

The Department of Serious Economic and Financial Crime is the youngest section of the Prosecutor General's Office in Brno. It was established as of October 1, 2000 as an integral component specialized in serious forms of economic and financial crime in the area of capital market, banking and tax areas, and some forms of corruption.

The legal basis for its activity is embedded in the amendment to the Ministry of Justice Decree no. 23/1994 Coll. on the Rules of Procedure of the Public Prosecutor's Office of 23 August 2000, in conjunction with the generally applicable provisions of the Act on the Public Prosecutor's Office regulating the institution of supervision. This amendment, issued under no. 311/2000 Coll., introduced the Department of Serious Economic and Financial Crime at the High Public Prosecutor's Office in Prague and the High Public Prosecutor's Office in Olomouc, with branch offices in Brno and Ostrava.

In relation to the new Criminal Code (no. 40/2009 Coll.), the amendment to Section 15 of the Decree no. 23/1994 Coll., on the Rules of Procedure of the Public Prosecutor's Office, dated December 31, 2009, stipulated the subject-matter competence of the Departments of Serious Economic and Financial Crime so that the public prosecutors of these specialized Departments perform supervision over the observance of legality in pre-trial proceedings in cases of intentional criminal offences

a) committed in the course of activities of a bank, investment company or fund, securities brokers, insurance company, health insurance company, pension fund, building society, or

savings or credit cooperative, if they suffered damage amounting to at least 150 million CZK,

b) of physical or legal entities committed in relation to unauthorized activities referred to under paragraph a) if they incurred damage amounting to at least 150 million CZK,

c) which caused damage to property or property share of the state amounting to at least 150 million CZK,

d) under Chapter 5 or 6 of the Special Part of the Criminal Code, if they were committed to the benefit of an organized crime group, and also abuse of power of a person in authority under § 329 of Penal Code, or receiving bribe, bribery or direct or indirect corruption § 331 - 333 of Penal Code, if they were committed in relation with investigation or prosecution of crime under article 5 or 6 of a special part of Penal Code,

e) which are harmful to financial or economic interests of the European Union, if they incurred damage amounting to at least 15 million CZK,

f) committed against the united European currency to the benefit of an organized crime group, member of an organized crime group, in substantial or large extent, or in case the proceedings on criminal offences directed against the unified European currency are being conducted by a Police authority that fulfils special tasks of the special central office according to Article 12 of the International Convention for the Suppression of Counterfeiting Currency.

Should the seriousness or the subject-matter or legal complexity of the case require it, the High Public Prosecutor's Office may, with a previous consent of the Supreme Public Prosecutor, decide that it is competent to perform supervision over maintaining the legality in pre-trial proceedings also in cases referred to in Section 15 (1) (a) to (c) and (e) of the Decree no. 23/1994 Coll., on the Rules of Procedure of the Prosecutor General's Office, even though a damage of less than 150 million CZK has been caused thereby, or in case a property of another person suffered a loss of at least 150 million CZK.

Supervision over the activity of SEFC Departments operating at the High Public Prosecutor's Offices in Prague and Olomouc in all the above referred cases is performed by the SEFC Department of the Prosecutor General's Office in Brno.

Furthermore, besides supervisory and methodical activities, the SEFC Department of the Prosecutor General's Office also engages, within the frame of its competence in cases of serious economic and financial crime, in

a) drafting background documents for granting or refusing a previous consent of the Prosecutor General with decisions on the competence of the High Public Prosecutor's Office or a lower Public Prosecutor's Office in a particular case,

b) reviews final and effective decisions of public prosecutors on the discontinuation of criminal prosecution or delegation of a case, drafts background documents for decisions of the Prosecutor General in these matters, handles submissions associated with these decisions, evaluates the results of this reviewing activities and presents them to the High Public Prosecutor's Offices,

c) secures keeping records of decisions of the Prosecutor General on ordering control of closed cases, including the records of any eventual incentives to these decisions, it conducts control of closed cases and in case the control was ordered to another Public Prosecutor's Office than the Prosecutor General's Office, it performs tasks pertaining to the Prosecutor General's Office,

d) provides its cooperation associated with extraordinary appeals filed by accused persons in criminal proceedings and in the course of reviewing incentives of accused persons and other persons for filing a complaint against the breach of law, as required by the Department of Extraordinary Legal Remedies, and it may also present, along with its opinion, proposals of High Public Prosecutor's Offices for filing extraordinary appeals or incentives to file a complaint against the breach of law to the Department of Extraordinary Legal Remedies.

On the basis of a decision of the Prosecutor General, the SEFC Department of the Prosecutor General's Office also performs tasks related to the AFCOS network agenda for the Czech Republic. The Prosecutor General's Office has become, on the basis of the Agreement on cooperation with the European Office Against Fraud (OLAF) and in compliance with the National strategy for the protection of financial interests of the European Communities approved by the Government of the Czech Republic, one of the contact points of OLAF in the Czech Republic (so called AFCOS network), namely the exclusive contact point in the area of exchange of information on legislation, case law and in particular exchange of information on criminal proceedings related to financial interests of the European Communities. The Prosecutor General's Office submits a periodical quarterly report to OLAF on so called criminal-law discrepancies, submits special reports on selected issues, participates on the activity of advisory bodies of this authority and attends its conferences.

Public Prosecutors of the SEFC Department of the Prosecutor General's Office also participate on the operation of expert bodies of the Organization for Economic Cooperation and Development (OECD), specifically they are members of the OECD Working Group on Bribery in International Business Transactions and the OECD Task Force on Tax Crimes and Other Crimes, meetings of which they regularly attend. Furthermore, public prosecutors of DSEFC also participate in meetings and conferences of the United Nations Working Group on Asset Recovery.