

# **CRISIS MANAGEMENT ACT N. 240/2000 Coll.**

Full text of Act N. 240/2000 Coll. on Crisis Management and on amendments of certain acts (Crisis Act) as amended by Act N. 320/2002 Coll., Act N. 127/2005 Coll., Act N. 112/2006 Coll., Act N. 267/2006 Coll., Act N. 110/2007 Coll., Act N. 306/2008 Coll., Act N. 153/2010 Coll. and Act N. 430/2010 Coll.

## **PART ONE**

### **CHAPTER I**

#### **BASIC PROVISIONS**

##### **§ 1**

#### **Subject of Regulation**

(1) This Act specifies domain and jurisdiction of state authorities and of authorities of territorial self-governing units and rights and obligations of legal and natural entities during preparedness for crisis situations, which are not related to provision of defence of the Czech Republic against an external attack<sup>1)</sup> and during their solution and protection of critical infrastructure<sup>34)</sup> and responsibility for the breach of these obligations.

(2) This Act processes relevant regulations of the European Union<sup>34)</sup> and modifies specification and protection of European critical infrastructure.

##### **§ 2**

#### **Term Specification**

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<sup>1)</sup> Act N. 222/1999 Coll. on Defence Provision of the Czech Republic, as subsequently amended.

<sup>34)</sup> Council Direction 2008/114/EC from 8th December 2008 on Specification and Designation of the European Infrastructures and Assessment of Requirement to Improve their Protection.

For the purpose of this Act the following terms shall be understood

- a) crisis management shall denote the summary of management activities of crisis management authorities focused on analysis and evaluation of security risks and planning, organization, implementation and control of activities performed in connection with
  - 1. preparation for crisis situations and their solution or
  - 2. protection of critical infrastructure,
- b) crisis situation shall denote an emergency event according to the Integrated Rescue System Act<sup>2)</sup>, disruption of critical infrastructure or another threat when the state of danger, the emergency state or the state of State menace is declared (hereinafter “crisis state”),
- c) crisis measure shall denote an organisational or technical measure intended to deal with crisis situation and elimination of its consequences, including the measures interfering with personal rights and obligations,
- d) labour obligation shall denote the obligation of the natural entity to perform determined work for the period unavoidably required, which is essential for crisis situation solution at the place specified by the crisis management authority,
- e) labour assistance shall denote the obligation of the natural person to perform single and emergency tasks, which are essential for crisis situation solution at the place specified by the crisis management authority,
- f) material assets shall denote the movable or immovable object or provided service in case it can be used for crisis situation solution,
- g) critical infrastructure shall denote the element of critical infrastructure or the system of elements of critical infrastructure, disruption of which would have a significant impact on the State security<sup>35)</sup>, on ensuring the basic living needs of the population, on health of people and State economy,
- h) European critical infrastructure shall denote the critical infrastructure within the territory of the Czech Republic, disruption of which would have a significant impact on other member state of the European Union,

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<sup>2)</sup> Act N. 239/2000 Coll. on Integrated Rescue System and on amendments of certain acts, as subsequently amended.

<sup>35)</sup> Article 2 of the Constitutional Act N. 110/1998 Coll. on Security of the Czech Republic.

- i) element of critical infrastructure shall denote primarily building, establishment, vehicle or public infrastructure<sup>36)</sup>, determined in accordance with the cross-cutting and sectoral criteria; in case the element of critical infrastructure is a part of European critical infrastructure it is considered to be an element of European critical infrastructure,
- j) critical infrastructure protection shall denote the set of measures aimed at reducing disruption risk of function of the critical infrastructure element,
- k) subject of critical infrastructure shall denote the operator of the critical infrastructure element; in case the operator is the operator of European critical infrastructure, the element is considered to be the subject of European critical infrastructure,
- l) cross-cutting criteria shall denote the set of criteria for assessing seriousness of impact of disruption of critical infrastructure element functioning with limiting value of loss of lives, health impact, extremely severe economic impact or impact on public as a result of extensive restriction of provision of essential services or other serious intervention into everyday life,
- m) sectoral criteria shall denote the technical or operational criteria determining the critical infrastructure element in the sector of energy, water management, food industry and agriculture, health service, transport, communication and information systems, financial market and currency, emergency services and public administration.

### § 3

#### **State of Danger**

(1) The state of danger as an urgent measure can be declared in case lives, health, property, environment are in danger, in case intensity of threat is not of considerable extent<sup>4)</sup> and when it is not possible to avert threat by normal activity of administrative authorities, regional and municipal authorities, by components of the integrated rescue system and by critical infrastructure entities.

(2) The state of danger can be declared only stating the reasons, for the period unavoidably required for the whole region or the part of it. The decision to declare the state of danger must include crisis measures and their scope. The change of crisis measures has to be

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<sup>36)</sup> Act N. 183/2006 Coll. on Land Planning and Building Regulations (Building Act), as subsequently amended.

<sup>4)</sup> Article 5 of the Constitutional Act N. 110/1998 Coll. on the Security of the Czech Republic.

also declared. In the decision part containing the reason of the state emergency declaration must be mentioned whether the state of danger is declared because of the emergency event according to the Crisis Management Act<sup>2)</sup>.

(3) The state of danger for the Region or the part of it shall be declared by Regional Commissioner, in Prague by Mayor of the Capital city of Prague (hereinafter “Regional Commissioner”). Regional Commissioner who announces the state of danger must immediately notify the Government, the Ministry of Interior, neighbouring regions and other regions which may be affected by the situation.

(4) The state of danger can be declared for a period not exceeding 30 days. This period can be prolonged by the Regional Commissioner but only with the consent of the Government.

(5) In case it is not possible to avoid existing threat in the frame of the state of danger, Regional Commissioner will immediately ask the Government to declare the emergency state. Validity of crisis measures declared by the Regional Commissioner finishes with the day, when the emergency state is declared, unless the Government decides otherwise. Crisis measures, validity of which will remain in force, are considered to be the measures of the Government.

(6) Decision on the state of danger is promulgated in the Official Journal of Legal Regulations<sup>5)</sup>. The decision becomes effective on the date, which is determined in it. It is published on the Regional public official notice board and on the boards of the Municipal Councils, where the state of danger is declared. The Regional Council will also publish its decision in other ways usual in the place, especially through mass media and local radio.

(7) The state of danger cannot be declared by the reason of strike led to protect the rights and legitimate economic and social interests.

(8) The state of danger terminates when the period, for which it was declared ends, unless the Regional Commissioner or the Government decide to cancel it before the time

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<sup>5)</sup> § 8 and 9 Act N. 129/2000 Coll. on Regions (Regional Establishment).

elapses. The Government will also cancel the state of danger, providing conditions for its declaration are not fulfilled.

(9) The Government decision to cancel the state of danger shall be published on the public official notice board of the Regional Council and on the boards of Municipal Councils, where the state of danger was declared; it is announced in mass media and declared in the Collection of Laws. The decision comes into force at the moment determined by the decision.

## CHAPTER II

### CRISIS MANAGEMENT AUTHORITIES

#### *Part 1*

#### *Government*

#### § 4

- (1) The Government while ensuring preparedness of the Czech Republic for crisis situations, their solution and protection of critical infrastructure
- a) imposes the tasks upon crisis management authorities, manages and controls their performance,
  - b) determines the Ministry or other central administrative authority to coordinate preparation for solution of concrete crisis situations in case belonging to coordinating function is not specified by special legal regulation<sup>7)</sup>,
  - c) establishes the Central Crisis Staff as its own working body for crisis situations solution,
  - d) determines cross-cutting and sectoral criteria to specify the element of critical infrastructure,
  - e) decides on the basis of the list submitted by the Ministry of Interior on the elements of critical infrastructure and the elements of European critical infrastructure which are operated by the organizational unit of the state.

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<sup>7)</sup> For ex. Act N. 2/1969 Coll. on Establishment of Ministries and other Central Bodies of the State Administration of the Czech Republic, as a subsequently amended.

(2) During preparedness for crisis situation and its solution the Government shall discuss with the Czech National Bank the measures within the scope of this bank.

## § 5

During the emergency state or the state of State menace could be limited, for the period and to the extend unavoidably required, the following<sup>8)</sup>

- a) the right to inviolability of a person and habitation during evacuation from the place, where his/her life and health are endangered,
- b) the right to property and the enjoyment right of legal and natural entities related to their property (§ 29 and 31) in case of forced restriction of their property and enjoyment rights for the reason of protection of life, health, property or environment, endangered by the crisis situation, whereas the adequate compensation is provided,
- c) freedom of movement and residence within the restricted area endangered or affected by the crisis situation,
- d) the right to free assembly within the restricted area endangered or affected by the crisis situation,
- e) the right to operate the business that would endanger executed crisis measures or disrupt or preclude their realization,
- f) the right to strike in case it would lead to disruption or restraint of rescue and disposal operations.

## § 6

(1) During the emergency state the Government is authorized to order, for the period and for the extend unavoidably required, the following

- a) evacuation of people and property from the determined territory,
- b) prohibition of entry, stay and movement of people at the determined places and territory,
- c) labour obligation, labour assistance or obligation to provide material assets<sup>37)</sup>,

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<sup>8)</sup> Clause 6 of the Constitutional Act N. 110/1998 Coll.

<sup>37)</sup> Act N. 241/2000 Coll. on Economic Measures during Crisis Situations and on amendments of certain related acts, as subsequently amended.

d) immediate construction of buildings, building operations, terrain arrangements or removal of buildings or vegetation to mitigate or avoid threat arising from the crisis situation.

(2) During the emergency state the Government is authorized to do the following

- a) to enact mandatory reporting of temporary change of stay of persons, i.e. leaving the place of reported permanent residence, from which the person was orderly evacuated or which he/she left because of threat to his/her life or health, providing the change of residence will be longer than 3 days,
- b) to take measures to protect the state borders, the stay of foreigners or persons without any citizenship, in the area of weapons, explosives, hazardous chemical substances and materials, nuclear facilities and sources of ionising radiation,
- c) to enact transfer of people in custody or in service of a term of imprisonment to other prison or to eliminate free movement of those persons outside the prison,
- d) to order employment of soldiers in active service and fire protection units to perform crisis measures,
- e) to order provision of children and juvenile care, providing parents or other legal guardian are not able to ensure it,
- f) to order priority supplies of
  - 1. children, health or social services,
  - 2. armed forces, security forces and units of the integrated rescue system, in case they participate in fulfilment of crisis measures,
  - 3. element of critical infrastructure to the inevitable extent,
- g) to ensure a substitute method of deciding on social security benefits (care), by which shall be understood health insurance benefits, retirement insurance benefits, state social support benefits, benefits in social material need and social welfare benefits<sup>9)</sup>, and on their payment.

(3) Obligations specified in clause 1 letter c) can be imposed only in case these activities and items cannot be ensured by contract, the subject of fulfilment requests

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<sup>9)</sup> For ex. Act N. 54/1956 Coll. on Health Insurance of the Employees, as subsequently amended, Act N. 100/1988 Coll. on Social Security, as subsequently amended, Act N. 114/1988 on Jurisdiction of Authorities of the Czech Republic in Social Security, as subsequently amended. Act N. 155/1995 Coll. on Retirement Insurance, as subsequently amended. Act N. 117/1995 Coll. on State Social Support, as subsequently amended, Act N.482/1991 Coll. on Social Need, as subsequently amended.

apparently financially and time disadvantageous conditions or refuses fulfilment and there exists the danger of delay.

## § 7

During the state of State menace and according to § 6 clause 1 and 2 the Government is authorized to order the following

- a) restriction on entry on the territory of the Czech Republic of the persons, who are not the citizens of the Czech Republic,
- b) restriction on possessing and carrying firearms and ammunition,
- c) increased control activity in the field of security of stored firearms, ammunition, explosives, nuclear materials and sources of ionising radiation, dangerous chemical substances, biological agents and genetically modified organisms<sup>38)</sup>.

## § 8

Decisions on crisis measures specified in § 6 clause 1 and 2 shall be published in mass information media and shall be declared in the same way as the Act. They come into force at the moment determined by the decision.

## *Part 2*

### *Ministries and other central administrative authorities*

## § 9

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<sup>38)</sup> For ex. Act N. 281/2002 Coll. on Some Measures Related to Restriction on Bacteriological (Biological) and Toxin Weapons and on amendments to the Trade Act, as subsequently amended, Act N. 78/2004 Coll. on Treatment of Genetically Modified Organisms and Genetic Products, as subsequently amended, Act N. 61/1988 Coll. on Mining Activity, Explosives and State Mining Administration, as subsequently amended, Act N. 18/1997 on Peaceful Use of Nuclear Energy and Ionising Radiation (Nuclear Act) and on amendments of certain acts, as subsequently amended, Act N. 119/2002 on Firearms and Ammunition and on amending Act N. 156/2000 on Verification of Firearms, Ammunition and Pyrotechnics and on amending Act N. 288/1995 Coll. on Firearms and Ammunition (Firearms Act), as subsequently amended by the Act N. 13/1998 Coll. and Act N. 368/1992 Coll. on Administrative Fees, as subsequently amended and Act N. 455/1991 on Trade Regulation (Trade Act), as subsequently amended, (Firearms Act), as subsequently amended, Act N.266/1994 Coll. on Railways, as subsequently amended, Act N. 111/1994 Coll. on Road Traffic, as subsequently amended, Act N. 114/1995 Coll. on Inland Navigation, as subsequently amended, Regulation of the European Parliament and Council (EC) N. 1907/2006 and Regulation of the European Parliament and Council (EC) N. 689/2008.



(1) Ministries and other central administrative authorities ensure preparedness for crisis situations solution within their jurisdiction.

(2) Ministries and other central administrative authorities, to ensure preparedness for crisis situations solution within their jurisdiction, do the following

- a) establish the workplaces of crisis management,
- b) process the plan including the summary of crisis measures and procedures (hereinafter “crisis plan”); the crisis plan is approved by the Minister or the head of another central administrative authority,
- c) establish the Crisis Staff as the working body for crisis situation preparedness and their solution, the structure and the tasks of which, as well as organizational and administrative conditions for its operating shall be determined by the Minister or the head of other central operational administrative authority,
- d) ensure on request of other Ministry or other central administrative authority special works within their jurisdiction,
- e) provide other Ministries, Regional authorities and Municipal Councils with extended powers with documentation on their request,
- f) require necessary documents from Regional authorities and Municipal authorities with extended powers, with exception of the data according to § 15 clause 3, which they require through the Ministry of Interior,
- g) determine subordinate territorial administrative authorities the obligation to provide on request the documents for processing of Regional contingency plans.

(3) Ministries and other central administrative authorities for protection of critical infrastructure within their jurisdiction

- a) propose sectoral criteria and submit them to the Ministry of Interior,
- b) require from the legal or natural undertaking entity, as the operator of building, establishment, vehicle or public infrastructure, which may be reasonably considered that they fulfil criteria of the critical infrastructure element or the element of European critical infrastructure, information necessary to determine these elements, including data where secrecy is required, unless required information cannot be obtained differently,
- c) determine by general measure the element of critical infrastructure and the element of European critical infrastructure, unless they are not the elements specified by § 4 clause 1 letter e) and inform the Ministry of Interior about this specification without undue

delay, including figures about the number of member states that are dependent on such determined elements of European critical infrastructure,

- d) send proposals of the elements of critical infrastructure and the elements of European critical infrastructure to the Ministry of Interior for inclusion into the list according to § 10 clause 1 letter f); proposals of the elements of European critical infrastructure also contain information about the number of member states that are dependent on the individual elements of European critical infrastructure,
- e) control plans of crisis preparedness of entities of critical infrastructure and protection of the elements of critical infrastructure and impose measures to remedy deficiencies identified during control,
- f) annually provide the Ministry of Interior with information on protection of European critical infrastructure including the data on vulnerability types, threats and identified risks,
- g) biennially provide the Ministry of Interior with information on exercised controls of the entities of European critical infrastructure including information on serious findings and ordered measures.

#### (4) Ministries and other central administrative authorities

- a) keep the overview of potential risk sources, undertake threat analyses and in the frame of prevention and according to special legal regulations<sup>10)</sup> eliminate imperfections that could lead to crisis situation,
- b) decide about activities leading to solution of crisis situations and to mitigation of their consequences, unless special legal regulation<sup>11)</sup> determines otherwise,
- c) organize immediate repairs of vital public facilities for survival of the population and for assurance of public administration functional performance,
- d) create conditions for emergency communication in relation to other administrative authorities, Municipalities, legal and natural entities,
- e) provide, free of charge and without undue delay, the data from the public administration information systems, which they operate in the extent necessary to ensure preparedness for crisis situations and their solution, unless special legal regulation hinders its granting.

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<sup>10)</sup> For ex. Act N. 133/1985 Coll. on Fire Protection, as subsequently amended, Act N. 18/1997 Coll. on Peaceful Use of Nuclear Energy and Ionising Radiation (Nuclear Act) and on amendments of certain acts, as subsequently amended.

<sup>11)</sup> For ex. Act N. 18/1997 Coll., as subsequently amended.

(5) For crisis situations preparedness and solution the statutory legal regulation stipulates

- a) conditions and methods of care for children in pre-school institutions, pupils fulfilling compulsory school attendance, for persons placed in educational detention centres to perform institutional and protective education and for persons in educational detention centres to perform preventive educative care, unless it cannot be provided during the crisis situation by parents or other legal guardian,
- b) mining-technical conditions for establishing, use and protection of mining facilities, implementation of preventative, technical and security measures and control performance.

## § 10

### **Ministry of Interior**

(1) The Ministry of Interior in order to coordinate performance of state administration in the frame of crisis management<sup>12)</sup>

- a) unifies procedures in the area of crisis management,
- b) organizes briefings and training sessions and participates in training for acquiring special professional competence<sup>13)</sup> of the crisis management staff,
- c) exercises controls to ensure preparedness of other Ministries and other central administrative authorities for solution of crisis situations and in collaboration with the appropriate Ministry checks Regional contingency plans,
- d) during the emergency state or the state of State menace leads the central register of temporary changes of residence,
- e) offers cross-cutting criteria,
- f) processes the list, which is the basis for specification of the elements of critical infrastructure and the elements of European critical infrastructure according to § 4 clause 1 letter e),
- g) fulfils the tasks in the area of critical infrastructure resulting from the membership of the Czech Republic in the European Union, provides international exchange of information in this area, serves as the contact point of the Czech Republic in the frame of European

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<sup>12)</sup> § 12, clause 1 letter m) Act N. 2/1969, as amended by Act N. 239/2000 Coll.

<sup>13)</sup> For ex. Act N. 129/2000 Coll., as subsequently amended.

critical infrastructure and submits the European Commission reports on tasks of implementation arising from the EU legislation in this area,

- h) annually informs the European Commission about the number of elements of European critical infrastructure per sector and about the number of member states of the European Union, that are dependent on individual elements of European critical infrastructure,
- i) biannually submits to the European Commission the summary report of general data about types of vulnerabilities, threats and risks discovered in various sectors of European critical infrastructure,
- j) develops in collaboration with other central administrative authority the exercise plan of crisis management authorities,
- k) submits to the Ministries and other central administrative authorities on their request the data according to § 15 clause 3,
- l) coordinates other tasks to the extent necessary to ensure preparedness for crisis situations.

(2) The Ministry of Interior is responsible for preparedness and solution of crisis situations related to internal security and public order, determines and controls procedures of the Police of the Czech Republic<sup>13a)</sup>.

(3) The Ministry of Interior deals with the conflicts in the area of crisis management.

## § 11

### **Ministry of Health**

During the crisis state the Ministry of Health is authorized

- a) to ensure purchase and distribution of necessary medical items, even non-registered in compliance with special legal regulation<sup>15)</sup>; in this case there is no obligation of notification and publication of exception in compliance with this special legal regulation,

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<sup>13a)</sup> Act N. 283/1991 Coll. on Police of the Czech Republic, as subsequently amended.

<sup>15)</sup> Act N. 378/2007 Coll. on Pharmaceuticals and on amendments of certain related acts (Act on Pharmaceuticals), as subsequently amended.

- b) to coordinate, on request of the Region, performance of emergency medical services and medical facilities, which have emergency departments and or have the status of specialized centre when providing emergency medical care,
- c) to decide on the extent of provided medical care in inpatient medical facilities in case of implementation of regulatory measures under the Act on Economic Measures during the crisis state<sup>39)</sup>.

## § 12

### **Ministry of Transport**

(1) During the crisis state the Ministry of Transport is authorized to impose on the operator of railway, railway transport, road transport, airplanes, airports, inland water transport and public ports, as well as on the owner and the operator of other objects, facilities and transport routes the obligation to ensure transport needs.

(2) In case of danger of delay this obligation may be imposed by the resolution of the administrative authority according to special legal regulation. This decision establishes the mandatory operator, subject and scope of public obligation, method of its fulfilment, validity and advice of the consequences of its non-fulfilment.

## § 12a

### **Ministry of Industry and Trade**

- (1) During the crisis state the Ministry of Industry and Trade is authorized
- a) to take measures to preserve integrity of electrical power systems with the view of urgent recovery of all important functions of critical infrastructure in the power industry,
  - b) to impose on the operator of transportation system, transmission network and distribution networks of gas, oil, electricity and distribution of heat energy, on the producer of energy and heat, the producer of primary energy sources, as well as the

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<sup>39)</sup> § 22 clause 1, Act N. 241/2000 Coll., as amended by Act N. 320/2002 Coll.

owner and the operator of other objects and facilities serving to satisfy energy needs of the state the obligation to ensure these energy needs; in case they are the subject of critical infrastructure, impose upon them the task to protect and recover critical infrastructure in the power industry without undue delay.

(2) The Ministry of Industry and Trade fulfils the tasks in the area of critical infrastructure and European critical infrastructure in the power industry, provides the Government and the Ministry of Interior with assistance in the area of national inter-ministerial and international exchange of information, to fulfil the function of the point of contact of the Czech Republic in the frame of European critical infrastructure and to report the European Commission on implementation of the tasks resulting from legal regulations of the European Union.

### *Part 3*

#### *Czech National Bank*

#### §13

(1) During preparation for crisis situations and their solution the Czech National Bank

- a) establishes the Crisis Staff,
- b) registers the overview of potential sources of risks, makes threat analysis and within prevention and according to special legal regulations<sup>40)</sup> removes deficiencies, which could lead to crisis situation,
- c) creates conditions for crisis communication in relation to other administrative authorities, Regions, Municipalities, legal and natural entities,
- d) discusses with the Government the crisis measures affecting the domain of the Czech National Bank.

(2) The Czech National Bank prepares the contingency plan, which includes summary crisis measures and procedures to deal with crisis situations in the area of its scope<sup>40)</sup>

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<sup>40)</sup> Act N. 6/1993 Coll. on Czech National Bank, as subsequently amended.

and cooperates with Ministries and other central administrative authorities in processing of their contingency plans.

(3) The Contingency plan is approved by the Governor of the Czech National Bank.

(4) The Czech National Bank with the view to protect critical infrastructure belonging to its scope

- a) proposes sectoral criteria and submits them to the Ministry of Interior,
- b) requires from legal or undertaking natural entity information necessary to specify the element of critical infrastructure, including data which are classified, if needed information cannot be obtained differently,
- c) determines by general measure the elements of critical infrastructure and the elements of European critical infrastructure and informs about this determination the Ministry of Interior without undue delay, including the data about the number of member states that are dependent on the determined elements of European critical infrastructure or delivers proposals of the elements of critical infrastructure and the elements of European critical infrastructure to the Ministry of Interior for inclusion into the list according to § 10 clause 1 letter f); proposals of the elements of European critical infrastructure also contain information about the number of member states, which are dependent on the individual elements of European critical infrastructure,
- d) controls contingency plans of preparedness of the entities of critical infrastructure and protection of the elements of critical infrastructure and imposes measures for remedy of deficiencies identified during the control.

#### *Part 4*

#### *Regional Authorities and Other Bodies with Regional Jurisdiction*

#### § 14

(1) Regional Commissioner ensures preparedness of the Region for crisis situation solution; other regional authorities participate in it.

(2) Regional Commissioner manages and controls preparatory measures, activities leading to solution of crisis situations and to mitigation of consequences implemented by territorial administrative authorities within regional jurisdiction, by authorities with extended powers, municipal authorities or legal and natural entities. For this purpose

- a) establishes and manages the Security Council of the Region,
- b) establishes and manages the Crisis Staff of the Region,
- c) approves the Regional contingency plan after being discussed in the Regional Security Council,
- d) requires from the Regional Fire Rescue Service the data according to § 15 clause

(3) During the crisis state the Regional Commissioner

- a) coordinates rescue and remedy works (§ 28 clause 3), provision of medical services, implementation of measures to protect public health and provision of urgent funeral services,
- b) coordinates emergency temporary residence, emergency supplies with drinking water, food and other means for survival of the population,
- c) coordinates protection of property in the area of carried evacuation.

(4) During the state of danger the Regional Commissioner is authorized to order

- a) labour obligation, labour assistance and provision of material assets<sup>37)</sup> for crisis situation solution,
- b) immediate construction of buildings, construction works, terrain arrangements or removal of buildings or vegetation to mitigate or avoid threat arising from the crisis situation,
- c) provision of children and juvenile care, in case parents or other legal guardian are not able to ensure it,
- d) priority provision of supplies to children, health or social facilities, armed forces, security forces and units of the integrated rescue system, providing they participate in fulfilment of crisis measures and to an inevitable extent also of the elements of critical infrastructure,
- e) provision of the substitute method of deciding on social security benefits and its payment,
- f) reporting of temporary change of residence,
- g) evacuation of population,



h) prohibition on entry, stay and movement of people at determined places and territory.

(5) In case the activities and items specified in clause 3 cannot be ensured contractually, because the entity settles financially and time disadvantageous conditions, while there exist the risk of delay, Regional Commissioner shall impose fulfilment of activities and items.

(6) During the emergency state and the state of State menace the Regional Commissioner ensures implementation of stated crisis measures according to regional conditions. Administrative authorities located in the Region and legal and natural undertaking persons are obliged to meet the stated crisis measures. Further he is authorized to order crisis measures fulfilment according to clause 4, providing they had not been ordered by the Government.

#### § 14a

(1) Regional Council in order to ensure preparedness of the Region for crisis situation solution

- a) provides interoperability with the Fire Rescue Service of the Region at the time of processing the Regional contingency plan,
- b) fulfils the tasks according to the Regional contingency plan.

(2) Regional Council in order to fulfil the tasks according to clause 1 establishes the workplaces of crisis management.

#### § 15

(1) During preparedness for crisis situations and their solution the Regional Fire Rescue Service<sup>16)</sup>

- a) organises interoperability between administrative authorities and Municipalities in the Region,
- b) keeps the overview of potential sources of risks and carries out risk analysis,

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<sup>16)</sup> Act N. 238/2000 Coll. on Fire Rescue Service of the Czech Republic and on amendments of certain acts.

- c) processes the contingency plan of the Region,
- d) prepares the contingency plan of Municipalities with extended powers; during its processing requires to an inevitable extent, interoperability of organisational governmental units, authorities of territorial self-government units, legal entities and natural undertaking entities,
- e) fulfils the tasks stated by the Ministry of Interior and by the Regional Commissioner in the scope of the Regional contingency plan and by the Mayor of the Municipality with extended powers in the scope of the contingency plan of the Municipality with extended powers,
- f) submits to the Ministry of Interior, to the Regional Commissioner and to the Mayor of the Municipality with extended powers, on their request the data according to § 15 clause 3.

(2) The competent administrative authority with the aim of preparedness for crisis situations and their solution provides, on request of the Fire Rescue Service of the Region and in the extent inevitable for the task fulfilment enabling remote access, the data from the basic register of citizens<sup>41)</sup>, basic register of legal entities, natural undertaking entities and authorities of public power<sup>41)</sup>, basic register of territorial identification, addresses and real properties<sup>41)</sup>, agenda information system of register of citizens<sup>42)</sup>, information system of foreigners<sup>43)</sup>, register of vehicles<sup>44)</sup>, central register of vehicles<sup>44)</sup> and register of drivers<sup>45)</sup>.

(3) For the purpose of preparedness for crisis situation the Fire Rescue Service of the Region is authorised to require, collect and register data about

- a) capacity of health, accommodation and catering facilities,
- b) subject and scope of activities of legal and natural undertaking entities in the area of manufacturing and services, production programmes and production capacity, range of

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<sup>41)</sup> Act N. 111/2009 on Basic Registers.

<sup>42)</sup> Act N. 133/2000 Coll. on Register of citizens, Birth Identification Numbers and on amendments of certain acts (Act on Register of Citizens), as subsequently amended.

<sup>43)</sup> Act N. 326/1999 Coll. on Residence of Citizens in the Czech Republic and on amendments of certain acts, as subsequently amended.

<sup>44)</sup> Act N.56/2001 Coll. on Traffic Conditions on the Roads and on amended Act N. 168/1999 Coll. on Motor Third-Party Insurance and on amendments of certain acts (Act on Motor Third Party Insurance), as subsequently amended by Act N. 307/1999 Coll., as subsequently amended.

<sup>45)</sup> Act N. 361/2000 Coll. on Traffic on the Roads and on amendments of certain acts (Act on Traffic on the Roads), as subsequently amended.

raw material stocks, half-finished and finished products, number of employees and their qualification,

- c) number of employees in manufacturing process and number of persons living in the areas of presupposed evacuation,
- d) quantity, composition and location of produced, used or stored hazardous substances,
- e) quantity of water retained in water reservoirs,
- f) number and types of transport, mechanization and production assets owned by legal entities or natural entities and types of produced and retained natural energy,
- g) settlement of inner areas of production facilities, or eventually other facilities important for crisis situation solution, water supply networks, sewerage systems, products pipe lines and energy networks,
- h) building facilities designed to protect citizens in crisis situations, to ensure rescue works, to store civil protection material, to protect and hide operators of critical services,
- i) land areas of grown agricultural products, species and number of farm animals bred by legal and natural entities, in case these data are inevitable for processing the contingency plans for preparedness and solution of crisis situations.

#### (4) Regional Fire Rescue Service

- a) informs Municipalities, legal and natural entities on their request about character of potential threat, about crisis measures and implementation of methods,
- b) creates conditions for work of the Regional Crisis Staff and the Crisis Staff of the Municipality with extended powers,
- c) keeps the register of temporary changes of residence (§ 39d) and submits the data there stored to the Ministry of Interior,
- d) keeps the register of temporary changes of residence of persons during the state of danger (§ 39e).

#### § 15a

Regional Fire Rescue Service in the course of processing the contingency plan of Municipality with extended powers requires cooperation of Regional and Municipal authorities, organisational governmental units, legal and natural undertaking entities, if necessary.

## § 16

(1) Police of the Czech Republic<sup>13a)</sup> ensure preparedness for crisis situation solution related to inner security and public order within the territory of the Region.

(2) Police of the Czech Republic for the purpose stated in clause 1 are authorized to require from the Regional Fire Rescue Service the data, which are collected according to § 15 clause 3.

## § 17

repealed

## *Part 5*

### *Authorities of Municipality with Extended Powers*

## § 18

### **Mayor of Municipality with Extended Powers**

(1) Mayor of the Municipality with extended powers ensures preparedness of Municipal administrative district for crisis situations solution; other authorities of the Municipality with extended powers participate in this preparedness.

(2) Mayor of the Municipality with extended powers manages and controls preparatory measures, activities aimed at crisis situation solution and mitigation of its consequences executed by territorial administrative authorities within the administrative district of the Municipality with extended powers, municipal authorities, legal and natural entities within the administrative district of the Municipality with extended powers. For this purpose

a) establishes and manages the Security Council of the Municipality with extended powers within the area of the administrative district of the Municipality with extended powers,

- b) organizes preparation of the administrative district of the Municipality with extended powers and participates in their solution,
- c) approves the contingency plan of the Municipality with extended powers after discussion in the Security Council of the Municipality with extended powers,
- d) requires the data from the Regional Fire Rescue Service according to §15 clause 3.

(3) Mayor of the Municipality with extended powers further

- a) establishes and manages the Crisis Staff of the Municipality with extended powers within the territory of the administrative district of the Municipality with extended powers, which is at the same time the Crisis Staff of the territory of the administrative Municipal district,
- b) ensures, during the crisis situation, implementation of stated crisis measures under conditions of the administrative district of the Municipality with extended powers; the administrative authorities located on the territory of the administrative district of the Municipality with extended powers and legal and natural undertaking entities are obliged to fulfil stated crisis measures,
- c) fulfils the tasks stated by the Regional Commissioner and crisis management authorities during preparedness for crisis situations and their solution,
- d) is responsible for use of information and communication means and tools of crisis management designated by the Ministry of Interior.

(4) Tasks of the Mayor of the Municipality with extended powers are fulfilled on the territory of the Capital city of Prague by the Mayor of the city district stated by the Statute of the Capital city of Prague<sup>46)</sup>.

## § 19

### **Authorities of Municipality with Extended Powers**

(1) Authorities of the Municipality with extended powers in order to ensure preparedness of the administrative district of the Municipality with extended powers to deal with crisis situation solution

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<sup>46)</sup> Act N. 131/2000 Coll. on Capital City of Prague, as subsequently amended.

- a) provide interoperability with the Fire Rescue Service of the Region at the time of processing the regional contingency plan and the contingency plan of the Municipality with extended powers,
- b) fulfil the tasks according to the contingency plan of the Municipality with extended powers,
- c) keep the register of temporary changes of residence (§ 39d) and submits stored data to the Fire Rescue Service of the Region,
- d) keep the data register of temporary changes of residence of persons during the state of danger (§ 39e) and transfers the registered data to the Fire Rescue Service of the Region,
- e) keep the overview of potential sources of risks and in the scope of prevention according to special legal regulations<sup>10)</sup> removes deficiencies which could lead to creation of the crisis situation.

(2) The Council of the Municipality with extended powers in order to fulfil the tasks according to clause 1 establishes the workplace of crisis management.

(3) The tasks of the Council of the Municipality with extended powers are fulfilled on the territory of the Capital city of Prague by the Mayor of the city district stated by the Statute of the Capital city of Prague<sup>46)</sup>.

## § 20

repealed

## *Part 6*

### *Municipal Authorities*

## § 21

(1) Municipality Mayor ensures preparedness of the Municipality for crisis situations solution; other municipal authorities participate in this preparedness.

(2) Municipality Mayor also

- a) may establish the Municipal Crisis Staff in order to prepare for crisis situations and their solution,
- b) ensures during the crisis situation implementation of crisis measures under conditions of the administrative district of the Municipality; administrative authorities located in the Municipality, legal and natural undertaking entities are obliged to fulfil the stated crisis measures,
- c) fulfils the tasks stated by the Mayor of the Municipality with extended powers and crisis management authorities during preparedness for crisis situations and their solution and measures stated in the contingency plan of the Municipality with extended powers,
- d) is responsible for use of information and communication means and tools of crisis management stated by the Ministry of Interior.

(3) During the crisis state the Municipality Mayor

- a) provides warning and informs the persons, staying on the Municipal territory, of imminent danger and notifies the authorities of crisis management, in case it had not been done by the Regional Fire Rescue Service,
- b) orders and organizes evacuation of persons from the endangered Municipal area,
- c) organizes activities of the Municipality under conditions of emergency survival of the population,
- d) ensures organization of other measures inevitable for crisis situation solution.

(4) In case the Municipality Mayor during the crisis state does not fulfil the tasks specified by this act, the Regional Commissioner may transfer enforcement of them to an authorized person on an in advance predetermined period of time, who is appointed for this reason. The Municipality Mayor immediately informs about this fact the Municipality and the Minister of Interior, who may revoke the decision of the Municipality Mayor.

§ 21a

(1) Municipal Council in order to ensure preparedness of the Municipality for crisis situation solution further

- a) organizes preparedness of the Municipality for crisis situations,

- b) provides the Council of the Municipality with extended powers with documentation and information required for processing of the contingency plan of the Municipality with extended powers,
- c) keeps the register of temporary changes of residence of persons (§ 39d), for which it collects data and transfers them to the Council of the Municipality with extended powers, in the administrative district of which it is located,
- d) keeps the register of temporary changes of residence of persons during the state of danger (§39e), for which it collects data and transfers them to the Council of the Municipality with extended powers, in the administrative district where it is located,
- e) participates in ensuring public order,
- f) fulfils the tasks stated by the contingency plan of the Municipality with extended powers during preparedness for crisis situations and their solution.

(2) Municipal Council informs, in the usual way for a given location, legal and natural entities about the nature of potential threat, about prepared crisis measures and methods of realization.

## § 22

(1) When declaring the emergency state or the state of danger the Municipality Mayor ensures realization of crisis measures under conditions of the Municipality. Providing it is necessary for this purpose to issue Municipal regulation<sup>17)</sup>, it comes into force at the moment of its posting on the official notice board of the Municipal Council. The Municipal regulation shall be published in the usual way for a given location, namely through the means of mass media and local broadcasting. The same procedure shall be used when announcing the content changes of the already issued regulation.

(2) Expenses incurred during realization of crisis measures stated by the Municipality are provided from the Municipal budget.

## CHAPTER III

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<sup>17)</sup> § 11 Act N. 128/2000 Coll. on Municipalities (Local Government).



## OTHER BODIES WITH TERRITORIAL JURISDICTION

### *Part 1*

#### *Security Councils and Crisis Staffs*

#### § 24

#### **Security Councils**

(1) Regional Security Council and Security Council of the Municipality with extended powers are advisory bodies of the promoter for crisis situation preparedness.

(2) The Chairman of the Regional Security Council is the District Commissioner, who appoints members of the Regional Security Council.

(3) The Chairman of the Security Council of the Municipality with extended powers is the Mayor of the Municipality with extended powers, who appoints members of the Security Council of the Municipality with extended powers.

(4) At the meeting of the Regional Security Council and the Security Council of the Municipality with extended powers, the security status and the state of preparedness for crisis situations in the Region or in the administrative district of the Municipality with extended powers is discussed and assessed. Other persons may be invited at the meeting of the Regional Security Council and the Security Council of the Municipality with extended powers, providing their participation is necessary for assessment of security status and state of preparedness for crisis situations.

#### § 24a

#### **Central Crisis Staff**

Central Crisis Staff is a working body of the Government for crisis situations solution. Its composition and activities are determined by the Statute of the Central Crisis Staff approved by the Government.

#### § 24b

### **Regional Crisis Staff and Crisis Staff of Municipality with Extended Powers**

(1) Regional Crisis Staff and Crisis Staff of the Municipality with extended powers are working bodies of the promoter for crisis situations solution.

(2) The Chairman of the Regional Crisis Staff is the Regional Commissioner who appoints members of the Regional Crisis Staff.

(3) The Chairman of the Crisis Staff of the Municipality with extended powers is the Mayor of the Municipality with extended powers, who appoints members of the Crisis Staff of the Municipality with extended powers.

#### *Part 2*

### *Territorial Administrative Authorities*

#### § 24c

Territorial administrative authorities<sup>47)</sup> stated in the Regional contingency plan or in the contingency plan of the Municipality with extended powers ensure crisis preparedness in the scope of their powers and for this purpose they process the plan of crisis preparedness.

## CHAPTER IV

### GENERAL PROVISIONS

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<sup>47)</sup> For ex. Act N. 531/1990 Coll. on Territorial Financial Bodies, as subsequently amended.

### **Financial Support of Crisis Measures**

Financial support of crisis measures for the relevant fiscal year is realized according to special legal regulation<sup>18)</sup>. For this purpose

- a) Ministries and other central administrative authorities in their budget chapters, and Regions and Municipalities in their budgets for the relevant year earmark financial resources inevitable to ensure preparedness for crisis situations; Regions and Municipalities in their budgets for the relevant year also earmark the purpose reserve of financial resources for crisis situations solution and elimination of consequences,
- b) financial resources inevitable to ensure preparedness for crisis situations earmarked by Ministries and other territorial administrative authorities in the budget chapters are considered to be the binding indicator of the State budget for the relevant year,
- c) the Ministry of Finance after discussion with the Ministry of Interior proposes in the budget chapter General Treasury Administration the purpose reserve of financial resources for crisis situations solution and elimination of its consequences. Using financial resources from this reserve to prevent crisis situations is only possible in relation to emergency events according to the Act on Integrated Rescue System. The process of using the reserve is determined by the Government in its resolution to the State budget for the relevant year.

### **Security of Information Systems of Crisis Management**

(1) Crisis management authorities during crisis measures planning and crisis situations solution use the information systems of crisis management.

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<sup>18)</sup> Act N. 218/2000 Coll. on Budget Regulations and on amendments of some related acts (Budget Regulations), as subsequently amended.

Act N. 250/2000 Coll. on Budget Regulations of Territorial Budgets, as subsequently amended.

(2) Introduced and used information systems of crisis management must comply with the following rules

- a) information transfer to superior, subordinate and cooperating authorities of crisis management,
- b) technical and programme adaptation for performance under difficult conditions,
- c) security of stored information determined for the highest level of classification included in the prepared documentation.

(3) When planning crisis measures crisis management authorities are responsible for respecting the principle of equality of written and electronic data contained in the contingency plan.

#### § 26a

### **Provision with Binding Geographical Data**

(1) Crisis management authorities during preparedness for crisis situations and their solution use unified geographical data in analogue and digital form.

(2) Unified geographical data for the co-operation requirements shall satisfy the principles of interoperability and standardization of all interested crisis management authorities in national as well as international scope.

(3) Unified geographical data for task fulfilment during planning of crisis measures and during crisis situations solution are state map works and other geographical products created for defence of the State in accordance with special legal regulation<sup>48)</sup>.

#### § 27

### **Exceptional Matters**

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<sup>48)</sup> Act N. 200/1994 Coll. on Land Survey and on amendments and supplements of certain acts related to its introduction, as subsequently amended.

Government Regulation N. 430/2006 Coll. on Establishment of Geodetic Reference Systems and State Map Works Mandatory on the Territory of the State and Principles of their Use.

(1) Exceptional matters are the data from the sphere of crisis management, which in case of misuse could lead to restraint and limitation of performance of crisis management authority, to threat to life and health, property, environment or business interest of the legal or natural entity engaged in business or other similar activity according to special legal regulations<sup>49)</sup>, unless they are not classified as secret information<sup>19)</sup>.

(2) Crisis management authorities designate contingency plans and other documents containing exceptional matters with the words “Exceptional Matters” or with SM (ZS in Czech) abbreviation. Such designation is not considered as the level of secrecy according to special legal regulation<sup>19)</sup>, which is not affected by the provisions of this paragraph.

(3) Legal and natural undertaking entities, according to clause 1 and after discussion with the relevant crisis management authority, designate documents, supporting media and other materials containing exceptional matters provided to crisis management authorities according to § 15 clause 3.

(4) Documents, supporting media and other materials containing exceptional matters are registered in the separate protocol of procedure and are stored separately from other documents.

(5) Persons authorized to get acquainted with exceptional matters shall be entered to the special list, which is approved by the chief authority of crisis management or other person, authorized by him.

(6) Persons authorized to get acquainted with exceptional matters and persons who have already got acquainted with those matters during fulfilment of the tasks of crisis management, are obliged with reticence; for the purpose of this Act by reticence shall be understood the obligation not to disclose exceptional matters to another person, who is not authorized to get acquainted with such matter. The excuse from reticence and the range of it is decided by the chief authority of crisis management or other person, authorized by him.

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<sup>49)</sup> For ex. Act N. 455/1991 Coll. on Trade Regulation (Trade Act), as subsequently amended, Act N. 513/1991 Coll., Trade Code, as subsequently amended.

<sup>19)</sup> Act N. 412/2005 Coll. on Secret Data Protection and Security Competence, as subsequently amended.

(7) Workplace, where documents, supporting media and other materials containing exceptional matters are stored shall use only one entrance which must be secured against free entry of persons who are not authorized to get acquainted with exceptional matters.

(8) In case the legal or natural person requests information from the crisis management authority according to special legal regulation<sup>20)</sup>, whereas the information is designated as exceptional matter and the applicant is not authorized to legitimate access, the liable statutory subject shall not provide the applicant with this information.

(9) Statutory legal regulation modifies

- a) details of designation, determination of recording methods, handling and storage of documents and other material containing exceptional matters,
- b) process of determination of persons authorized to access to exceptional matters.

## § 28

(1) The Government, Ministries and other central administrative authorities, district authorities, territorial administrative authorities, authorities of Municipalities with extended powers and Municipal authorities determine, organize and implement the measures defined by this Act within their jurisdiction defined by special legal regulations<sup>21)</sup>.

(2) The Office of the Chamber of Deputies, the Senate Office, the Office of the President of the Republic, the Supreme Audit Office, the Office for Foreign Relations and Information and the Security Intelligence Service process their contingency plans, which are approved in case of the Office of the Chamber of Deputies, the Senate Office and the Office of the President of the Republic by their Chiefs, in case of the Supreme Audit Office by its President and in case of the Office for Foreign Relations and Information and the Security Intelligence Service by their Directors.

(3) During solution of crisis situations the provisions of rescue and recovery works shall be adequately used according to special Act<sup>2)</sup>.

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<sup>20)</sup> Act N. 106/1999 Coll. on Free Access to Information, as subsequently amended.

<sup>21)</sup> For ex. Act N. 2/1969 Coll. as subsequently amended, Act N. 147/2000, Act N. 128/2000 Coll.

- (4) Statutory legal regulation stipulates
- a) content of activity and the structure of the Regional Security Council and the Municipality with extended powers and the Regional Crisis Staff and the Crisis Staff of Municipality with extended powers,
  - b) essentials of the contingency plan, of the plan of crisis preparedness and the plan of crisis preparedness of the subject of critical infrastructure and method of their processing.

## CHAPTER V

### RIGHTS AND DUTIES OF PERSONS

#### § 29

#### **Legal and Natural Undertaking Entities**

(1) On summons of the relevant crisis management authority legal and natural undertaking entities are during preparedness for crisis situations obliged to participate in contingency plan processing. Providing the legal or natural undertaking entities are the entities who ensure implementation of measures resulting from the contingency plan, they are further obliged to process the plans of crisis preparedness; plan of crisis preparedness shall be, for the purpose of this Act, understood as the plan, in which preparedness of relevant legal or natural undertaking entity to deal with crisis situations solution, is modified.

(2) In case the contingency plan processor includes into the contingency plan particular legal or natural undertaking entity, this one is obliged on the request of the Fire Rescue Service and with the purpose of crisis situation preparedness, to provide free of charge the documents specified in § 15 clause 3 and other related data. Ministries, other administrative authorities, Regions, Municipalities with extended powers or Municipalities may conclude with legal and natural undertaking entities an agreement to meet the tasks resulting from the contingency plans.

(3) Legal and natural undertaking entities are obliged to provide material means inevitable for crisis situation solution on request of the authorized crisis management authority, providing special legal regulation does not specify otherwise<sup>22)</sup>. Providing material assets<sup>18)</sup> must not affect functioning of the element of critical infrastructure.

(4) In case during the crisis state life or health is endangered or if there exists the threat of extensive property or environmental damage, legal and natural undertaking entities are obliged to fulfil the tasks beyond the scope of measures stated in contingency plans, providing they are imposed by the Regional Commissioner or the Mayor of the Municipality with extended powers or the Municipality Mayor.

(5) Obligation to provide material assets<sup>23)</sup> during the crisis state is imposed upon legal and natural undertaking entities by the Regional Commissioner. In case of the risk of delay, the Mayor is also authorized to impose this duty upon legal or natural undertaking entity and subsequently inform the Regional Commissioner about imposed obligation. The Regional Commissioner or the Mayor who had imposed the obligation to provide material assets ensures its return to the entity, which had provided material assets and at the same time issues the certificate about the use of material assets. This certificate contains namely data about the user or the owner of material assets, inevitable identification data of material assets, date and time of providing and returning material assets, state of wear and damage, advice of compensation and designation of the authority that issued the document.

(6) Performance of imposed labour obligation and labour assistance is considered to be another act in the public interest<sup>50)</sup>.

(7) On summons of the competent administrative authority the operator of construction site, equipment, vehicle or public infrastructure, which may be reasonably considered that they meet criteria of the critical infrastructure element, is obliged to provide information inevitable for determination of the critical infrastructure element and the element of European critical infrastructure and other cooperation during critical infrastructure protection.

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<sup>22)</sup> Act N. 241/2000 Coll. on Economic Measures for Crisis States and amending certain related Acts.

<sup>23)</sup> § 128 of the Civil Code.

<sup>50)</sup> § 203 Act N. 262/2006 Coll., Labour Code, as amended by the Act N. 126/2008 Coll. and Act N. 320/2009 Coll.



## § 29a

### **Entities of Critical Infrastructure**

Subject of critical infrastructure is responsible for protection of the critical infrastructure element. For this purpose he/she is obliged

- a) to process the plan of crisis preparedness of the subject of critical infrastructure within one year since the decision of the Government or since the day of coming into force of the measure of general nature, which designated the element of critical infrastructure [§ 4 clause 1 letter e) or § 9 clause 3 letter c)],
- b) to allow the competent Ministry or other central administrative authority the execution of control of the crisis preparedness plan of the critical infrastructure subject and protection of the element of critical infrastructure including the entry permission on grounds and into premises where the element is located,
- c) to inform without undue delay the competent Ministry or other central administrative authority about organizational, production or other change, in case it is obvious that this change may affect determination of the element of critical infrastructure, in particular information about permanent shutdown, termination of business or restructuring.

## § 29b

### **Plan of Crisis Preparedness of the Subject of Critical Infrastructure**

(1) Potential threats of functioning of the subject of critical infrastructure and measures for its protection are determined in the plan of crisis preparedness of the subject of critical infrastructure.

(2) In case the subject of critical infrastructure performs public legal obligation on the

(3) basis of which he/she keeps planning, organizational and technical documentation<sup>51)</sup>, it is possible to amend requirements into the content of the plan of crisis preparedness into this documentation. Providing conditions stated in the statutory legal regulation are fulfilled, the relevant parts of this documentation are considered to be a part of the crisis preparedness plan of the subject of critical infrastructure.

(4) In case the element of critical infrastructure is divided into several separate units, it is possible, if appropriate, to process for each unit a partial plan of crisis preparedness of the subject of critical infrastructure, which forms a part of the crisis preparedness plan of the subject of critical infrastructure.

#### § 29c

#### **Security Liaison Employee**

(1) The subject of critical infrastructure determines the security liaison employee and informs the competent Ministry or other central administrative authority about this designation. The subject of critical infrastructure shall execute this without undue delay.

(2) Until the time of determination of the Security Liaison Employee, his/her tasks are fulfilled by the subject of critical infrastructure.

(3) Under this act the Security Liaison Employee cooperates in fulfilling the tasks instead of the subject of critical infrastructure.

(4) The Security Liaison Employee can only be the person meeting all requirements of professional competence. Professionally competent is the person who has obtained university or college education, a graduate of the accredited study programme providing comprehensive knowledge of safety and security of the Czech Republic, of protection of population or crisis management or has at least three-year experience in this field.

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<sup>51)</sup> Act N. 59/2006 Coll. on Prevention of Serious Accidents Caused by Hazardous Chemical Materials or Chemical Substances and amending Act N. 258/2000 Coll. on Protection of Public Health and on amendments of certain related acts and regulations, as amended, and Act N. 320/2002 Coll. on amendments and repeal of certain acts in connection with termination of the District Authorities Performance, as subsequently amended. Act N. 254/2001 Coll., as subsequently amended.

## § 30

### **Mass information media**

The operator of television or radio broadcasting is obliged, without any compensation and on request of crisis management authorities, immediately and without any modification of the content and the meaning, to publish information about declaration of crisis states and ordered measures during crisis states.

## § 31

### **Natural Entities**

(1) Natural entity staying on the territory of the Czech Republic has the right to inevitable information about planned crisis measures for protection of his/her life, health and property.

(2) On summons of the competent crisis management authority, natural entity is obliged to provide and update required data specified in § 15 clause 3 and other relevant data free of charge.

(3) During the crisis state natural entity is obliged

- a) to obey the summons of the authorized crisis management authority to register at a determined place due to imposition of labour obligation and labour assistance,
- b) to report at the Municipality, in the administrative area of which he/she will stay, temporary change of residence on the basis of obligatory reporting according to § 6 clause 2 letter a) and § 14 clause 4 letter f),
- c) to endure limitations resulting from crisis measures determined during the crisis state,
- d) to perform imposed labour obligation or labour assistance,
- e) to provide required material assets.

(4) Natural entity may refuse to fulfil labour obligations specified in clause 3 in case it would endanger life or health of him/herself or others and in case the imposed obligations are in contradiction with the law.

(5) Content, scope and place of work in the frame of labour obligation of natural entity during the emergency state and the state of State menace are determined by the Regional Commissioner by labour order. Labour order shall contain name, or names, surname, date of birth and place of residence, date and place of ordered work, type of work, estimated length of labour obligation, advice and designation of the authority that had issued the labour order.

(6) The authority that ordered during the crisis state labour assistance, shall issue to particular natural entity confirmation after finishing the obligation. The confirmation contains name or names, surname, date of birth and place of residence, date of starting and finishing labour assistance, amount of worked hours, type and place of work, information on compensation and designation of the authority that had issued the confirmation.

(7) In case the natural entity is not able for health reasons to fulfil imposed labour obligation or labour assistance, he/she supports the fact by medical opinion issued by the medical institution specified by the authority that had issued the labour order or imposed labour assistance. This medical institution is obliged to perform in preference medical examination of particular natural entity and consider his/her health ability to proposed work. Reimbursement of expenses incurred on examination will be accounted to the detriment authority that had issued the labour order or imposed labour assistance.

(8) Procedure of imposing the obligation to provide material assets shall be similar to § 29 clause 5.

## § 32

### **Exceptions**

(1) Provision of material assets, labour obligation or labour assistance cannot be imposed upon the natural entity enjoying privileges and immunities in compliance with the

International Law. Labour obligation and labour assistance can be imposed upon other foreigners, providing an international agreement approved by the Parliament of the Czech Republic and proclaimed in the Code of Law or in the Code of International Agreements, does not specify otherwise.

(2) Exempted from labour obligation and labour assistance are persons of age under 18 and above 62 years, persons physically unfit for required type of work, disabled persons of the third degree, Deputies and Senators of the Parliament of the Czech Republic and members of the Government and those persons who would, by above mentioned labour activity, expose themselves or close person to serious danger. Exempted from labour obligation and labour assistance are also employees of the subject of critical infrastructure, who ensure functioning of the element of critical infrastructure. Further exempted from labour obligation and labour assistance are women and single men caring for a child under age of 15, pregnant women, women up to the third month after childbirth, in case the child was born dead, died or the woman does not care for the child. Crisis management authority may also exempt from labour obligation and labour assistance persons because of serious circumstance, omission of which could lead to endangering of life, health and property. Importance of serious circumstance is considered by the authority of crisis management.

(3) Only such labour obligation or labour assistance which is not in contradiction with special legal regulation<sup>24)</sup> can be imposed upon women.

(4) Persons exempted from labour obligation or labour assistance can provide voluntary assistance.

## CHAPTER VI

### CONTROL, ADMINISTRATIVE DELICTS AND COMPENSATION

#### § 33

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<sup>24)</sup> Act N. 65/1965 Coll., Labour Code, as subsequently amended. Decree N. 261/1997 Coll. specifying labour and working places forbidden to all women, pregnant women, mothers up to the ninth month after childbirth and juveniles, and conditions under which juveniles can exceptionally perform this work for the reason of preparing to future profession, as amended by Decree N. 185/1998 Coll.

## **Control**

(1) Crisis management authorities are authorized within the frame of their competence to monitor observance of this act and regulations issued for its implementation. In the course of control activity they follow the basic principles specified by special legal regulation<sup>25)</sup>.

(2) Control specified in clause 1 is performed in the Municipality by the Fire Rescue Service in cooperation with the Municipal Council of the Municipality with extended powers, in the Municipality with extended powers by the Regional Fire Rescue Service in cooperation with the Regional Council, in the Region by the Ministry of Interior in cooperation with the competent Ministry or other central administrative authority and in the Regional Fire Rescue Service by the Ministry of Interior.

(3) Control of legal and natural undertaking entities specified in clause 1 is performed by the crisis management authority that imposed over the legal and natural undertaking entity the obligation resulting from the crisis plan.

(4) Control specified in clause 1 within the Intelligence Services and the National Security Agency in case secret information or state security can be endangered shall be performed only with the consent of its Director. Control is performed by the Ministry of Interior. In case the consent is not approved, the Director who rejected the consent shall ensure control in the scope of his/her competence and report on the control outcome to the Ministry of Interior in 60 days from the date of rejection, unless the Ministry of Interior sets a longer time limit. In case the Intelligence Service or the National Security Agency is not able to ensure control performance in its scope of authority, the Ministry of Interior will be enabled to perform it while they may specify special conditions for control performance.

## § 34

## **Infractions**

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<sup>25)</sup> Act N. 552/1991 Coll. on State Control, as subsequently amended.

(1) Natural person commits an infraction during the crisis state in case he/she fails to fulfil any of the obligations according to

- a) § 31 clause 3 letter a), b) or c) or
- b) § 31 clause 3 letter d) or e).

(2) Natural person commits an infraction in case that contrary to § 27 clause 6

- a) as the person authorized to get acquainted with specific facts does not keep confidentiality about them or
- b) as the person fulfilling tasks of crisis management got acquainted with specific facts discloses the fact to other person who is not authorized to be familiar with such information.

(3) For committed infraction according to clause 1 letter a) and clause 2 letter b) it is possible to impose the fine of up to 20 000 CZK, for committed infraction according to clause 1 letter b) the fine of up to 50 000 CZK and for committed infraction according to clause 2 letter a) the fine up to 100 000 CZK.

#### § 34a

### **Administrative Infractions of Legal and Natural Undertaking Entities**

(1) Legal or natural undertaking entity commits an administrative infraction in case that contrary to § 29 clause 1 during preparedness for crisis situations

- a) does not participate in processing the contingency plans or
- b) as a person who provides fulfilment of measures resulting from the contingency plans does not process the plan of crisis preparedness.

(2) Legal or natural undertaking entity commits an administrative infraction in case that

- a) as a person included in the contingency plan does not fulfil the obligation according to § 29 clause 2 or
- b) does not fulfil the obligation according to §29 clause 3.

(3) The operator of television or radio broadcasting commits an administrative infraction in case he does not fulfil the obligation according to § 30.

(4) For an administrative infraction the fine of up to 3 000 000 CZK shall be imposed.

#### § 34b

#### **Common Provisions on Administrative Infractions**

(1) Legal entity is not responsible for an administrative infraction in case he/she proves that he/she made every effort that could have been required, to prevent the breach of legal obligation.

(2) In assessing the fine imposed over the legal entity seriousness of an administrative infraction shall be taken into account, particularly the manner of its committing, its consequences and circumstances under which it was committed.

(3) Liability of the legal entity for an administrative infraction ceases in case the administrative authority did not initiate proceedings within 1 year since the authority learnt about it, but not later than 3 years since the date of its committing.

(4) Administrative infractions are heard by the Regional Fire Rescue Service according to § 34a with exception of administrative infractions according to §34a clause 2 letter b) which are heard by the Regional Council.

(5) Liability for conduct that occurred during business of the natural entity<sup>52)</sup> or in close connection with it is considered under the provisions of this Act on liability and sanctions of the legal entity.

#### § 35

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<sup>52)</sup> § 2 clause 2, Trade Code.



## **Compensation for Restriction of Ownership Rights, Provision of Material Assets and Performance of Labour Obligation and Labour Assistance**

(1) Financial compensation belongs to the legal or natural undertaking entity for restriction of the right of ownership or the right of use, for provision of material assets, performance of labour obligation or labour assistance. The crisis management authority, which decided about restriction of the right or imposed the obligation, is obliged to pay financial compensation. Based on mutual agreement financial compensation can also be provided for voluntary labour assistance. According to this clause financial compensation shall be paid within 6 months after termination or cancellation of the crisis state, in the consequence of which the claim for the financial compensation arose.

(2) In case the ownership right to real estate is restricted, the owner shall be provided with financial compensation corresponding to the rate of restriction of his/her ownership rights according to special legal regulation<sup>26)</sup>.

(3) In case of labour obligation, labour assistance or voluntary assistance where the amount of compensation cannot be determined by the agreement or in accordance with special legal regulations, compensation is determined in the amount corresponding to usual wage for the same or similar work. Determination of compensation for providing material assets is based on the amount of expenses incurred to the obliged person and on usually required compensation for use of the same or similar material means at the time of provision.

(4) Crises management authority is entitled to request reimbursement of expenses incurred as compensation for provision of material assets, performance of labour obligation, labour assistance or voluntary assistance, from the inflictor of the accident<sup>2)</sup> or other event, which caused the crisis situation and crises measures had to be ordered. Incurred expenses<sup>27)</sup> are compensated by this reimbursement.

### § 36

## **Damage Compensation**

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<sup>26)</sup> For ex. Civil Code or Trade Code.

<sup>27)</sup> § 49, clause 9 of the Act N. 218/2000 Coll.

(1) The State is responsible for damage inflicted upon legal and natural entities in casual connection with crisis measures and trainings (§ 39 clause 4) performed according to this Act. The State can be exempted from this responsibility only in case it is proved, that the damage was inflicted by the damaged person upon him/herself.

(2) Compensation for material damage arising from activity of authorities fulfilling crisis measures or during ordered provision of material assets shall be provided according to legal regulations valid at the time of damage arise<sup>26)</sup>.

(3) Compensation for damage or actual bodily harm incurred during performance of labour obligation, labour assistance or voluntary assistance performed in the frame of organized activity is provided under provisions of the Civil Code relating to liability for health damage in some special cases, in case the claim for compensation from the accident insurance under special legal regulation<sup>28)</sup> had not already arisen.

(4) Financial compensation is provided by crisis management authority, which ordered the crisis measure or training, during which the damage or harm occurred.

(5) Stating the reasons of the claim for damage, compensation is staked by legal or natural entity in written form to the competent crisis management authority within 6 months since the time when the entity learnt about the damage, but not later than 5 years since the arise of the damage, otherwise aforesaid right expires. Crisis management authority in cases of particular significance admits damage compensation even after the deadline for the application, or without an application, but not later than 5 years since the damage arose.

(6) Compensation is not provided to legal and natural entities, who caused the harmful event.

(7) Crisis management authority is authorized to request reimbursement of expenses incurred as damage compensation from the inflictor of the accident or other harmful event, which resulted in the crisis situation and the crisis measures had to be ordered.

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<sup>28)</sup> Act N. 266/2006 Coll. on Accident Insurance of the Employees.

### **Provision of State Assistance in the Course of Accidents or Natural Disasters**

(1) State assistance can be granted to natural entities and to the Municipalities that during the crisis state found themselves temporarily in extremely difficult conditions in consequence of an accident or natural disaster.

(2) State assistance can be granted from the State budget in the form of single cash benefits to natural persons or in other extraordinary form of financial assistance to natural entities or Municipalities. When providing state assistance to natural entities the property conditions of the applicant for the state assistance and the members of his/her family are taken into consideration. State assistance may be granted in the form of material assistance according to special legal regulation<sup>22)</sup>.

(3) Provision of single financial benefits to natural entities shall be proceeded according to special legal regulations<sup>29)</sup>.

(4) Scope, method and conditions of provision of other extraordinary forms of financial assistance from the State budget to natural entities and Municipalities in case of accidents and natural disasters of a large scale can be specified by statutory legal regulation.

(5) Single financial benefits to natural entities are granted by the relevant authorized local Municipal Councils according to special legal regulations<sup>30)</sup> from non-investment purpose subsidies, which they receive in the frame of summary financial relationship of the State budget and the Municipal budgets for the relevant year.

(6) According to this Act the Government can use financial reserve for solution of crisis situations earmarked in the budget chapter General Treasury Administration for reimbursement of expenses on state assistance, to settle expenses related to provision of other

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<sup>29)</sup> § 23 and § 51 clause 3 Regulation N. 182/1991 Coll. by which the Act on Social Security and the Act of the Czech National Council on the Jurisdiction of the Czech Republic Authorities in Social Security, as subsequently amended.

<sup>30)</sup> § 63 Act N. 128/2000 Coll.

extraordinary forms of financial assistance and for eventual enforcement of non-investment special subsidy for provision of social financial subsidies specified in clause 2.

## CHAPTER VII

### COMMON AND CLOSING PROVISIONS

#### § 38

##### **Relation to the Rules of Administrative Procedure**

During the crises state the Rules of Administrative Procedure are not applied to decision-making and imposing obligations according to this Act, with exception of § 9 clause 3 letter c) and § 34 to § 34b.

#### § 39

(1) This Act also refers to the cases when extraordinary veterinary measures are ordered according to special legal regulations<sup>31)</sup> and arisen threat has the nature of the emergency event, the consequences of which lead to the crisis situation arise; in these cases the Regional Infectious Commission becomes the part of the Regional Crisis Staff and the Central Infectious Commission becomes the part of the Central Crisis Staff.

(2) In case the state of danger or the emergency state are declared at the time of floods, the Flood Commissions<sup>32)</sup> become the part of the Regional Crisis Staff and the Central Flood Commission<sup>32)</sup> the part of the Central Crisis Staff.

(3) During the state of State menace declared in securing defence of the Czech Republic against the external attack and during the war state crisis management authorities and legal and natural entities fulfil the tasks stated in this Act, unless special legal regulation<sup>1)</sup> does not stipulate otherwise.

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<sup>31)</sup> For ex. § 15 Act N. 166/1999 Coll. on Veterinary Care and on amendments of certain related veterinary acts (Veterinary Act).

<sup>32)</sup> § 18 Act N. 130/1974 Coll. on State Administration in the Water System, as subsequently amended.

(4) Preparedness for crisis situations shall be verified by training likewise according to special legal regulation<sup>2)</sup>.

#### § 39a

Competencies imposed over the Regional Council or the Regional Commissioner or the Council of the Municipality with extended powers or the Mayor of the Municipality with extended powers or the Municipal Council or the Mayor according to this Act are enforced by state administration under delegated powers.

#### § 39b

(1) Municipal administrator appointed by the Ministry of Interior under special legal regulation<sup>53)</sup> fulfils during the crisis state the tasks resulting from § 21 clause 2 from letter a) to c) and clause 3.

(2) District administrator appointed by the Municipal Council under special legal regulation<sup>54)</sup> fulfils during declaration of the crisis state the tasks of the District Mayor resulting from § 21 clause 2 letter from a) to c) and clause 3.

#### § 39c

Crisis management authorities during solution of the crisis situation proceed so that any eventual interference with the rights and freedoms of people would not exceed necessary level.

#### § 39d

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<sup>53)</sup> § 98 Act N. 128/2000 Coll. as amended by Act N. 313/2002 Coll., Act N. 234/2006 Coll. and Act N.298/2008 Coll.

<sup>54)</sup> § 93 Act N. 131/2000 Coll. as amended by the Act N. 298/2008 Coll.

(1) The data register of temporary changes of residence of persons, the administrator of which is the Ministry of Interior, is administered during the emergency state and the state of State menace.

(2) On basis of the ordered crisis measure the data within the range of name, or names, surname, date of birth, place of permanent residence and place of temporary change of residence are administered in the data registers of temporary changes of residence of persons.

(3) Data on temporary changes of residence of persons are administered during the crisis state, and if necessary, in particular to ensure the interests of the data entities, also after its termination.

(4) The source of data in the central data register of temporary changes of residence of persons is the data register of temporary changes of residence of persons kept by the Regional Fire Rescue Service.

(5) The source of data in the data register of temporary changes of residence of persons kept by the Regional Fire Rescue Service is the register of temporary changes of residence of persons kept by the Municipality with extended powers.

(6) The source of data in the data register of temporary changes of residence of persons kept by the Municipality with extended powers is the data register on temporary changes of residence of persons kept by the Municipality.

#### § 39e

(1) The data register of temporary changes of residence of persons during the state of danger, administered by the local Fire Rescue Service of the Region is kept during the state of danger. Provision of § 39d clause 2 and 3 is applied similarly.

(2) The source of data in the data register of temporary changes of residence of persons during the state of danger kept by the Regional Fire Rescue Service is the data

register of temporary changes of residence of persons during the state of danger kept by the Municipality with extended powers.

(3) The source of data in the data register of temporary changes of residence of persons during the state of danger kept by the Municipality with extended powers is the data register of temporary changes of residence of persons during the state of danger kept by the Municipality.

(4) The data register of temporary changes of residence of persons during the state of danger kept by Regional Fire Rescue Service, Municipality with extended powers or Municipality is in case of provision of § 6 clause 2 letter a) considered, from the date of declaration of emergency state, to be the data register of temporary changes of residence of persons; Regional Fire Rescue Service further administers the data according to § 39d clause 4.

#### § 39f

According to this Act authorization to require data from legal or natural entity is not applied, in case it is possible to obtain these data from the information systems of public administration or from publicly available sources.

#### § 40

### **Authorizing provisions**

(1) The Government shall issue the regulation to execute § 4 clause 1 letter d), § 27 clause 9 and § 28 clause 4.

(2) The Ministry of Education, Youth and Sports shall issue the promulgation to execute § 9 clause 5 letter a).

(3) The Czech Mining Office shall issue the promulgation to execute § 9 clause 5 letter b).

## **PART TWO**

### **Amendments to the Act on State Administration in Water Resources Management**

#### § 41

Act N. 130/1974 Coll. on State Administration in Water Resources Management as amended by Act N. 49/1982 Coll., Act N. 425/1990 Coll., Act N. 23/1992 Coll., Act N. 114/1995 Coll. and Act N. 238/1999 Coll. has been amended as follows:

1. In § 18 clause 2 the second sentence has been supplemented, which, including the footnote N. 13, reads: “Rights and obligations of Flood authorities in case of the state of danger and the emergency state are transferred to crisis management authorities according to special legal regulation<sup>13)</sup>.”
2. In § 18 clause 4 the new sentence has been supplemented after the first sentence which reads: “Chief Executive of the Flood Commission is Municipality Mayor.”
3. In § 18 clause 5 the second sentence has been replaced by the following sentence: “Chief Executive of the Flood Commission is Head of District Office.”
4. In § 18 clause 6 the new sentence has been supplemented after the first sentence which reads: “Chief Executive of the Flood Commission is Director of Regional Council designated by Ministry in agreement with the Ministry of Interior”.

## **PART THREE**

### **EFFECTIVNESS**

#### § 42

This Act becomes effective on January 1<sup>st</sup> 2001.

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<sup>13)</sup> Act N. 240/2000 Coll. on Crisis Management and on amendments of certain acts (Crisis Act).