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THE EUROPEAN UNION**

Brussels, 21 December 1999

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NOTE

from :	Collective Evaluation Working Party
to :	Coreper/Council
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Subject :	Preliminary country report on the Czech Republic

PRELIMINARY REMARKS

With the present document, the Collective Evaluation Working Group submits to Coreper/Council its country report on the Czech Republic as finalised during its meeting on 14 December 1999.

The report aims at pointing out the precise areas where the most serious shortcomings exist and where substantial efforts of the candidate country are still needed, while at the same time acknowledging progress already made and refraining from a final judgement.

A key aim of this exercise, besides assessing the formal / legal implementation of the Acquis, is the assessment of actual practice in the country concerned, i.e. the practical effects on organisation and resources of authorities and institutions. This can help Member States when selecting programmes to finance (e.g. bilateral programmes, PHARE), as well as the Commission in adjusting the priorities and objectives of the accession partnerships and feeding future discussions on enlargement. The report will be updated regularly.

The Working group requests the Committee to invite the Council to :

- take note of the report and endorse its assessment of remaining shortcomings as well as progress made so far in the field of JHA,
- forward the report to the Council Working Group on Enlargement for information/consideration,
- invite the Working Group to continue to monitor progress made by the Czech Republic towards implementing the Acquis, drawing especially on contributions from Member States' embassies in Prague, with the aim of presenting an updated version within one year,
- invite the Commission and Member States to take the report into consideration when selecting and monitoring financial assistance programmes (e.g. PHARE, Title VI programmes, bilateral programmes),
- invite the Commission to take the report into consideration when proposing adjustments of the priorities and objectives of the accession partnership,
- invite the Commission and Member States to take the report into consideration in the context of future discussions on enlargement within the established structures of the European Union.

A. Introductory remarks

In its surveys and assessments the Working Party has dealt with the progress made by each acceding country and also examined shortcomings which still have to be eliminated in order to link up with the EU Acquis in the Justice and Home Affairs sphere.

On the basis of the information available it is not yet possible to make a definitive judgement, which means that only provisional and, to some extent, non-exhaustive findings can be established at present.

The data collected by the Collective Evaluation Working Party are being constantly added to and updated, mainly through the information network set up at the foreign representations using the structured checklist adopted under the German Presidency, so that a sort of "evaluation library" is gradually being built up. However, it will not be altogether possible to avoid a situation where the amount of information produced on individual subjects varies. Certain imbalances cannot therefore be completely ruled out.

The main aim of the report is to make clear where measures are still needed before the EU standard can be achieved in the applicant States. The list of improvements required cannot however be considered exhaustive at present.

B. Alignment with the Acquis in certain areas

The Czech Republic made efforts to align itself to the EU Acquis in individual areas. It has prepared a raft of new legislation covering Foreigners and asylum. Besides, there has been an increase in the capacity of accommodation of asylum seekers: more refugee-centres have been constructed, in order to be able to deal with future influxes (100% increase in asylum applications in 1998). Efforts have been made to improve staff efficiency and number.

Regarding the police, the central criminal intelligence units were re-organised in the spring of 1995, thus ensuring greater continuity in police work, especially in the higher echelons. This went hand in hand with a gradual improvement in technical training and equipment. However, the process is by no means complete. The Czech Republic will still need to make considerable efforts if it is to come up to EU standards in the medium term.

Active and passive bribery of public officials is punishable according to provisions in the Czech Penal Code. The Czech Republic is well aware of the problem of corruption and measures to combat it have been stepped up accordingly. In February 1999, the government adopted a programme for the fight against corruption, which focuses on corruption in the public sector and gives concrete instructions to various ministries, with deadlines mostly set for the end of 1999 or 2000.

Numerous legislative measures have been taken in the field of justice. The Constitution, which came into force on 01-01-93, lays down the principle of the rule of law and autonomy of the judiciary and creates the main formal guaranties for independence of judges. Acts of 1991 have regulated the administration of courts and judges. The re-incorporation of military tribunals into the unitary judicial system has now been carried out. Act No. 152/1995 has amended the Criminal Code in order to combat organised crime. Act No. 61/1996 against Legalisation of Proceeds of Criminal Activity ("money laundering act") is wide-ranging. There has been a strengthening of sanctions provided for in cases of race-related crimes (These sanctions are seldom used in practice, but particular attention in this field is drawn to the role of local public prosecutors). After long debates, criminalisation of mere possession of drugs was decided on and entered into force on 1 January 1999.

The European Union and its Member States are supporting the Czech Republic in its progress towards attaining EU standards with numerous aid projects.

C. Shortcomings

I. Securing external borders

1. General description

The current legal basis for the border management in the Czech Republic is the Act on Residence of Aliens and the Act on Police . The Czech Border Guard is not an independent organisation, but part of the "Foreigners Police and Border Guard Department" located at Czech police headquarters. The police headquarters are themselves subordinate to the Ministry of the Interior.

Border controls are carried out by the Aliens Police, which is responsible for a total of 122 international border crossings, including 86 road crossings, 25 rail crossings, one river crossing and 10 airports. In addition there are officially 37 border crossing points for minor border traffic and 65 crossing points on footpaths and lakes.

Surveillance of the "green" border is the responsibility of the Border Guard Police, which has 154 Border Guard units for the purpose. 47 are located on the Polish border, 59 on the German border, 30 on the Austrian border and 18 on the border with Slovakia.

In January 1999 6 334 people were employed in the Foreigners Police and Border Guard, 2 640 of whom are on duty at border guard units. 2 748 Foreigners Police staff work at border crossing points, 454 in the 76 Foreigners Police district divisions and 492 in the eight regional divisions of the Border Guard and Foreigners Police.

The borders of the Czech Republic measure some 2 290 km. The borders with EU Member States account for 1 276 km long (the German border is 810 km long, the Austrian 466 km) while the borders with the candidate countries Poland (762 km) and the Slovak Republic (252 km) total some 1014 km. (Source: Czech Central Bureau for Statistics.)

Officers earn on average around 16 500 koruna (approx. EUR 470) per month (slightly lower than the average monthly wage in the Czech Republic, around EUR 500).

The Czech Republic has bilateral agreements on border co-operation with all its neighbouring countries.

The new Act on Residence of Aliens, which should enter into force on 1 January 2000, is under discussion in Parliament, and a new act on police is being drafted by Government.

2. Need for administrative reorganisation of border security

Czech border security is in need of immediate reform. Border protection duties are divided between two separate authorities who do not co-operate, resulting in dysfunction and reducing the effectiveness of border security. Although the Czech Republic is aware of the problem, it has so far been unable to work out a solution, probably because there are differences within the Ministry of the Interior itself on how to approach the restructuring. However re-organisation is planned in order to reinforce the control of the external borders. It is not yet decided whether an organisation separate from the police will be set up or if a division within the police force responsible for border control will set up a new managing and reporting system and no longer be responsible for other police tasks.

3. Shortages of staff and funding

The Czech border guard is arguably understaffed. One of the main reasons for this is the failure to set the right budget policy priorities. The budget estimates for border security staffing seem inadequate.

In an effort to combat the steady rise in illegal migration, the Czech Republic has again assigned troops to border duties, although a government decision ending military border surveillance was issued as recently as January 1999. The soldiers however have no other power than to report illegal immigrants to the border protection authorities. Military forces are not regularly used for border control since the creation of the Czech Republic. No information is available concerning the results of the evaluation by the Czech authorities on the need for continued use of the military.

4. Inadequate equipment

The technical standard of the equipment used by the Foreigners Police and Border Guard is insufficient. The Czech authorities see an urgent need for improved technical equipment for use in detecting illegal immigration. Internal communications structures especially still fall quite short of EU standards, particularly as regards electronic data transfer. At present there is no system whereby a national data network can be accessed on-line from all border crossing points and there is no uniform computer system within the Czech police force. The only on-line link is between the headquarters of the Foreigners Police and Border Guard and Prague's Ruzyně airport. Investigative checks at border-crossing points are based on data, which are updated at regular intervals.

There are only telephone links to the border crossing-points on the Slovak border. According to the Czechs themselves, thermo/infrared cameras are virtually non-existent, or obsolete. At the moment there is only one CO-2 device available for operations, and only one police helicopter with thermo-camera equipment for all the police services put together.

5. Inadequate security on the Slovak border

The control at the Slovak border is clearly insufficient. During the screening exercise the Czech Republic has recognised a need for improved checks on entry and exit land routes and passing points on the Slovak border. To treat its border with Slovakia as an external one is however a politically sensitive issue.

Controls are confined almost entirely to official border crossings, although there are still nearly 100 tracks leading across the border (some of which are accessible to traffic). Therefore the main problem is people crossing the uncontrolled borders. The border between the two countries, regarded chiefly as a political dividing line, runs through wooded territory which is difficult to keep under surveillance; patrols tend to be the exception. As a result of the historical development of the two States, the local population still maintains close personal and commercial ties and would have little understanding of tighter border surveillance.

Nevertheless, the Czech Republic is preparing for the Czech/Slovak border to become an external border should the two countries not accede to the EU simultaneously. Following the change of government in Bratislava, the Czech Republic has opened negotiations with Slovakia on improving border security. In addition the new border concept, adopted by the government on 20 January in Resolution 54/99, contains provisions for the Slovak border. It will be necessary to monitor the results of this resolution.

6. Backlog of building work at Prague's Ruzyne airport

Prague's Ruzyne airport does not, for the time being, allow for the physical separation of passengers flows. Passengers are channelled to a central passport control upon arrival. The Czech Republic is aware of the fact that strict separation of passengers flows will have to be introduced on accession and that sizeable investments will be required.. It is against this background that an inter-ministerial group was created at the end of the year 1998, and that, at the Czech Republic's request, an exchange of information was held at Prague airport on 29 April 1999; a representative of the German Presidency of Schengen was also present.

Adaptation of the airport to the Acquis on border controls of passengers will require continuous monitoring.

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II. Migration (visas, deportation/expulsion)

1. General description of legal provisions

The legal basis for the right of aliens to enter, stay and work in the Czech republic is the Law on Stay of Foreigners of 1992 and the Law on Administrative Procedure of 1967. The provisions on expulsion are in the Law on the Stay of Foreigners and in the Law on Police of 1991.

Under present legislation visas can be issued at the border. Besides, all types of residence permit can be applied for not only at a Czech embassy abroad but also directly on Czech territory. A foreigner awaiting expulsion is placed in a detention centre for a maximum of 30 days.

The Czech Republic has concluded readmission agreements with neighbouring States (Germany, Poland, Slovakia, Austria) and with Hungary, Romania, Bulgaria and Canada ; agreements with France and Slovenia have been signed. An agreement with Croatia is under preparation.

Regarding migration, the Czech republic is in the process of reforming its legislation. According to Czech authorities a new act on Residence of Aliens is foreseen to enter into force on 1 January 2000. The new law will be the main legal instrument for alignment with the Acquis in the field of migration. However, the new draft law does not specify the responsible Czech institution for issuing residence and work permits, due to conflicting opinions between the Ministries involved.

2. Worrying increase in illegal immigration

The Czech Republic is increasingly becoming both a target and a transit country for legal and illegal immigration.

While the number of people entering the Czech Republic has gone down from slightly over 70 million in 1996 to 55 million in 1998, the number of illegal migrants has more than doubled since 1995, reaching nearly 45 000 in 1998. The yearly number of estimated illegal immigrants is almost a quarter of the current stock of legally resident foreigners, (approx. 220 000) most of whom trying to move on to Western Europe. The Czech Republic has become the major transit country for illegal migration and for smuggling people into the European Union via the Balkan route or the Eastern route. At the same time, it is itself becoming an ever more popular destination for illegal immigrants.

3. Adjustments to visa policy required

Czech visa policy is not fully harmonised with EU visa policy. The EU requires visas for nationals of Belarus, Bulgaria, Kazakhstan, Kyrgyzstan, Moldova, Romania, Russia, Turkmenistan and Ukraine with which the Czech Republic has visa-free agreements. The Czech Republic is currently not ready to take over the Acquis in this respect. Owing to its particular traditional ties and economic links with the successor states to the former Soviet Union and other former socialist countries it will proceed only gradually with regard to these countries, until such time as it joins the EU.

There are no rules on airport transit visas at present.

4. Shortcomings in visa-issuing procedure

Data transfer is to be improved. Foreign representations and border guard units do not have on-line access to central databases for issuing and checking visas; updating takes place twice daily.

The Czech Government has launched a project to modernise the visa-issuing procedure. Depending on the financial resources available, foreign representations should have on-line access to central databases by the year 2002.

Current visas including visas "on humanitarian grounds" can be issued at the border at four crossing points. However, nationals of certain high-risk countries are not covered by these arrangements. According to the draft legislation on the Residence of Aliens foreseen to enter into force in the year 2000 visas at the border are to be confined to exceptional cases.

5. Weaknesses in document security

Czech passports are prone to forgery in that the photos can be replaced without too much technical difficulty. The easily forged Czech passports are well-known by more than one Member State. The passports are not machine readable

The visas issued are not machine readable and not equipped with holograms. Only about 60 to 80 cases of visa forgery are discovered each year, which is due, among other things, to the lack of technical equipment for detecting forgeries.

6. Problems related to the immigration control

Expulsion, entry and residence bans and fines are not applied in a consistent fashion, owing to political reasons (bilateral relations with neighbouring countries, especially Bulgaria and Romania), to technical problems (lack of detention centres for deportees, equipment for fingerprinting, adequate data collection, electronic data exchange, etc.) and to lack of cooperation with foreign representations of the countries of origin. In addition administrative structures are inadequate and there is a lack of communication between the responsible authorities.

It is also quite easy for people who have entered the country illegally to obtain legal residence status by founding a commercial enterprise or investing a small amount of capital.

The present law on Stay of Aliens provides for liability for airline carriers to return aliens trying to enter the Czech Republic illegally via air travel but does not provide for fines. The planned new law on the Residence of Aliens will extend this provision to all carriers and provide not only for the return of illegals but also for fines.

7. Shortcomings in readmission

Persons transferred from Schengen States to the Czech Republic are not removed from the country "under supervision" but set free after a short period and simply asked to leave the country (most people make a renewed attempt at illegal entry into a Western European State).

8. Differences from EU Resolutions on immigration (admission)

At the moment Czech practice differs from EU Resolutions on immigration (admission) in the following respects:

- Slovak nationals do not need a work permit; they are simply registered. In 1998 there were some 60 000 Slovaks employed in the Czech Republic.
- Under Czech law, students are entitled to remain in the Czech Republic on completion of their studies and to take up employment, although, under the relevant Resolution, they are required to return to their home country when they have finished their studies.

With regard to current family reunification rules, parents, grandparents and grandchildren are entitled to join their relatives in the Czech Republic, in addition to spouses and children. Moreover, in individual cases, other family members may be included on humanitarian grounds. To what extent the new Czech legislation under preparation (allowance for the spouse, the under-age children and the parents of the foreigner) corresponds to the EU Resolution of 1993 will have to be monitored.

III. Asylum

1. General description of legal provisions and the asylum procedure

The Act on Refugees, which has been amended several times in recent years, covers asylum matters. The Czech Republic is, since 1991, a contracting party to the Geneva Convention relating to the status of refugees and the New York Protocol.

A decision on an application for refugee status must be taken within 90 days. The applicant may appeal to the Minister of Interior within 15 days of receiving a negative decision.

There are provisions for an accelerated procedure in case of "manifestly unfounded " applications.

Every asylum application lodged at the border is considered in substance. As a general rule, refugee status for people from safe third countries or countries of origin is rejected as being manifestly unfounded. However, it is still open to the applicant to prove that the state is not safe in his particular case.

The administrative procedure is divided into two levels, a first and a second instance. At first instance, asylum applications are considered by a department of the Ministry of the Interior. On 1 April 1999 an "appeals commission" was set up, with representatives of the authorities and non-governmental organisations. The appeals commission submits the applications to the Minister of the Interior, with recommendations to be taken. However, these recommendations are not binding on the Minister. A refused applicant can appeal to the High court, which examines the legality of the decision. The final authority is the Supreme Court, which judges also exclusively on points of law.

The Constitution provides the right to legal assistance. UNHCR has full and free access to all steps of the asylum procedure and other NGOs may also be consulted.

A new Asylum law should enter into force on 1 January 2000. It will include the basic principles contained in the Acquis, as well as the principles of safe third country and safe country of origin. The new law will also provide the necessary legal basis to incorporate the provisions of the Dublin Convention once the Czech Republic becomes a member of the EU. According to Czech sources no additional structures will be required for implementation of the legislation. The group will have to look again at the final Asylum Act once it has been adopted and some experience has been gathered on its application.

From 1994 to 1998 (included) 11153 applications were registered, and 498 refugee status were granted.

There is a sharp increase of the number of applications for refugee status: 4123 by 1998, which is twice the number of 1997 (2156) and almost four times the ones of 1994 and 1995. 2052 cases are pending (March 1999), of which 1802 at first instance.

2. Lack of independence of the appeals structure

The appeal procedure is not in line with the Acquis. The appeals commission is only a further administrative body for hearing appeals. It has a mere consultative role, and its members are appointed by the Government. The lack of independence of such an appeal procedure is not made up by the judicial one, which does not inquire into the facts of the case. The draft law does not foresee the establishment of an independent instance of appeal for rejected applicants. Whether or not full alignment is achieved, depends upon the reform of the judiciary, along with a reform of administrative law, which should be achieved in 2002. Czech High courts will then be entitled to judge on points of fact and not only on points of law.

3. Other shortcomings in asylum law and asylum procedure

The Czech Asylum law does not provide for a suspensive effect of the appeals procedure, something which will have to be introduced in order to comply with the EU Aquis. In practice however, an appeal has suspensive effect.

As regards the ability to face the current increase of asylum influxes and the future ones, the Czech authorities have recognised the insufficiency of their equipments. Efforts have been made, however, in order to increase the staff number, to improve the staff training, and to develop communication with foreign counterparts.

4. Preparation for accession to the Dublin Convention

The Czech Republic has embarked upon the necessary preparations for application of the Dublin Convention as soon as it accedes to the European Union; as a result, as matters now stand, it may be assumed that joining the Dublin Convention system should not pose any difficulties.

IV. Police and Customs

A. Police

1. Organisation and legislation concerning the Police

Police co-operation has its legal basis in the Law on Police and the code of criminal procedure, both amended in 1998.

Formal recruitment criteria are laid down in the Czech Police Service Act and correspond more or less to the rules in most European countries.

The Minister of the Interior is responsible for the police through the Police Presidium, headed by the Police President who is appointed and recalled by the Minister with agreement of the Czech Republic Government.

The Police are composed of the services for Public order, the Criminal Police, the Traffic Police, Administrative Affairs, the Protection service, and the Service for combating Corruption and Serious Economic Crime. The nation-wide responsibility for the fight against organised crime lies with the Organised Crime Division, which forms part of the Czech Criminal Police.

The Ministry of Finance is responsible for the fight against money laundering. The Act on Some Measures against Legalisation of Proceeds of Criminal Activity ("Money Laundering Act") was the basis for the establishment of a special "Financial Analytical Unit" within that ministry.

Investigators of the Czech Bureau of Investigation enjoy a special status within the Czech police. They are appointed directly by the Ministry of the Interior and are not subordinated to general police hierarchy, but can receive instructions from the state prosecutor. Their main field of action is related to preliminary criminal proceedings.

Reform plans foresee resolving the Bureau of Investigation as an independent body. Its tasks

shall be conferred to the police and its members integrated into the police. A separate preliminary investigation will no longer exist. This reorganisation will trigger a considerable need for "on the job training". Even if the reorganisation could cause some difficulties in the period of transition it may lead to gain in efficiency in the future. The implementation of the reform will need to be monitored. (See also chapter V. Judicial co-operation).

There are currently about 42.000 policemen in service, which means 400 police officers per 100.000 inhabitants.

The average wage of a police officer, although above the national average, is not sufficient to eliminate problems of recruitment, retention and training of police staff.

A new Police Service Act is foreseen to enter into force in 2001, providing for alignment with the Acquis. The new Police Service Act should provide for better integration of the police into society. It also provides for an extension of training from 12 to 18 months.

2. Staffing, training and equipment problems

The police is in low esteem, partly because of the role they have played in the past, and there is, generally, little interest in joining the police. The recruiting and training of qualified staff is also hampered by budgetary restraints and working conditions. The selection process seems to be quite severe and more than 40 % of the applicants fail. There are about 7.000 applications a year.

Basic and further training needs further co-ordination as well as improved professional tailoring and deliverance with regard to teaching content, forms and methods to match up sufficiently to the requirements of police practice. Contents of available courses of training at police schools and police academies are not always of police relevance.

The prevention and detection of organised crime, especially with regard to economic crimes, money laundering and corruption, require well-trained experts. Adequate specialised training of enforcement officers is needed to enhance or build up competencies in this field.

Modern quality management (service-oriented, management by delegation, management of

change, information and communication) is an unknown concept within the Czech police. At present, there are no specialised senior management training programmes, which prepare officers to assume responsibilities in the highest managerial positions.

While there has been a slight improvement in police working conditions and in the standard of equipment in recent years, chiefly as a result of donated equipment, much remains inadequate. In particular there is not enough modern technical equipment or suitable premises.

3. Inefficient police forces and bureaucratic obstacles to police duties

The police structure seems to be insufficient to combat organised crime, including corruption and illegal immigration.

Police efficiency is undermined by the sometimes highly bureaucratic manner in which police investigations are conducted.

Police officers have to accomplish too much time-consuming administrative tasks, which could be taken over by administrative personnel.

There is also a lack of co-ordination and clear distribution of work between the various law enforcement agencies.

The Czech authorities announced that the new legislation, foreseen to enter into force in 2001, would have a significant effect upon police, investigators and judicial powers.

4. Problems in combating organised crime and corruption

4.1. General remarks on Organised crime

Pursuant to the Czech Penal Code, a criminal organisation is defined as: "an association of more persons having an internal structure, distribution of functions and division of labour, activities and pursuing the aim to gain profits by regular committing intentional criminal offences".

The Government's strategy in the fight against organised crime is still based on the principles laid down in the Government's Report on Safety in the Czech Republic, dating back to 1993. The first national programme on Organised Crime was adopted 29 October 1997. It principally aims at taking adequate measures in the field of illegal migration and visa policy, illegal trafficking in drugs, 'serious economic and financial crime' and money laundering. It covers the period 1997-2000. Since its adoption, [internal review on 30 June 1998], little progress has been made as far as implementation is concerned, mainly due to conflicts of competence, organisational problems, lack of means and most of all of communication.

The main activities of organised criminal groups within the Czech Republic in 1998 concentrated especially on the following fields:

- bank and financial fraud
- illegal trafficking in drugs
- car theft and illegal transit of stolen cars
- illegal immigration and trafficking in humans
- racketeering and violent crime.

The Czech Republic has signed a number of international agreements and has a good level of co-operation with the EU in the area of organised crime. It has concluded bilateral agreements on police co-operation in combating organised crime with i.a. Hungary, Italy, UK, Germany, Turkey, Slovakia, Russia, Romania, Cyprus, Latvia, Poland, Egypt, Kyrgyzstan and Uzbekistan. More agreements are being negotiated.

The Czech Republic is experiencing a steady increase in all types of recorded crime. The

overall clear-up rate has increased and according to the information provided by the Czech authorities during the Screening session it was 43 % in 1998 (property crime 27 %, murders 87 %, violent crimes 82 %). Czech statistics for organised crime show that criminal syndicates have a certain degree of influence on politics, the economy, the media, the judiciary and the police, especially at local level.

Structures and the implementation of measures to combat organised crime need further improvement. The most urgent problems are insufficient manpower, equipment and training of law enforcement officials, but also insufficient legal conditions.

Reforms are needed in order to make the fight against organised crime (especially money laundering, drugs, trafficking in human beings) and corruption more efficient. Amendments to the penal code will be necessary. The legislation against criminal organisations should be extended to cover those organisations, which do not operate for profit. Provisions against trafficking in human beings and sexual exploitation of children should be extended. In addition criminal liability of legal persons should be introduced as well as criminalisation of private sector corruption. The protection of witnesses should be improved.

4.2. Motor vehicle thefts and trafficking

The number of stolen vehicles has been rising continually over the past five years. The Czech Republic now plays a major role in vehicle smuggling as well, both as a transit and source country, but also as a market.

4.3. Drug-related crime

In terms of narcotics crime, the Czech Republic is chiefly significant as a transit country, but is also increasingly becoming a country of origin of synthetic drugs.

Czech drugs legislation is now broadly in line with EU standards and anti-drugs policy is now a much more balanced mix of punishment and prevention. The low prices and easy availability of drugs have led to a major increase in the number of Czech drug users and in "drug tourism". Drug trafficking organised by in particular Kosovo-Albanian and Nigerian groups is centred in the Czech Republic and is a recognised problem.

4.4. Trafficking in human beings

The most widespread form of illicit trafficking of human beings in the Czech territory is organised prostitution and smuggling of women towards the west. Sometimes kidnapping and violent means are used. The number of cases prosecuted has increased.

Because of its geographical location in Central Europe and the fact that it borders on two EU countries the Czech Republic is one of the main transit points for organised illegal immigration to Western Europe. Alien smuggling is a highly profitable and safe business in comparison to drugs trafficking, because the maximum prison sentence is only three years. (See also chapter II, Migration, section 2).

4.5. Economic crime

Economic crime (i.e. large-scale fraud, corruption, tax evasion etc.), exceeding the limits of organised crime, is a serious problem in the Czech Republic, not as much from the point of view of public security, but with regard to the integrity of the economy and the institutions as well as for the state revenue. It seems to be at the origin of a substantial part of the funds implied in money laundering.

Although the awareness of the Government regarding the impact of economic crime has grown, the structures and the implementation of measures against it, especially at the local level, needs further improvement.

4.6. Corruption

The Czech Republic has recognised that corruption is a real problem. Since 1997 measures to combat it have been stepped up accordingly. However, the Government's 'Clean Hands' campaign, aimed at fighting corruption regardless of political implications, lacks a convincing administrative background and meets delays, resistance and even obstruction from the side of most political and governmental institutions.

The Inter-Ministerial Committee set up in 1998 has a special Analytical Commission, which has examined over 3000 cases. It has filed 209 complaints, most of which with the State Prosecutor. 70 of these complaints have been filed with the police, of which 18 have given rise to criminal proceedings and 6 have gone to trial. The Committee's activities are hampered by the fact that it has no staff and that implementation of its recommendations depends on the co-operation of other ministries. The division of tasks between the 10 member institutions of the group was still unclear in early 1999.

The powers of the police to investigate offences are insufficient. The lack of personnel, equipment and lack of co-ordination between the agencies involved and insufficient legislation hamper government policy. The lack of concrete progress in the reform of the statute of the civil service means that low pay for state employees, insufficient manpower and equipment continue to be serious obstacles to an effective fight against corruption.

According to information from the Czech Ministry of the Interior, only a few isolated cases of corruption have come to light in police ranks. Nevertheless, corruption does play a role in the traffic police and in administrative areas of police work, for example when issuing permits. Corruption cases, which have become public knowledge, have led to a loss of authority on the part of the law enforcement agencies.

Provisions on corruption that will provide for alignment with the EU Acquis will be contained

in the new Criminal Code and the new Criminal Proceedings Code, foreseen to enter into force in 2002. Partial alignment is foreseen already in 1999 through the amendment to the Criminal Code.

5. International co-operation

In the experience of at least one Member State, international police co-operation with the law enforcement authorities of the Czech Republic works smoothly, for instance with the central unit in charge of narcotics. Even in matters involving lengthy correspondence, inquiries are usually answered promptly and fully. As regards international contacts, however, the various Czech law enforcement agencies sometimes find themselves in competition with one another, as a result of demarcation disputes between the various specialised units.

The Czech Republic is in the process of reorganising the police headquarters, establishing a unit for international contacts, within which a Europol office is foreseen.

Foreign language skills are lacking, as is knowledge of the legal and tactical capabilities of Member States' police services when combating serious crime.

6. Lack of data protection provisions

The Czech Republic has not yet signed the Council of Europe Convention on the protection of individuals with regard to automatic processing of personal data (Strasbourg 1981), nor has it adopted a law on the protection of personal data.

B. Customs

1. Description of organisation and legislation

The Czech Customs Administration is part of the Ministry of Finance and is responsible for customs, customs policies, customs tariffs and customs statistics as well as the administration of excise taxes and value-added tax on import and road taxes for foreigners. The administration consists of the General Directorate of Customs, regional directorates, 91 customs offices and 17 inspectorates. Staff totals 9.300 divided between customs officers (approximately 7.750) and civil servants.

The Customs Directorate itself is divided into 10 departments, including those dealing with computerisation and the fight against fraud. Computerisation continues to progress well. A comprehensive system of staff training has been put in place with 4 national and 7 regional training centres.

Pursuant to the Czech Customs Act "the Customs Offices shall uncover criminal offences as established in special legislation (i.e. Penal Rules) and shall identify persons suspected of having committed them."

According to the Czech authorities, the investigation powers and operative means of Customs are in line with the European standards, and for Customs control purposes the powers of the Customs officers are said to be adequate and sufficient at the moment. Nevertheless, Customs officers do not have the power to interrogate persons suspected of a criminal act. The judge of the District Court shall issue permission for application of special operative means.

The working relations with other enforcement agencies, in particular, with the Czech Police and State Attorney Offices are said to be good. Co-operation with the Police is based on legal provisions elaborated in detail in the Agreement between the Ministry of Interior and the Ministry of Finance and in the Implementation Protocol signed by the Presidium of the Police and the General Directorate of Customs.

In the experience of at least two Member States there are no problems either with general

legal and administrative assistance, where most requests concern problems of customs valuation, or co-operation in the field of narcotics.

2. Shortcomings

The Czech customs legislation will need amending in order to provide for customs services to be able to follow the movements of persons and consignments across the borders.

The current risk analysis system is not considered sufficiently developed.

The existence of corruption within the Customs Services has been admitted as an existing problem.

An important cause for concern relates to data protection. (see Police, paragraph 6)

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V Justice

1. General Description of the judicial system

At present, there are four levels within the judiciary: district courts, regional courts or courts of appeal, high courts (Olomouž and Prague), and the Supreme Court. In addition, there is the Constitutional Court, which may be addressed directly in some cases.

According to judicial reform plans adopted by the government in July 1999, only three levels are envisaged in the future, dealing with both criminal, civil and administrative cases.

There is no specialisation within the judicial system, either in commercial matters or in administrative ones. However, the establishment of a Supreme Administrative Court is provided for in the Constitution. For the time being, the Constitutional Court is performing the functions of the SAC quite satisfactorily according to the Council of Europe and “has found its rightful place in the system of constitutional checks and balances.”

For instance, the Court has quashed several local government orders imposing restrictions on freedom of assembly, association, expression, or on the use of foreign languages. It remains to be seen to what extent ordinary courts deal properly with administrative cases.

Basic codes are a heterogeneous blend of pre-war, communist and modern elements (about 6000 new laws and regulations since 1989) without any common philosophy. Re-codification of civil and criminal codes (and procedure codes) has been in preparation since 1993 and is supposed to enter into force at the beginning of 2002. Considering the speed of this process, this deadline seems very ambitious. In fact, the latest documents no longer include any reference to the above-mentioned date.

Access to justice, although constitutionally guaranteed, poses difficulties in practice due to lack of qualifications of the judiciary, slow proceedings, restricted legal aid (lawyers appointed by the court are notified thereof by mail; actual availability therefore depends on the efficiency of the postal system) etc..

2. Status of the Judiciary

Judges are appointed by the president of the Republic, prosecutors by the Minister of Justice, and “investigators” by the Minister of the Interior.

The effects of the "lustration" law (on grounds of which 50% of judges and prosecutors had to resign between 1989 and 1996) were supposed to have been achieved in 1996; it has been extended to 2001. Lack of rules on the civil service is said to be the main reason for this extension. Theoretically this reduces the independence of judges. Nevertheless this law is not used very much any more.

Despite the relevant constitutional principles and the provisions of the Court and Judges Act of 1991, the Government and the Minister of Justice can still direct the management of the courts e.g. via appointment/removal of the presidents of the courts (who distribute work among judges), appointment/removal of the prosecutors and of the Chiefs of the Prosecutor's offices, and through their full power of judges' careers etc.. In fact, 12 judges are reported to have been dismissed by the Minister of Justice in 1998, confirming worries about actual independence.

Though the average wage of a district-court judge is relatively high (about 1.350 EUR per month), it seems difficult to fill the numerous vacancies (306 out of 2417 posts on 1 July 1999) with qualified applicants, who are attracted by high free market wages for qualified jurists. Trainees often resign just after special training.

The first document on judicial reform, adopted by the Czech Government in July 1999, contains plans to replace the present four-tier system by a three-tier one and create a Supreme Council of Magistrates, an independent disciplinary board composed exclusively of judges. Further aims are to cut down on administrative duties of judges, accelerate proceedings, improve access to justice and to (judicial) information as well as providing for training of the judiciary in European law and foreign languages. This process will require close monitoring.

Investigators from the Czech Bureau of Investigation complete the operational work of the police and then present the information to the judiciary. They act as intermediaries, which in practice, puts them in a monopoly position. They are appointed directly by the Ministry of the Interior and are not subordinate to general police hierarchy, but can receive instructions from the state prosecutor. Their main field of action is related to preliminary criminal proceedings. This important and specified role in preliminary criminal proceedings is still a weakness as far as implementation of the principle of judicial autonomy is concerned. The suppression of investigators has been announced as part of the whole judicial reform process (see also Chapter IV.A Police).

3. Training of judges

The low level of competence, bad knowledge of languages and insufficient specialisation of mostly young judges is worrying. The Institute for Further Training of Judges (and prosecutors) has not been reformed after 1989. However, it has focused its activities on issues of human rights and democracy. Training of judges in international and EU law is mandatory, and presently provided for exclusively through bilateral or multilateral projects, e.g. by the "Ecole Nationale de la Magistrature". The first Phare project on training of judges suffered long delays before being adopted. According to Czech figures, until 1999, less than 200 judges participated in such projects.

Beneficiaries of special training, though supposed to pass on the acquired knowledge to colleagues, often leave the judiciary for more profitable employment elsewhere.

A new institution is in preparation, which should pay special attention to international and EU law; there are however serious doubts that this institution will begin work in 2000.

All in all, the present situation is clearly unsatisfactory as regards training and attempts to increase the efficient operation of the judiciary.

4. Functioning of the Judiciary

Lack of modern equipment, precarious premises, and lack of PC's and of access to on-line legal databases are manifest.

Judicial procedures are extremely slow, decisions are often unpredictable and divergent and Czech nationals and foreigners do not have a lot of confidence in the judiciary, inter alia because of:

- administrative overload (large number of petty cases, e.g. on car accidents, as the “constat amiable” doesn't exist),
- poor quality of procedural rules (e.g. lack of urgency measures, or right for the parties to present new evidence in the appeal procedure),
- low level of competence and insufficient specialisation of mostly young judges.

This is worsened by the fact that there is no regular publication of case-law except the jurisprudence of the Constitutional Court. Nor is there easy (computer-) access thereto. Free legal aid, although legally guaranteed, is practically unavailable (see also 1. above).

It must be added however that things improve in the courts of second and third instance.

This situation is recognised by the Ministry of Justice itself, and by the Czech Government which adopted a first reform document in July 1999. The main aims are to take into account all EU legislation, training of judges in Community law, specialisation in administrative and commercial matters, less administrative work by introducing court clerks and by setting up a computer network between the courts.

These projects should be monitored in the next months.

The business registration system has a bad reputation among Czech and foreign entrepreneurs, due to its slowness.

A French liaison magistrate has been appointed to the Czech Republic to assist the authorities in the implementation of the Acquis.

5. Criminal law and the code of criminal procedure

The Czech authorities have announced that the planned re-codification of the criminal code and code of criminal procedure will provide for alignment with the EU Acquis. The entry into force of these instruments however seems unforeseeable ; allegedly it would be 1.1.2002 but lately the authorities no longer include any reference to the mentioned date.

In the Czech Republic, it is not possible for a legal person to be held liable for criminal behaviour, but only for administrative offences. Czech law is based on liability of natural persons. This issue will allegedly be dealt with in the future re-codification of the criminal law.

At present the Czech criminal code does not cover corruption in the private sector.

Although criminal law is in the process of being adapted to meet the standards set out in

the 1995 Convention on the Protection of the EC's Financial Interests and its related Protocols, further efforts will remain necessary upon accession. In addition, the necessary implementing capacity should be provided in the field of judicial co-operation.

The general provisions on fraud have been extended to cover subsidy fraud, which the authorities consider to be compatible with the EU definition.

Czech law is not fully aligned with the Joint Action of 29 December 1998 making it a criminal offence to participate in a criminal organisation. A criminal organisation is defined as an association of a number of persons who carry out criminal activity with the aim of gaining profits. In the Joint Action it is not specified that the aim must be profit, the criminal acts can be merely an end in themselves.

Current Czech law is more restrictive than the Joint Action of 24 February 1997 on combating trafficking in human beings and sexual exploitation of children. Recruitment of a woman or child for prostitution abroad is a criminal act and any threat of violence is an additional crime. There is no protection where a man is concerned and when there is no threat of violence. Czech law criminalises the manufacture, export, and dissemination of pornographic material but not its possession for personal use. However, under EU legislation the use of children in pornography and the possession of such material both constitute criminal acts.

As far as confiscation of proceeds of organised crime is concerned, the Money Laundering Act of 1996 formally abolishes anonymous bank accounts and contains requirements for the identification of customers of all kinds of financial institutions (including casinos etc.) as well as information of the competent authority in case of suspicious transactions.

Adoption of said Act is however only a preparatory step for the planned overall recodification of the Penal and the Criminal Procedure Codes. Its practical implementation must be monitored closely, as it does not seem to assure effective action. The most serious problems concern the general weakness of institutions, insufficient staff and equipment, training of the judiciary, lack of effective provisions allowing for confiscation of the proceeds of organised crime or suspect property, criminal or non-criminal liability of legal persons for criminal behaviour committed for their own benefit, actual identification of third persons acting on behalf of the client reporting on unusual transactions below the threshold, and a modern data protection law with provisions for an independent supervisory body.

Finally, the Act was also the basis for the creation of a special Financial Analytical Unit within the Ministry of Finance, to which were reported, in 1997, 1139 cases of suspicious financial transactions; further criminal proceedings took place only in two cases. In 1998, 1100 cases were reported but only 25 submitted to the Police.

The concept of protection of witnesses was introduced into the criminal code in 1995. However the law only provides for the protection of witnesses for the duration of the actual criminal proceedings and is not extended to the period after the court gives its ruling.

The Czech Republic does not extradite Czech nationals. A Czech national can however be punished for crimes committed abroad. Stateless people can also be tried on Czech territory.

6. Judicial co- operation in criminal matters

The Czech republic has ratified the major international instruments ¹. It has the intention of ratifying the remaining instruments. In addition, it has negotiated a number of bilateral agreements. Requests can be made through the appropriate Ministry, but they can also be made directly between judicial authorities on the basis of specific agreements. Although a special unit has been set up allowing for effective judicial co-operation with the Czech authorities, co-operation is sometimes problematic, not because of lack of goodwill, but due to insufficient manpower and bureaucratic obstacles; simple requests for information can take a long time to answer.

On the other hand there is valuable information on the implementation of this co-operation as regards extradition, transfer of proceedings, transfer of enforcement of judgements, judicial assistance. Three Member States, in their periodic relationship with Czech authorities, assess that no particular problems arise with regard to these issues. The central authorities, Ministry of Justice and Attorney-General's office, have always proved co-operative and competent. When the procedure is carried out directly between the courts and the Public Prosecutors office, it works steadily. Better knowledge of foreign languages is however needed.

1

- the European Convention on Extradition
- the European Convention on Mutual Assistance in Criminal Matters
- the European Convention on Transfer of Proceedings Criminal Matters
- the European Convention on Suppression of Terrorism
- the Convention on the Transfer of Sentenced Persons

Accession to the following convention is under preparation:

- the 1983 European Convention on Compensation of Victims of Violent Crime
- the 1999 Criminal Law Convention on Corruption

7. Judicial co-operation in civil matters

The same assessment can be made with regard to civil judicial co-operation. The Czech Republic is a contracting state to the relevant Conventions or has initiated the procedures for accession¹. The Czech republic has been invited to accede to the Lugano Convention and the corresponding inquiries have shown that Czech law and practice meet the requirements of the Convention. These assessments are based on a reasonable number of cases (for instance, 350 requests a year sent by a Member State to the Czech Republic, and almost 800 received from the Czech Republic).

Although a special unit has been set up allowing for effective judicial co-operation with the Czech authorities, co-operation is sometimes problematic not because of lack of goodwill, but due to insufficient manpower and bureaucratic obstacles; simple requests for information can take a long time to answer.

1

- the 1954 Convention on Civil Procedure
- the 1958 Convention on Recognition and Enforcement of Decisions concerning Maintenance Obligations against Children
- the 1961 Convention Abolishing the Requirement of Legalisation for Foreign Public Documents
- the 1965 Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters
- the 1970 Convention on Evidence-Taking Abroad in Civil and Commercial Matters
- the 1970 Convention on the Recognition of Divorces and Legal Separations
- the 1971 Convention on the Law Applicable on Traffic Accidents
- the 1973 Convention Concerning the International Administration of the Estates of Deceased Persons
- the 1973 Convention on Recognition and Enforcement of Decisions concerning Maintenance Obligations against Adults
- the 1980 Convention on the Civil Aspects of International Child Abduction

The basic documents have been submitted to the depositary for accession to the 1988 Lugano Convention on Jurisdiction and Enforcement of Judgements in Civil and Commercial Matters.

Accession to the following conventions is under preparation:

- the 1980 European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children
- the 1983 European Convention on Compensation of Victims of Violent Crime
- the 1989 Convention on Insider Trading

The following conventions shall enter into force 'before the entry into the EU':

- the 1977 European Agreement on the Transmission of Applications for Legal Aid
- the 1980 Hague Convention on International Access to Justice
- the 1996 European Convention on the Execution of Rights of Children
- the 1997 European Convention on the Adoption of Children

VI. Summary conclusions

General

Political dissent may explain the current “log-jams” in Parliament. Therefore a committed political will is required at all levels of executive and legislative power in order to adopt and implement the numerous draft laws mentioned in this report.

1. Securing external borders

Given its geographical position directly on the migration route to the West, the Czech Republic is highly susceptible to illegal immigration, which places special demands on the Czech border guard. Border security in the Czech Republic is not up to this challenge; it suffers from major shortcomings.

The resources spent on border security are inadequate and scarcely enough for effective protection. The efficiency of the Czech border security system is further hampered by structural shortcomings. The units dealing with border crossings and those patrolling the "green border" are under separate management; they operate alongside each other but without much communication between them, leaving gaps in the security network, which are quickly identified and exploited by gangs of smugglers. The Czech Republic's attractiveness as a migration hub is further increased by the fact that it has so far been unwilling to subject the Slovak border to a full control regime.

2. Migration

The measures which the Czech Republic has taken to stem the flow of illegal immigration are inadequate and fail to do justice to the scale of the problem. In order to implement the EU Acquis in this area, Czech priorities will need to include full alignment of their visa policy, and of their admission regulations, and the strengthening of their fight against illegal immigration.

3. Asylum

The independence of the body in charge of the appeals procedure, and the legal suspensive effect of the appeal are still matter of concern. As there has been a sharp increase in asylum applications, the implementation of the asylum legislation needs to be closely monitored.

4. Police and Customs

In general, there has been a slight improvement in police performance in recent years. However, attribution of time-consuming administrative tasks is still undermining the efficiency of police services. Inter-agency co-operation and co-ordination, especially in the fields of organised crime, economic crime and money laundering, needs improvement. Modern technical equipment, specialised training as well as human resource development programmes are needed in order to build up the necessary proficiencies and to counter new types of crime and corruption effectively. Data protection legislation should be drafted and adopted. With regard to the customs area, current risk analysis system should be further developed and measures against corruption should be strengthened.

5. Justice

Despite some improvements, legal measures taken are either insufficient or not efficient. The contrast between smooth judicial co-operation with neighbours in the traditional matters on the one hand, the weak possibility to guarantee the respect of international regulations (and therefore of EU Acquis) on the other, is mainly accorded to the (poor) quality of laws and of training of young judges. In these areas there are many "legislative intentions" but few laws are actually issued.

Fairness obliges to mention the ambitious plans for reform of the judiciary as a whole, which would remedy most of the current shortcomings of the system. The problem is however that this is an extremely complicated and controversial exercise and nobody knows when the reform will enter into force. The lengthy nature of the legislative process does not give rise to optimism.

Justice is one of the fields where progress in the Czech republic has to be closely monitored.

The following Commission contributions outline the most important projects, fully or partly financed by EU funds, in which the Czech Republic has participated. It should be noted that, in addition, several Member States have carried out bilaterally organised and funded support programmes with the Czech Republic, thereby contributing significantly to the EU assistance to the Czech Republic in this area.

Annex 1 : The Czech Republic's foreseen participation in Title VI programmes

Annex 2 : PHARE assistance in the Czech Republic

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The Czech Republic's foreseen participation in Title VI programmes

	Falcone	Grotius	Odysseus	Oisin	Stop
1996	-----	3S	-----	-----	1S, 1O
1997	-----	5S, 1T	2S(Sherlock), 1T	7S, 3X, 2O	5S
1998	5S	3S, 1E	9S, 2E, 2R	13S, 5T, 1X, 5O	4S
1999	6S	NA	2S, 1E, 1R	6S, 2T, 2O	2R, 1O, 1S
TOTAL	11	13	20	50	15
All projects	35	117	61	113	48

Type of project

E = Exchange
O = Operation
R = Research and Study
S = Seminar, meeting, conference
T = Training
X = Other

Falcone - a programme of exchanges, training and cooperation for persons responsible for action to combat organised crime
Grotius - a programme of incentives and exchanges for legal practitioners
Odysseus - a programme of training, exchanges and cooperation in the field of asylum, immigration and crossing of external borders
Oisin - a programme for the exchange and training of and cooperation between law enforcement authorities
Stop - exchange programme for persons responsible for combating trafficking in human beings and the sexual exploitation of children

Phare assistance in the Czech Republic

List on financial assistance of 11,1 MEUR provided by the National Phare programmes 1997, 1998 and 1999 in the area of Justice and Home Affairs to the Czech Republic.

COP 1997

Under Phare programme COP 97 there are the two following projects for Ministry of Interior, project number CZ 9703-01-02-07 (2,1 MEUR)

CZ 9703-01-02-07-01 Equipment supply of 2 MEUR to assist Centralised Personalisation system of Machine-Readable documents of Czech Republic

CZ 9703-01-02-07-02 Support to the Directorate of Alien and Border Police to establish a Model Working Place with training (0,03 MEUR) and equipment supply (0,07 MEUR) to improve and enhance communication and transmission of data relating to aliens

Phare 1998 programme

The Justice and Home Affairs National Phare 1998 programme (4,8 MEUR) consists of three different project fiches: CZ 9810-01, CZ 9810-02 and 9810-03

The Project fiche CZ 9810-01 of 2,5 MEUR aims on Strengthening Border Control and provides assistance via institution building (one sub-project of 0,45 MEUR) and investment (four sub-projects of 2,05 MEUR) through the following:

CZ9810-01-01 Establishment of Border Crossings Networks, (0,8 MEUR)

CZ9810-01-02 Automated Fingerprint Identification System (AFIS), (0,5 MEUR)

CZ9810-01-03 System of Control of Cars at the Border, (0, 4 MEUR)

CZ9810-01-04 Thermographic and Underground Detectors at the Border installed at

three selected main border crossing between SK and CZ, (0,35 MEUR)

CZ9810-01-05 Training of the Directorate for Border and Alien Police on border management implemented via Twinning, Germany (project leader) and Netherlands, twinning project CZ98/IB/JH-01 (0,45 MEUR)

The Project fiche CZ 9810-02 aims on Strengthening the Institutions of Law Enforcement and Asylum and provides assistance via institution building and investment of 1,3 MEUR with the following three sub-components:

CZ9810-02-01 Development of a comprehensive programme of human resource management for the Czech Police, with a particular focus on the appraisal and promotion systems of the Czech Police, thereby developing greater compatibility with EU Member States' systems, and Design and Delivery of a Professional Training Programme for members/staff of the police forces and of the Ministry of the Interior. The institution building project is implemented via Twinning, with Germany (project leader) and United Kingdom, CZ98/IB/JH-02.

CZ9810-02-02 Improvement Measures for the Communications Structures of the Law Enforcement Institutions aiming to support the development of efficient communications in combating organised crime and corruption, in ensuring effective border management, Study (0,15 MEUR)

CZ9810-02-03 Strengthening the Institutions of Asylum with specialised training and equipment supply, (0,25 MEUR)

The Project fiche CZ 9810-03 aims on Strengthening the Independence and Functioning of the Judiciary and provides assistance via institution building and investment of 1 MEUR with the following two sub-components:

CZ9810-03-01 Support to the Association of Judges and the Association of State Attorneys, (0,6 MEUR) The institution building project will be implemented via Twinning, the Netherlands, CZ98/IB/JH-03.

CZ9810-03-02 Support to the Development of the Commercial and Civil Courts Systems with studies, training and specialised equipment supply, (0,4 MEUR).

Phare 1999 programme

The Justice and Home Affairs National Phare 1999 programme CZ9904.01 (4,2 MEUR) aims on Strengthening the Operation of Law Enforcement Institutions and the Judiciary, consists of the following four components:

CZ9904.01-01 Assistance (1 MEUR) to the relevant Czech structures to combat economic crime more effectively. This will be done by strengthening relevant law enforcement institutions and other related bodies through training and equipment supply, and by improvement of co-operation of these bodies. The project will be implemented via 1.institution building (twinning, CZ99/IB/JH-01, 0,6 MEUR) and 2. investment (0,4 MEUR).

- CZ9904.01-02 Support (1.1 MEUR) to the Czech Republic's preparation for implementation of the Schengen Agreements, by the strengthening of the operational capacity of the border services, and by setting up a Czech National Schengen Information System (N.SIS) compatible with the Central Schengen Information System (C.SIS). The project will be implemented via 1. institution building (twinning, CZ99/IB/JH-02, 0,6 MEUR) and 2. investment (0,5 MEUR).
- CZ9904.01-03 Support (1 MEUR) to the Government policy in making the fight against organised crime, such as terrorism, extremism, trafficking in persons, prostitution, fight against drugs etc., more effective. The project will focus on specialist Activities of the Organised Crime Division and the Institute of Criminalistics Prague. The project will be implemented via 1. institution building (twinning, CZ99/IB/JH-03, 0,5 MEUR) and 2. investment (0,5 MEUR).
- CZ9904.01-04 Strengthening (1.1 MEUR) of the functioning of the district courts, via equipment supply for both the judiciary and administrative staff. This will improve the access of the judiciary to necessary information and, in the long term, also the streamlining of administrative procedures.

PHARE assistance in the CZECH REPUBLIC

PHARE budgetary allocations by sectors in Euro

	1997	1998	1999	Total
Strengthening of the Judiciary	0	1.000.000	1.000.000	2.000.000
Improving court efficiency	0	400.000	0	400.000
Support to independence of judges	0	600.000	1.000.000	1.600.000
Strengthening of the Police	0	900.000	0	900.000
Human resources development	0	900.000	0	900.000
Training	0	0	0	0
Combating economic crime	0	0	1.000.000	1.000.000
Combating organised crime	0	150.000	1.000.000	1.150.000
Border Control	2.100.000	2.500.000	1.100.000	5.700.000
Equipment for Border Guard	2.000.000	2.050.000	0	4.050.000
Telecom equipment & Schengen Information system	70.000	0	1.100.000	1.170.000
Training of alien & border police	30.000	450.000	0	480.000
Immigration policy : asylum & visa	0	250.000	0	250.000
Equipment	0	250.000	0	250.000
Training of staff	0	0	0	0
Total	2.100.000	4.800.000	4.200.000	11.100.000

Twinning arrangements with Member States financed by the PHARE 1998/99 national programmes

1998 Twinning Reference	Phare 1999 Budget Line (allocation)	Budget (€)	Number of PAA(s) & duration	Member State(s) selected	Expected starting date	Decision of the Steering Committee & state of play
CZ98/IB-JH01 Border control & training of Alien and Border police	CZ9810.01.01	449.958	1 PAA 12 months (10 months for PAA)	Germany + Netherlands	Not before December 1999	SC of 17/09/99 : Decision of "reinforced" Conditional approval
CZ98/IB-JH02 Strengthening of Law enforcement institutions	CZ9810.02.01	881.496 (to be revised)	1 PAA 18-19 months	Germany + UK	Not before December 1999	SC of 28/07/99 : Re-submission by written procedure
CZ98/IB-JH03 Independence and functioning of the Judiciary	CZ9810.03.01	599.991 (to be revised)	1 PAA 18 months	Netherlands	Not before January 2000	SC of 17/09/99 : Re- submission by written procedure for FULL debate during 2 nd SC of 22/11/99

1999 Twinning Reference	Phare 1999 Budget Line (allocation)	Twinning Budget (€)	Number of Pre-Accession Advisor(s)	Duration of the Twinning	Expected starting date	Status (fiches sent to Member States – no selection yet)
CZ99/IB-JH01 Fight against economic crime	CZ99.D.01.01 (1.000.000)	600.000	1	12 months	January 2000	Fiche sent to MS on 27/7/99 : deadline for proposals : 29/10/99
CZ99/IB-JH02 Preparation of Schengen implementation	CZ99.D.01.02 (1.100.000)	600.000	1	12 months	Spring 2000	Fiche sent to MS on 27/7/99 : deadline for proposals : 29/10/99
CZ99/IB-JH03 Fight against organised crime	CZ99.D.01.01 (1.000.000)	500.000	1	12 months	Spring 2000	Fiche sent to MS on 27/7/99 : deadline for proposals : 29/10/99