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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
WORKING GROUP ON BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS**

Cancels & replaces the same document of 23 June 2023

Phase 4 evaluation of the Czech Republic: Additional written report

13-14 June 2023

This report was submitted by the Czech Republic for the June 2023 plenary meeting of the Working Group on Bribery in International Business Transactions. It does not reflect the views or opinions of the Working Group on Bribery

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PHASE 4 EVALUATION OF THE CZECH REPUBLIC: ADDITIONAL WRITTEN FOLLOW-UP REPORT

Instructions

This document seeks to obtain information on the progress that the Czech Republic has made implementing outstanding recommendations of its Phase 4 evaluation report.

Responses to the first question should reflect the current situation in your country, not any future or desired situation or a situation based on conditions which have not yet been met. For each recommendation, separate space has been allocated for describing future situations or policy intentions. Further details concerning the written follow-up process is in the [Phase 4 Evaluation Procedure](#) (paragraphs 51-59).

*Please submit completed answers to the Secretariat on or before **2 May 2023**.*

Name of country:	CZECH REPUBLIC
Date of approval of Phase 4 Report:	15 June 2017
Date of approval of Phase 4 Two-Year Follow-Up Report:	28 June 2019
Date of information:	11 April 2023

PART I: RECOMMENDATIONS FOR ACTION

Text of recommendation 1(e):

1. Regarding the **detection of foreign bribery**, the Working Group recommends that the Czech Republic:

(e) Fully implement without delay Phase 3 Recommendation 10 on whistleblower protections to adopt appropriate measures to protect from discriminatory or disciplinary action public and private sector employees who report suspected acts of foreign bribery in good faith and on reasonable grounds to the competent authorities, and conduct awareness-raising on the use of such protections in foreign bribery cases for public and private sector employees.

Action taken as of the date of the follow-up report to implement this recommendation:

The Ministry of Justice submitted the [Bill on Protection of Whistleblowers](#) to the government which subsequently approved it and put it forward to the Chamber of Deputies in November 2022. The Bill is expected to come into force in 1 July 2023. The final version of the bill was thoroughly discussed with various stakeholders (academia, NGOs, private and public sector). It does not only transpose the Directive 2019/1937 on the protection of persons who report breaches of Union law (hereinafter the "Directive") but also goes beyond its material scope so that the legal framework of whistleblower protection is truly complex. Under the bill whistleblowers can report all crimes (including of course foreign bribery) and other breaches falling within the scope of certain Union acts, that are connected to work.

As a part of the direct effect of the Directive after 17 December 2021 the Ministry of Justice has established and maintained an external reporting channel for whistleblowers who can report (through a secured channel) breaches falling into the material scope of the Directive. Also, several other public sector entities have established their internal reporting channels.

The Ministry also launched a website dedicated to the protection of whistleblowers (<https://oznamovatel.justice.cz/>) where useful information for both – whistleblowers and obliged persons – can be found. Following the direct effect of the Directive, the Ministry also issued a methodological material for obliged persons which can be found on the aforementioned website as well. The Ministry has also held various webinars and discussions with stakeholders on the topic and provides consultations to the general public.

The related project “Strengthening the Fight against Corruption by Increasing General Awareness of the Public Sector Focusing on Judges, Prosecutors, and Public Administration” is ongoing. As a part of the project an International Conference on Whistleblowing took place in Prague in January 2023. During the Conference a Comparative Study on the regulation of Whistleblowing was introduced. The Study included comparison of several EU states’ whistleblower protection legal and institutional framework. The study was commissioned by the Ministry of Justice and is focused on identifying best practice regarding promotion of the protection of whistleblowing and defining some potential blind spots regarding the approach and treatment of whistleblowing cases by public servants and thus should help the public sector with its strategy, methodology and overall mindset towards the topic.

Another important part of the project is an ongoing series of seminars introducing the draft Bill, the Directive and also the importance of whistleblower protection in general to judges, prosecutors and civil servants. The seminars have been well received and heavily attended.

In May 2023 a series of workshops involving relevant stakeholders will take place with a focus on the protection of whistleblowers.

Additionally, a large media campaign will be targeting whistleblowers themselves, as well as the public. The aim of the media campaign is to introduce the new legislative framework, to stress the importance of whistleblowing and to improve the public image of whistleblowers.

If no action has been taken to implement recommendation 1(e), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 3:

3. Regarding the **investigation and prosecution** of the foreign bribery offence, the Working Group recommends that the Czech Republic fully implement without delay Phase 3 Recommendation 3, by passing appropriate legislation to increase the independence of prosecutors so that considerations prohibited under Article 5 of the Convention are never taken into account in foreign bribery cases.

Action taken as of the date of the follow-up report to implement this recommendation:

Pursuant to Section 2(3) of the Code of Criminal Procedure, the public prosecutor is obliged to prosecute all crimes which they gain knowledge of, unless otherwise provided by law or by a promulgated international treaty to which the Czech Republic is bound. Therefore, this decision cannot be influenced by the factors mentioned in Article 5 of the Convention, i.e. the State's economic interest, the potential impact on relations with another State and the identity of natural or legal persons. Section 172 of the Code of Criminal Procedure then provides for an enumerative list of the circumstances on the basis of which the public prosecutor shall (mandatorily) or may (facultatively) discontinue criminal prosecution. None of the circumstances of Article 5 of the Convention are included in the aforementioned Section either, and therefore these criteria cannot be taken into account.

With regard to the requested amendment to the Act on the Public Prosecutor's Office, which would regulate the position of chief public prosecutors in more detail, in particular by establishing clearer rules for the appointment and dismissal of chief public prosecutors and stipulating their terms of office, thereby eliminating the theoretical risk of unacceptable political influence or pressure on the activities of the public prosecutor's office and its functioning, the amendment was drafted and, after addressing the comments, submitted to the Government in March this year for further legislative action.

If no action has been taken to implement recommendation 3, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken: