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Legislation in the Czech Republic in 2014 – a quantitative overview

Abstract

This study aims at presenting the results of a basic statistical description and initial analysis of the legislation in the Czech Republic in 2014. It offers a fundamental quantitative description of the composition of Czech legislation, particularly its formal typology and structure, including the sector structure and the information about fundamental changes in this structure as they occurred in 2014.

Keywords: statistical descriptive analysis, initial analysis, quantitative description of the legislation

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Ustawodawstwo w Republice Czeskiej w 2014 roku – analiza ilościowa

Streszczenie

Celem niniejszego opracowania jest prezentacja wyników podstawowego opisu statystycznego i wstępnej analizy ustawodawstwa Republiki Czeskiej w roku 2014. Przedstawiony został opis ilościowy ustawodawstwa czeskiego, zwłaszcza jego formalnej typologii i struktury, w tym struktury sektorowej oraz informacje dotyczące zasadniczych zmian w tej strukturze zaistniałych w 2014 roku.

Słowa kluczowe: opis statystyczny, analiza wstępna, ilościowy opis ustawodawstwa

Introduction

The aim of this study is the regular presentation of the results of a basic statistical description and initial analysis of the legislation of the Czech Republic in 2014. It offers a fundamental quantitative description of the composition of Czech legislation, particularly its formal typology and structure, including the sector structure and the information about fundamental changes in this structure, as they took place in the given year, i.e. 2014.

Quantitative description is the capturing of the state in a given timeframe. Standardized methodological approach allows a comparison of such states and thus a reconstruction of the development within the system of Czech legislation. This development is certainly mainly influenced by the political development and so the information acquired and explicated in this way is also of sociological and political relevance. However, one must not forget the dynamics of the structure of legislation driven by traditional, legal and cultural phenomena.

Thanks to a sufficiently long time series available for this research purpose, we may also distinguish and evaluate relatively short-term and long-term tendencies and trends, shifts in the development, define stages and certain periodization of this development etc.

The analysis focuses mainly on the legislative revision factor, i.e. factor of change in legislation, as well as on the influences from international environment on the development of Czech legislation. These factors are related to the basic typological structure of legislative documents and their identification within the traditional branches of the law, defined theoretically within the Czech law.

This monitoring of Czech legislation has been conducted since 2007 (or 2006), when the first results were collected, established and published for the first time.² These specific statistics are based on analyses of the official collections of legislative documents from the Collection of Laws of the CR and International Agreements of the CR, as well as from data from the database of legislative documents LexGalaxy. To the best of the author's knowledge, this is the only source of data about the state and development of Czech legislation, including its annual shifts, covering longer

² On this see F. Novák, *Legislativa v ČR v roce 2007 – kvantitativní přehled*, "Právník" 2009, 2 and other studies with similar titles published in the following years (2009–2012) in "Právník".

time intervals. It can be therefore one of the starting points of a quantitative analysis in this very important legal area.

A quantitative overview of the documents from the official collections of the CR

Table 1. Overview of the documents published and announced in the Collection of Laws of the CR and in the collection of International Agreements of the CR in 2014 by their basic types – basic summary quantification

Type	CL (UZ)	SM (ZO)	L (Z)	GR (NV)	N (V)	CWA (UZZ)	CCF (NUS)	RChD (UP)	PD (RP)	IA (MS)	C (S)	EC (RS)	GD (RV)	Total
Number	0	0	78	62	161	0	11	2	3	72	51	4	0	444

Table 2. Aggregate categories of legislative documents identified as “legal” and “other”

Category	All documents	Collections total	Total Int. Agreements	Legal	Other
Number	444	372	72	384	60
Share of total	1	0.838	0.162	0.865	0.135
Share of total (%)	100	83.78	16.22	86.49	13.51

Table 3. Aggregate categories of documents published in the Collection identified as “legal” and “other”

Category	Collections total	Legal	Other
Number	372	312	60
Share of total	1	0.84	0.161
Share of total (%)	100	83.87	16.13

In the tables we normally use the following abbreviations: CL (UZ) – Constitutional Laws, L (Z) – Laws, SM (ZO) – Statutory Measures of the Senate of the CR, GR (NV) – Government Regulations, N (V) – Notices of State Authorities, IA (MS) – International Agreements, CWA (UZZ) – Consolidated Wording of an Act, CCF (NUS) – Constitutional Court findings, RChD (UP) – Rulings of the Chamber of Deputies, PD (RP) President’s Decisions, DChS (RPS) Decisions of the Chairman

of the Senate, GD (RV) – Government Decisions, C (S) – Communications, EC (RS) – Editorial Communications on Corrigendum, Col. (Sb.) – Collection of Laws of the CR, CIA (Sb.m.s.) – Collection of International Agreements of the CR. Documents identified as “legal” are those which are, according to the Constitution, generally binding, i.e. **legal** norms – CL, SM, L, GR, N, CCF and IA. “Other” documents in this context are documents of the following types: CWA, RChD, PD, GD, C and EC.

Initial comments

The **total number** of documents in both official collections is 444, of which 372 in the Collection of Laws and 72 in the Collection of International Agreements. Compared to 2013 we can see a significant decrease – a total of 581 in 2013, split 476 to 105, data from 2012 (611 total, of which CL is 508 and 103 is CIA), indicating a possible trend. Compared with the previous period we can see a significant decrease in the number of documents and international agreements. This decrease means in relative terms that 2014 represents only 76.42% of the previous year, and 72.67% of 2012. The decrease in the number of IA is also considerable; down to 68.57% of 2012, which is more than 30%!

The overall decline in legislative output visible in both collections was also reflected in the categories “legal” and “other” (384 to 60); however, the ratio of these is important. This ratio is relevant only for domestic legislative documents, because all international agreements can be considered legal documents. In total, legal documents make up 86.49% of all documents, other documents slightly less than 15%. Within the Collection of Laws this ratio is 312 to 372, i.e. 83.87% of all documents are legal. The coefficient of legal relevance of documents from both collections is therefore 0.865, for the Collection of Laws it is 0.839, which is significantly higher compared to 2013 (in absolute terms by about 4%, in relative terms the 2014 numbers are about 106% of 2013, in total for all documents it is about 5%). In terms of the basic requirements on the quality of legislation we see this trend as positive. The decreasing trend in the legal relevance observed in 2012 monitoring is therefore stopped.

The share of “other” documents in total is 13.51%, while at the level of the Collection of Laws it is about 16%.

The relation between **domestic** legislative documents and **international** documents is shown in Table 4 as a ratio 372 to 72 (312 to 72 at the level of “legal” documents, in 2013 it was 476:105 and 377:105 for “legal”). Compared with 2012, we can clearly see an increase in the number of international agreements. While

in 2012 they made up less than 17% of all documents (20% of “legal” documents), in 2013 it was 18% (almost 22% of all “legal” documents), which is a relative increase of 10%. Year 2014 saw a reverse trend – the share of international agreements was just over 16% and less than 20% of all “legal” documents. The relative impact of the international factor in the Czech legislation in 2014 therefore again decreased slightly and approached thus the situation from 2012.

The significant relation between the numbers of international agreements and laws and primary legislative documents reaches 72/78, i.e. 0.923, which is almost identical to the previous year (2013 – 0.924, but on the level of primary legislation), for laws this ratio in 2013 was 0.876. In a longer time horizon (of at least 5 years) this indicator oscillates (peaking in 2011 at 128 to 106); however, in comparison with 2012 we can once again see a slight decline (0.980).

Table 4. Share of domestic and international legislative documents, and international agreements

Type of document	Domestic documents	International documents	Domestic legal	Total	Total legal
Number	372	72	312	444	384
Share of total	0.838	0.162	0.813* (0.703)	1	0.830
Share of total (%)	83.78	16.22	81.25 (70.27)	100	86.47

* In the brackets we included the shares of domestic legal documents in all documents, including IA.

The numbers by individual **types of documents**, including their quantitative proportions and relative weight expressed also as a percentage of the total of all documents from the official collections can be found in Tables 5 through 8.

Tables 7 and 8 focus on the proportions between documents classified as “legal” or **legislatively relevant**. Table 8 contains aggregate categories of **primary and secondary** legislative documents, whose ratio is also an important statistical property of the legal order of each state, reflecting the constitutional principle of importance and sovereignty of law (Table 5).

Compared to the previous years we lack CL (UZ) and SM (ZO), as well as any consolidated wordings of statutes. Specific forms, such as Ruling of the Chamber of Deputies or President’s decision saw a decline, which is in accordance with the relative stable development of legislation once the government stabilized after the Parliament elections.

Table 5. Types of documents found in the Collection of Laws and Collection of International Agreements and their shares in total of all documents

Type	Number	Share of total	Share of total (%)
CL (UZ)	0	0	0
SM (ZO)	0	0	0
L (Z)	78	0.176	17.57
GR (NV)	62	0.140	13.96
N (V)	161	0.363	36.26
CWA (UZZ)	0	0	0
CCF (NUS)	11	0.025	2.48
RChD (UP)	2	0.005	0.45
PD (RP)	3	0.007	0.68
IA (MS)	72	0.162	16.22
GD (RV)	0	0	0
C (S)	51	0.115	11.49
EC (RS)	4	0.009	0.90
Total	444	1	100

Proportional shifts in other types of documents are rather small over the compared years (around 1%). There is one exception – government regulations, whose overall share increased in 2014, compared to 2013, by almost 5% (from 9.12% to 13.96%). Also, the increase in the share of laws by almost 1.5% and decrease in the share of IA (MS) by almost 2% are worth mentioning. The indicated changes of proportions between the individual basic types of legislative documents are similar when analysing the Collection of Laws alone. The increase in the share of Laws and Government Regulations is compensated, as it seems, by the decline in the proportional share of Communications, which can be seen as positive in terms of the purity of the applied legislative forms.

Table 6 focuses only on the proportional distribution of “legal” documents.

The proportions for legal documents changed in comparison with 2013 as follows: the share of laws increased by 1.3 percentage points, which in relative terms is an increase of about 6% (up to 106% of the 2013 level). The share of Government Regulations increased by 5 percentage points (relative increase to 145% of the 2013 level). On the other hand, the share of International Agreements decreased

by 3 percentage points (relative decrease to 86% of the 2013 level). The proportion of Notices has not changed much (by about 2 percentage points, which means a relative decline to 95.7% of the 2013 level). If we focus only on the proportions of documents from the Collection of Laws, these differences will become more evident – especially for Government Regulations and Notices (relative decline to 92% of the 2013 level).

Table 6. Only legally relevant types of legislative documents from the Collection of Laws and Collection of International Agreements and their proportions to the total of all “legal” documents

Type	CL (UZ)	SM (ZO)	L (Z)	GR (NV)	N (V)	IA (MS)	CCF (NUS)	Total
Number	0	0	78	62	161	72	11	384
Share of total	0	0	0.203	0.161	0.419	0.188	0.029	1
Share of total (in %)	0	0	20.31	16.15	41.93	18.75	2.86	100

The share of primary and secondary legislative documents has not changed significantly in comparison with 2013. While in 2013 primary regulations made up about 25.73% (26.87% after deducting CCF (NUS)), secondary regulations – 70% (73%), then in 2014 it was 25% (25.91%) and 71.47% (74.09%) respectively. In 2012 this ratio was 25.77% (primary) to 74.23% (secondary). The coefficient of strength or sovereignty of laws therefore did not change much in 2014, albeit it was slightly reduced by the increasing share of Government Regulations.

Tables 7 and 8 show the **typological structure of Czech legislation over the last six years** with aggregate categories of **primary** and **secondary** regulations. The proportional shares have been calculated from the total of all documents, but also after deducting International Agreements and Constitutional Court Findings, i.e. specifically for Czech legislative documents, but always in the “legal” categories. This allows a comparison to be made of the structure of the Czech legislation and its shifts in the recent six-year period between 2009 and 2014 (Table 7 and 8).

In terms of the total number of legislative documents, the year 2014 is clearly below-average; within the compared years it is actually **the minimum**.

When comparing the individual types of legislative documents and their proportions in the given years, the year 2013 stands out in the category of Statutory Measures of the Senate of the CR, which actually appear in this year alone (4 in total). In the category of constitutional laws years 2009 and 2012 stand out (2 in each, which is 0.5%). Laws peak in 2011 (with almost 35%) and hit the bottom in 2010

(only 20%), year 2013 is in both cases average, 2014 is among the lowest. Years 2011 and 2010 show extreme values also in the aggregate category of primary regulations.

Table 7. Distribution of “legal” legislative documents by type in the last 6 years

Type-Year	2009	2010	2011	2012	2013	2014
CL (UZ)	2	0	1	2	1	0
SM (ZO)	0	0	0	0	4	0
L (Z)	112	66	128	99	92	78
(PŘI)	114	66	129	101	97	78
GR (NV)	79	62	52	49	53	62
N (V)	188	199	189	242	211	161
(SEK)	267	261	241	291	264	223
CCF (NUS)	20	30	16	15	16	11
IA (MS)	124	91	164	103	105	72
Total	525	448	490	510	482	384
Total without IA and CCF	381	327	370	392	361	301

Table 8. Share of the individual types of legislative documents in total of all legislative documents, and also the same without CCF and IA in % in the last 6 years

Type-Year	2009	2010	2011	2012	2013	2014
CL (UZ)	0.38 0.52	0 0	0.20 0.27	0.39 0.51	0.21 0.28	0
SM (ZO)	0 0	0 0	0 0	0 0	0.83 1.08	0
L (Z)	21.33 29.40	14.73 20.18	26.12 34.59	19.41 25.26	19.09 25.48	20.31 25.91
PRI	21.71 29.92	14.73 20.18	26.33 34.86	19.80 25.77	20.12 26.87	20.31 25.91
GR (NV)	15.05 20.73	13.84 18.96	10.61 14.05	9.61 12.50	11.00 14.68	16.15 20.60
N (V)	35.81 49.34	44.42 60.86	38.57 51.08	47.46 61.73	43.78 58.45	41.93 53.49
SEC	50.86 70.08	58.26 79.82	49.18 65.14	57.06 74.23	54.77 73.13	58.07 74.09

CCF (NUS)	–	–	–	–	3.32 4.24	2.86 3.53
IA (MS)	23.62	20.31	21.22	20.20	21.78	18.75
Total	525	448	490	510	482	384
Total without IA and CCF	381	327	370	392	361	301

As for Government Regulations, the share peaked at 20.73% in 2009 and hit the bottom at 12.5% in 2012. Year 2013 was below average, while 2014 was average. Secondary regulations peaked at 79.82% in 2010 and hit the bottom at 65.14% in 2011, the year 2013 is just above the average, while 2014 is right behind 2010, when the share of secondary legislation was at its highest. International agreements oscillated generally just above 20 or 21%, with only 2009 being an exception with 23.62% or 124 in absolute numbers.

In absolute terms, the year 2009 was exceptional overall (525), as well as in the category of Laws (112), International Agreements (124) and Government Regulations (79), which showed a generally decreasing trend, except for the current year 2014. On the other hand, Notices peaked at 242 in 2012. International Agreements varied around 100. The share of primary and secondary regulations was approaching 1:3, which means around 25% primary regulations and 75% secondary regulations. After including International Agreements, amounting to around 20%, the share of primary regulations declines to around 20% and the share of secondary regulations drops to 60–55%.

Amendments and repeal – change factor in legislation

In this part of the study we will analyse in detail the dynamic development element as seen in Czech legislation in 2014. The factor or indicator of **change** in legislation is described quantitatively using the number of documents that implement changes or nullify legal documents (derogation). Derogation can be understood as an extreme case of change. Nullification of individual legislative documents is natural from the point of view of the entire system, legal system.

From the point of view of amending and derogating activities we follow only those documents that carry legislative information, i.e. those previously classified as “legal”. We leave aside Findings of the Constitutional Court and also International Agreements. Therefore, by using aggregate categories of primary and secondary regulations we compare legal (primary) legislation and non-legal legislation. The results of amending activities can be found in Tables 9 and 10, including the shares

of actively amending regulations in the total of the given category, i.e. legislative types (Table 9), as well as in the aggregate form (Table 10). Passive amending represents an insignificant, marginal part.

Table 9. Active amending in 2014 by types of legislative documents

Type	CL (UZ)	SM (ZO)	L (Z)	PRI	GR (NV)	N (V)	SEK	Total
Number of amendments/ total	0/0	0/0	75/78	75/78	33/62	90/161	123/223	198/301
Share of amendments/ total	0	0	0.962	0.962	0.532	0.559	0.556	0.658
Share of amendments/ total in %	0	0	96.15	96.15	53.23	55.90	55.16	65.78

Table 10. Total numbers of amended documents by the individual types of legislative documents in 2014 (absolute amending)

Type	CL (UZ)	SM (ZO)	L (Z)	(PŘI)	GR (NV)	N (V)	SEK	Total
Number of amendments/ total	0	0	371/78	371/78	56/62	95/161	151/223	522/301
Share of amendments/ total	0	0	4.76	4.76	0.903	0.590	0.677	1.734
Share of amendments/ total in %	0	0	475.64	475.64	90.32	59.01	67.71	173.42

Total share of active amendments in 2014, expressed by the coefficient 0.658, increased from 0.609 in 2013. This means that the share of regulations that contain any explicit amending directive was more than 65% of all legislative documents. In comparison with the previous year (2013) this is a gradual increase in the amending activity (60.94% in 2013). In case of laws and primary regulations this coefficient increased compared with 2013 by 8% (96%), in relative terms it is 109% of the 2013 figures (about 88%), in case of Notices we saw a relatively mild increase (55.9% compared to 54%). Government Regulations in 2014 had the active amending coefficient 53.23, compared with the previous year 2013 when this indicator decreased significantly in y/y comparison with 2012 (39.6% compared with 53%). This is a relative y/y increase of 133.8%, i.e. about one third.

The total aggregate indicator of active amendments (**coefficient of absolute amending activity**) decreased in 2013 down to 1.77 (177%) compared to 1.98 (198%) in 2012, reaching only about 173.42% in 2014. **One new legislative document amends two others on average.** At the level of laws there are more than 4 changes (4.76), while for Government Regulations it is less than one (0.90) and Notices only 0.59. In 2012 the value of this indicator for Laws and primary regulations was much higher (6.22 for Laws, which means the year 2013 saw only 60.7% of the 2012 value for Laws and 2014 – 76.5%). For secondary documents the differences are not so large.

A further decline of the absolute amending activity indicator documents also the overall decline in the number of documents measured in 2014 compared with 2012 and 2013 (522 in 2014 compared with 639 in 2013 and 777 in 2012) down to 67.18% of 2012 compared with 82.24% of 2013.

The change in Czech legislation in 2014 in terms of **derogated regulations** can be seen in Tables 11, 12 and 13. Table 11 shows the proportions of the number of regulations actively derogating against all. Table 12 shows proportions of active derogation compared with new regulations, always for the individual types of legislation. Table 13 compares amendments and nullifications, providing **absolute indicator of change in legislation**.

Table 11. Active derogation in 2014 by type of legislative documents

Type	CL (UZ)	SM (ZO)	L (Z)	PRI	GR (NV)	N (V)	SEC	Total
Number of derog./ all	0	0	10/78	10/78	16/62	26/161	42/223	52/301
Number of derog./ all	0	0	0.128	0.128	0.258	0.161	0.188	0.176
Share of derog./ all in %	0	0	12.82	12.82	25.81	16.15	18.83	17.61

Table 12. All active derogations in 2014 by type of legislative documents
(absolute derogation)

Type	CL (UZ)	SM (ZO)	L (Z)	PRI	GR (NV)	N (V)	SEK	Total
Number of derog./ all	0	0	71/78	71/78	38/62	66/161	104/223	175/301
Number of derog./ all	0	0	0.910	0.910	0.613	0.410	0.466	0.581
Share of derog./ all in %	0	0	91.03	91.03	61.29	40.99	46.64	58.14

Table 13. Active derogations and active amendments in total for the individual types of legislative documents in 2014 (absolute indicator of change in legislation)

Type	CL (UZ)	SM (ZO)	L (Z)	(PRI)	GR (NV)	N (V)	SEK	Total
Number of derog./ all	0	0	442/78	442/78	94/62	161/161	255/223	697/301
Number of derog./ all	0	0	5.667	5.667	1.516	1.000	1.143	2.316
Share of derog./ all in %	0	0	566.67	566.67	151.61	100.00	114.350	231.56

The coefficient of active derogations decreased compared to 2013 by around 3% down to 17.61% (20.5% in 2013 compared to 17% in 2012), back to the value from 2012. This decrease is most evident in Laws (decrease by 10%, relatively to 56% of the value of this indicator in 2013) and, naturally, also in primary regulations. Notices did not change significantly, Government Regulations decreased by almost 5%, which in relative terms means decline to 83.23% of 2013. The total number of actively derogating regulations in 2014 declined (from 74 to 52, which means decline to 70.27%).

If we look at the **total number of derogated** regulations within the individual legislative types, the results in 2012 and 2013 are quite different. For this indicator of **absolute derogating activity**, the year 2012 had the value 0.66, while in 2013 it was only 0.45 and in 2014 – 0.58. In absolute numbers, the ratio of these years is 257/162 (257/175). The year 2012 is therefore more than 158% of the 2013 level and 146% of the 2014 level. A significant difference can be seen in Laws (1.54 in 2012 compared to 0.62 in 2013 and 0.91 in 2014), while year 2013 reached only 40% of the previous year. This was reflected also in the category of primary regulations. In Government Regulations we find the value of indicator “total derogating activity” for the year 2014 at 0.61 (compared with 0.396 in 2013), for Notices it was 0.41 (from 0.31). Primary regulations have this indicator at 0.91 (in 2013 it was 0.78), secondary 0.466 (compared to 0.326 in 2013). These results show that derogating activity overall and at the level of laws and primary regulations was in 2014 much higher than in 2013 in all typological categories, both in absolute numbers and overall (162 to 175, i.e. year 2014 is more than 108% of the level from 2013).

Absolute change indicator in legislation (Table 13) takes into account **all amending and derogating documents**. It expresses the proportions of the sum of all amended and all derogated regulations against all published documents. The total value of this coefficient in 2013 reached the value of 2.21 and in 2014 it was

2.32. This means that **each new document brings a change in the system of legislation, affecting more than two other legislative documents** in the form of amendment or derogation. In terms of absolute numbers of derogated and amended regulations the ratio between 2013 and 2014 was 801 to 697. In 2014 we see about 87% derogations and amendments in total, which roughly corresponds to the ratio of the total number of legislative documents analysed in the given categories over these years.

At the level of laws and primary regulations these values are much higher for 2013 (4.40 and 5.67), while the year 2014 also saw the value 5.67 for Laws. Secondary regulations oscillated around 1 (0.95 in 2013 and 1.14 in 2014). **The change is therefore more often and to a larger extent effected via primary legal regulations, especially laws.** And that holds for 2013, when this category was first introduced, as well as in 2014.

We continue by including the **indicator of explicit amendments**. It can be used especially as a corrective for indicators of active amendments. Amendments are here defined as legislative documents, which **explicitly in their title** declare their amending intent using the word “amends” or “amendment”. It is a very reliable identification of these regulations, which indeed have amending content, either fully or at least partially.

Table 14. Regulations that are functionally and by content intended to amend legislation – explicit amendments

Type	CL (UZ)	SM (ZO)	L (Z)	PRI	GR (NV)	N (V)	SEK	Total
Amendments/ total	0	0	73/78	73/78	30/62	90/161	120/223	193/301
Amendments/ total	0	0	0.936	0.936	0.484	0.559	0.538	0.641
Amendments/ total in %	0	0	93.59	93.59	48.39	55.90	53.81	64.12

A comparison of Table 14 and Table 9 (active amending) shows a slight decline in the amending coefficient in the case of explicit amendments (0.64 compared to 0.658). These values are only slightly reduced in the Table with explicit amendments, especially in the case of Government Regulations (0.48 compared to 0.53), for Laws and primary regulations this difference was only 2% in 2014 (96 compared to 93.59). The results summarizing the absolute amending activities in legislation for individual documents are much higher, especially in the case of laws and primary legal regulations.

A comparison of the years 2013 and 2014 for this indicator confirms that the amending activity was overall higher in 2014 (coefficient 0.64 compared to 0.55), as well as for individual legislation types, with the highest differences observed for laws (0.94 compared to 0.73, i.e. 128.76% in 2014 compared to 2013) and Government Regulations (0.48 compared to 0.38, i.e. 126.32%). The absolute number of explicitly amended documents was in 2014 lower than in the previous year (193 compared to 200).

The factor of **change** increased in 2014 when compared to the previous year, albeit in relative, not absolute sense. This is caused, among other things, by the lower number of identified legislative documents in the given year. Especially at the level of Laws the derogating and amending activities were very high, which indicates considerable reform efforts of the current coalition. With respect to the generally criticized tendency towards amending legislation, from this formal point of view we can only observe a continuing trend related to the rotation of uncooperative and politically incompatible government groups.

Legislation in the CR in 2014 by branches of law

The purpose of the annual monitoring of Czech legislation is also to use the content criteria to analyse the distribution of legislative documents (of course those marked as “legal”) among the **branches of law**. We use the traditional and accepted structure for Czech and continental law. For the individual branches of Czech law we use the following abbreviations: CL (UP) – Constitutional Law, AL (SP) – Administrative Law, FL (FP) – financial law, SCL (THP) – substantive criminal law, CrPL (TPP) – criminal procedural law, CiPL (OPP) – civil procedural law (all these branches belong to the structural category of **public law**, which also includes SSL (PSZ) – social security law) and also CL (OPH) – civil law, BL (OP) – business law, LL (PP) – labour law, FL (RP) – family law and PILP (MPSP) – private international law and procedure, falling under the structural category of **private law**.

Table 15 shows the distribution of the individual legislative types by branches of law and their totals. The first finding is a further slight reduction in the number of branch specifications in the LexGalaxy database, which seems to correspond proportionally to the slightly lower number of legislative documents monitored in 2014, as well as in the previous year (Table 15).

The total numbers in individual branches of law indicate a decline compared to 2012 and 2013. This is especially clearly visible for AL (SP) and BL (OP). On the other hand, in 2013 we saw an increase in criminal law (substantive and procedural) to about double. In 2014 this declined back to the original level.

Table 15. Distribution of basic types of legislative documents (“legal”) by branches of law in 2014

Type/branch of law	CL (UZ)	SM (ZO)	L (Z)	GR (NV)	N (V)	CCF (NUS)	Total
CL (UP)	0	0	9(4.5)	2(1.39)	4(1.23)	3(15.79)	18 (2.61)
AL (SP)	0	0	53(26.5)	50(34.72)	134(41.10)	4(21.05)	241 (34.98)
FL (FP)	0	0	34(17)	23(15.97)	44(13.50)	1(5.26)	102 (14.80)
SCL (TPH)	0	0	2(1)	0(0)	1(0.31)	1(5.26)	4 (0.58)
CrPL (TPP)	0	0	2(1)	0(0)	1(0.31)	0(0)	3 (0.44)
CIPL (OPP)	0	0	5(2.5)	0(0)	4(1.23)	4(21.05)	13 (1.89)
CL (OPH)	0	0	23(11.5)	18(12.5)	46(14.11)	1(5.26)	88 (12.77)
BL (OP)	0	0	40(20)	24(16.67)	63(19.33)	2(10.53)	129 (18.72)
LL (PP)	0	0	14(7)	20(13.89)	19(5.83)	2(10.53)	55 (7.98)
(PSZ)	0	0	18(9)	7(4.86)	10(3.07)	1(5.26)	36 (5.16)
(RP)	0	0	0(0)	0(0)	0(0)	0(0)	0 (0)
(PSP)	0	0	0(0)	0(0)	0(0)	0(0)	0 (0)
Total	0(100%)	(100%)	200(100%)	144(100%)	326(100%)	19(100%)	689 (100%)
Share of total of all branches			29.03	20.90	47.31	2.76	100

The branches of criminal law were in 2014 represented only marginally in the legislative type of Notices, while in 2012 it was missing altogether. The overall proportions of the individual types of legislative documents changed only slightly (increase in Laws by 1.2%, Notices declined by 6%, which in relative terms is more than 12%). A strong growth was seen in Government Regulations (by almost 8%, relatively to 160% of the 2013 level).

Table 16 shows the proportions of the individual types of legislative documents within the individual branches of law. This reflects? the **internal structure of the branches of law by the type of legislative documents**. Added are also the aggregate categories of primary and secondary regulations (Table 16).

Also here we cannot see any considerable changes compared to the previous year, with one exception – criminal law. This branch was in 2012 fully ? in the form of Laws.

In the proportions between primary and secondary regulations we saw changes in CL (45 to 40 compared to 53 to 28% in 2012, in 2014 we saw a reverse trend, i.e. 50

to 33%), LL (a reverse trend in SEC to 71%). In total proportions the changes between primary and secondary regulations were not so visible (29 to 68% compared to 29.4 to 67 in 2013 and 28 to 68.9% in 2012), which means a slight increase in the number of specified documents in primary regulations.

Table 16. Distribution of the types of legislative documents within the individual branches of law in 2014

Type/branch of law	CL (UZ)	SM (ZO)	L (Z)	GR (NV)	N (V)	CCF (NUS)	Total	Type/branch of law	CL (UZ)
CL (UP)	0 (0)	0 (0)	9 (50)	2 (11.11)	4 (22.22)	9 (50)	6 (33.33)	3 (16.67)	18 (100%)
AL (SP)	0 (0)	0 (0)	53 (21.99)	50 (20.75)	134 (55.60)	53 (21.99)	184 (76.35)	4 (1.66)	241 (100%)
FL (FP)	0 (0)	0 (0)	34 (33.33)	23 (22.55)	44 (43.14)	34 (33.33)	67 (65.69)	1 (0.98)	102
SCL (TPH)	0 (0)	0 (0)	2 (50)	0 (0)	1 (25)	2 (50)	1 (25)	1 (25)	4 (100%)
CrPL (TPP)	0 (0)	0 (0)	2 (66.67)	0 (0)	1 (33.33)	2 (66.67)	1 (33.33)	0 (0)	3 (100%)
CiPL (OPP)	0 (0)	0 (0)	5 (38.46)	0 (0)	4 (30.77)	5 (38.46)	4 (30.77)	4 (30.77)	13 (100%)
CL (OPH)	0 (0)	0 (0)	23 (26.14)	18 (20.45)	46 (52.27)	23 (26.14)	64 (72.73)	1 (1.14)	88 (100%)
BL (OP)	0 (0)	0 (0)	40 (31.01)	24 (18.60)	63 (48.84)	40 (31.01)	87 (67.44)	2 (1.55)	129 (100%)
LL (PP)	0 (0)	0 (0)	14 (25.45)	20 (36.36)	19 (34.55)	14 (25.45)	39 (70.91)	2 (3.64)	55 (100%)
(PSZ)	0 (0)	0 (0)	18 (50)	7 (19.44)	10 (27.78)	18 (50)	17 (47.22)	1 (2.78)	36 (100%)
(RP)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (100%)
(PSP)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (100%)
Total	0	0	200	144	326	200	470	19	689
Share of total of all branches	0		29.03	20.90	47.31	29.03	68.21	2.76	100

Table 17 shows the **order** of branches of law given by the number of documents included and their proportional shares. In comparison with 2013 SSL (PSZ) and CL (UP) swapped places and the number of documents specified as SSL (PSZ) and their proportional share (relatively to more than 161%) increased considerably, while CL (UP) decreased (relatively to 64.6%). Family law was not represented in 2014 and neither was PILP (MSPS). This Table offers a fairly **instructive overview of the total weight** of the individual branches of law in the given year. The first 5 places have a relatively stable order and the branches on the 8th place and below have very small shares.

Table 17. Order of branches of law by the number of legislative documents included (“legal”) in 2014

Order	Branch of law	Documents included	Share of all documents %
1.	AL (SP)	241	34.98
2.	BL (OP)	129	18.72
3.	FL (FP)	102	14.80
4.	CL (OPH)	88	12.77
5.	LL (PP)	55	7.98
6.	SSL (PSZ)	36	5.22
7.	CL (UP)	18	2.61
8.	CiPL (OPP)	13	1.89
9.	SCL (TPH)	4	0.58
10.	CrPL (TPP)	3	0.44
11.	FL (RP)	0	0.0
12.	PILP (PSP)	0	0.0
Total		689	100

Table 18 shows the results of an analysis of Czech legislation in 2014 subdivided into **private** and **public** laws. The overall results show a slight increase in the share of public law compared with 2012 combined, of course, with a decrease in private law (59 to 41 compared to 57.5 to 42.5 in 2012, confirmed also for 2014: 60.52 to 39.48). In relative terms, the 1.5% increase in public law means 102.6% of 2012 and in 2014 again an increase to 102.5% of the 2013 level.

The proportions of primary and secondary regulations have not changed much, especially for private law (28.73 to 70.14 in 2013 compared to 27 to 72 in 2012 and 28.3 to 69.85 in 2014; in the case of public law this ratio is 29.41 to 67.24 compared to 29.52 to 66.61 in 2012 and 29.5 to 67.15 in 2014, whereas for primary regulations this ratio was in 2013 40 private to 60 public law, for secondary regulations 38.5 to 61.5 and for secondary? it was 40.43 to 59.57).

Inside the substructure of **private** law the shares of primary and secondary regulations in 2013 were 28.73% to 70.14%, in 2014 it was 28.31 to 69.85, for public law it was 29.88 to 65.23%, while in 2014 it was 29.5 to 67.15. The differences here are quite small.

Table 18. Private and public laws by legislative types in 2014

Legisl. types (number, %)	CL (UZ)	SM (ZO)	L (Z)	GR (NV)	N (V)	PRI	SEC	CCF (NUS)	Total
Private law	(0)	(0)	(28.31)	(22.79)	(47.06)	(28.31)	(69.85)	(1.84)	(100)
	0	0	77	62	128	77	190	5	272
	(0)	(0)	(38.50)	(43.06)	(39.26)	(38.50)	(40.43)	(26.32)	(39.48)
Public law	(0)	(0)	(29.50)	(19.66)	(47.48)	(29.50)	(67.15)	(3.36)	(100)
	0	0	123	82	198	123	280	14	417
	(0)	(0)	(61.50)	(56.94)	(60.74)	(61.50)	(59.57)	(73.68)	(60.52)
Total	(0)	(0)	(29.03)	(20.90)	(47.31)	(29.03)	(68.21)	(2.76)	(100)
	0	0	200	144	326	200	470	19	689
	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(100)

Note: Numbers in the brackets above the number inside each cell in the Table mean the percentage share of the given legislative type in the total number for the given row (e.g. for private or public law). Numbers in the brackets below the number show the percentage shares of the total number of the documents included for the given legislative type, i.e. inside the given column of the Table.

International agreements

International agreements published in a special Collection of International Agreements of the CR is an important part of Czech legislation that reflects external, i.e. foreign political factors that influence the existence and functioning of the CR. The legislative relevance of IA is comparable to laws as a sovereign manifestation of the domestic legislative. Czech law and Czech legislation has specific relation towards **European Community Law**.

The following analysis provides an overall overview of international legislation in 2014, as well as an analysis of the transposition factor of EU law into Czech legislation.

Table 19. Quantification of international agreements in connection to the Czech legislation in 2014

IA-overview	Share of IA in all legislative documents	IA vs. Laws	Share of IA in all legal legislative documents
Number	72/444	72/78 – total 150	72/384
Share of IA in total legislation	0.162	0.92 – 0.48 (48%)	0.188
Share of IA in legislation in %	16.22%	92.31%	18.75%

In Table 19 we present the quantities of basic production of International Agreements in 2014 and their most important relations, generally to all legislative documents, as well as to Laws and all legally relevant legislative documents.

Comparing the total number of International Agreements registered in the Collection of International Agreements in the year 2013 with the previous years shows a relatively **stable level of production of international agreements** in this period, slightly exceeding 100 (104 in 2011, 103 in 2012, 105 in 2013). In 2014, however, we see a dramatic decline when the number of IA reached only 68.57% of the previous year!

In terms of the monitored system relations we can see a shift in the relation between IA and Laws; IA make up 92% (48% within the monitored aggregate category IA and L compared with 51.98% in 2013). However, this is only thanks to a significant overall decline in IA and Laws in the year in question. The basic proportions of IA and Laws (primary regulations) remain stable at around 1 to 1.

In the following tables we investigate the issue of **transposition of EU law into Czech law**, which has been running continuously since the CR accession to the EU, i.e. since 2004. It shows the shares of documents transposing EU law into Czech legislation for individual legislative types. We also include the proportional shares of transposition documents from 2004 until 2014 by types of legislative documents (Table 20).

If in 2013 we saw a reduction in the intensity of the transposition activity compared with the previous period (22.16% compared to 23.21% in 2012, i.e. about 1 percentage point, which corresponds to about 95.48% of the level from the previous year), in 2014 the relative shares of transposed documents clearly increased for the individual types of legislative documents. Overall, transposing documents make up 31.23% of all legislative documents, compared to 22.16% in 2013. The strongest growth was seen in Laws (44.87% compared with 26.09% in 2013) and Government Regulations (35.48% compared with 22.64% in the previous year). In terms

of the absolute numbers this increase is not very dramatic (94 compared with 80, i.e. 17.5%). The total overview since 2004 shows an increase between 2006 and 2011 followed by a decline down to 22–23%. Year 2013 saw a further decline compared to the previous year (22%), i.e. below the average value of this indicator for the entire period, which is 23.28%. However, year 2014 saw a new record for this indicator (31.23%), exceeding the previous high from 2010! (Table 21).

Table 20. Numbers and shares of documents transposing EU law (Community law) into Czech law by type of legislative document

Type	Total number	Number of transposing documents	Share of transposing documents	Share of transposing documents in %
L (Z)	78	35	0.449	44.87
N (V)	161	37	0.230	22.98
GR (NV)	62	22	0.355	35.48
Total	301	94	0.312	31.23

Table 21. Relation of legislative documents transposing the EU law into the Czech law by the types of legislative documents in the individual years since 2004

Year	CL (UZ)	SM (ZO)	L (Z)	GR (NV)	N (V)	Total	Share of transp. total	Share in % of transp. Total
2004	0/2	0/0	17/150	14/139	33/292	64/583	0.110	10.98
2005	0/0	0/0	27/101	25/81	36/255	88/437	0.201	20.14
2006	0/0	0/0	54/134	29/78	47/275	130/487	0.267	26.69
2007	0/0	0/0	23/64	18/58	29/158	70/280	0.250	25.00
2008	0/0	0/0	35/113	18/57	40/194	93/364	0.255	25.55
2009	0/2	0/0	37/112	24/79	44/188	105/381	0.276	27.56
2010	0/0	0/0	26/66	20/62	53/199	99/327	0.303	30.28
2011	0/1	0/0	49/128	16/52	42/189	107/370	0.289	28.92
2012	0/2	0/0	29/99	16/49	46/242	91/392	0.232	23.21
2013	0/1	1/4	24/92	12/53	43/211	80/361	0.222	22.16
2014	0/0	0/0	35/78	22/62	37/161	94/301	0.312	31.23
Total	0/8	1/4	356/1137	214/770	450/2364	1021/4283	0.238	23.84

Table 22. Share of legislative documents transposing EU law into Czech law by the type of legislative documents in % since 2004

Year	CL (UZ)	SM (ZO)	L (Z)	GR (NV)	N (V)	Total
2004	0	0	11.330	10.072	11.301	10.978
2005	0	0	26.733	30.864	14.118	20.137
2006	0	0	40.299	28.814	17.091	26.694
2007	0	0	35.938	31.034	18.354	25.000
2008	0	0	30.973	31.579	20.619	25.549
2009	0	0	33.036	30.380	23.404	27.559
2010	0	0	39.394	32.258	26.633	30.275
2011	0	0	38.281	30.769	22.222	28.919
2012	0	0	29.292	32.653	19.008	23.214
2013	1	25	26.087	22.642	20.379	22.161
2014	0	0	44.87	35.48	22.98	31.23
Total	1	25	31.136	28.107	19.313	24.049

Summary

The monitoring of Czech legislation carried out since 2007 has provided **standardized quantitative description of this basic and initial structure of the legal order** of the Czech Republic. Its most important components are quantitative indicators, which we call **coefficients** because they are defined as ratios. We call them coefficients of **relevance (purpose) of law**, which reflects the principle of sovereignty of laws as the main principle of democratic legislation. There are also **coefficients of change** that reflect the dynamics of development of legislation and **coefficient of international influence** on the Czech legislation, which reflects the factor of international influences following from the international position of the Czech Republic and its activities in international and interstate relationships.

One important benefit of this monitoring activity is the **possibility to compare** the selected **variables (indicators) and their numeric values**, as they were recorded in the monitored years. For this reason we include at the end of this study a Table 23 summarizing the results of this quantitative description of Czech legislation over the last eight years, i.e. from 2007 to 2014.

The **coefficient of the importance of law** is more complex; it expresses the share of all **primary** regulations, i.e. including constitutional laws and statutory measures as the cornerstone of the Czech legislation system, against all legislative documents (“legal”) published in the given year. We also emphasize the relations and shares, as well as the proportional shares of all **primary and secondary** regulations, which in our opinion best **reflects the importance, status and purpose of laws (primary regulations) against secondary regulations**. In 2013 we note for this indicator a historically highest value (in that year the proportional share of primary legislation in the overall domestic legislative production stood at 36.74%). In 2014 this indicator decreased only slightly (34.98%). The status of law is thus formally and quantitatively strengthened.

The **coefficient of change**, which has been, especially in recent years, a subject of an increasing interest (see e.g. the recent large international conferences on the broadly conceived branch of the theory of law held in 2012 in Znojmo and 2013 in Tatranská Štrba with participating theorists from the Visegrad group, which was later named “change of law”)³, has been monitored in the individual years for primary, as well as secondary regulations and provides the **information about the strength and location of innovation activities in the Czech legislation**. The year 2014 is exceptional in the monitored time series in the category of Laws, where it reached the highest values (96.15%); however, the overall coefficient of change in this year is only above-average.

Table 23. Overview of the values of basic indicators (coefficients) of the structure and development of Czech legislation over years 2007–2014

Year	Coefficient of importance of law PRI/all (in %) PRI/SEC (in %)	Coefficient of int. influence IN/all (in %) IN/PRI+IN (in %)	Coefficient of change PRI (in %) SEC (in %) PRI+SEC (in %)
2007	(64/369) 17.34 (64/280) 22.86	(89/369) 24.12 (89/153) 58.17	(60/64) 93.75 (123/216) 56.94 (183/280) 65.36
2008	(113/452) 25 (113/364) 31.04	(88/452) 19.47 (88/201) 43.78	(102/113) 90.27 (136/251) 54.18 (238/364) 65.38

³ See: E. Bárány et al., *Zmena práva, Ústav štátu a práva SAV*, Bratislava 2013; H. Jermanová, F. Cvrček, *Metamorfózy práva ve střední Evropě III*, Praha 2012; iudem, *Metamorfózy práva ve střední Evropě IV*, Praha 2015.

2009	(114/505) 22.57 (114/381) 29.92	(124/505) 24.55 (124/238) 52.10	(93/114) 81.58 (139/267) 52.06 (232/381) 60.89
2010	(66/418) 13.72 (66/327) 20.18	(91/418) 21.77 (91/157) 57.96	(59/66) 89.39 (155/261) 59.39 (214/327) 65.44
2011	(129/474) 27.22 (129/370) 34.86	(104/474) 21.94 (104/233) 44.64	(118/129) 91.47 (133/241) 55.19 (251/370) 67.84
2012	(101/495) 20.40 (101/291) 34.71	(103/510) 20.20 (103/204) 50.49	(89/101) 88.12 (141/291) 48.45 (230/392) 58.67
2013	(97/466) 20.82 (97/264) 36.74	(105/466) 22.53 (105/202) 51.98	(85/97) 87.63 (135/264) 51.14 (220/361) 60.94
2014	(78/444) 17.57 (78/223) 34.98	(72/444) 16.22 (72/150) 48.00	(75/78) 96.15 (123/223) 55.16 (198/301) 65.78

Bibliography

- Bárány E. et al., *Zmena práva, Ústav štátu a práva SAV*, Bratislava 2013.
 Novák F., *Legislativa v ČR v roce 2007 – kvantitativní přehled*, "Právník" 2009, 2.
 Jermanová H., Cvrček F., *Metamorfózy práva ve střední Evropě III*, Praha 2012.
 Jermanová H., Cvrček F., *Metamorfózy práva ve střední Evropě IV*, Praha 2015.