

## COUNTRY REPORT: CZECH REPUBLIC

*Michal Malý<sup>1</sup>*

- 1. How has the parliamentary law-making practice changed during the pandemic in your state under study?**
  - **Could you provide and shortly describe the new practices?**
  - **Could you evaluate these practices? In your opinion, do these practices empower, disempower or do not change anything regarding the parliamentary law-making powers and practice?**

The legislative process in the Czech Republic has not changed significantly during the Covid-19 pandemic. The parliament introduced a state of emergency drawing on Article 99 of the Rules of Procedure of the Chamber of Deputies from 2011. In the Czech Republic, the state of emergency accelerates the deliberation process on draft laws. More specifically, during a state of emergency, the Speaker of the Chamber of Deputies may propose to discuss a given legislative project in an accelerated procedure. However, the decision requires parliamentary approval. Once approved, the first reading is skipped, and the bill is submitted to the relevant committee for consideration. The committee in question must discuss the draft law within the time-limit set by the special procedure and offer a clear opinion. The bill is then subjected to a second reading, and a third reading may immediately follow. The special procedure allows for reducing the speech time to 5 minutes per Speaker. In that case, it is not a new legislative practice but a practice stipulated by the law regulating the legislative process.

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<sup>1</sup> Doctoral candidate at the Institute of Political Sciences, Charles University, Czech Republic. Contact: [76872667@fsv.cuni.cz](mailto:76872667@fsv.cuni.cz).

Nevertheless, the parliament has not remained completely unchanged. In particular, a measure was adopted to amend the rules of procedure within the Chamber of Deputies (Parliamentary Press 665/O, 2019). The amendment has modified, for example, specific outdated terminology and provided deputies better access to the necessary information from local governments. In general, the amendment has not profoundly affected the legislative process. However, one change can be considered to be more significant. More specifically, the reform has allowed to ratify or reject treaties in the first reading. Another significant change concerns the rules regarding committee resolutions. According to the amendment to the rules of procedure, committees' resolutions can now be regarded as parliamentary resolutions. Previously, the measure only applied to resolutions of the foreign committee.

The rules of procedure of the Senate (the second chamber of the Czech Parliament) also saw slight changes. According to the amendment to the rules of procedure (Parliamentary Press 666/O, 2019), new promotional materials must be charged to cover their production costs. The change only concerns the functioning of the Senate office, not the Senate as a political body.

The last significant change, which has altered the normal functioning of the parliament, concerns its functioning during a state of emergency (Constitutional Act No. 110/1998, 1998). The Government of the Czech Republic may declare a state of emergency in the event of a threat to the population. The state of emergency lasts 30 days. Afterwards, the government should consult the parliament regarding further extension (Urbanovics, Sasvári, Teleki, 2021). The Minister of Health can issue protective and extraordinary measures taking immediate effect within this legal measure. These measures are temporary decrees (Petrov, 2020), and their validity depends on the duration of the state of emergency. If the state of emergency were not extended by parliament, the protective measures would cease to apply.

All the above-described changes that the Czech Parliament faced during the Covid-19 pandemic have not significantly changed the functioning of the legislative process. The legislative process was, to some extent, accelerated during the pandemic. However, that practice was mostly limited to laws directly related to the response to the pandemic (Hájek, 2021). Beyond the legislative process, there were a few problems with the decrees of the Ministry of Health, which the Constitutional Court annulled. However, the decision was not related to the legislative process per se.

In conclusion, the legislative process has not changed significantly during the Covid-19 pandemic. However, the legislative process has accelerated due to the reform of the rules of procedure of the Chamber of Deputies. Moreover, the acceleration of the legislative process took place within limits set by law.

**2. Looking at formal changes and the practice of law-making in your state under study, has the respect for the rule of law increased, decreased or perhaps has not changed at all during the pandemic? Please, elaborate on that question.**

Respect for the rule of law has not changed significantly during the pandemic. As stated above, the legislative process has only been accelerated within the existing legal means and only in a limited number of cases. Amendments to the rules of procedure of both chambers did not bring significant changes that would threaten the functioning of parliamentary democracy in the Czech Republic. Compared to neighbouring countries such as Hungary, Poland, and Slovakia, the Czech Republic has not significantly deviated from its established traditions, with no democratic backsliding taking place in the country (Guasti, 2021). In several cases, the regulations of the Ministry of Health were recognized as unconstitutional. Hence they were subsequently annulled by the Constitutional Court. It was a clear sign of the stability of judicial power, which, for example, can no longer be observed in Poland or Hungary (Guasti, 2021).

The only case that could trigger a decline in respect for the rule of law was the proposal of the Ministry of Defence. According to the proposal, the position of the Prime Minister was to be significantly strengthened during the pandemic. In "urgent situations", the Prime Minister could enforce his decisions and laws without seeking the consent of the parliament (within limits set by the governmental bill). Many commentators found that legislative proposal to be a fundamental blow weakening the parliament. However, even in that case, the Czech Republic's institutional stability proved solid. Nevertheless, due to the pressure from the opposition and civil society, the governmental proposal was withdrawn before the discussion (Valášek, Kundra, 2020).

The status quo did not change in 2021 when the parliamentary elections took place. The government of Andrej Babiš could not form a parliamentary majority after the elections and thus ended up in opposition. The new government of Petr Fiala had to

deal with a new crisis, the war in Ukraine. Even in that case, the government always used constitutional means to respond to the crisis. The stability of political institutions and respect for the rule of law thus continued even after the change of government.

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Table 1: Formal changes

Country	Legal act	Chamber	Short description of the content	Year
Czech Republic	Zákon, kterým se mění zákon č. 90/1995 Sb., o jednacím řádu Poslanecké sněmovny, ve znění pozdějších předpisů Link: <a href="https://www.psp.cz/sqw/text/orig2.sqw?idd=168339">https://www.psp.cz/sqw/text/orig2.sqw?idd=168339</a>	Poslanecká sněmovna Parlamentu České republiky	Within the framework of international treaties, it is possible to ratify or reject the treaty in the first reading. The resolution of the parliamentary committees will be considered as a resolution of the parliament. In the case of a request from a minority, the matter will be discussed in parliament as a standard.	2020
Czech Republic	Zákon, kterým se mění zákon č. 107/1999 Sb., o jednacím řádu Senátu, ve znění pozdějších předpisů Link: <a href="https://www.psp.cz/sqw/text/orig2.sqw?idd=168344">https://www.psp.cz/sqw/text/orig2.sqw?idd=168344</a>	Senát Parlamentu České republiky	Change in the functioning of the Senate office.	2020

Source: own

Table 2: Legislative practice

Country	Chamber	Year	Number of ALL legislative bills	Number of resolutions/decisions /statements	Number of fast-tracked legislation	Most common forms of fast-track measures	Number of decree laws/gov decisions (no parliamentary consent)	Number of working days (parliamentary plenary sessions)	Number of oral questions to the government	Number of written questions
Czech Republic	Poslanecká sněmovna	2019	94	439	0	Shortened legislative procedure	0	79	806	56
		2020	99	590	60	Shortened legislative procedure	0	80	749	74
		2021	63	437	17	Shortened legislative procedure	0	79	514	87
Czech Republic	Senát	2019	3	149	0		0	10	0	0
		2020	3	218	0		0	17	0	0
		2021	3	149	0		0	14	0	0

Source: own