

Independent Reporting Mechanism

Action Plan Review:
Czech Republic 2022–2024

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Introduction

In January 2021, the Independent Reporting Mechanism (IRM) rolled out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons learned after more than 350 robust, independent, evidence-based assessments conducted by the IRM and inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose, and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

IRM products are:

- **Co-Creation Brief:** Brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
- **Action Plan Review:** A quick, independent technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product was rolled out in a transition phase in 2022, beginning with action plans ending implementation on 31 August 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Czech Republic 2022-2024 action plan. The action plan comprises eight commitments. This review emphasises its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III.

¹ "IRM Refresh," Open Government Partnership, <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

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Section I: Overview of the 2022–2024 Action Plan

The Czech Republic's 2022–2024 action plan includes promising commitments aimed at facilitating public oversight of small-scale public contracting as well as enhancing the transparency of state grants. Several public institutions participated in the co-creation process for the first time. High-level political input further increased the ambition of the action plan.

The Czech Republic's 2022–2024 action plan contains eight commitments, including some that cover new policy areas such as public procurement, strategic planning, and beneficial ownership.¹ Four policy areas are transferred from the previous action plan. The commitment on whistleblower protection was carried over as it was not fully implemented by the end of the previous action plan period. The commitment on open data in education has a new timeline for reform. The commitments on public participation and state grants transparency constitute steps forward in furthering open government in relevant policy areas.

Commitments 6 and 7 in this new action plan are assessed as promising. Commitment 6 envisages the implementation of transparency guidelines to support public oversight of small-scale procurement contracts and has modest potential for results. Civil society representatives said the commitment is ambitious but, if implemented as promised, has the potential to impact state grants transparency substantially.² Commitment 7 has substantial potential for results and continues the efforts started in the 2020–2022 action plan to enhance the transparency of state grants by improving the existing information system. Civil society said that a uniform data format could significantly enhance transparency and public control over the distribution and use of state finances.³

More stakeholders were involved in the co-creation of this action plan compared to previous cycles. Two new ministries joined the OGP process and the action plan lists civil society organisations (CSOs) as co-implementing agencies for the first time. The action plan addresses recommendations from previous IRM reports to

AT A GLANCE

Participating since: 2011
Action plan under review: 2022–2024
IRM product: action plan review
Number of commitments: 8

Overview of commitments:
 Commitments with an open government lens: 8 (100%)
 Commitments with substantial potential for results: 2 (25%)
 Promising commitments: 2

Policy areas:

Carried over from previous action plans:

- Public participation in decision-making
- Whistleblower protection
- Open data in education
- State grants transparency

Emerging in this action plan:

- Public procurement
- Strategic planning
- Beneficial ownership

Compliance with OGP minimum requirements for co-creation: Yes

expand the scope of policy areas and involve more stakeholders. Between March and December 2022, the co-creation process included a public workshop where anyone could propose commitments, a government-wide crowdsourcing of commitment ideas, an online public consultation of the draft plan, and opportunities for non-members to participate in multistakeholder forum (MSF) meetings. Before the government's final approval, the action plan was sent back to consultation to improve and increase the ambition of the commitments upon the initiative of Jakub Michálek, a member of parliament (MP) of the Czech Pirate Party. The draft action plan was subsequently discussed at two meetings of the Government Council for the Coordination of the Fight against Corruption and three new commitments were added.⁴

Government and civil society representatives expressed satisfaction with the final shape of the action plan. Half of the 8 commitments included were based on civil society's proposals.⁵ Furthermore, civil society felt the addition of three new commitments in the later stage (Commitments 5 and 6 on public procurement and Commitment 8 on beneficial ownership data) substantially improved the ambition level of the action plan.⁶ CSOs in particular endorsed the engagement of the Ministry of Regional Development given its strong political leadership, which increases the potential of the two commitments on public procurement to have more successful implementation.⁷ Government officials expressed similar appreciation, noting the action plan's quality, number of commitments, inclusion of new policy areas, and diversity of stakeholders participating in the co-creation process.⁸

While government and civil society representatives felt that the action plan is more ambitious than prior ones, three commitments on whistleblowing, public participation, and open data in education are included because they had not been implemented in time in the previous cycle for various reasons. As such, there is room in these policy areas to use the additional time to go beyond what was planned in the previous action plan. For example, Commitment 2 on whistleblower protection could focus on activities that would follow the adoption of the Whistleblower Protection Act, such as methodological support in the development of reporting mechanisms, training of persons responsible to respond to whistleblower reports, and/or gathering data on the number of reported cases and the impact of the new legislation on whistleblower protection. Commitment 8 on beneficial ownership covers only a mapping exercise. The rest of the implementation period could be used for taking targeted steps towards improving the quality and accuracy of data in the beneficial ownership register and strengthening enforcement mechanisms at the registry courts. The government could also benefit from the work already done in this area by CSOs and actively engage them in the preparation of analytical materials. Building on these initial activities, future action plans could include more ambitious commitments on beneficial ownership.

Commitment 7 on state grants transparency is an example of taking gradual approach towards new policy areas. In the previous action plan, stakeholders discussed the possibility of the redesigned grant database. The negotiations then led to the inclusion of a more ambitious commitment in the new action plan.⁹ Civil society representatives perceive it positively because it could simplify work for watchdog organisations that monitor grant recipients.¹⁰

¹ The Czech Republic submitted its action plan with start and end dates in 2023–2024. However, it was submitted to OGP in December 2022 and is therefore referenced in this report as the 2022–2024 action plan.

² František Kučera (Anti-Corruption Unit of the Ministry of Justice), interview by IRM researcher, 5 May 2023; Jan Dupák (Transparency International Czech Republic), interview by IRM researcher, 9 May 2023.

³ Dupák, interview.

⁴ “Meeting minutes of 14 November and 12 December 2022,” Government Council for the Coordination of the Fight against Corruption (2022), <https://korupce.cz/rada-vlady/zaznamy-z-jednani/?a=rada-vlady>.

⁵ Kučera, interview; Dupák, interview.

⁶ Dupák, interview; Marek Zelenka (Oživení), interview by IRM researcher, 10 May 2023; Lukáš Kraus (Frank Bold/Rekonstrukce Státu), interview by IRM researcher, 10 May 2023.

⁷ Dupák, interview.

⁸ František Kučera & Johana Trešlová (Anti-Corruption Unit of the Ministry of Justice), interview by IRM researcher, 5 May 2023.

⁹ Kučera, interview.

¹⁰ Dupák, interview; Kraus, interview.

Section II: Promising Commitments in Czech Republic 2022–2024 Action Plan

The following review looks at two commitments that the IRM identified as having the potential to realise the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
6. Small-scale public contracts transparency: This commitment would create rules in the awarding of small-scale public contracts to make key data publicly available and enable public oversight.
7. State grants transparency: The Ministry of Finance has committed to developing a centralised Register of Subsidies to serve as a public record system for all data of state grants.

Commitment 6: Small-scale public contracts transparency

Ministry of Regional Development, Transparency International Czech Republic, Oživení, Datalab

For a complete description of the commitment, see commitment 4.6 in the Czech Republic’s 2022–2024 action plan: <https://www.opengovpartnership.org/documents/czech-republic-action-plan-2022-2024>.

Context and objectives

Each year, a hundred billion CZK are invested through small-scale public contracts (i.e., public contracts worth up to 2 million CZK for provision of services and supplies, or up to 6 million CZK for delivery of construction works).¹ Small-scale public contracting is problematic due to weak regulatory framework and absence of judicial oversight, which in turn result in ineffective use of public funds, nepotism, and corruption.² Anti-corruption CSOs have exposed defrauding schemes that demonstrate the nature and extent of this problem.³

Anti-corruption CSOs have long called for clear and transparent rules for small-scale contracting.⁴ The recently adopted Government’s Anti-Corruption Strategy 2023–2026 answers these calls in part and promises methodological support in certain areas of public procurement.⁵ Small-scale contracting, however, is not expressly mentioned.

This commitment promises to agree on the key rules in the awarding of small-scale public contracts to facilitate public monitoring by making relevant data available.⁶ A methodological guidance will be adopted as guide for contracting authorities in awarding small-scale contracts.⁷ Such guidance, especially if binding—at minimum for central state authorities, has potential to bring about change in the transparency and accountability of the use of public funds.

This commitment is one of the three new commitments added to the action plan during the November and December 2022 meeting of the Government Council for the Coordination of the Fight against Corruption.⁸ It was formally proposed by Jakub Michálek, an MP of the Czech

Pirate Party, in cooperation with anti-corruption CSOs.⁹ CSOs find the commitment to be in line with their efforts to enhance the transparency and accountability of small-scale contracting.¹⁰ The inclusion of this commitment opens a new policy area on public procurement transparency that has not been covered in the previous action plans.

Potential for results: Modest

The commitment could improve transparency and public accountability since small-scale contracting is widely used by central as well as municipal contracting authorities.¹¹

Small-scale public contracting is regulated by Act No. 134/2016 on Public Procurement. However, only general principles of transparency and proportionality, equal treatment, and non-discrimination apply.¹² On 10 May 2023, the Senate approved a legislative amendment increasing the threshold for small-scale contracting, which is currently being re-assessed in the lower chamber of the Parliament.¹³

In 2020, the Ministry of Regional Development adopted a methodological guidance on small-scale public contracting which it had developed with CSOs.¹⁴ The guidance simplified the administrative burden for procurement of small-scale contracts and strengthened the requirements for transparency significantly. CSOs have expressed general satisfaction towards the guidance for its brevity (11-page long), simplicity, and flexibility; while balanced by strict requirements for transparency, notably publication of the reasons for selecting a contract winner.¹⁵ However, it is not binding and thus serves only as recommendation for contracting authorities. As such, it is not widely used and practices among contracting authorities differ considerably.¹⁶ Many of these contracting authorities have their own rules for small-scale contracting, while some disclose almost no tender information.¹⁷

Commitment 6 seeks to address this by creating working groups comprising civil society and government representatives to agree on basic rules of operation and a balance between administrative requirements and transparency. Government and civil society representatives agree that the commitment is ambitious and could have a substantial impact by lowering corruption risks and improving business environment.¹⁸ However, the potential for results depends on whether the rules would be made binding, at least for central state governmental bodies, to ensure its wide use in practice. The current non-binding nature of the rules mean they have modest potential for results. Stakeholders interviewed by IRM stated it is unclear whether there is political will to do so but note that making the rules binding could standardise and enhance the transparency and reliability of small-contracting practices.

Government and civil society stakeholders agree that the methodological support is important to make contracting authorities confident to operate in this area given lacking legal regulation.¹⁹ However, CSOs argue that lack of transparency in the selection of contract winners is more of a problem given that it exposes small-scale contracting to corruption risks and thwarts business environment.²⁰ CSOs stated that procurement rules for small-scale contracts do not need to be complex and it is important for the public to learn the clear and concrete reasons of why contracting authorities select a winner.²¹ They added that clear selection rules could improve business environment and the reliability of the procedures.²²

Opportunities, challenges, and recommendations during implementation

Stakeholders mentioned two factors that could contribute to the success of this promising commitment. Firstly, implementation will be vested with the Ministry of Regional Development,

which has demonstrated strong political and administrative leadership in the policy area and has openly endorsed the objective of improving procurement environment.²³ Some respondents interviewed by IRM suggested that this commitment presents the best momentum to move things forward in the policy area in the last ten years.²⁴ Secondly, the commitment provides an opportunity to alter the rules for small-scale contracting from the EU funds in line with the strict procurement procedures required by EU agencies. The methodological guidance could have an enormous impact in terms of transparency and legal certainty if applied in this area.²⁵

Lack of consensus among relevant stakeholders on the final shape of the methodological support and its binding versus non-binding nature could derail commitment implementation. Existing distribution of political forces as well as cooperation between the implementing agency and CSOs may mitigate this risk. In the end, the binding nature of any future methodological rules on small-scale contracting is vested with the government and the commitment would, therefore, need continuous political support. The success of the commitment may also depend on whether the procurement rules are adopted in practice by all contracting authorities (approximately 10 to 20 thousand entities)²⁶.

To achieve promising results, IRM recommends the implementing agency of Commitment 6 to:

- **Actively cooperate with civil society organisations in the development of the rules on small-scale contracting.** CSOs with substantial experience in contracting and procurement could be engaged through regular meetings to discuss implementation progress, solicit input, and enable oversight. It could also be formalised into a working group with similar participation rules to the multistakeholder forum.
- Ensure that continued political support for the commitment is expressed in the Government's Anti-Corruption Strategy 2023–2026 and **aim to make the rules binding, at least for central state governmental bodies.** While guidelines can help to change practice where there is already much institutional support for such measures, binding rules can ensure broader implementation from across institutions. Inclusion in the government strategy and ongoing political support are momentums for the commitment to generate stronger results in small-scale contracting transparency. Further ambition could seek to make the rule binding for government bodies at lower levels.
- **Promote the new rules and train key government officials.** Once adopted, the government could further support the application of the rules by promoting it among key government stakeholders. This may also require training for relevant users to ensure proper understanding of the new rules, which could be designed and conducted in collaboration with civil society.

Commitment 7: State grants transparency

Ministry of Finance

For a complete description of the commitment, see commitment 4.7 in the Czech Republic's 2022–2024 action plan: <https://www.opengovpartnership.org/documents/czech-republic-action-plan-2022-2024>

Context and objectives

Commitment 7 continues the efforts started in the 2020–2022 action plan to enhance state grants transparency by improving existing information system. The commitment envisions to develop a Register of Subsidies at the Ministry of Finance to record data on subsidies, repayable financial assistance, and other similar grants provided from the state budget.

In the status quo, information on state grants is available but scattered across different databases that are not interconnected, and the data cannot be easily compared. In the previous OGP cycle, two rounds of consultations were undertaken, and the stakeholders opted for an adaptation of the existing information system on state grants with the view to publish data in a uniform format so that all information systems on grants provide the standardised sets of information.²⁷

Potential for results: Substantial

Standardisation of data format and content to be published in these information systems has potential to substantially enhance transparency and public control over the distribution and use of state finances. It will allow watchdogs and stakeholders to search and compare data of awarded grants as well as access grant titles and related documentation. CSO representatives interviewed by IRM also echoed this view.²⁸

Creating a unified public evidence of state grants is part of the 2023 government program statement,²⁹ and also a priority of the civil society striving for a greater transparency of existing data on recipients of state finances and their use.³⁰ Based on technical and legal possibilities, it further promises development and modernisation of the information system on state grants to include all European and national grants and provide more detailed information on individual grants (i.e., aid amount, grant title, and decision or public law contract). Improvement to the information system would make it more intuitive user friendly to use, publicly available, and interconnected to the information systems of other public sector entities and potentially also self-government bodies.³¹ For grant providers, the information system could be useful to share information on grant recipients with the view to optimise effective use of public resources.

Opportunities, challenges, and recommendations during implementation

The overall success of Commitment 7 would depend on the quality of data to be published in the unified information system on state grants and its user friendliness. Information on the use of state grants should be made available and easy to navigate to search for recipients and documentation of grants from different state entities.³² The impact of this commitment will increase substantially if grant providers among self-governing bodies were obliged to also publish their data in the uniform database.

In their programme statement, the government promises to build a unified database of state grants, which means that the government is prioritising this commitment. However, successful implementation would also depend on the gradual progress of developing and modernising the database and its datasets. To meet the high expectations, IRM recommends the following:

- **Allocate sufficient personnel, technical, and budgetary capacities** to implement the commitment in the promised quality and in time.
- **Consult civil society stakeholders regularly on the information system development.** Seeking input from civil society could also be used to verify the accessibility, searchability, and comparability of published data with other information systems.

- Ensure that published data are of interest to relevant stakeholders and **facilitate public control over the use of state finances in practice**. While institutions could enable public reporting of suspicious contracts, implementation could be more ambitious and foster engagement with communities of civic watchdogs and activists to report suspicious public spending. The OpenCoesione ecosystem in Italy³³ and Dozorro community in Ukraine³⁴ are two good examples of such practice in OGP.

Other commitments

Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Commitment 1 promises to pilot the implementation of new guidelines on the participation of CSOs in public decision-making.³⁵ Eight central governmental bodies are involved in the testing phase—each selecting one project.³⁶ The methodology (adopted in the previous OGP cycle) triggered the interest of half of government ministries and thus has a good potential to impart ideas of public participation within the public administration. However, being still in the testing phase on a limited number of projects, its potential for results is modest. Securing a broader use of the methodology within the public administration beyond a testing phase would boost the expected results.

Commitment 2 on whistleblower protection is a continuation of the legislative, educational, and awareness raising activities started in the previous OGP cycle. In April 2023, the lower chamber of Parliament passed the new Whistleblower Protection Act.³⁷ It was adopted and came into effect on 1 August 2023.³⁸ While the new legislation is a positive development, the education and awareness-raising activities do not go beyond what was envisaged in the previous cycle. Therefore, the commitment's potential for results is modest. More substantial results could be achieved through new activities supporting implementation of the new legislation, such as methodological advice in adopting and implementing the reporting mechanisms with central and local authorities, supporting and encouraging networking of persons investigating whistleblower complaints, and using real case scenarios in media campaigns.³⁹

As in the previous OGP cycle, Commitment 3 on open data in education promises a new information system in the education sector. The Ministry of Education plans to create two new registers of students and education workers and promises to open more data to the public, which may lead to positive results.⁴⁰ However, the shape and the timeline of this reform have repeatedly changed in the past, and the extent of its contribution might be clearer only after it is fully implemented.

Commitment 4 envisages improvements in the amount and quality of data as well as user friendliness of the public administration strategic documents database.⁴¹ While the commitment is innovative with good design of improvements to the database towards the public, the non-binding nature of strategic documents publication and absence of content curation standards indicate lack of ambition.

Commitment 5 foresees public monitoring of procurement processes by means of so-called integrity pacts. Its strength is that it is grounded in the experience of CSOs with these pacts and envisages promotion of integrity pacts among all procurement actors.⁴² However, it does

not go beyond the promotion efforts and lacks clarity on how many integrity pacts would be implemented.⁴³

Commitment 8 introduces a new policy area in the Czech OGP process, namely beneficial ownership data. The envisaged activities are so far limited to analysing the existing system and have unclear potential for results within this action plan cycle. The proposals coming out of this commitment, however, could be carried over to the next action plan and thus build into a more ambitious commitment—similar to state grants transparency commitments. The impact of the commitment in this action plan cycle could be boosted by engaging CSOs with relevant expertise and experience in this policy area in the preparation of the analytical materials and in analysing the data in the Register of Beneficial Owners.⁴⁴ Analytical tools can be explored to enhance the quality of data in the register,⁴⁵ while ensuing activities could focus on enforcement mechanisms and cooperation with all involved stakeholders, which include register courts, businesses, financial offices, and beneficial ownership data experts.

¹ “Action Plan of the Czech Republic Open Government Partnership for 2023 to 2024,” Open Government Partnership, February 2023, <https://www.opengovpartnership.org/wp-content/uploads/2023/02/Czech-Republic-Action-Plan-2022-2024-December-EN.pdf>.

² Jan Dupák (Transparency International Czech Republic), interview by IRM researcher, 9 May 2023; Marek Zelenka (Oživení), interview by IRM researcher, 10 May 2023.

³ “Contracts worth hundreds of millions were won in Lány by companies linked to Mynář and his people,” Transparency International Czech Republic, 7 February 2018, <https://www.transparency.cz/zakazky-za-stamiliony-ziskaly-v-lanech-firmy-spjate-s-mynarem-a-jeho-lidmi/>; “Hlubuček case reopens Pandora’s box of misuse of public funds,” Transparency International Czech Republic, 27 June 2022, <https://www.transparency.cz/kauza-hlubucek-znovu-pootevrela-pandorinu-skrinku-zneuzivani-verejnych-prostredku/>; “The first sentences were handed down in the Stoka case. Jiří Švachula gets 9.5 years in prison,” Transparency International Czech Republic, 31 May 2022, <https://www.transparency.cz/padly-prvni-tresty-v-kauze-stoka-jiri-svachula-si-odnesl-95-roku-vezeni/>.

⁴ Lukáš Kraus (Frank Bold/Rekonstrukce státu), interview by IRM researcher, 10 May 2023.

⁵ “Government’s Anti-Corruption Strategy 2023–2026,” Ministry of Justice, April 2023, <https://korupce.cz/wp-content/uploads/2023/04/Vladni-koncepce-boje-proti-korupci-na-leta-2023-az-2026.pdf>.

⁶ “Action Plan of the Czech Republic Open Government Partnership for 2023 to 2024,” Open Government Partnership.

⁷ Dupák, interview.

⁸ “Meeting minutes of 14 November and 12 December 2022,” Government Council for the Coordination of the Fight against Corruption (2022), <https://korupce.cz/rada-vlady/zaznamy-z-jednani/?a=rada-vlady>.

⁹ Jakub Michálek hosted the meetings on 14 November and 12 December 2022. The Czech Pirate Party currently sits in the Czech Government and leads the Ministry of Regional Development.

¹⁰ Kraus, interview.

¹¹ Dupák, interview; Kraus, interview.

¹² Zelenka, interview.

¹³ “Amendment to the Public Procurement Act passed the Senate,” Ministry of Regional Development, 10 May 2023, <https://portal-vz.cz/info-forum-vzdelavani/aktuality/novela-zzvz-prosla-senatem/>.

¹⁴ “Metodiky obecné,” [Methodological for Small-Scale Contracting], Ministry of Regional Development, <http://portal-vz.cz/metodiky-stanoviska/metodiky-k-zakonu-c-134-2016-sb-o-zadavani-verejnych-zakazek/metodiky-specialni-k-zadavacim-rizenim/metodiky-obecne/>; “Nová pravidla pro malé veřejné zakázky uleví zadavatelům,” [New rules for small public contracts will relieve contracting authorities], Rekonstrukce státu, 28 February 2020, <https://www.rekonstrukcestatu.cz/archiv-novinek/nova-pravidla-pro-male-verejne-zakazky-ulevi-zadavatelum>.

¹⁵ Zelenka, interview.

¹⁶ Dupák, interview.

¹⁷ Zelenka, interview.

¹⁸ Dupák, interview; František Kučera (Anti-Corruption Unit of the Ministry of Justice), interview by IRM researcher, 5 May 2023.

¹⁹ Dupák, interview; Kučera, interview.

²⁰ Dupák, interview.

²¹ Zelenka, interview.

²² Dupák, interview.

²³ Dupák, interview; Zelenka, interview.

²⁴ Zelenka, interview.

²⁵ Dupák, interview.

²⁶ Dupák, interview.

²⁷ “Závěrečná zpráva k závazku 4.5 OGP,” [Final Report on Commitment 4.5 OGP], Ministry of Justice, <https://korupce.cz/wp-content/uploads/2022/04/Zaverecna-zprava-zavazek-4.5-OGP.pdf>.

²⁸ Dupák, interview.

²⁹ “Programové prohlášení vlády,” [Government’s programme statement], Government of the Czech Republic, 1 March 2023, <https://www.vlada.cz/cz/programove-prohlaseni-vlady-193547/>.

³⁰ Dupák, interview; Lukáš Kraus (Frank Bold/Rekonstrukce státu), interview by IRM researcher, 10 May 2023.

³¹ “Action Plan of the Czech Republic Open Government Partnership for 2023 to 2024,” Open Government Partnership, 45–46.

³² Kraus, interview.

³³ See: “OpenCoesion: Making EU Funds Expenditure More Transparent,” Open Government Partnership, 29 September 2021, <https://www.ogpstories.org/opencoesion-making-eu-funds-expenditure-more-transparent/>.

³⁴ See: “Through The Power of the People: Empowering Citizen Watchdogs,” Open Government Partnership, 21 September 2021, <https://www.ogpstories.org/through-the-power-of-the-people-empowering-citizen-watchdogs/>.

³⁵ “Metodika participace nestátních neziskových organizací v poradních a pracovních orgánech a při tvorbě dokumentů státní správy,” [Methodology of CSOs participation in advisory and working bodies and in the development of state administration documents], Government Council for Non-Governmental Non-Profit Organisations, May 2022, https://www.vlada.cz/assets/ppov/rnno/dokumenty/Metodika-participace-NNO_verze-po-verejnych-konzultacich_23_5_2022_final.pdf.

³⁶ Pavel Mička (Secretariat of the Government Council for Non-Governmental Non-Profit Organisations), interview by IRM researcher, 31 May 2023.

³⁷ “Sněmovna schválila zákon o ochraně oznamovatelů,” [The House passed the Whistleblower Protection Act], Ministry of Justice, 21 April 2023, <https://oznamovatel.justice.cz/snemovna-schvalila-zakon-o-ochrane-oznamovatelu/>.

³⁸ The act on the protection of whistleblowers and its accompanying act were adopted and published in the Collection of Laws as acts no. 171/2023 Coll. <https://www.zakonyprolidi.cz/cs/2023-171> and no. 172/2023 Coll. <https://www.zakonyprolidi.cz/cs/2023-172>.

³⁹ For example, see description of Slovakia co-creation process in: “Slovak Republic Action Plan Review 2022–2024,” Open Government Partnership, February 2023, https://www.opengovpartnership.org/wp-content/uploads/2023/02/Slovak-Republic_Action-Plan-Review_2022-2024_EN.pdf, 4–6.

⁴⁰ Narek Oganessian (Director of the Informatics Department, Ministry of Education), email correspondence with IRM researcher, 1 June 2023.

⁴¹ Petr Valenta (Ministry of Regional Development), interview by IRM Researcher, 10 May 2023.

⁴² Jan Dupák (Transparency International Czech Republic), email correspondence with IRM researcher, 15 May 2023.

⁴³ Jan Novotný (Ministry of Regional Development), email correspondence with IRM researcher, 17 May 2023.

⁴⁴ For example, see: “Reliability Analysis of the Register of Beneficial Owners,” Datalab Institute, 5 December 2022, <https://drive.google.com/file/d/12EYwFMdb53DzRqt5fgE2OkHp8ojHnecq/view>.

⁴⁵ For example, see: “Analytical Tool on International Sanctions,” Datlab, <https://sankce.datlab.eu>.

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The IRM follows a filtering and clustering process to identify promising reforms or commitments:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organise commitments into clusters as needed. Commitments may already be organised in the action plan under specific policy or government reforms.

Step 4: Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

I. Verifiability

- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalised changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalised changes across government.

This review was prepared by the IRM in collaboration with Alexandra Dubová and was externally expert reviewed by Ernesto Velasco. The IRM methodology, quality of IRM products,

and review process are overseen by IRM’s IEP. For more information, see the IRM Overview section of the OGP website.¹

¹ “IRM Overview,” Open Government Partnership, <https://www.opengovpartnership.org/irm-guidance-overview/>.

Annex 1. Commitment by Commitment Data¹

<p>Commitment 1: Pilot implementation of methodology for civil society participation</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 2: Improving the status of whistleblowers</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 3: Open data on education and the educational system</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
<p>Commitment 4: Expand and make available data in the Strategy Database system</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 5: Involvement of the public in the monitoring of public procurement</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear
<p>Commitment 6: Small-scale public contracts transparency</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
<p>Commitment 7: State grants transparency</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial
<p>Commitment 8: Improving the quality of beneficial ownership records data</p> <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear

¹ **Editorial notes:**

1. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Czech Republic's action plan: <https://www.opengovpartnership.org/documents/czech-republic-action-plan-2022-2024/>

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the updated OGP Participation and Co-Creation Standards that came into force on 1 January 2022.¹ IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. During this time, IRM will assess countries' alignment with the standards and compliance with their minimum requirements.² However, countries will only be found to be acting contrary to the OGP process if they do not meet the minimum requirements, starting with action plans submitted to begin in 2024 and onward. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1 Space for dialogue: Dialogues between government and civil society took place through the Working Commission on Open Government and State Administration Transparency which performs the role of the multistakeholder forum. ³ Its basic rules of participation are publicly available online. ⁴ In 2022, it met every three months. ⁵	Yes	<i>To be assessed in the Results Report</i>
2.1 OGP website: The Ministry of Justice maintains the OGP website. It is publicly accessible with no password or registration requirements. ⁶ It contains all the action plan documents, including the latest one. ⁷	Yes	<i>To be assessed in the Results Report</i>
2.2 Repository: The Ministry of Justice maintains the OGP repository. It is publicly available with no password or registration requirement. Documents can be downloaded directly in pdf format. ⁸ The repository is regularly updated and contains information on co-creation, implementation, and assessment of the national action plans. ⁹	Yes	<i>To be assessed in the Results Report</i>
3.1 Advanced notice: The co-creation timeline and call to participate in the public workshop on the co-creation of the OGP commitments was published on 18 March 2022, about a month before the public workshop on 11 April 2022. ¹⁰	Yes	Not applicable
3.2 Outreach: On 11 April 2022, the Ministry of Justice organised a public workshop where anyone could propose commitments for the new 2022–2024 action plan. It was attended by public officials and civil society organisations. ¹¹	Yes	Not applicable
3.3 Feedback mechanism: Input from non-MSF members was gathered in three ways: (1) via the public workshop organised for anyone wishing to propose commitments, ¹² (2) via publishing the draft action plan in the interdepartmental consultation procedure, ¹³ and (3) via hosting non-member organisations or individuals at the MSF on an <i>ad hoc</i> basis. ¹⁴ The co-creation process was spread over several months, with the public call to participate being published on 18	Yes	Not applicable

March 2022 and the public workshop taking place on 11 April 2022. The interdepartmental consultation procedure took place between 16 and 30 June 2022, and the draft action plan was submitted to the government the following August. ¹⁵		
4.1 Reasoned response: The proposals for commitments along with reasoned responses to them were documented in the minutes of respective meetings. ¹⁶	Yes	Not applicable
5.1 Open implementation: IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.	Not applicable	<i>To be assessed in the Results Report</i>

¹ "2021 OGP Participation and Co-Creation Standards," Open Government Partnership, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

² "IRM Guidelines for the Assessment of Minimum Requirements," Open Government Partnership, <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>.

³ "Komise k otevřenému vládnutí a transparentnosti státní správy," [Working Commission on Open Government and State Administration Transparency], Ministry of Justice, <https://korupce.cz/rada-vlady/pracovni-komise-predsedy-rady-vlady-pro-koordinaci-boje-s-korupci/komise-k-otevrenemu-vladnuti-a-transparentnosti-statni-spravy/>.

⁴ "Rada vlády pro koordinaci boje s korupcí," [Statute and Rules of Procedure], Government Council for the Coordination of the Fight against Corruption, <https://korupce.cz/rada-vlady/>.

⁵ "Komise k otevřenému vládnutí a transparentnosti státní správy," [Working Commission on Open Government and State Administration Transparency], Ministry of Justice.

⁶ "Partnerství pro otevřené vládnutí (OGP)," [Open Government Partnership (OGP)], Ministry of Justice, <https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/>.

⁷ "Národní akční plány (NAP)," [National Action Plan (NAP)], Ministry of Justice, <https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/narodni-akcni-plany-nap/>.

⁸ "Knihovna dokumentů," [Repository], Ministry of Justice, <https://korupce.cz/partnerstvi-pro-otevrene-vladnuti-ogp/knihovna-dokumentu/>.

⁹ "Národní akční plány (NAP)," [National Action Plan (NAP)], Ministry of Justice.

¹⁰ "Harmonogram spoluvytváření Akčního plánu České republiky Partnerství pro otevřené vládnutí na období let 2023 až 2024," [The timetable of the co-creation process of the 2022–2024 Action Plan], Ministry of Justice, March 2022, <https://korupce.cz/wp-content/uploads/2022/03/Harmonogram-spoluvytvareni-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2023-az-2024.pdf>; "Nový akční plán České republiky v rámci iniciativy Partnerství pro otevřené vládnutí," [A call to join the co-creation of the 2022–2024 Action Plan], Ministry of Justice, 18 March 2022, <https://korupce.cz/zapojte-se-do-pripravy-noveho-akcniho-planu-ceske-republiky-v-ramci-iniciativy-partnerstvi-pro-otevrene-vladnuti-verejne-konzultace-a-verejny-workshop-ministerstva-spravedlnosti/>.

¹¹ "Záznam z 1. veřejného workshopu k vytváření Akčního plánu České republiky Partnerství pro otevřené vládnutí na léta 2023 až 2024," [1. Public workshop on the co-creation of the 2022–2024 Action Plan, Minutes], Ministry of Justice, May 2022, <https://korupce.cz/wp-content/uploads/2022/05/Zaznam-z-1.-verejneho-workshopu-k-vytvareni-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-leta-2023-az-2024.pdf>.

¹² "Záznam z 1. veřejného workshopu k vytváření Akčního plánu České republiky Partnerství pro otevřené vládnutí na léta 2023 až 2024," [1. Public workshop on the co-creation of the 2022–2024 Action Plan, Minutes], Ministry of Justice.

¹³ "Vypořádání připomínek k materiálu s názvem: Akční plán České republiky Partnerství pro otevřené vládnutí na období let 2023 až 2024," [Settlement of the comments on the Czech Republic's Open Government Partnership Action Plan for the period 2023 to 2024], Ministry of Justice, May 2023, <https://korupce.cz/wp-content/uploads/2023/05/Vyporadani-pripominek-k-Akcniimu-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2023-az-2024.pdf>.

¹⁴ "Komise k otevřenému vládnutí a transparentnosti státní správy," [Working Commission on Open Government and State Administration Transparency], Ministry of Justice.

¹⁵ "Harmonogram spoluvytváření Akčního plánu České republiky Partnerství pro otevřené vládnutí na období let 2023 až 2024 (dále jen Šestý Akční plán) – aktualizace k 17. 5. 2022," [The timetable of the co-creation process of the 2022–2024 Action Plan – updated 17 May 2022], Ministry of Justice, July 2022, <https://korupce.cz/wp->

content/uploads/2022/07/Harmonogram-spoluvytvoreni-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2023-az-2024-aktualizace-k-21.-7.-2022.pdf.

¹⁶ "Záznam z 1. veřejného workshopu k vytváření Akčního plánu České republiky Partnerství pro otevřené vládnutí na léta 2023 až 2024," [1. Public workshop on the co-creation of the 2022–2024 Action Plan, Minutes], Ministry of Justice; "Komise k otevřenému vládnutí a transparentnosti státní správy," [Working Commission on Open Government and State Administration Transparency], Ministry of Justice; "Vypořádání připomínek k materiálu s názvem: Akční plán České republiky Partnerství pro otevřené vládnutí na období let 2023 až 2024," [Settlement of the comments on the Czech Republic's Open Government Partnership Action Plan for the period 2023 to 2024], Ministry of Justice.