

Abstract

This dissertation thesis presents the elaboration of the issue of Czech independent authorities on the basis of empirical data. For the purposes of the dissertation, an extensive dataset was created, which covers 16 central administrative authorities, the Czech National Bank and the Supreme Audit Office monitored in the period 1993-2021. The dataset also contains data on the heads of these institutions, their professional backgrounds, links to political parties and chances of completing their mandate.

A sub-objective of the dissertation is to conduct a quantitative assessment of the formal (*de iure*) independence of the institutions based on the internationally used Gilardi index. The results of the assessment are useful for categorizing independent administrative authorities and for comparing them internationally. The assessment of formal independence primarily represents a first and necessary step for follow-up research, and the results are included as input data for subsequent analysis.

For the purposes of this thesis, a Gilardi index was constructed for 18 Czech institutions (a total of 394 individual independence index values) since 1993. In order to compile the index, it was necessary to analyse the legal regulation of the institutional set-up of the surveyed institutions, including the relevant amendments.

The main objective of the dissertation is to determine whether the legal regulation that is supposed to ensure the independence of the institutions actually fulfils its objectives. The dissertation analyses the relationship between formal (*de iure*) independence and actual (*de facto*) independence of the selected institutions. It examines whether institutions endowed by law with a high degree of independence function independently in practice.

In this work, the *de facto* independence of institutions is assessed through indicators of the political vulnerability of their leaders, which assess whether the leaders remain in their positions after the new government takes office. The second indicator of *de facto* independence is information on whether the heads of the institutions are tied to political parties. The various professional characteristics of the heads were also included in the analysis, as previous research has shown that their professional qualities or educational background can affect their independence and thus the independence of the institution.

The dissertation contains two studies that aim to analyse whether *de iure* independence actually leads to a greater degree of *de facto* independence and what other factors may influence the *de facto* independence of the institutions. The studies are preceded by a review of the existing literature, which provides a summary of relevant work on the relationship between *de iure* and *de facto* independence of independent (regulatory) bodies. Both studies focus on independence from politicians. They deliberately leave aside independence from regulated entities or other factors.

Study 1 works with selected biographical characteristics of executives using the Adapted Index of Political Vulnerability and Turnover Rate. These indicators give a picture of how susceptible office holders who are endowed with a particular biographical characteristic (having ties to a political party, holding a Ph.D., or having a career as a bureaucrat) are to being prematurely removed when a new government takes office. Under three hypotheses, the study compares the political vulnerability and tenure stability of the leaders of these groups.

Study 2 links the assessment of formal independence using the Gilardi index to actual independence. In this study, *de facto* independence of institution is assessed through the political affiliation and political vulnerability of its leaders. Study 2 works with two logarithmic models and tests five research hypotheses that are supported by relevant theoretical arguments.

The research shows that higher levels of *de iure* independence are associated with lower levels of political affiliation of leaders. If some institutions are to be independent of politicians, they should not be led by persons affiliated to a political party. If the legal rules shaping the formal independence work in practice, the probability that an authority endowed with strong independence will be led by a politically affiliated person should be low. This assumption was fully confirmed in the research.

Rules of formal independence also seek to ensure that the heads of independent offices are able to carry out their functions unhindered until the end of their term of office, so that they can exercise their mandate independently. Indeed, the studies have confirmed that the probability of premature removal of heads decreases as the formal independence of the office increases.

The analysis is preceded by a theoretical section that provides a brief historical excursus and conceptualises the key institutes to the subsequent analysis (independent regulatory agency, regulation, independence, administrative authority). Also relevant to the analysis is a summary of the necessary theoretical background to the phenomenon of independent authorities, which is based on a review of economic theories. Close attention is paid to Czech independent authorities and their role in the constitutional context.