshold to pay for their assistants. Moreover, members of the Parliament may submit their expenses for expert and administrative works for reimbursement (this budget has as well its threshold, see sec. 5 (1) j) and 9 (1) e, f) of Act No. 236/1995 Coll.)

Stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms)

Concerning bills submitted by the Government, there have not been any changes in the comment (consultation) procedure as the [Government's Legislative Rules](#) have not been changed or updated during the year 2022. The same applies to non-government bills (presented by any deputy, a group of deputies, the Senate or the Assemblies of higher self-governing units), as there have not been any changes relevant to the topic of consultations in Act No. 90/1995 Coll., on the Rules of Procedure of the Chamber of Deputies, that would become effective during the year 2022.

Transparency and quality of the legislative process

Plenary and committee meetings of both chambers of the Parliament are open to the public unless specified otherwise. Only the deliberations of subcommittees of the Chamber of Deputies are generally not accessible to the public if the subcommittee does not decide otherwise. [Stenographic records](#) from the Chamber of Deputies's and Senate's plenary meetings are placed on the websites of

both chambers of Parliament. Meetings of both chambers are broadcasted online in real-time and it is possible to find voice or video records from past meetings as well. The Chamber of Deputies offers 5 stream online channels where are broadcasted committees meetings, press conferences or seminars/conferences/round tables.

Committees of the Chamber of Deputies and the Senate usually publish invitations to their meetings, brief written minutes of the meeting² and resolutions adopted during the meeting on their official websites. The practice to publish audio recordings (in mp3 format), presentations or relevant documents on websites of committees after every meeting is currently followed by majority of the committees of the Chamber of Deputies. Also, audio recordings of committees' and commissions' meetings in the Senate and in the Chamber of Deputies are available on demand. Whereas the commissions of the Chamber of Deputies tend to publish invitations, adopted resolutions and less often minutes of the meeting, the commissions of the Senate tend to publish all three types of documents.

Restrictive measures in physical accessibility of the public due to the protection of members of Parliament against COVID-19 were applied mostly at the beginning of the year 2022 (January - March). Some meeting of the committees of the Chamber of Deputies has not been open to the public (as they were for instance reserved for invitees only) or the number of persons attending the meeting has been limited (through limitation of the capacity of rooms or duty to keep distance between individuals). The Senate temporarily prohibited attendance of the general public in committees' and commissions' meetings.³ The capacity of the gallery for watching the plenary session was limited. In cases where the attendance of public in meeting was limited or prohibited, the committees of the Chamber of Deputies often provided extra link to the Webex tool for the public so that the public could follow the particular meetings.

General public had a duty to prove either a completed vaccination, COVID-19 disease in the last 180 days (in the Chamber of Deputies) or a negative result of COVID-19 test (in the Senate) on entry. General public was obliged to wear respirators in both chambers of Parliament.⁴ Moreover, journalists were allowed to enter the press gallery and press centre only if concerned person was accredited. Editorial offices were asked to consider the number of staff they send to the Chamber of Deputies and to make maximum use of the broadcasts of meetings and press conferences on the Chamber's streams.⁵

² Sections 43 and 47 of the Rules of Procedure of the Chamber of Deputies stipulate that all committees and commissions of the Chamber of Deputies produce brief written minutes regarding every committee meeting. If the committee or commission meeting was held in public, the minutes shall be made public in a manner allowing remote access. The Rules of Procedure of the Senate in its section 95 and 97 states as a rule that minutes shall be taken of meetings of committee or commissions respectively. Rules of Procedure of the Senate lacks regulation concerning the publishing of the minutes, however, the Senate committees and commissions generally publish online minutes recorded on meetings.

³ See more on Senate's COVID-19 rules on the website:
https://www.senat.cz/informace/covid/index.php?ke_dni=15.1.2023&O=14

⁴ Platná protiepidemická opatření v budovách PS. 22. 10. 2021. Accessible on:
<https://web.archive.org/web/20211029190247/https://www.psp.cz/sqw/cms.sqw?z=13799;>

Platná protiepidemická opatření v budovách PS. 18. 1. 2022. D Accessible on:
<https://web.archive.org/web/20220122022855/https://www.psp.cz/sqw/cms.sqw?z=13799;>

Aktuální protiepidemická opatření v budovách PS. 10. 2. 2022. Accessible on:
<https://web.archive.org/web/20220214004747/https://www.psp.cz/sqw/cms.sqw?z=13799;>

See more on Senate's COVID-19 rules on the website:
https://www.senat.cz/informace/covid/index.php?ke_dni=15.1.2023&O=14

⁵ Sdělení redakcím ohledně pravidel vstupu novinářů v souvislosti s aktuální epidemickou situací. Accessible on:
<https://www.psp.cz/sqw/cms.sqw?z=15201>

Initiatives that may enhance the transparency of the legislative process in future

Like in previous years, the strengthening of transparency of the legislative process is a process which is still ongoing. Concerning the issue of regulation of lobbying, after the election to the Chamber of Deputies which took place on 8th – 9th October 2021 and after setting up the new Chamber of Deputies, the group of deputies proposed bills regulating the issue of lobbying.⁶ The Chamber of Deputies returned both proposals to proponents for revision during the first reading which took place on 3 March 2022. Since then, no other proposals regulating the issue of lobbying have been submitted for deliberation to the Chamber of Deputies.

As for the [eLegislativa](#) project, the system is connected to the project eSbírka, which should serve as official Collection of Laws to the citizens. The beginning of an official operation of tools eLegislativa and eSbírka for the general public is linked to the moment when an amendment to the Act No. 222/2016 Coll. on the Collection of Laws and International Treaties, enters into effect, which was postponed to 1st January 2024.⁷ The commissioning trial phase for members of Parliament and later for general public should begin during the year 2023.

Regulatory Impact Assessment

The impacts of the proposed legislation are being assessed since 2007 when Regulatory Impact Assessment (RIA) was incorporated in the Czech legislative process. The lawmakers are obliged to carry out impact assessments following the government-approved **RIA Guidelines**. Impact assessments are required for every legislative intention prepared by the government as well as for any regulation where substantive costs to businesses, administrations, and citizens are expected.

The **RIA Unit** at the Office of the Government analyses impact assessment reports submitted by legislators before proceeding them to the RIA Board for further review. The RIA Unit provides methodological guidance and also organises workshops and seminars for civil servants who prepare impact assessments. In 2018 alone, the RIA Unit trained total 299 civil servants. The trainings will resume in 2023 after a longer break caused by COVID-19 crisis and the Czech Presidency of the Council of the EU. Furthermore, the RIA Unit maintains a comprehensive website, ria.vlada.cz, which contains all of the documents and information lawmakers require to successfully prepare impact assessments. Last but not least, the RIA Unit fosters international cooperation and the exchange of better regulation practices. Its employees represent the Czech Republic at various international forums (Working Party on Competitiveness and Growth of the Council of the EU, the Fit for Future platform, the OECD Regulatory Policy Committee, RegWatchEurope, etc.).

The **RegWatchEurope** platform deserves a special mention. The informal network consists of independent regulatory oversight bodies from 8 European countries, including the Czech RIA Board, which chaired the network in 2022. Members of RegWatchEurope share best practises in regulatory scrutiny and better regulation tools in general. The membership of the RIA Board, for which the RIA Unit acts as a secretariat, grants both bodies access to the most relevant and updated practices utilised in countries with the most developed regulatory scrutiny mechanisms.

⁶ See the bill on lobbying and the bill which follows it, Chamber of Deputies documents no. 1 and 2. Sněmovní tisk 1. N. z. o lobbování. Accessible on: <https://www.psp.cz/sqw/historie.sqw?o=9&T=1>; Sněmovní tisk 2. N. z.- v souvislosti s přijetím zákona o lobbování. Accessible on: <https://www.psp.cz/sqw/historie.sqw?o=9&T=2>

⁷ The entry into effect of Act No. 222/2016 Coll. on Collection of Laws and International Treaties was postponed from 2020 to 2022 by an amendment Act No. 277/2019 Coll., promulgated on 6 November 2019. This amendment was amended by Act No. 261/2021 Coll. which postponed the effect of Act No. 222/2016 Coll. to the year 2023. In year 2022, the entry into effect was postponed to the beginning of the year 2024 by Act No. 177/2022 Coll.

Although embedded in the Czech legislative process for more than a decade, it is fair to note that some lawmakers can still view impact assessments as an unnecessary administrative burden (as suggested by the findings of an interdepartmental survey carried out by the RIA Unit in 2020.) In January 2023, the Government amended the RIA Guidelines, redefining the sustainability assessment and requiring the lawmakers to focus also on family, territorial and digital impact assessments. In 2022, the previously rejected rules for mandatory ex-post evaluation were refurbished by Minister for Legislation Michal Šalomoun and currently (January 2023) they are back in the interdepartmental commenting procedure. The establishment of a functioning ex-post evaluation mechanism would enable the Czech Republic to scrutinise and measure the efficiency of its legislation better and give its citizens and stakeholders more information about whether the intended goals were met or not and why so. Additionally, it might promote the ever-growing importance of evidence-based decision-making.

46. 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)

On the average, the regular regime of approval of acts lasts 5 months in the Chamber of Deputies and 7 months as the whole process. In the Czech Republic, there are two fundamental ways how to accelerate a legislative process: 1) a procedure of adopting acts in a [state of legislative emergency](#)⁸ (“stav legislativní nouze”) and 2) a [procedure of adopting act in the first reading](#) (fast track procedure).⁹

The majority of acts approved in 2022 were approved in the regular regime. In spite of a visible return to the regular regime after COVID-19 era, still, the number of acts approved using accelerated procedure regimes was above average. See below a table containing statistic data concerning the share of acts adopted and promulgated in the Collection of Laws using accelerated procedures compared to the total number of adopted acts in each electoral period since 1998 until now:¹⁰

	III. (1998- 2002)	IV. (2002- 2006)	V. (2006- 2010)	VI. (2010- 2013)	VII. (2013- 2017)	VIII. (2017- 2021)	IX. (end of the year 2021)	IX. (2022)
All bills passed	441	494	348	338	357	332	3	84
Fast track procedure (procedure of adopting acts in the first reading)	31	34	63	28	31	40	0	20

⁸ For more information, see sec. 99 of [Rules of Procedure of the Chamber of Deputies](#), sec. 118 of Act No. 107/1999 Coll. on [Rules of Procedure of Senate](#) and sec. 17 of [Government’s Legislative Rules](#).

⁹ See sec. 90 (2 – 7) of Act No. 90/1995 Coll. on the [Rules of Procedure of the Chamber of Deputies](#).

¹⁰ See Database of Chamber of Deputies documents, focused on bills on the website: <https://www.psp.cz/sqw/sntisk.sqw?o=8&F=N>. There is possible to select only those bills that were promulgated in the Collection of Laws, those deliberated using legislative state of emergency (*Projednávání v LN*) or fast track procedure (*Projednávání v RJ – přijato již v 1. čtení*).

	III. (1998- 2002)	IV. (2002- 2006)	V. (2006- 2010)	VI. (2010- 2013)	VII. (2013- 2017)	VIII. (2017- 2021)	IX. (end of the year 2021)	IX. (2022)
Bill passed in a state of legislative emergency	7	16	4	6	0	71	3	18

The following table shows differences in numbers in promulgated acts approved in different legislative regimes as counted according to the calendar year in which they were promulgated in the Collection of Laws:

Promulgated in the Collection of Laws			
	Calendar year 2020	Calendar year 2021	Calendar year 2022
All bills passed	128	89	84
Fast track bills (procedure of adopting acts in the first reading)	11	11	20
Bill passed in a state of legislative emergency	59	15	18

Comparatively lower number of laws approved during years 2021 and 2022 is related to elections to the Chamber of Deputies which took place in October 2021. The Chamber of Deputies expressed its confidence in the new government on 13 January 2022. As the regular legislative regime lasts 7 months in the average, the number of laws approved and promulgated in the first year after the parliamentary election tend to be generally lower than following years of the parliamentary term.

All proposals for acceleration of deliberation (through fast-track procedure or in the regime of legislative emergency) have to be reasoned.¹¹ During the year 2022, the fast-track procedures and emergency procedures were used mostly due to following reasons:

- 1) a need for a quick consideration of measures aimed at combatting against COVID-19 (2 bills approved in legislative emergency regime),
- 2) a need to enhance efficiency of management of influx of refugees from Ukraine (7 bills approved in legislative emergency regime),

¹¹ See sec. 90 (2) and sec. 99 (5) of Act No. 90/1995 Coll. on the [Rules of Procedure of the Chamber of Deputies](#).

3) a need to provide a swift assistance to the citizens endangered by poverty due to the increased prices for energy or by high inflation and need to arrange situation on the energy market (8 bills approved in legislative emergency regime), and

4) a need to accelerate a transposition of several EU law directives into the Czech law (5 bills approved in fast-track procedure).

However, some draft bills were deliberated in accelerated regime due to other reasons. It is important to mention at this point that the procedure of adopting acts in the first reading (fast track regime) is not reserved solely for the emergency needs. The procedure of adopting acts in the first reading is also used for non-controversial bills supported widely across the political parties.

In 2022, 20 bills were approved using the procedure of adopting acts in the first reading. Additional two bills were approved using the procedure of adopting acts in the first reading in the Chamber of Deputies during the year 2022 and nowadays they are still considered by the Senate.¹²

The legislative state of emergency was repeatedly installed during 2022.¹³ As shown in the tables above, 18 bills were approved in the state of legislative emergency in 2022. As for the legislative frame for the legislative state of emergency, no significant change occurred.

47. Regime for constitutional review of laws

There were no major changes in the area of constitutional review of laws in 2022. On 1 February 2022, an amendment of the Act No. 182/1993 Coll. on Constitutional Court adopted during 2021 entered into effect. The respective amendment (Act No. 261/2021 Coll.) broadened the access of the Constitutional Court to personal data from one of the public registers. The Act on Constitutional Court itself was amended once, nevertheless, the amendment was of a technical nature and dealt with providing information from the registers (sec. 25a, para 2).

In 2022, the Constitutional Court once granted a motion by a group of 19 Senators to partially repeal Act no. 324/2021 Coll., on one-off compensation for subjects affected by the extraordinary event at the Vlachovice-Vrbětice ammunition depot site, which granted compensation to subjects with permanent residence in the area and not to people living in one of the villages but with a permanent residence in another region.¹⁴

48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic - judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

During 2022, compared to 2021, comprehensive anti-epidemic measures were gradually withdrawn at the national level. The reason is related to the improvement of the epidemiological situation concerning COVID-19, which did not require the introduction of the other measures at the national level anymore. For this reason, the court proceedings did not reflect on this topic too widely this year.

¹² Sněmovní tisk 201. Novela z. o jednacím řádu Senátu – RJ. Accessible on: <https://www.psp.cz/sqw/historie.sqw?o=9&T=201>; Sněmovní tisk 309. Novela z. o Vojenské policii – EU. Accessible on: <https://www.psp.cz/sqw/historie.sqw?o=9&T=309>

¹³ See resolutions of the Chamber of Deputies no. 64, 86, 145, 244, 330, 365, 415, 458. Accessible on: <https://www.psp.cz/sqw/hp.sqw?k=99&ido=173&td=8&n=1>

¹⁴ For more information please see the press release: <https://www.usoud.cz/aktualne/narok-na-jednorazove-odskodneni-za-vybuch-v-arealu-municnich-skladu-vlachovice-vrbetice-budou-moci-uplatnit-i-lide-s-fakticky-pobytem-v-nektere-z-dotceny-obci>

Act No. 94/2021 Coll. on extraordinary measures during the times of epidemic of COVID-19 disease (hereinafter referred to as the “**Pandemic Act**”) created a new legal basis for adopting measures which are enumerated in the act even without a declaration of a state of emergency. The Pandemic Act entered into effect on 27 February 2021 for the period of one year (until 28 February 2022.) After one year, the effect of this bill was prolonged by the Act No. 39/2022 Coll. The application of measures regulating the merit (§ 1 – 8a) was extended until 30 November 2022. Currently, the Pandemic Act is still applicable only in terms of: a regulation of compensation of damages, violations of law and their punishment, a review of extraordinary measures by the Supreme Administrative Court and a limitation of the severity of punishments for violations of criminal law committed during the state of pandemic alert. However, it is no longer possible to use the Pandemic Act as a legal basis for the enactment of new extraordinary measures.

The Pandemic Act allowed a declaration of so-called “state of pandemic alert” due to the spread of COVID-19 which could be cancelled or re-activated by the resolution of the Chamber of Deputies adopted on the proposal of the government or one-fifth of all deputies. In 2022, the state of pandemic alert was declared on 27 February and lasted until 5 May 2022.¹⁵ Before enacting the Pandemic Act, a state of emergency was necessary for the validity of certain types of crisis measures. The measures were issued by the Ministry of Health or regional hygienic station after prior consent of the government, to the necessary extent and time-frame, based on the Act on the protection of public health. The measures were subjected to review by administrative courts. Thorough justification taking into account the current analysis of the epidemiological situation and the specific level of risk associated with defined activities, areas or other characteristics and the adequacy of interference with the rights and legitimate interests of legal and natural persons was required for all measures under the Pandemic Act.¹⁶

Throughout the year 2022, Supreme Administrative Court continued to review the measures issued according to the Pandemic Act (and the Act on the protection of public health) as the state of pandemic alert applied until 5 May 2022.

The Parliament also promulgated the state of emergency on 4 March 2022¹⁷ for the purpose of simplifying the management and coordination of the situation relating to the migration flow of refugees from Ukraine. Measures approved in the connection with the state of emergency encompassed, for instance, an involvement of additional staff for providing refugees with visa, an order of priority supply of children's, health or social facilities, a deployment of active-duty soldiers and fire protection units or a securement of a residence to incoming foreigners.¹⁸ It lasted until 30 June 2022.

Please note that the state of emergency and state of legislative emergency are different procedures. The state of legislative emergency is related to the possibility of accelerated procedure of decision-making of the Chamber of Deputies (see above). The state of emergency is an emergency regime. The

¹⁵ Usnesení PS č. 222 k návrhu na ukončení stavu pandemické pohotovosti (4. května 2022). Accessible on: <https://www.psp.cz/sqw/text/text2.sqw?idd=208510>

¹⁶ See section 3 (1), (2), (3) of the Pandemic Act.

¹⁷ Government declared state of emergency by its resolution no. 147 from 2 March 2022 (published in the Collection of Laws under no. 43/2022 Coll.) and prolonged it by resolutions no. 256 from 30 March 2022 and no. 439 from 25 May 2022. The Chamber of Deputies provided prior consent with the prolongation of the state of emergency on 29 March 2022 and later on 19 May 2022. Government Resolutions as promulgated in the Collection of Laws are accessible on: <https://www.zakonyprolidi.cz/cs/2022-43>, <https://www.zakonyprolidi.cz/cs/2022-77>

¹⁸ Od pátku bude v Česku platit nouzový stav. Pomůže Ukrajincům a lidem, kteří se o ně starají. Běžných občanů se nedotkne. Accessible on: <https://www.mvcr.cz/clanek/od-patku-bude-v-cesku-platit-nouzovy-stav-pomuze-ukrajincum-a-lidem-kteri-se-o-ne-staraji-beznych-obcanu-se-nedotkne.aspx>

state of legislative emergency may be declared even without the existence of a state of emergency and conversely.

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

Emergency measures and regime as such were not used in 2022 by the Parliament in the context of COVID-19 pandemic. In 2022, both members of the Chamber of Deputies and the Senate exercised their right to submit a proposal for annulment of legislation or enactment related to the COVID-19 disease before the Constitutional Court in the following cases:

PI. ÚS 7/22¹⁹
Day of submission and final decision: Submitted on 4 th March 2022 by a group of deputies Decided on 13 th September 2022
Brief description of the petition content and decision of the Constitutional Court: The petition for annulment of the parts of the Pandemic Act amended by 39/2022 Coll. claimed violation of the rules of the legislative process. Specifically, proponents claimed that the law was passed in a state of legislative emergency, for which the conditions were not met, and procedural defects occurred during its approval. Moreover, proponents claimed that possibility to order quarantine through a text message or a phone call may breach freedoms of individuals. Additionally, proponents claimed that new amendments adding new limitations and duties for entrepreneurs breached the right to conduct business. The Constitutional Court found the legislative procedure of enacting the Pandemic Act in a state of legislative emergency in conformity with the constitutional law (in terms of objective reason for declaration of legislative state of emergency or rights of parliamentary opposition). Both the possibility to order quarantine through electronic means and new limitations and duties for entrepreneurs were subjected by the Constitutional Court to the so-called proportionality test, in which they fulfilled criteria. Therefore, the petition for annulment of the parts of the Pandemic Act reject the petition on the merits.
PI. ÚS 45/21 #1²⁰
Day of submission and final decision: Submitted on 31 st December 2021 by a group of senators Decided on 15 th March 2022
Brief description of the petition content and decision of the Constitutional Court: The group of senators submitted proposal for annulment of the part of the decree of Ministry of Health no. 537/2006 Coll. on vaccination against certain infectious diseases. Proponents claimed unconstitutionality of recently enacted obligation to be vaccinated against COVID-19 for certain groups of population. According to the provisions claimed unconstitutional, all persons older than 60 years shall undergo compulsory regular vaccination against COVID-19 and some specific groups should have duty to undergo vaccination against COVID-19, for instance persons working in the field of health care and social sector. In the course of the proceedings before the Constitutional Court, the allegedly

¹⁹ Pl. ÚS 7/22 ze dne 13. 9. 2022. Accessible on: <https://nalus.usoud.cz/Search/ResultDetail.aspx?id=121276&pos=4&cnt=1186&typ=result>; Ústavní soud zamítl návrh skupiny poslanců na zrušení některých částí novely pandemického zákona. Accessible on: <https://www.usoud.cz/aktualne/ustavni-soud-zamitl-navrh-skupiny-senatoru-na-zruseni-nekterych-casti-novely-pandemickeho-zakona>

²⁰ Pl. ÚS 45/21 ze dne 15. 3. 2022. Accessible on: https://nalus.usoud.cz:443/Search/GetText.aspx?sz=PI-45-21_1

conflicting provisions were annulled by an amendment. The Constitutional Court discontinued the proceedings as to the submission to annul parts of the decree as those had ceased to have effect.

- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

Although no general long-term legislation regulating similar crisis situations or amending already existing legislation based on lessons learned has been approved, the case-law and processes set during the time of crisis may help in the case of future similar crisis. The epidemiological situation was resolved by measures at the local level and a communication campaign on promoting vaccination of the Czech population. In future, these elements shall form a cornerstone of crisis preparedness. The emphasis of the future cooperation is placed on EU coordination, e.g., legislative package on the European Health Union and HERA was adopted.

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In regard to the Ombudsperson institution, being also the Czech NHRI (though not yet accredited) and the Czech equality body, see the answer to question 44.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

In its reports, the Ombudsperson also assesses the implementation of its past recommendation. In the last published report from 2021, he assessed 3 recommendations out of 13 made in 2020 as implemented. Out of the 3 made in 2019, no recommendation was implemented according to the last report: https://www.ochrance.cz/dokument/zpravy_pro_poslaneckou_snemovnu_2021/vyrocnizprava-2021.pdf The implementation of the recommendations from 2021 will be assessed new report from 2022 which shall be published in spring 2023.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

There are no changes to the information provided in the 2022 Report.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

There are no changes to the information provided in the 2022 Report.

53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

There are no changes to the information provided in the 2022 Report.

D. The enabling framework for civil society

54. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

In 2022, the Czech Republic continued with the implementation of the “Action Plan of the Czech Republic Open Government Partnership for 2020 to 2022” which was mentioned in previous reports. One of the commitments of the afore-mentioned action plan that is being implemented focuses on the development of methodology for the participation of civil society representatives, namely of NGOs and their umbrella organisations and networks, in participatory processes managed primarily at the level of ministries and other central administrative bodies. In 2022 the methodology was approved by the Government Council for NGOs.

The key legal framework is given in the Civil Code No. 89/2012 Coll., which covers the major legal entities of CSOs/NGOs (associations, subsidiary associations, institutes, foundations, endowment funds) and the Act No 3/2002 Coll., on freedom of religion and the position of churches and religious societies and amending certain acts (on churches and religious societies). The conditions for registration, merge or dissolution of legal entities have not changed nor deteriorated.

There was a problematic impact of the Czech transposition of the EU AML directives into the Act No. 37/2021 Coll., on the Register of Beneficial Owners, noted in relation to the registration and activities of legal entities/civil society organisations (e.g. associations, institutes, public benefit societies, foundations). In particular, the following problems have been encountered and partly improved by the amendment of the Act only effective from October 1, 2022:

1) There was an uncertainty about automatic transcripts of data from public registers to the Register of Beneficial Owners, which meant that many CSOs were not sure about their duties resulting from the Act and also financial consequences of not registering.

2) The public benefit corporations and institutes established by the municipality/county/state could not prove to have a beneficial owner. However, a situation has arisen where the automatic transcription has also revealed the beneficial owners of these entities.

3) There were also cases of CSOs that had registered a beneficial owner on their own initiative under the Registration Act before the entry into force of the Act on registration of beneficial owners. In this case, both the beneficial owners by automatic registration and the owners by the CSO's own activity were written off. The automatic transcript of data is for free for associations, however changes are charged.

4) In case of foundations, legal entities can also be the beneficial owners. In this context, a problem arose with the Partnership Foundation, which was founded 30 years ago by George Marshall Fund. The Partnership Foundation is not able to register the owners because the members of the fund are American prominent public officials. This request for addition is made by banking institutions. A similar example of People in Need, where one of the owners is the Czech Television. (see the minutes from the meeting of the Committee on Legislation and Financing under the Government Council for NGOs - https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/Zapis_Vybor_pro_legislativu_financovani_06_09_2021.pdf and https://www.vlada.cz/assets/ppov/rnno/legislativa-a-financovani/2008/Zapis_VLF_01_27_2022.pdf)

A number of associations also reported additional and unnecessary administrative obligations when applying to state subsidy programmes, as the applicants had to provide the state subsidy provider (at the ministerial or local administration level) with information readily available in the state administration register <https://or.justice.cz/ias/ui/rejstrik-šfirma> (this was all the more a problem of a number of affiliated associations working with children and youth which did not open their own data boxes). The problem has been identified at the Committee on Legislation and Financing of the Government Council for NGOs referring to likely necessary amendments of Act No. 218/2000 Coll. Act on budgetary rules, so that the subsidy provider would not be authorised to request an applying association a full listing of records.

The Ministry of Finance issued a statement on recognition of a partial extract from the Register of Beneficial Owners for associations applying for subsidies, but only from territorial budget - see <https://www.vlada.cz/cz/ppov/rnno/aktuality/uznani-castecneho-vypisu-z-evidence-skutecnymajitelu-u-spolku-zadajicich-o-dotace-z-uzemniho-rozpoctu--193839/>. However, this is only a methodological statement, not mandatory and not applicable at system level.

However, in 2023, a **data box** (Act No. 300/2008 Coll., on electronic transactions and authorised conversion of documents) will be established for all legal entities that do not have one yet. These are all non-entrepreneurial legal entities that have not applied for a data box in the past. This group also includes CSOs, e.g. associations, foundations, institutes, and public benefit organisations. And it will be easier for CSOs to fulfil the request for a full listing of records from the Register of Beneficial Owners.

55. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

The **Government's Strategy for Cooperation Between Public Administration and NGOs 2021-2030** defines the first of the three **Strategic Goals as Improving the societal climate for CSOs' activities**. It aims at strengthening understanding of the nature and social function of the non-profit sector, increasing awareness of the benefits of projects and activities of CSOs and increasing the visibility of partnership cooperation between the public administration and the non-profit sector, both among representatives of the public administration and the professional and lay public. The Strategy includes concrete measures to be implemented and coordinated mainly by the Office of the Government. However the implementation is dependent on the capacities of the respective departments, which have not been sufficient to the date, so the implementation is delayed. <https://www.vlada.cz/cz/ppov/rnno/dokumenty/strategie-spoluprace-verejne-spravy-s-nestatnimi-neziskovymi-organizacemi-na-leta-2021-az-2030-189753/>

In light of the previous concerns about the political environment not being too keen to CSOs, it is necessary to add that the new government publicly declares its recognition of CSOs (notably in the management of refugees from Ukraine) and spreads awareness about the importance and significance of CSOs, particularly through the Government Commissioner for Human Rights, see e.g. the [the conference](#) speech, speech of the Prime Minister and the Government Commissioner for Human Rights from December 2022 on Human Rights Day <https://www.vlada.cz/cz/clenove-vlady/premier/video/video-petr-fiala-a-klara-laurencikova-k-mezinarodnimu-dni-lidskych-prav-201568/>.

The **brutal attack on LGBT+ people in Bratislava on October 12, 2022** caused a wave of responses throughout the Czech public, civil society as well as officials. The Government Council for Human Rights adopted the statement stressing that prejudicial violence and hate attacks are unacceptable against any section of society and urging the Government of the Czech Republic to systematically strengthen the prevention of hate attacks against all vulnerable groups and the protection of the rights of members of these groups. <https://www.vlada.cz/assets/ppov/rlp/cinnost-rady/zasedani-rady/Usneseni-k-utoku.docx>

For more details on SLAPPS, see answer to question 43.

56. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

By its Resolution No.540 of 22 June 2022, the Government approved the **Main Areas of State Subsidy Policy towards Non-State Non-Profit Organisations** in Support of Public Benefit Activities for 2023 (<https://www.vlada.cz/cz/ppov/rnno/aktuality/hlavni-oblasti-statni-dotacni-politiky-vuci-nejistatnim-neziskovym-organizacim-na-podporu-verejne-prospesnych-cinnosti-pro-rok-2023-197441/>). The total amount of 7 417 mil. (276,6 mil. EUR) was budgeted for 18 thematic areas. The largest amount (2 941 mil. CZK/117,6 mil. EUR, i.e. 39,7 %) is reserved for sport and physical training, whereas the smallest amount goes to equal opportunities for women and men (7 mil. CZK/ 280k EUR, i.e. 0,09 %) and fight against corruption (4,8 mil. CZK/192k EUR, i.e. 0,065 %).

The Government Council for NGOs presented **Recommendations** prepared by the Working Group **on Public Collections** to the Ministry of Interior in order to be reflected **in the amendments to Act No 117/2001 Coll., Act on Public Collections and on Amendments to Certain Acts (Act on Public Collections)** planned for 2023 (https://www.vlada.cz/assets/ppov/rnno/pskvs/Doporuceni_pro_pracovni_skupinu_MV_01-03-2022_pro_VLF.pdf). The recommendations promote the fundamental change in the legal conditions for organising public collections, primarily by narrowing the regulation to cash collections from persons from whom no identifiable information is available; for other types of collections, registration of the collection would be voluntary. The law application practice needs to be unified and supported by additional awareness among organisers of collections; the proposed adjustments take into account both technological developments made since the adoption of the law and efforts to reduce identified obstacles.

The new **Expert Group on systemic change in funding of public benefit services** was established on June 28, 2022 by the Government Council for NGOs (https://www.vlada.cz/cz/ppov/rnno/ex_skup_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospesnych-sluzeb-a-cinnosti-ze-statniho-rozpoctu-198755/). The Expert Group has a two-year mandate and is composed of 14 representatives of respective ministries and 14 experts from non-profit sector. The task is to evaluate the current system of financing publicly beneficial services and activities and to initiate a systemic change in financing that will lead to a more efficient and simplified funding of publicly beneficial services and activities provided by CSOs. So far, 13 key issue areas have been identified to be addressed and elaborated (https://www.vlada.cz/assets/ppov/rnno/ex_skup_fin/Priloha_1_Zapis_Agregace_temat_FIN_1.pdf).

The state also supports the CSOs indirectly, by various **exemptions from taxes or tax discounts**. Out of tax regulations, the Income Tax Act has the greatest impact on CSOs. In Section 17a, the Act No 586/1992 Coll., on income tax, as amended, introduced the definition of a public-benefit taxpayer which, however, is not linked to any other regulation and covers both private-law entities pursuant to the Civil Code and public-law entities pursuant to other regulations. The conditions for reducing the taxable base of a public-benefit taxpayer are laid down in Section 20 para 7 of the Income Tax Act. The Act also covers any tax exemptions for income from donations (gratuitous transactions). Donations and gifts are legally defined in the Civil Code. In response to the extraordinary situation related to the COVID-19 pandemic, an amendment to the Income Tax Act took effect on 4 February 2021 (Act No 39/2021 Coll. amending Act No 586/1992 Coll. on income tax, as amended), temporarily raising the limit for deduction of gifts from the taxable base for both natural and legal persons. For **natural persons, the limit for the deduction went up from 15 % to 30 %**. For **legal persons, the limit for the donation deduction went up temporarily from 10 % to 30 %**. This higher limit was first approved for the tax period of calendar years 2020 and 2021, respectively for tax periods that ended between 1 March 2020 and 28 February 2022. An extension followed, carried by the Act No 128/2022 Coll. on measures in the field of taxes in connection with the armed conflict on the territory of Ukraine caused by the invasion of the troops of the Russian Federation, for a calendar year 2022, respectively for tax periods that ended between 1 March 2022 and 28 February 2023.

57. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

The Government Council for Non-Governmental Non-Profit Organisations, the permanent advisory, initiating and coordinating body of the Government exclusively dealing with issues concerning CSOs and promoting a suitable environment for their functioning and activities. In 2022, the Council met twice, as the position of the Government Commissioner for Human Rights (who at the same time holds a position of the vice-chairperson of the Council) was vacant since January and the new Commissioner Klára Šimáčková Laurenčíková was only appointed on May 11. The statute of the Council was changed, increasing the number of members up to 36, 13 of which are representing the non-state sector. On August 17, 2022, the government appointed **new members nominated as the experts of CSOs** (9 of which were new members for the first term and other 4 members for the second term). The first time Council met in the new composition was October 13. On the same day, the Council (among other things) elected a new vice-chair of the Council from CSOs. (https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis_RVNNO_13_10_2022.pdf).

On 22 June 2022, the Government Council for NGOs approved the **Methodology of the participation of NGOs in working and advisory bodies of the central authorities and in creation of their policy documents** (Methodology) and instructed the Council Secretariat to ensure pilot testing of the Methodology in the ministries (see minutes from the Council meeting - https://www.vlada.cz/assets/ppov/rnno/zapisy-ze-zasedani/Zapis_RVNNO_28_06_2022_FIN.pdf and the Methodology - <https://www.vlada.cz/cz/ppov/rnno/dokumenty/metodika-participace-nejstatnich-neziskovych-organizaci-v-poradnich-a-pracovnich-organech-a-pri-tvorbe-dokumentu-statni-spravy-197878/>).

The **Committee for the EU of the Government Council for NGOs** has been re-established by the initiative of the CSOs in January 2022 and the new committee started to fulfil its agenda and priorities: to support the engagement of CSOs in the formulation of the programme and priorities of the Czech

Presidency to the Council of the EU, to fulfil the principle of partnership and participation of CSOs in implementation of EU funds operational programmes, and to support partial issues in relation to the National Recovery Plan/Recovery and Resilience Facility.

In 2022, the Secretariat of the Government Council for NGOs commissioned a research with the aim to describe the existing cooperation of the state administration with umbrella and networks of NGOs, including the criteria on the basis of which such cooperation is established bilaterally. The **Analysis of the cooperation between the state administration with umbrella organisations and networks of CSOs was published in September 2022** and discussed at different gatherings. (<https://www.vlada.cz/cz/ppov/rnno/dokumenty/analiza-spoluprace-statni-spravy-se-stresnimi-organizacemi-a-sitemi-nestatnich-neziskovych-organizaci-198802/>). The analysis revealed that 66 % of the respondents from the state administration declared their interest in the cooperation with CSOs. 82 % mainly sought the expertise and information provided by CSOs, mainly long-term and informal the cooperation. There were significant differences as for the acknowledgement of the barriers for cooperation and dialogue between the state institutions and respondents from CSOs: lack of capacities, lack of access to information, low awareness of the state administration on partners and ways to engage them.

E. Initiatives to foster a rule of law culture

58. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, etc.)

During the year 2022 (mostly since March onwards), the number of seminars, debates or similar types of sessions taking place in both chambers of Parliament was high. Several events were organized tackling issues which form pillars of the rule of law. Some of them were focused on a presentation of the current regulation or practice, others on a discussion of possible changes or criticism of the current state of affairs.

Both chambers of Parliament organize seminars for students focusing on issues such as functioning of the Czech democracy and explanation of the role of the parliament in the democratic system.²¹

On 31 May 2022, a meeting of the Government Committee for the EU at a Working Level and the Committee for the EU of the Government Council for NGOs was held. Representatives of CSOs and ministries came together to discuss the political priorities of the Czech Presidency of the Council of the EU. The meeting was chaired by the Deputy Minister for European Affairs and attended by the Government Commissioner for Human Rights. The CSOs presented the joint contribution to the priorities of the Czech Presidency - <https://www.vlada.cz/assets/ppov/rnno/aktuality/Priority-ceskeho-predsednictvi-v-Rade-EU-2022-Final.pdf> (also in English: <https://glopolis.org/koordinace-neziskoveho-sektoru-neon/non-profit-organisations-offered-their-know-how-in-the-preparation-and-implementation-of-the-czech-eu-presidency-programme/>). The Committee will assess the actual involvement of civil society organisations in the implementation of the Czech Presidency programme in the first quarter of 2023.

The 2022 Rule of Law Report was also promoted at the Committee for the EU under the Government Council for NGOs (the meeting on 29 September with the aim to stimulate the engagement of the

²¹ For instance, the Chamber of Deputies organised seminar for student on the topic of Czech parliament and parliamentarism. Seminář ČESKÝ PARLAMENT A PARLAMENTARISMUS. Accessible on: <https://www.psp.cz/sqw/cms.sqw?z=16128>

Committee in the Rule of Law process - see the minutes and presentation at <https://www.vlada.cz/cz/ppov/rno/vybor-pro-eu/2008/26--zari-2022-200553/>, https://www.vlada.cz/assets/ppov/rno/vybor-pro-eu/2008/Priloha-c--3_Zprava_EU-Pravni-stat2022_proVEU_J-Milerova.pptx).

The **Conference on the Strategic Partnership for Democratic Society in Europe**, organised by Glopolis in cooperation with the Government Office of the Czech Republic - Department of the Secretariat of the Government Council for NGOs, Foundation Partnership and Spiral as a side-event of the Czech Republic Presidency to the Council of EU (October 17-18, 2022) provided space to promote dialogue and cooperation between representatives of public administration, parliament, CSOs and other actors in the Czech Republic and the EU - see the Report: [publikace best practices \(glopolis.org\)](#) The event was held under the auspices of the Minister for European Affairs Mikuláš Bek. Apart from civil society representatives, various representatives of ministries and both chambers of the Parliament of the Czech Republic were participating both as speakers and attendees. For more information see: <https://glopolis.org/en/conference-strategic-partnership/>

On 26-27 October 2022, the Czech Presidency of the Council of the EU held an expert level **conference entitled "Accountability, Transparency and Trust: Working Level Conference on Whistleblowing"**. The conference focused on the issue of transposition of the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law ("the Directive"). The conference was attended by representatives of 22 countries, mainly EU Member States, joined by Iceland and Switzerland. The meeting also included opening remarks delivered by a representative of the European Commission, followed by a speech by the coordinator of the Network for European Integrity and Whistleblowing Authorities (NEIWA), who then moderated one of the substantive panels. Participants perceived the conference very positively, as it was the first comprehensive conference on this topic to be held in person and not on-line. The individual panels discussed the possible scope of substantive and personal scope under the transposition, certain definitions, direct vertical effect, anonymous reporting, whistleblower protection in practice, exceptions and derogations to the Directive, the provision of information to whistleblowers, consideration of incentives to report or prevention of abuse of protection. There was a lively discussion in all panels in addition to the introductory contributions. Panellists and participants had the opportunity to be inspired not only by the practice already in place in some Member States, but also by the way in which other Member States intend to transpose the Directive. The relevance of whistleblower protection and anti-corruption measures to the rule of law was clearly mentioned and linked. Although it was mainly of expert nature, the conference promoted the best practice and created the opportunity for the spill-over effect to occur and further spread the rule of law culture among the EU Member States.

One of them was a seminar on the issue of "Dangerous tendencies endangering current democracies" which focused on changes of electoral law (in particular on elections to the European Parliament, the possibility of introducing postal voting and electronic voting), freedom of speech, censorship and the consequences of the Czech Republic's EU membership.²² Moreover, one member of the Chamber of Deputies together with the Union of Employers' Associations of the Czech Republic in cooperation with the Association of Public Benefit Organizations of the Czech Republic organised a round-table discussion tackling the topic of civil society organisations called "Whip on Nonprofits" - the importance

²² Seminář Nebezpečné tendence ohrožující současné demokracie. Accessible on: <https://www.psp.cz/sqw/cms.sqw?z=16823>

of self-regulatory tools for strengthening transparency and credibility of the non-profit sector.²³ Another group of members of Parliament organised a round-table discussion named “Hungarian media as warning or information autocracy in Hungary”.²⁴ As a commemoration of the 30th anniversary of the Czech Constitution, a two-day-long conference called “What did we want and what do we have?” was held, which provided a platform for a discussion of both politicians and experts who drafted the Constitution.²⁵

²³ Kulatý stůl „Bič na neziskovky“ - význam samoregulačních nástrojů pro posilování transparentnosti a důvěryhodnosti neziskového sektoru. Accessible on: <https://www.psp.cz/sqw/cms.sqw?z=16585>

²⁴ Kulatý stůl MAĎARSKÁ MÉDIA JAKO VAROVÁNÍ aneb informační autokracie v Maďarsku. Accessible on: <https://www.psp.cz/sqw/cms.sqw?z=16183>

²⁵ Konference k 30. výročí české ústavy s podtitulem Co jsme chtěli a co máme? Accessible on: <https://www.psp.cz/sqw/cms.sqw?z=16858>; Seminář o 30. výročí Ústavy pro studenty. Accessible on: <https://www.psp.cz/sqw/cms.sqw?z=16864>