



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

The Deputy Director-General

Brussels,
DG EMPL.E5/VS/fvds (2018) 2160169

Mr Josef Postránecký
Deputy Minister of Interior for Civil
Service
Ministry of Interior
Nad Štolou 3
P.O. BOX 21
CZ - 17034 Prague

Subject: Legislative Amendments to the Civil Service Act

Dear Mr Postránecký,

Let me thank you for the fruitful meeting on 20 March 2018, which allowed us to discuss the main elements of the legislative amendment to the Civil Service Act (CSA). Your presentations and our discussions confirmed our mutual understanding that there is indeed some space for improvement in the design of the CSA or its implementing regulations.

In the Country Report on the Czech Republic 2018 (SWD(2018) 202), the Commission in particular underlined the issues of administrative burden, cumbersome recruitment procedures and limited ability to attract experts from academia or the private sector. At the same time, the report stated that the number of senior management dismissals following the arrival of the new government suggests that depoliticisation is not effectively guaranteed by the Act.

We have a good track record of mutual cooperation with you and your services in the design and implementation of the CSA. The key element for us is always a robust evidence base for the changes in the Act or its implementing regulations. Since our meeting, we have had a closer look on additional documents that you mentioned, in particular the Report on the civil service in 2016 and the analysis of the performance appraisal in 2016 that you sent to us on 28 March 2018.

There is indeed a lot of important evidence stemming from your inter-ministerial work, notably as regards good implementation record in general and some identified shortcomings, in particular when it comes to struggle of some authorities in defining the key evaluation criteria linked to particular posts, often lack of individualised approach in the appraisal and in some cases lack of consistency between written evaluations and the awarded points.

We have not, however, identified any further evidence linked to the key proposed changes by your government. We therefore still remain concerned about the key elements of the proposal, such as the shift towards rather low requirements for management posts in the 2nd round of the selection procedures, the possibility to remove managers from their posts on the grounds of "acceptable" performance appraisal, the possibility for civil servants to be removed from the civil service based on two consecutive appraisals taking place within 40 days and also the deprivation of senior managers to launch an appeal against performance appraisal result (which is then the legal base for their removal).

In addition, you are now also implementing a project supporting professionalization and quality in the civil service with the support of the European Social Fund.¹ One of the key tasks of the project is to analyse the performance of the current Act in order to identify areas for improvement. The key role of this analysis for potential future amendments of the Act is also mentioned in the report on the performance appraisals that you sent to us.

We understand that the public contract for this analysis was launched on 29 November 2017 and we assume that the contractor is likely to start their analysis soon. It is of key importance to us that the ESF resources are spent efficiently and the outcomes of the project have some relevance and are effectively used in the end. I would therefore appreciate more information from you on how this ESF funded analysis fits into your analytical work linked to the performance of the Act and its legislative review.

I have taken note of your information that the legislative amendment had already been adopted by the government on 14 March 2018 and that you expected its submission to the Parliament in view of its April session.

In the light of this, I would like to invite you to share with us and the domestic stakeholders in the Czech Republic all relevant analytical documents that back the proposed changes, including in view of the subsequent parliamentary deliberation. As stipulated in the ESIF Partnership Agreement between the Czech Republic and the Commission for 2014-2020, the modernisation of the civil service is an important process, where full transparency and engagement of all relevant stakeholders is in the interest of the highest possible societal and political consensus on this matter.

I very much look forward to our continuous cooperation.

Best regards,



Andriana Sukova

Copy : Mr J. Korte - Director General, DG EMPL
Ms I. Bernaerts - Head of Cabinet, Cabinet Commissioner Thyssen
Mr B. Baudru - Member of Cabinet, Cabinet Commissioner Thyssen
Mr E. Unterwurzacher - Director, DG REGIO F
Ms A. Branch - Acting Director, DG EMPL E

¹ OP Employment, Project, CZ.03.4.74/0.0/0.0/15_019/0006173