

PLEASE NOTE THAT ANY SUBMISSION ADDRESSED TO THE PROSECUTOR GENERAL'S OFFICE MUST BE DRAWN UP IN CZECH LANGUAGE, SUBMISSIONS IN OTHER LANGUAGES CANNOT BE ACCEPTED AND WILL BE DISREGARDED.

Other submissions according to the Act no. 283/1993 Coll., on Public Prosecutor's Office

These may concern, as the case may be, in particular the following submission.

1. Incentive for filing an action according to Section 66 of the Judicial Administrative Procedure Code

This is an incentive to file an action for the reason of public interest against a decision of an administrative authority.

2. Incentive for the performance of supervision over the activity of the High Public Prosecutor's Office in Prague and the High Public Prosecutor's Office in Olomouc (Section 12c to 12e of the Act on Public Prosecutor's Office, Section 1 and 2 of the Regulation no. 23/1994 Coll.)

Supervision means exercising competences provided for by the Act on Public Prosecutor's Offices in order to secure directorial and control relations between different tiers of the Public Prosecutor's Office and within individual Public Prosecutor's Offices in the course of exercising the competence of the Public Prosecutor's Office. The closest superior Public Prosecutor's Office is entitled to perform supervision over the proceeding of immediately inferior Public Prosecutor's Offices within its jurisdiction and to issue written instruction in relation to their proceeding. The immediately superior Public Prosecutor's Office may evoke a case from the immediately inferior Public Prosecutor's Office and dispose of it itself also in case of unsubstantiated delays in its proceeding. If the petitioner is not satisfied with the manner of execution of his submission, he may apply to the immediately superior Public Prosecutor's Office for a review of its execution, decision of which will be final in this matter. **The Prosecutor General's Office may receive incentives to perform supervision over the activity of the High Public Prosecutor's Office in Prague and the High Public Prosecutor's Office in Olomouc.**

Unless the incentive is clearly unfounded, a public prosecutor of the Prosecutor General's Office will review the case file in the extent necessary for assessment of justification of the incentive and he will notify the petitioner and the High Public Prosecutor's Office in question about the results of the review.

3. Incentive to file a motion according to Section 42 of the Act on Public Prosecutor's Office

This is an incentive to initiate civil-law proceedings on the invalidity of a property transfer

contract in cases where the provisions limiting the contractual discretion of the parties thereto have not been observed.

4. Complaint on delays in the course of fulfilment of tasks of the Public Prosecutor's Office or on inappropriate conduct of public prosecutors or other employees of the Public Prosecutor's Office (Section 16b of the act on Public Prosecutor's Office).

Other submissions according to the CPC and Regulation no. 23/1994 Coll.

1. Incentive to file a complaint against the breach of law (Section 466 of the CPC, Section 59 (1) and (2) of the CPC, Section 31 (2) of the Regulation no. 23/1994 Coll.)

An incentive for filing a complaint against the breach of law in a criminal case is a submission, by the means of which the petitioner seeks review of legality of a final and effective decision of an authority involved in criminal proceedings, against which the Minister of Justice may file a complaint against the breach of law (Section 266 of the CPC) and remedy of any eventual unlawfulness of the decision cannot be achieved pursuant to other provisions of the CPC. The incentive may also concern unlawful course proceedings, on the basis of which such decision was made (Section 31 of the Regulation no. 23/1994 Coll.).

The incentive must clearly indicate the person filing it, identification of the decision of court or authority involved in pre-trial proceedings, unlawfulness of which is being argued, and the matter believed to be causing the breach of law. In case the submission is missing any of these requisites and it is not supplemented after a previous notification, the Public Prosecutor's Office competent to handle it may waive the submission and inform the petitioner thereof (Section 31 (2) of the Regulation no. 23/1994 Coll.).

The Public Prosecutor's Office will review incentives for filing a complaint against the breach of law, which are addressed to it or forwarded to it by the Minister of Justice. The competence to review the incentive pertains to the Public Prosecutor's Office, which is the closest superior of the Public Prosecutor's Office involved in the matter in the last instance. After conducting the review, the Public Prosecutor's Office will submit its opinion to the Minister of Justice, in which it either proposes to waive the incentive, or to file a complaint against the breach of law (Section 466 of the CPC).

In case a submission of an accused person labelled as incentive for filing a complaint against the breach of law is delivered to the Public Prosecutor's Office and an extraordinary appeal may be filed against the decision in question, the Public Prosecutor's Office will advise the petitioner about the possibility to challenge the decision by an extraordinary appeal and at the same time it will notify him that the submission will be further disregarded (Section 31 (3) of the Regulation no. 23/1994 Coll.). In case there is a proceeding on the motion to grant renewal of proceedings or a proceeding on a constitutional complaint being conducted in relation to the accused person concerned by the submission, the public prosecutor will forward the incentive without further proceedings to the Ministry of Justice and notify the sender thereof (Section 32 (2) of the Regulation no. 23/1994 Coll.).

2. Complaint against a decision of public prosecutor of the Prosecutor General's Office issued in the first instance in of a criminal case

The complaint is filed at the authority, against the decision of which it is aimed, i.e. at the Prosecutor General's Office, within 3 days following the announcement of the decision. Announcement is generally understood as service of a copy of the decision. The law does not require any special requirements for the contents or formal requirements of the complaint, whereas every submission is assessed according to its contents, regardless of how it is labelled. The complaint does not even have to be substantiated. However, it must clearly show at least who files it and against which decision it is aimed. The complaint may be based on new matters of fact and new evidence. Once the complaint is filed, it has a dilatory effect, therefore the challenged decision cannot be enforced before the complaint is decided on. The complaint is decided on by the Prosecutor General.

Other submissions according to other legal enactments

1. Request for the provision of information

Information according to the Act no. 106/1999 Coll., on Fee Access to Information, may be acquired upon an oral or written application. Information is provided free of charge, however in cases referred to in the attached schedule of charges, a compensation of costs will be required, pursuant to Section 17 of the Act on Fee Access to Information.

The application must clearly imply that it is designated for the Prosecutor General's Office and that the petitioner seeks provision of information according to the Act on Free Access to Information, furthermore it must also state who files the application. In case a written application is filed by a **natural person**, he will state his name, surname, date of birth and address of permanent residence, or in case he has no registered permanent residence, he will state his house address and address for service of documents, if it is different from the address of permanent residence or house address. In case a written application is filed on behalf of a **legal entity**, it will state the name and identification number of the entity, address of registered office and address for service of documents, if it is different from the address of registered office.

The address for the service of documents may also be an electronic address. If the application is made electronically, it must be filed through the Electronic Registry of the Prosecutor General's Office.

If an application does not clearly imply to which obliged entity it is designated (Section 2 (1) of the Act on Free Access to Information) and that the applicant seeks provision of information, such application will not be deemed as an application pursuant to the Act on Free Access to Information. Similarly, an electronic application not sent via the Electronic Registry of the Prosecutor General's Office will not be deemed as an application pursuant to this Act.

2. Appeal against refusing a request for the provision of information

The appeal may be filed **against a decision of the Prosecutor General's Office**, as the obliged entity, on refusing a request on the provision of information (Section 15 of the Act no. 106/1999, on Free Access to Information). The appeal against a decision of the Prosecutor General's Office on refusing the request may be filed within 15 days following its service. The appeal is filed at the Prosecutor General's Office.

The Prosecutor General's Office will submit the appeal along with the relevant case file within 15 days following its service to the Prosecutor General, who will render a decision on the appeal within 15 days following the day it was submitted to him.

3. Complaint against the procedure of execution of a request for information

For reasons stipulated by the Act on Free Access to Information (Section 16a (1)) the petitioner may file a complaint against the procedure of execution of a request for information. The complaint may be based in particular on the following matters of fact:

a) the applicant was not provided with published information, even though he insisted on it,

b) the after the lapse of the statutory time limit for providing information the information was not provided, nor was rendered a decision on refusing the request,

c) the information was provided only in part, without rendering a decision to refuse the request in its remaining portion,

d) the applicant disagrees with the amount of costs to be compensated for providing the information, which was communicated to him.

The complaint may be filed in writing or orally. If the complaint is filed orally and it cannot be disposed of immediately, an authorized employee of the Prosecutor' Generals Office will draw up a record thereof.

The complaint is filed at the Prosecutor General's Office, specifically

a) within 30 days following the day the decision being the subject of the complaint was served to the applicant, if it concerns the grounds for complaint referred to under paragraph a) and d),

b) within 30 days following the day the time limit for provision of the information has lapsed, if it concerns the grounds for complaint referred to under paragraph b) and c).

The Prosecutor General's Office may grant the complaint itself. If it does not do so, the complaint along with the relevant case file will be submitted to the Prosecutor General within 7 days following its service, who will then decide on it within 15 days following the day it was submitted to him.

4. Petition

Everyone has the right to turn to the Prosecutor General's Office, wither by themselves or along with other persons, with their requests, suggestions and complaints in matters of public or other common interest, which fall within its competence (Section 1 (1) of the Act no. 85/1990 Coll., **on the Right of Petition**).

A petition must not call for breaching the Constitution and laws, denial or constraint of personal, political or other rights of citizens because of their nationality, gender, race, origin, politic or other beliefs, religion and social status, or for promotion of hate and intolerance for these reasons, or for violence or gross indecency (Section 5 (1) of the Act no. 85/1990 Coll.)

The state authority, to which the petition is addressed, is obliged to accept it. If the matter does not fall within its competence, it will forward the petition to the competent authority within 5 days

and notify the petitioner thereof (Section 5 (2) of the Act no. 85/1990 Coll.).