

I - Information requested from States parties in relation to conflicts of interest, reporting acts of corruption and asset declarations, particularly in the context of articles 7 – 9 of the Convention

II - Information requested from States parties in relation to implementation of article 12 of the Convention (Private sector), including the use of public-private partnerships

The current coalition government has set as one of its priorities the fight against corruption. In this respect, the Government Strategy for Combating Corruption for years 2011 and 2012 (the "Strategy") was created. The status and manner of performance of tasks contained in the Strategy is regularly monitored and published on the webpage www.korupce.cz.

In order to increase efficiency and stabilization of state administration new **Act on Civil Servants** has been elaborated. The Act uniquely determines the margins between political and clerical occupied seats in public administration, ensures depoliticisation, professionalization and stabilization of public administration, sets a system of remuneration and designs clear and meaningful solution to the issue of accepting gifts by representatives of public authorities. The emphasis should be placed on the presentation of the basic duties of the official, including mandatory training. Deadline for submission of the draft Law on Civil Servants has been newly set on 30th June 2012.

With aim to introduce austere rules on disposal of assets of municipalities and regions and to strengthen liability for damages has been prepared **amendments to Act No. 128/2000 Coll. On municipalities (municipal system), as amended, Act No. 129/2000 Coll., on Regions (Regional Establishment), as amended, and Act No. 131/2000 Coll. capital city Prague, as amended** in order to reduce the risk of corruption. In this respect is also discussed a modification of the conditions for the disposal of assets of legal entities established by the state or local authorities and companies with state capital participation, related legislative proposal should be submitted to the Government by 31st May 2012.

The **Code of Conduct of Public Officials** was adopted by the Government as a recommendation (Government Resolution No. 270/2001). The proposal of new Code of Conduct of Public Officials has been prepared and the duty to publically publish was set. The Code will explicitly interprets the area of law, decision making, professionalism, impartiality, speed and efficiency, conflicts of interest, corruption, waste the entrusted funds, confidentiality, public information, public activities and representation.

Amendments to the **Act on Public Procurement No. 137/2006 Coll.** newly stipulate among others that full details of the public procurement should be compulsory filed in electronic form in order to be published on the Internet. The Act defines an obligation to enter public procurement; in this regard the limits for the value of the contract which must enter the public procurement have been reduced.

Amendments to the **Act on Financial Control in Public Administration No. 298/2004 Coll.** enhance tools for detecting indicators of corruption, fraud, abuse of state assets and the European Union.

New Criminal Code No. 40/2009 Coll., which replaced Criminal Code No. 140/1961 Coll., came into force on 1st January 2010 and toughens up the penalties for corruption, especially relating to public officials. Please see the relevant Sections of the Act No. 40/2009 Coll. below:

Section 331 Passive Bribery

- (1) Whoever, him- /herself or by means of someone else, in connection with procuring affairs in the public interest accepts a bribe or the promise of a bribe for him-/herself or for someone else; or whoever, him-/herself or by means of someone else, in connection with his/her or someone else business activities accepts a bribe or the promise of a bribe for him-/herself or for someone else shall be sentenced to imprisonment for up to three years or to prohibition to undertake professional activities.
- (2) Whoever under the circumstances given in paragraph 1 asks for a bribe shall be sentenced to imprisonment for six months to five years or to prohibition to undertake professional activities.
- (3) An offender shall be sentenced to imprisonment for two to eight years or forfeiture of property
- a) if he/she commits the act given in Paragraph 1 or 2 with the intent of procuring substantial benefit for him-/herself or for another person; or
 - b) if he/she commits such act as a public official.
- (4) An offender shall be sentenced to imprisonment for five to twelve years
- a) if he/she commits the act given in Paragraph 1 or 2 with the intent of procuring a major benefit for him-/herself or for another person; or
 - b) if he/she commits such act as a public official with the intent of procuring a substantial benefit for him-/herself or for another person.

Section 332 Active Bribery

- (1) Whoever provides, offers or promises a bribe to or for another person, in connection with procuring affairs in the public interest, or whoever provides offers or promises a bribe to or for another person in connection with his/her or someone's else's business activities shall be punished by imprisonment for up to two years or by a monetary sanction.
- (2) An offender shall be sentenced to imprisonment for one to six years, forfeiture of property or to a monetary sanction
- a) if he/she commits the act given in Paragraph 1 with the intent of procuring substantial benefit for him-/herself or for another person or of inflicting substantial damage or other particularly serious consequences to another person; or
 - b) if he/she commits such act vis-à-vis a public official.

Section 333 Trading in Influence

- (1) Whoever requests or accepts a bribe for exerting his/her influence or by means of someone else on the execution of the authority of a public official or for having done so, shall be sentenced to imprisonment for up to three years.
- (2) Whoever shall provide, offer or promise a bribe to another person for the reason given Paragraph 1 shall be sentenced to imprisonment for up to two years.

Section 334 Joint Provision

(1) A bribe means an unwarranted advantage consisting in direct material enrichment or other advantage received or having to be received by the person bribed or with its consent to another person, and to which there is not entitlement.

(2) A public official pursuant to Sections 331 to 333 means, besides a person as referred to in Section 127, also any person

- a) occupying a post in a legislative or judicial authority or any other public authority of a foreign country; or
- b) occupying a post in an international judicial body;
- c) occupying a post, being employed or hired by an international or supranational organisation, established by countries or other entities of international public law, or in its body or institution; or
- d) occupying a post in an enterprise, in which Czech Republic or a foreign country has decisive influence

if the execution of such a function is connected with authority in procuring the affairs of public interest and the criminal offence was committed in conjunction with such authority.

(3) Procurement of affairs in public interest also means maintaining the duty imposed by legal regulations or a contract whose purpose is to ensure that there is no abuse or unjustified advantage of participants in business relations or persons acting on their behalf.