Decision-making of the Czech Cabinet, EU accession and legislative planning between 1998 and 2004

Motto: “If you play with fire, you’ll get burnt.”

Jiří Kabele
Institute of Sociological Studies, Faculty of Social Sciences, Charles University in Prague, jiri.kabele@volny.cz

Lukáš Linek
Institute of Sociology, Academy of Sciences of the Czech Republic in Prague, linek@soc.cas.cz

Paper prepared for the ECPR Joint Sessions of Workshops
1 Introduction – the EU accession agenda and related legislative demands

Accession to the European Union has formed the bulk of the agenda of the last two Czech Cabinets (1998–2004). After the great demands placed on the legislative activity related to the transfer of power in 1990 and the 1990 – 1993 social transformation concluded with the division of Czechoslovakia, Czechoslovak and later Czech Cabinets and the Parliament were faced with the challenge to increase significantly the number of adopted acts, decrees and ordinances. Besides the general public, the “race” of the Eastern European countries for the fastest possible harmonisation was monitored by another crucial evaluator: the European Commission. To some extent, the European Commission has assumed the rights of ‘the Master of the Catacombs’. The Commission has defined quite flexible criteria and its apparatus prepared annual reports to assess the progress [European Commission 1998–2003a]. Gradually, it became possible to quantify the amount of the harmonised norms and later the number of approved chapters (on the mechanisms of the EU influence, see for example Grabbe 2001: especially 1019–1024).

The Czech Cabinets of Prime Ministers Zeman and Špidla proposed changes to the decision-making procedures in order to increase the efficiency and thus to prove their ability to meet the challenges of the EU accession. First, two months after the election, Zeman’s Cabinet approved new Rules of Procedure of the Cabinet which have been amended eleven times since. In relation to the legal approximation, the Cabinet unsuccessfully tried to amend the Constitution of the Czech Republic to allow a fast adoption, through a governmental decree, of European directives that were purely technical in nature. As a result, legislative planning which the Cabinet set aside in 1998 as a separate agenda of cabinet activity planning has become all the more important. The goal of this step was to make feasible the challenge of approximating the Czech law to the European law and other plans envisioned by the Social Democrats who came to power after a six-year governmental responsibility of right-wing political parties.

In this study we examine and interpret legislative planning in the Czech Cabinet between 1998 and 2004. We see legislative planning as an institution which plays an important role in streamlining cabinet’s decision-making, and this was especially true at a time when the Cabinet had to meet the challenges of harmonising the Czech law with European law. The study builds upon interviews with governmental law drafting personnel, procedures such as acts and normative directives, and resolutions of the cabinet. First, we shall introduce two dimensions of cabinet decision-making, which we will analyse using legislative planning – the programmatic and management dimensions. Then we shall discuss cabinet decision-making, the role of the cabinet in law drafting and co-ordination costs of legislative activities. In the next section we describe the implementation of legislative planning and at the end we discuss the contribution of policy development to law drafting. To end, we attempt to evaluate legislative planning as a tool for streamlining cabinet decision-making.
2 Planning, programming and management of law drafting

It is customary for cabinets to co-ordinate law drafting. The basic co-ordination tool which cabinets have at their disposal is to create a schedule with deadlines and individuals and bodies responsible for the completion of the planned tasks. We can distinguish various approaches cabinets take to such co-ordination according to whether they concentrate purely on the planning or whether they include into the planning the programmatic dimension, i.e., whether they emphasise only timing and a division of competences (legislative plan or timetable) or whether they link this schedule with a governmental programme (legislative programme). In both cases, the main output is a traditional schedule which defines when a certain department is to submit a particular bill to the cabinet for debate and when this bill should enter into force. It therefore comes as no surprise that these two terms are often confused. For an example of a portion of the legislative plan of the Czech Cabinet and the European Commission, see Annex 1 – Tables 1A and 1B.

Programming means an inter-linking of means and goals; in the case of law drafting, programming means a clear inter-link between a political programme and the content of an act. As a result, its connotations are political as well as strategic because they entail representation of the public and competition. Law preparation before approval by the cabinet and submission to the Parliament is divided into two phases: policy development and law drafting. Both Western European governments and the European Commission use normatively defined legislative programming to co-ordinate and increase transparency of law drafting [e.g., European Commission 2003]. In contrast, planning is generally linked to economic rationalisation. Thanks to an overview of input, calculated co-ordination costs and good knowledge of demands placed on the output, planning can contribute to achieving great economic efficiency. Planning is characterised by rational constructivism and therefore it is in principle extensively pro-growth. Because it entails creating a schedule, legislative planning aims only at increasing the efficiency of distributing resources and meeting deadlines.

In their planning of legislative activities, Czechoslovak and Czech post-communist cabinets could build upon the well-established socialist cabinet activity planning procedures. Meetings of all bodies with decision-making powers and oftentimes also meetings of advisory bodies were planned under real socialism, and this applied to party and national committees, parliamentary bodies, cabinets, their presidiums, councils and commissions as well as military and security services and headquarters. Activity planning of federal and national governments also included a legislative plan drafted by the Legislative Council of Government, which was co-ordinated with the plan of the Federal Assembly and the national parliaments. All these plans were debated by the Presidium of the Central Committee of the Communist Party of Czechoslovakia based on its own plan [Hájek 2003]. In addition to the “image” of rationality and streamlining, such universally enforced planning secured the possibility to exercise the leading role of the party which took the form of a parallel superior power of the Communist Party of Czechoslovakia and the Communist Party of the Soviet Union.
Therefore, to paraphrase David Stark [Stark 1992: 20–21], planning of activities of post-communist Czechoslovak and Czech cabinets “was not born on the ruins but with the ruins” of socialist planning at the institutional, procedural as well as personal level. An ordinary employee of a communist legislation unit at the Office of the Presidium of the Cabinet, Marián Čalfa, gradually became a minister in the last communist Adamec’s Cabinet and at the same time the Chairman of the Legislative Council of Government. Thus, in November 1989 he had an opportunity to negotiate the transfer of power to the Civic Forum and Public Against Violence and became the Prime Minister of two federative cabinets between 1990 and 1992. In Čalfa’s federative cabinet (which was in power between 1990 and 1992 and which bore the brunt of the transformation) Pavel Rychetský, Deputy Prime Minister and Chairman of the Legislative Council of Government, was responsible for the first legislative reform, and later between 1998 and 2003 in the position of Deputy Prime Minister of the Cabinet for Legislation and Chairman of the Legislative Council of Government he further developed and managed legislative planning.2

In addition to the important programmatic dimension, legislative planning3 also has a management dimension which is due to the fact that planning is primarily a matter of co-ordinating timing and personnel. When analysing decision-making, it is therefore appropriate to concentrate on who drafts legislative plans, who makes decisions about them and how and who demands that they be fulfilled. The management dimension thus concerns how the cabinet makes decisions: whether decisions are determined by individual departments or whether by central co-ordinating departments or generalists (the Prime Minister, Deputy Prime Minister for Legislation, Minister for Justice, and partly Minister of Finance) [for a distinction between generalists and departmentalists, although partially in a different sense see Blondel 1993: 184–186].

The management dimension is shaped by the dilemma of specialisation where on the one hand in its decision-making the cabinet must be close to the problems it solves and on the other hand it must not endanger general political goals it wishes to implement. Cabinets decentralise their decision-making to solve this dilemma; Blondel and Golosov distinguish three basic types of arrangements for the decentralisation of the cabinet’s decision-making [Blondel and Golosov 2000]. The first type entails a transfer to ministers of responsibilities for the initiative and preparation of public policies at their department and their implementation after the cabinet has made a decision. The second solution is the institutionalisation of committees below the cabinet level which include ministers and

---

1 This approach sees legislative programming and law drafting as a key aspect of programmatic creation of the regulatory environment for market and political competition [see, for example, OECD 1997].
2 Until 1998 cabinet activity plans included legislative plans. Since fall 1998 cabinet activity plans have been divided into legislative and non-legislative tasks. Between 1992 and 1996 legislative plans of cabinet activities were drafted by the Office for Legislation and Regional Administration (under the leadership of Deputy Prime Minister Jan Kalvoda), between 1996 and 1998 by the Cabinet Agenda Unit, which is subordinated directly to the Prime Minister, and in 1998 legislative planning activities were transferred to the Governmental Legislation Unit (where they have remained since) which was subordinated to Deputy Prime Minister Pavel Rychetský.
3 In the text that follows we shall use the term ‘legislative planning’ because in our opinion preparation of laws in the Czech Republic is co-ordinated on the basis of planning rather than programming.
officials grouped to solve crucial problems which are multi-departmental and which create
conflict between departments. These arrangements may endanger the unity of the
governmental policy and therefore Blondel and Golosov mention a third model which should
serve to ensure this unity – creation of a sufficiently strong apparatus of advisors to the Prime
Minister or the President. The legislative planning of the Czech cabinet combines these basic
models of decentralisation and centralisation of the cabinet’s decision-making powers. In
reconstructing decision-making rules and implementation, we will pay special attention to
moments that define who initiates legislative tasks contained in the plan, who controls the
fulfilment of the plan and whether it is possible to circumvent the plan in any way or reduce
its role.

3 Cabinet decision-making and co-ordination costs of preparing
legislation

The political system of the Czech Republic is a parliamentary system with a cabinet
structure of government where depending on the results of the elections, political parties
negotiate the construction of a cabinet which must secure a majority support in the Chamber
of Deputies [Mansfeldová, Müller-Rommel 2001]. After winning the vote of trust, the
government is faced with the task of governance which in modern societies occurs primarily
through acts and the law in general, and with the need to fulfil the political promises
contained in the programmes of the ruling political parties, in coalition agreements and in the
governmental programme. Governance and the fulfilment of political promises shape
demands placed on legislative activities. The governmental promise to bring the Czech
Republic to the EU was an exception with respect to the demands placed on legislative
activities because it was necessary to approximate the Czech legal system to the acquis
communautaire within a relatively short period of time.

The Czech Constitution describes the legislative process only in the Parliament and
does not ascribe any privileges to the Cabinet in proposing and negotiating acts. The cabinet
shares with the Senate, districts and MPs the right of legislative initiative; bills can be
rejected, blocked or significantly amended. MPs and non-governmental actors thus win space
to put pressure on the governmental policy. Compared to the other actors with the right of
legislative initiative, the cabinet has the advantage that it can create a specialised
administrative apparatus, councils or committees to propose bills, and can rely on the expert
support of individual departments [for more details on the legislative process in the Czech
Republic, see Kolář, Pecháček, Sylllová 2002; Linek, Šalamounová 2001; Reschová, Syllová
1996].

It is very difficult to quantify the percentage of demands for legislative activity following from governmental
programmes but promises of this type clearly predominate in both the governmental programmes of 1998 and
2002 (in 1998 it was 87 and in 2002 67 demands). We, however, have to consider the misleading action of these
programmes. It is difficult to present in the programme the strategy of a ‘mere’ more consistent enforcement of
the existing legal provisions.

According to the cabinet records, during the 1998–2002 term of the total 466 bills submitted to the Chamber of
Deputies, 197 were approximation bills (on average, of the 115 bills submitted annually 50 bills a year were
related to the approximation of the Czech law to the EU law) [Legislativní rada vlády 2002].
The procedural arrangement of the cabinet collective decision-making

The Constitution provides a basic framework for cabinet decision-making; the Constitution stipulates that the cabinet makes decisions collectively and that in order to adopt a resolution, it is necessary to secure a majority support of the cabinet. The Constitution demands that the Cabinet make decisions on individual proposals through a collective vote and does not give the Prime Minister any prerogatives in this respect. The transaction costs of collective decision-making grow exponentially with an increasing number of members in the body. This means that even with a relatively small number of members (4–5) decisions can be made only at the cost that decision-making bodies reduce the *togetherness* of decision-making to correspond to negotiation in partnership. In this context, streamlining practices must be seen as a combination of formal and informal practices which more or less transparently reduce the *togetherness* in the interest of ensuring decision-making efficiency. The communist practice of exercising the leading role based on democratic centralism shows that when making decisions in bodies or when making more complicated decisions in several bodies (and this is also the case of legislative planning), these practices can just as well serve to ensure that all the participants can influence a collective decision or, on contrary, to secure privileges for a narrow subgroup or leading positions.6

The Rules of Procedure determine the possibilities for streamlining collective decision-making of the Czech Cabinet in general and decision-making on bills of laws in particular. The Rules of Procedure allow the Cabinet to make decisions only based on a written document submitted to the Cabinet by its member. Until 2003 the Rules of Procedure demanded that any material submitted to the Cabinet be debated (with the exception of documents submitted for information). Since 2003 cabinet meetings are divided into two parts in which different types of documents are debated; materials are classified into groups according to the proponent’s proposal. In the first group there are documents that are submitted to the cabinet without differences in opinion, that are not legislative in nature and that do not propose to impose tasks on other members of the Cabinet or leaders of other central bodies of the state administration other than the proposing party, and the content does not have a crucial economic, political or social significance and therefore it may be assumed that the cabinet may approve it without deliberation. Such materials are to be voted on together. The second group includes bills of legislative acts and potentially controversial materials. In this case, it is expected that these materials will be presented at a cabinet meeting and that there will be a debate before there is a vote on conclusions of the meeting proposed by the chair of the meeting.

---

6 These two possibilities are well illustrated in the study *Socialistická pravidla a řády: Případ Komunistické strany Československé* [Kabele 2003], which compares the Rules of Procedure of the Central Committee of the Communist Party of Czechoslovakia with the Robert’s rules of order and shows their opposition. While Robert’s rules of order ensure free competition of proposals, the Rules of Procedure of the Communist Party of Czechoslovakia (a pattern of decision-making procedures for all socialist bodies) guaranteed monopoly of the Presidium of the Central Committee to determine which bills will be debated and to determine the manner of vote.
The Rules of Procedure also provide for the Presidium of the Cabinet consisting of the Prime Minister, Deputy Prime Minister and the Minister of Finances. The competences of the Presidium are, however, defined very loosely. The Presidium of the Cabinet: (i) upon a proposal of one of its members, evaluates materials to be or which have been submitted to the Cabinet, (ii) through its member, submits initiatives to the Cabinet or individual members of the Cabinet. According to respondents, meetings of the Presidium of the Cabinet always take place before a Cabinet meeting to pre-negotiate controversial proposals.

**Law preparation at ministries and in the cabinet and its co-ordination costs**

The legislative process which occurs in governmental bodies before the Cabinet submits a bill to the parliament is governed by secondary legislation which defines procedures that formally ensure the possibility and in many cases also the obligation of many actors to determine the character of legal norms. These procedures make the process adequately transparent and also ensure that it carries bearable co-ordination costs. The included actors may be covert or overt opponents or proponents of individual bills.

When proposing legal norms in the governmental and departmental arena, division of competences between departments and the cabinet (or its legislative units – the Governmental Legislation Unit and the Legislative Council of Government) must be respected. According to this division of competences, departments are responsible for the material content of bills and the government is responsible for the legislative and technical quality of bills. The Legislative Rules of the Government are the norm that unifies the departmental procedure with the procedure of other official bodies of the state administration in proposing and negotiating bills. These Rules define the process of proposing and negotiating legislative intents, bills, governmental decrees and ordinances. A bill is prepared by a department or another body of the state administration responsible for that particular area of public policy. Bills are generally prepared by departmental legislative units in co-operation with material content units. Departments govern their legislative activities and most of them prepare semi-annual plans of legislative activity.

After a bill is prepared by a department, it is sent to other bodies of the state administration for inter-departmental process of review; generally, all the departments and the Unit of Compatibility with the EU Law take part in the review. Other participants – other bodies of the central state administration, the Czech Security Information Service, the Ombudsman, districts and the Capital City of Prague, the Office of the President of the Republic, the Office of the Chamber of Deputies, the Office of the Senate, the Supreme Audit Office, trade unions, and employer and territorial self-administrative associations – may

---

7 Act No. 2/1969 Coll., on Establishment of Departments and Other Central Bodies of Administration (“the Competence Act”) says: “Departments attend to proper legislative arrangement of matters within the power of the Czech Republic, prepare bills of laws and other legal regulations concerning matters within their competence as well as proposals which the Cabinet has requested them to prepare ...”

8 The Rules of Procedure mentioned in the preceding portion of the text in relation to legislative activities define rules for preparing and submitting documents to meetings of the Cabinet in general (not only legislative ones) and rules of decision-making in the Cabinet.
participate only if a debated bill concerns them. Bills that are even remotely related to employer-employee relationships are also submitted for review to the Council of Economic and Social Agreement. Before debating a bill in the Cabinet, it is debated by the Legislative Council of Government and its commissions. Bill negotiation, however, often takes place outside the framework of the described governmental and departmental bodies at meetings and consultations, appointments, sessions, and in party and coalition bodies etc.

Since 1998 the legislative activity has been institutionally fostered by the fact that one of the Deputy Prime Ministers of the Cabinet has practically exclusively dealt with ensuring the legislative activity (Deputy Prime Minister of the Cabinet responsible for legislation, Pavel Rychetský). His section included, among others, the following units: the secretariat of the Legislative Council of Government, the Governmental Legislation Unit and the Compatibility Unit. The Legislative Council of Government is the most important body with respect to legislative activity and is headed directly by the Deputy Prime Minister of the Cabinet. The Legislative Council of Government establishes commissions; based on their assessment it adopts positions on legislative intents, bills and proposals for governmental decrees. These opinions are part of the bills of laws submitted to the Cabinet. Between 1998 and 2004 the Compatibility Unit enjoyed importance; it interpreted and controlled the fulfilment of tasks stemming from the accession negotiations with the European Commission. Deadlines set in the accession negotiations were crucial for the preparation of legislative plans because their fulfilment was a priority for the Cabinet. The Compatibility Unit is a mandatory place of review and at the same time it evaluates a bill second time when drafting the position of the Legislative Council of Government on the bill. The third important department of the government that deals with legislative activities is the Governmental Legislation Unit which prepares positions on proposals for legislative intents, bills of acts and governmental decrees submitted to the Legislative Council of Government and the cabinet, and it also prepares the legislative plan of the government.

4 Legislative planning at the time of the EU accession (1998–2004)

The legislative planning procedure of the Czech Cabinet is not governed by any special legal rules – the Legislative Rules of the Cabinet do not address legislative planning; it is possible to apply the Rules of Procedure and the Rules of Organisation of the Cabinet to legislative planning, which charge the Governmental Legislation Unit to participate in the preparation of the work plan of legislative activities of the Cabinet and to monitor its fulfilment. The Competence Act determines the content of legislative planning. Legislative planning is really a custom and therefore it tends to change at procedural and content levels depending on the approach of the Prime Minister and Deputy Prime Minister for Legislation.

---

9 Departments and other bodies of state administration may submit two types of comments on bills of laws: principal and standard. The proponent may choose not to comply with standard comments and thus a comment becomes irrelevant. On contrary, if a principal comment is not incorporated, it becomes a subject of difference. Settlement of differences occurs at meetings of representatives of departments and potentially also interest groups where solutions to such differences are sought. If a difference cannot be resolved, a bill of an act is submitted to the Cabinet with a difference and the Cabinet makes the decision.
The 1998 governmental programme of the minority ČSSD Cabinet placed emphasis on the long-term horizon of its policy. The Cabinet demonstrated this with the promise “that in the event that the Cabinet wins the vote of trust, individual departments will prepare, by the end of the first quarter of 1999, long-term developmental plans of their departments, including a four-year legislative plan”. The until then standard planning of cabinet activities with a semi-annual periodicity and without separate legislative planning became, in the eyes of ČSSD, a tool for reconstructing the legal system and, on a more general level, a tool of legislative activity and governance for the entire term.

The way the legislative plan was created after the 1998 elections contributed to the above-mentioned new importance of legislative planning ascribed to it by the Social Democratic Cabinet. The legislative plan was based on three general aspects: (1.) the governmental programme; (2.) internal needs of departments; (3.) the European law. The governmental programme was an important aspect of drafting legislative plans; based on an initiative of Deputy Prime Minister Rychetský all the items of the governmental programme that required legislative attention were included. These items, together with proposals made by individual departments, served as the main source of the content of the legislative plan. The need to harmonise the Czech law with the European law was indeed a priority but at the time the plan was being drafted in 1998 the Cabinet did not have a clear idea what this harmonisation would exactly entail. Of the total content of the Plan of Legislative Activities for the remaining portion of the year 1998 and the year 1999 only 14.8 % of items were driven by approximation of the law. Only after the screening negotiations provided a clearer idea as to the scope and timing of legislative activities were the plans modified to take this into account.

In 1998 the legislative plan and outlook were created in the following way: cabinet programme + outlook from the previous period + departmental proposals → administration at the Governmental Legislation Unit → interdepartmental process of review → resolution of comments at negotiations with the Chairman of the Governmental Legislation Unit and the Compatibility Unit → negotiation of the plan by the cabinet and approval. This procedure was upheld every year during the preparation of the legislative plans with only one modification, namely that the governmental programme was not used as a source. The preparation of the legislative plan reflects the logic of a bill preparation process where the main responsibility

---

10 “To talk just about the last four years, the legislative plan was something very important, something that had to be obeyed at all cost and if a minister asked for a postponement that was bad, this was not something to do. And ministers knew this. So as for the Minister of Interior I can say that there were very few cases when we asked for a postponement. Mostly it was in situations when we could not influence the matter, meaning that it was related to another bill and the bill was not adopted or did not pass. All our efforts were aimed at that because it was totally obvious that we should not ask for a postponement.” (Deputy Minister of Interior)

11 “In fall 1998 there was this idea that the plan would be prepared for the entire term until 2002. The way it went was that the Cabinet approved its legislative plan for the remaining portion of the year 1998 and 1999 month by month and the rest was at that time in the outlook and was organised on a quarterly basis because departments were not able to say so far in advance when they were going to submit.” (director of the Governmental Legislation Unit)
rests with departments. An important requirement in the preparation of the plan was that a proposal of a legislative plan be submitted to the cabinet with a minimum of differences between departments which the Cabinet would have to subsequently resolve.12

The period of Špidla’s majority cabinet until the EU accession (2002–2004)

After the 2002 elections to the Chamber of Deputies a majority coalition Cabinet of ČSSD, KDU-ČSL and US-DEU was formed. During the preparations of the coalition agreement and the cabinet programme, the legislative plan acquired even a higher status than in 1998. The legislative plan was included in the coalition agreement in order to increase its importance in co-ordinating the preparation of legislation and in co-ordinating the relationships between the political parties forming the coalition. It was assumed that the coalition parliamentary party groups in both Chambers would receive a legislative plan from the cabinet and would be able to use it to create a schedule to pre-negotiate legislative norms. Each minister was to be obliged to pre-negotiate legislative intents if requested to do so by any of the coalition parliamentary party groups.13

This idea about increasing the prestige of the Legislative Plan suffered first blows immediately during its preparation. Its preparation copied the 1998 procedure when the same three aspects were used, namely the governmental programme, internal needs of each department and the requirements of the harmonisation of Czech law with the European law. The Governmental Legislation Unit prepared a list of legal regulations which the departments were responsible to prepare based on resolutions of the previous cabinets. The willingness of the new ministers to accept, immediately after entering into office, ideas prepared by their ministerial predecessors – sometimes coming from a different party – was relatively high.14 In the end, however, the Governmental Legislation Unit prepared the Legislative Plan for the remainder of the year 2002 (instead of a plan for 2002 and 2003) and An Outlook of Legislative Work for the Years 2003 to 2006. The Legislative Plan was approved in October

---

12 “We have to explain changes to departments because we have problems if we don’t. Mostly they accept almost everything and about five are resolved at the cabinet level as a difference. If we don’t do that, then officials from the department advise the minister in the preparatory material intended for the Cabinet not to agree with such and such thing. Then he reads it there and there is nothing worse than to negotiate details in the Cabinet which other ministers do not understand and the minister involved does only partially.” (director of the Governmental Legislation Unit)

13 It is stated in the Coalition Agreement: “The parties to the agreement undertake to fulfil the governmental programme and this Coalition Agreement and to co-operate efficiently in preparing all crucial executive and legislative measures which they will consult beforehand and for this purpose they have agreed that: (…) the Cabinet will submit a Legislative Plan for the relevant period to all the coalition parliamentary party groups in both the Chambers of the Parliament, that a member of the Cabinet responsible for submitting the legislative plan with discuss the crux of the plan with each coalition parliamentary party group that may request it, that coalition parliamentary party groups will be the place of review of governmental bills of acts and that if they show interest chairpersons of coalition parliamentary party groups or authorised representatives will be invited to a meeting of the Legislative Council of Government” [Coalition Agreement between the parties ČSSD, KDU-ČSL and US-DEU: Second Chapter, Section X. Co-operation, Item 8 a].

14 “We prepared an overview of tasks to be completed in this period which were based on previous resolutions of the Cabinet. We submitted it to departments as a background material for putting together departmental materials for preparing the legislative plan of the Cabinet and an outlook for the period of 2003–6. (…) As for the tasks that were based on a previous resolution of the Cabinet with an overlap to the new term, a great majority of them was included. But for example three new ministers did not accept some of the things.” (director of the Governmental Legislation Unit)
2002 only to cover the upcoming two and a half months (!) and preparations of the 2003 Legislative Plan started immediately after its approval.

An Outlook of Legislative Work for upcoming years was regularly approved together with the plan. In fall 2002 the Cabinet only acknowledged the Outlook, which – unlike approval – means that it is not binding. When the 2003 and 2004 legislative plan was being prepared based on this Outlook, ministers were not bound by the legislative tasks included in the original 2003–2006 Outlook for Legislative Work, i.e., tasks that followed, among other things, from the governmental programme. In the previous years ministers had to justify why they did not include legislative tasks contained in the outlooks in the new plans; during the preparation of the 2003 and 2004 plans they did not have to do so. As a result, this eliminated one of the tools whereby legislative planning forced ministers to submit bills that followed from the governmental programme.

The above-mentioned political and programme demands placed on the legislative plan – especially the inclusion of tasks following from the governmental programme – caused problems during preparations of the legislative plan in 2002 and thus resulted in the demand to only acknowledge the outlook for the remaining period. While the use of the governmental programme for the construction of the legislative plan in a single-party minority cabinet was not a problem, the political demands placed on the plan in coalition cabinet were greater, and this weakened it. Thus, the role of political demands following from the governmental programme was weakened during the preparation of the legislative plan.

5 Legislative planning as a tool of governance

The authority of the legislative plan

In addition to the approval procedure, the authority of the legislative plan is also determined by the ability to modify its content. It is possible to modify the content of the legislative plan in two basic ways – the submission deadline may be postponed indefinitely or it is possible to cancel the submission of a bill. Changes in the legislative plan are made at the request of the proponent (usually the minister) and are debated and adopted through a resolution of the cabinet. These requests are administered by the Cabinet Agenda Unit at the Office of the Government, to be precise its Section of plan fulfilment control; this body submits these changes to the cabinet each month to be negotiated as a part of a ‘Report on the Fulfilment of Tasks during the Previous Months’. Each such request must contain the position of the Deputy Prime Minister for Legislation who comments on the request with respect to the harmonisation of the Czech law with the EU law and with respect to deadlines contained in the ‘A-lists’.

\[15\] In 2000 the submission of 43 % of bill and 6 % of governmental decrees was postponed. In 2003 almost 45 % of bills and 15 % of decrees were postponed. With respect to bills that transposed EU legislation, it was only 10 % (2000) and 35 % (2003). In 2000 9 % and in 2003 15 % of tasks in the legislative plan were cancelled (for more detail see tables 2A and 2B in Annex 2).
It is possible to add items into the legislative plan during the entire year. When debating a non-legislative item the Cabinet may decide that it is necessary to adopt a law which comes in reaction to the situation described in the non-legislative material (e.g., departmental policy, strategy or action plan) and it is incorporated into the legislative plan. Generally, such decisions concern the proposition of one new bill; exceptionally we can find resolutions that required the submission of more bills.

Besides adding, taking away and postponing tasks in the legislative plan, it is also possible to take advantage of strategy of ‘circumventing’ the plan. If unsure that it will be possible to submit a bill timely, a department may retain a task in the legislative plan of the department.16 If a department manages to prepare a bill before the end of the term for which a relevant legislative plan has been approved, the minister can submit the bill ‘outside the legislative plan’. It is possible to submit a bill outside the legislative plan if it addresses a new and important issue. Such a proposal, however, must be specially justified in the explanatory report. The other possibility is to completely circumvent the plan and the cabinet by transferring a bill prepared by a department to one of the MPs who submits it as his or her own bill or amendment.

Focus on timing and competence aspects of planning

Legislative planning of the Czech cabinet entailed primarily the preparation and amendment of binding legislative plans of the cabinet and related legislative outlooks. Coordination tasks that governmental departments had to resolve during the monitored period of time generally concerned law drafting. The legislative plan divided legislative tasks among departments and other central bodies of the state administration (the competence aspect) and defined deadlines for submitting legislative tasks to the cabinet (timing).

By defining the proponent of bills and governmental decrees, the legislative plan defined a division of competences in law drafting and also defined areas of responsibility of individual departments, and thus interpreted and shaped the Competence Act. The competence role of the plan usually came to the fore only when bills were proposed that brought new solutions to problems that until then had not been addressed at all or insufficiently (e.g., by secondary legislation). Thus, planning resolved disputes when, firstly, several departments showed an interest in submitting the same bill and, secondly, when departments proposed tasks for other departments that these other departments did not agree to accept.17

16 Departments prepare their own legislative plans. In addition to items (bills, legislative intents, and decrees) contained in the legislative plan of the Cabinet they also contain decrees. Departmental legislative plans are mostly approved with semi-annual periodicity and contain other important deadlines for the management of legislative activities at departmental level, such as deadlines for completing preparations of bills, deadlines for submitting a bill to the review process, deadlines for debating materials by the top leadership of the department or departmental units competent to prepare the material.

17 Examples of differences that arose during debates of legislative plans in the past: Act on Rents (the Department of Finance and the Department for Regional Development), the Mining Act (the Department of Environment and the Department of Industry and Trade), environmental tax reform (the Department of
In addition to competences, the legislative plan also defined deadlines for drafting legal regulations. When preparing a legislative plan, the Governmental Legislation Unit was supposed to be responsible for harmonising proposals made by individual ministries to ensure that related bills or bills that amended the same acts indirectly were debated at the same time. In order to facilitate this, the legislative plan before 1998 contained a brief characterisation of the content of the prepared bill, which in 1999 the Governmental Legislation Unit stopped requiring. The reasons lay in the fact that (i) the Unit was not able to administer and use for planning the characterisations because there were so many of them (on average the Cabinet debated more than a hundred bills a year); (ii) the content of the submitted bills often did not correspond to the characterisation contained in the plan.

The Governmental Legislation Unit did not have any practical power to speed up or slow down the negotiation of a bill or put it on halt until a related bill was debated because it did not have at its disposal the analytical resources to prepare documents related to the coordination of the content of the legislative activity. Furthermore, it was bound by the Competence Act which transferred responsibility for managing state administration in individual areas to ministers and departments. The distinction between the political (content-oriented) and administrative (legislative-technical) aspects was derived from the Competence Act. Actors who participated in preparing legislative plans and bills – ministers, departmental officials and officials of the Governmental Legislation Unit – were aware of this distinction and protected their lawful rights. Using this distinction, departments ensured that officials from the Governmental Legislation Unit did not interfere with the content and timing of their bills.

As for the harmonisation of the Czech law with the EU law between 1998 and 2004, demands related to the implementation of European law, including deadlines, followed from the screening negotiations. Thus, there was a strong outside pressure on a timely submission of bills related to the approximation. The insistence on the schedule being obeyed often led to the fact that it was respected formally. Only a very small number of bills and governmental

---

18 “When Rychetský says that we won’t wait for a bill until June and that it has to be ready in November, which used to happen in 1998 and 1999 under the pressure of Telička (Deputy Minister of Foreign Affairs responsible for European integration – author’s note), then the plan got amended. But about 70% of those changes were not met – departments were overburdened. Then a minister just said that he would not meet the deadline and it was so.” (director of the Governmental Legislation Unit).

19 “We (the Governmental Legislation Unit – author’s note) are not competent to deal with the material content. The apparatuses at departments know this and if it happens, they write to the minister that Rychetský (Chairman of the Legislative Council of Government – author’s note) interferes with the material content and that he is not competent to do so and there is a problem. We distinguish between the legislative and material aspect. This also concerns the plan; if a department proposes something to be included in the plan, then we take the position that they must know why this issue should be addressed. And it is not up to Rychetský as the Deputy Prime Minister for Legislation to change that.” (director of the Governmental Legislation Unit).

20 “If a cabinet (which was the case during the Zeman era) makes a fuss about whether the legislative plan will be fulfilled, then there is a negative aspect; under some circumstances it is better to submit pretty much anything although he (minister – author’s note) knows that it is not good and that such and such thing was not done and so forth but he can tick off the task as fulfilled even if the bill comes back or has to be redrafted; in any case he submitted it timely.” (Deputy Minister of Interior)
decrees that harmonised the Czech law with the *acquis* and which were contained in the legislative plan were not submitted timely, with the responsible minister asking for a postponement (see Tables 2A and 2B in Annex 2). With respect to the timing, legislative planning did not manage to ensure the co-ordination of preparing related bills and bills amending the same acts (see above) but it was a reliable tool ministers used to impose tasks on the apparatuses of their departments: the deadlines of the governmental plan were taken over in the legislative plans of individual departments. The advantages of legislative planning for timing were most obvious in those areas that did not require development of policies (i.e., harmonisation of the Czech law with the European law).

Legislative planning (whether it includes programming or not) provides frameworks at the cabinet level and even more so at the departmental level for drafting and competition of public policies and their transformation into bills. Most of these policies were embedded either in the political party programmes (the coalition agreement, cabinet programme, party programmes), expert apparatuses of departments or demands raised by actors of the legislative process, including interest groups. In order to merit the label ‘legislative programming’, departmental apparatuses under the leadership of the minister or the cabinet should, before the preparation of bills, incorporate these demands into departmental public policies which assess the current situation, define the needs to address particular issues through a law and define the content of a bill based on a political demand, and later, using the verification procedures and regulatory impact assessment (RIA) prepare bills of acts. Within two years of the Czech social democratic government coming to power, individual ministries prepared their departmental public policies and action programmes, thereby creating space for legislative programming.

The problem was that at the departmental level and much less on the cabinet level the process of creating plans and action programmes was not at all interrelated with preparation of bills and their incorporation in the legislative plan. Rather, tasks that were included in the legislative plan were the ones which the departments knew how to solve and which they knew they would be able to fulfil.\(^\text{21}\) For the most part, however, these were not tasks that followed from the governmental programme. Ministers, especially in the coalition cabinet, resented the efforts of the Deputy Prime Minister for Legislation to incorporate legislative tasks following from the governmental programme into the legislative plan.\(^\text{22}\) Moreover, the inclusion of tasks following from the governmental programme in the legislative plan did not mean that they would be fulfilled because since 1998 the goals a legislative proposal was to address have not been described or justified in legislative plans. Therefore, it could happen that a bill of a certain name was submitted but it addressed a totally different issue than that it was supposed

\(^{21}\) “So it is more strategic and reasonable to include in the legislative plan only things that are thought out well and about which it is 100 % certain I can fulfil them. If I have any doubt that the task is too demanding, then it is better not to include it in the legislative plan of the cabinet and say to yourself that I have to do it because then I can always come up with it later…but you can’t or it is very difficult, you get yourself into a difficult situation, if you say something and then you can’t do it”. (Deputy Minister of Interior).

\(^{22}\) “Another type of reservations concerning the legislative plan is reservation that a particular legislative task should not have been included because … There were some of those. For example, it does not follow from the governmental programme, the existing provisions are fine, our evaluation corresponds to that” (Deputy to Prime Minister Rychetský).
to address according to the governmental programme. Political manoeuvring of individual
ministers and their attempts to find support for the submitted bills before the legislative tasks
were included in the plan played a role in creating legislative plans.23 We should also note that
submission of bills became a tool to increase the media presence of the political leadership of
a department.24 All the above-described mechanisms of legislative plan preparation resulted in
an increased number of items in the legislative plan which the cabinet did not promise to fulfil
in its governmental programme.25

Who planned? Dominance of departmentalists over generalists?

At minimum, legislative planning means a certain degree of co-ordination and thus also
management. Therefore we shall attempt to answer the question what the opportunities of
generalists (the Prime Minister and the Deputy Prime Minister responsible for legislation and
the subordinated bodies – the Legislative Council of Government and the Governmental
Legislation Unit) were to control the process of preparing the legislative plan and generally
the legislation. The Competence Act transferred to departments the responsibility for drafting
public policies (which precedes drafting laws), proposing tasks incorporated in legislative
plans and bill drafting. In fact, a wide range of hierarchically posited actors related
constitutionally, legally or contractually, together with many intermediaries, contributed
directly or indirectly to these activities. With respect to our interest in cabinet decision-
making, the relationship between the Prime Minister, Deputy Prime Minister for Legislation,
the Cabinet, and ministers and their civil servants is crucial. The well-known finding of the
theory of agency operates in all of them; according to the finding, where there is an
information asymmetry giving an advantage to agents, the relationship of superiority is
relativised to a degree to which the principal is not willing and able to efficiently control the
actors due to the co-ordination costs [Alchian, Demsetz 1972; Bowie, Freeman 1992].

Since 1998 when it became fully the power of the Deputy Prime Minister for
Legislation and the cabinet unit controlled by him, legislative planning has become a tool that
allowed the Deputy Prime Minister for Legislation to monopolise the responsibility for
drafting legal regulations, and thus he also assumed an important role in cabinet streamlining.
In view of the mechanism of legislative plan drafting and its authority it appears that although
the centre controls legislative planning, it can do so only within the boundaries defined by

23 “And then there are calculations, not from the apparatus but rather from the ministers. They calculate when it
is politically feasible to submit a bill. For example the Act on the Social Insurance Company. Originally, it was
in the 2003 plan and then on 14 October 2002 the Minister of Labour said that he would propose it in 2004, that
he needed more time to negotiate with the social partners.” (director of the Governmental Legislation Unit).
24 “There were cases when deputies to ministers forced their apparatuses to include tasks in legislative plans
although the apparatus did not feel the need because each half-year that deputy had to have an amendment to
present. There was no interest in resolving any social issues but only to present. (…) each minister when he
submits a bill considers it to be his presentation. He talks at a press conference, in the Chamber of Deputies, in
the media. The idea that he would wait for conceptual bills to be drafted is unrealistic”. (director of the
Governmental Legislation Unit).
25 In 2002 there were 101 items for the remaining portion of 2002. Of those, 36 were motivated by the need to
approximate the law, 18 were based on the governmental programme (5 items were based on both) – in total,
48.5 % items. Similar percentages were recorded in the previous period as well.
departments.  

A large number of attempts to co-ordinate law drafting centrally have been refused by departments and tasks have not been respected.

Central control of legislative activity was successful when it was combined with the fundamental objective of the cabinet – to harmonise the Czech law with the EU law. The harmonisation entailed timing and competence supervision without any great need to increase human resources in the relevant offices controlled by the generalists in the cabinet. This priority also had the power to limit the development of legislative activity programming. The priority of the cabinet to harmonise the law properly gave a rather prominent position to the Deputy Prime Minister responsible for legislation who was also the Chairman of the Legislative Council of Government; it also created a rather good base for legislative supervision of the quality of bills. The Legislative Council of Government headed by the Deputy Prime Minister redrafted approximately one half of the bills. However, such redrafting had to follow the bounds given by the Competence Act and could not significantly interfere with the material content of the bill.

In preparing legislative plans and bills, departments took advantage of their information superiority and the possibility to develop departmental legislative activities relatively independently in parallel to the legislative activities included in the governmental legislative plan. Therefore, logically, non-transparent lobbying concentrated at departments. Furthermore, departments strategically used the areas of their competence ascribed to them by the Competence Act and strove to maintain or even expand them. The dominance of
departments is underlined by the fact that departments prepared written drafts of the legislation and that the cabinet made collective decisions on bills and the legislative plan, which weakened the position of generalists. The position of the Prime Minister and the Deputy Prime Minister for Legislation was enforced by the consistent pre-negotiation of all controversial aspects at the presidium of the Cabinet but nevertheless, there were moments when Deputy Prime Minister Pavel Rychetský remained completely alone in vote. We cannot, however, say that the position of Pavel Rychetský in the cabinet was weak. The Deputy Prime Minister for Legislation had final say with respect to changes in the plan, especially with respect to deadlines negotiated with the European Commission for approximating the two legal systems. Moreover, he gained an informal position of a ‘justice of peace’ whenever there was a dispute between ministers (such disputes did not have to pertain to legislative matters only). The above-described counter-balancing of the influence, however, could not reverse the departmental dominance.

6 Conclusions

We examined legislative planning of a period that placed extraordinary demands on the intensification of legislative activities. Legislative planning made it possible to meet these extraordinary demands without having to sacrifice – at least with respect to the sheer number – the preparation of bills and amendments not motivated by the harmonisation of the Czech law with the EU law. Such a success, however, raises concerns about the quality of governance. Generally, we could sum our concerns in following terms: in the area of legislation, meeting the plan prevailed over programming, extensity over intensity. Moreover, the legislative overproduction strengthened the position of the executive power in relation to the Parliament because the dominance of the cabinet with respect to information became more and more pronounced. Heather Grabbe came to similar conclusions in her assessment of the impact of europeanisation on the governments in Central and Eastern Europe, which she terms ‘exporting the democratic deficit of the EU deficit’ [Grabbe 2001: 1028–1029].

Legislative planning became an important tool of management in the monitored period of time because the Prime Minister demanded that the legislative plan be fulfilled. At the same time, however, planning preserved and enforced the strong position of departments in incorporating bills in the plan, which is guaranteed by the Competence Act and enforced by the centrally unmanageable volume of legislative activity, which are both to the detriment of prepare the laws because there was nobody at the department who understood the issues really and was able to do this, but everything had to go through the Department of Finance.” (member of the Legislative Council of Government).

32 “Moreover, Deputy Prime Minister and Chairman of the Legislative Council of Government is on his own against those ministers in the cabinet. And although Rychetský has authority in the cabinet against Kalvoda, he can’t implement it.” (director of the Governmental Legislation Unit)

33 “In Zeman’s cabinet there was a very rigid system of Deputy Prime Ministers and in general the narrow Presidium of the Cabinet and this could be seen at two levels. Anytime there was a difference (usually it concerned legislation) I was basically charged to conciliate between the members of the cabinet and get them to submit to the cabinet some solution at the next meeting. (…) it was under Špidla’s cabinet that even when it did not concern legislation, I was just basically charged to perform the function of a judge of peace.” (Deputy Prime Minister Rychetský)
central cabinet control [for similar conclusions see Potůček 2001: 369–373]. The role of departments was also enforced by the fact that they were primarily responsible for timely harmonisation of the law, and the central co-ordination bodies played only a supervisory and record-keeping role in relation to the departments (in contrast, the Prime Minister, the Deputy Prime Minister for Legislation and the Minister of Foreign Affairs were politically responsible).

Timing and competence-related technicism of the plan gained in prominence and the legal reform and the development of public policies and programming of cabinet activities retreated or withdrew behind the scenes. Legislative planning streamlined cabinet’s decision-making by defining deadlines and responsibilities and provided the generalists in the cabinet with one of the few tools of control over ministers (and at the same time allowed ministers to control their departmental apparatuses). Some comparative analyses suggest that the preparation for the EU accession resulted in the establishment and strengthening of core accession teams in cabinets in the accession countries [Lippert, Umbach, Wessels 2001: especially 1004]. Our analysis of the institution of legislative planning shows the ambiguity of such conclusions and emphasises the role and power that departments gain during the accession process, at least in the Czech case. Comparative analyses in the EU accession countries could illuminate whether similar streamlining procedures were adopted due to the harmonisation of the national legislations with the European law and which governmental bodies actually gained in prominence due to this pressure.
Literature


Documents


Act No. 1/1993 Coll., the Constitution of the Czech Republic, as Amended.

Act No. 2/1969 Coll., on the Establishment of Departments and Other Central Administrative Bodies, as Amended.
Appendix 1 – Examples of the legislative plans (Czech Republic and European Commission)

Table 1A – Example of the Czech legislative plan
(from The plan of legislative tasks for the year 2002, month January)

<table>
<thead>
<tr>
<th>No.</th>
<th>Proponent</th>
<th>Fellow proponent</th>
<th>Name of legislative task</th>
<th>Date in force stated in the “A-list”</th>
<th>Expected date in force</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Ministry of Finance</td>
<td></td>
<td>Amendment to the act no. 526/1990 Col., on prices, as later amended</td>
<td>01/2003</td>
<td>01/2003</td>
</tr>
<tr>
<td>10.</td>
<td>Ministry of Labour and Social Affairs</td>
<td>Ministry of Interior</td>
<td>Amendment to the governmental decree no. 253/1992 Col., on salaries of employees of state administration bodies, some other bodies and municipalities, as later amended</td>
<td>05/2002</td>
<td></td>
</tr>
</tbody>
</table>

Note: Date in force stated in the “A-list” means deadline for coming of legal act into force stipulated during the negotiations with EU.

Table 1B – Example of the European Commission’s legislative programme
(excerpts from The Commission’s Legislative and Work Programme for 2004)

<table>
<thead>
<tr>
<th>Ref. No.</th>
<th>Policy Area</th>
<th>Title</th>
<th>Lead Service(s)</th>
<th>Estimated Date of Adoption</th>
<th>Legislative or Non-Legislative</th>
<th>Legal Base Envisaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/ENTR/007</td>
<td>Enterprises</td>
<td>Programme for the competitiveness of enterprises</td>
<td>ENTR</td>
<td>09/2004</td>
<td>Legislative</td>
<td>EC Treaty 157</td>
</tr>
</tbody>
</table>

Probable Procedure (cod/other) | EESC/CoR | Brief Description and Political Motivation | Impact Assessment | Budgetary Implications |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>COD</td>
<td>mand. /non-mand.</td>
<td>In the context of the expiry of the current Multi-Annual Programme for Enterprise and Entrepreneurship (MAP, 2001-2005), the Commission will present in 2004 a package for a new programme. The new programme will aim to implement the Lisbon goals in the enlarged Europe, adding or completing the coverage of innovation, competitiveness, sustainable development. The programme will pay particular attention to SMEs and Entrepreneurship.</td>
<td>Ext.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Note: CESE / CoR means consultation with European Economic and Social Committee and with Committee of Regions.
## Appendix 2 – The Authority of the Czech legislative plans

### Table 2A – Czech legislative plan and postponement of legislative tasks (year 2000)

<table>
<thead>
<tr>
<th>year 2000</th>
<th>number of legislative task for each month</th>
<th>postponement of legislative tasks</th>
<th>cancelled tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>total</td>
<td>bills</td>
<td>legislative intents</td>
</tr>
<tr>
<td>January</td>
<td>6</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>February</td>
<td>4</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>March</td>
<td>34</td>
<td>27</td>
<td>5</td>
</tr>
<tr>
<td>April</td>
<td>15</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>May</td>
<td>14</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>June</td>
<td>40</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
<td>July</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>August</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>September</td>
<td>23</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>October</td>
<td>10</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>November</td>
<td>9</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>December</td>
<td>19</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>179</td>
<td>96</td>
<td>34</td>
</tr>
</tbody>
</table>

Source: Plan of legislative tasks for the year 2000. Office of the Government of the Czech Republic; cabinet decisions concerning the fulfilment of the plan during the year 2000; our calculations.

Note: During the year the cabinet adds several legislative tasks in the plan, and these tasks may be also postponed. These tasks and postponements concerning the second deadline for the bill (the bill may be postponed for several times during the year) are not included in the table.
<table>
<thead>
<tr>
<th>year 2003</th>
<th>total</th>
<th>bills</th>
<th>legislative intents</th>
<th>ordinances</th>
<th>bills</th>
<th>legislative intents</th>
<th>ordinances</th>
<th>postponed acquis/concerning acquis</th>
<th>average time (months)</th>
<th>in advance</th>
<th>from the month/from the year/total cancelled</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>11</td>
<td>6</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2/3</td>
<td>4,5</td>
<td>0</td>
<td>0/0/0</td>
</tr>
<tr>
<td>February</td>
<td>8</td>
<td>7</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0/1</td>
<td>5</td>
<td>1</td>
<td>0/0/0</td>
</tr>
<tr>
<td>March</td>
<td>33</td>
<td>25</td>
<td>4</td>
<td>4</td>
<td>12</td>
<td>2</td>
<td>0</td>
<td>3/5</td>
<td>2,7</td>
<td>0</td>
<td>1/0/1</td>
</tr>
<tr>
<td>April</td>
<td>7</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0/1</td>
<td>2,3</td>
<td>2</td>
<td>1/0/1</td>
</tr>
<tr>
<td>May</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0/0</td>
<td>0</td>
<td>2</td>
<td>1/0/3</td>
</tr>
<tr>
<td>June</td>
<td>44</td>
<td>30</td>
<td>6</td>
<td>8</td>
<td>14</td>
<td>4</td>
<td>1</td>
<td>0/2</td>
<td>4,6</td>
<td>0</td>
<td>1/0/3</td>
</tr>
<tr>
<td>July</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0/0</td>
<td>0</td>
<td>0</td>
<td>0/0/0</td>
</tr>
<tr>
<td>August</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0/0</td>
<td>4</td>
<td>1</td>
<td>1/9/11</td>
</tr>
<tr>
<td>September</td>
<td>26</td>
<td>13</td>
<td>6</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>0/1</td>
<td>3,6</td>
<td>0</td>
<td>2/2/5</td>
</tr>
<tr>
<td>October</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0/0</td>
<td>5</td>
<td>4</td>
<td>1/0/5</td>
</tr>
<tr>
<td>November</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0/0</td>
<td>10</td>
<td>0</td>
<td>1/3/5</td>
</tr>
<tr>
<td>December</td>
<td>23</td>
<td>11</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0/0</td>
<td>1,5</td>
<td>0</td>
<td>1/1/7</td>
</tr>
<tr>
<td></td>
<td>174</td>
<td>106</td>
<td>24</td>
<td>44</td>
<td>37</td>
<td>8</td>
<td>6</td>
<td>5/13</td>
<td>10</td>
<td>12/15/32</td>
<td></td>
</tr>
</tbody>
</table>


Note: During the year the cabinet adds several legislative tasks in the plan, and these tasks may be also postponed. These tasks and postponements concerning the second deadline for the bill (the bill may be postponed for several times during the year) are not included in the table.
Appendix 3 – Number of published acts per year

Figure 3 – Number of published acts per year

![Graph showing the number of published acts per year from 1990 to 2004.](image)


Note: For the years 1990–1992 only federal laws were counted; in the years 1990, 1992, 1996, 1998 and 2002 there were national elections in the Czech Republic.

### Table 3 – Number of published acts per year

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Published Acts</th>
<th>Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>111 (62)</td>
<td>N, M</td>
</tr>
<tr>
<td>1991</td>
<td>72 (83)</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>88 (108)</td>
<td>N</td>
</tr>
<tr>
<td>1993</td>
<td>78 (31)</td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td>69</td>
<td>M</td>
</tr>
<tr>
<td>1995</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td>1996</td>
<td>36</td>
<td>N, S</td>
</tr>
<tr>
<td>1997</td>
<td>56</td>
<td></td>
</tr>
<tr>
<td>1998</td>
<td>49</td>
<td>N, M</td>
</tr>
<tr>
<td>1999</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>146</td>
<td>S, R</td>
</tr>
<tr>
<td>2001</td>
<td>96</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>144</td>
<td>N, S, M</td>
</tr>
<tr>
<td>2003</td>
<td>85</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>39</td>
<td>E, S, R</td>
</tr>
</tbody>
</table>


Note: For the years 1990–1992 there are federal laws counted and the Czech laws are in the parenthesis; for 1993 the laws passed during the year 1992 by then Czech National Council (but published in 1993) are in the parenthesis. Number for the year 2004 is till the end of March 2004. N – national elections; S – senate elections, M – municipal elections; R – regional elections; E – European elections.