

Czech Republic

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Czech Republic in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

Main changes to Czech legislation

To implement the Services Directive, the Czech Republic has adopted Act No 222/2009 *on the freedom to provide services* – which contains the "horizontal" implementing measures (zákon č. 222/2009 Sb. ze dne 17. června 2009 o volném pohybu služeb)¹ and Act No 223/2009 *amending certain acts in connection with the adoption of Act No 222/2009* (zákon č. 223/2009 Sb. ze dne 17. června 2009, kterým se mění některé zákony v souvislosti s přijetím zákona o volném pohybu služeb)² – introducing a number of changes to sector specific legislation in order to make it compatible with the Directive.

Examples of authorisation schemes imposed on service providers established in the Czech Republic

The most common procedure giving access to service activities in the Czech Republic is the issue of trade licences under the Trade Licensing Act. This is a scheme applied to about 120 activities ("trades")³.

Activities subject to this act are divided into two groups.

Activities in the first group ("registered trades") can be performed after a simple declaration to the Trade Licensing Office. This group is further divided into three sub-groups (trades requiring no specific qualifications⁴, trades requiring a professional qualification acquired in the field⁵ and trades requiring a professional qualification acquired otherwise⁶) and includes activities such as real-estate services, wholesale and retail trading, advertising, travel agencies and tourist guides, property valuation, restaurant services, intermediation in trade and services, and construction (for example designing electrical installations, project design in the construction, the construction, modification and demolition of structures, and bricklaying).

Activities in the second group ("licensed trades") can only be started after a decision granting a trade licence is taken by the trade licence office. This group includes activities such as manufacture, repair and sale of guns and ammunition and explosives⁷.

¹ Journal of laws of the Czech republic, No. 66, page 3026

² Journal of laws of the Czech republic, No. 66, page 3033

³ Act No 455/1991 from 15 November 1991 Trade Licensing Act, Journal of laws Czech republic, No. 87

⁴ §25 Act No. 455/1991

⁵ §20, Annex 1 Act No 455/1991

⁶ §23, Annex 2 Act No 455/1991

⁷ §26, Annex 3 Act No 455/1991

Apart from sectors covered by the Trade Licensing Act, the Czech Republic has reported authorisation schemes in several service sectors.

For example, in the field of education, authorisations are required for operation of an establishment for the further training of teachers, operation of a language school authorised to conduct state language tests⁸, private universities⁹.

In the area of construction there are authorisation schemes concerning authorised construction inspectors¹⁰ and inspectors of boilers and air-conditioning control¹¹.

Examples of other types of requirements imposed on service providers established in the Czech Republic

In the Czech Republic there are specific obligations in respect of legal form that can be taken by service providers. In particular, only legal persons can engage in providing services of private universities¹², establishments for continuous training, language schools, school facilities (library, centre of services for schools, swimming schools)¹³, technical and safety control of water works¹⁴.

Activities of insolvency administrator can be provided by natural persons or companies in the form of a partnership¹⁵.

Only natural persons can engage in activities of liquidators (loss adjusters) of insurance companies. Packaging and handling packaging waste can be performed only by joint-stock companies¹⁶.

Fixed tariffs apply to services provided by experts and interpreters¹⁷ and to energy services: production of thermal energy, distribution of gas, distribution of electricity¹⁸.

Finally, requirements concerning quantitative or territorial restrictions exist in the energy sector.

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

The Czech Republic did not report any restrictions on multidisciplinary activities.

Examples of requirements which apply to service providers established in other Member States and providing services in Czech Republic

According to the Act on the freedom to provide services (Article 5), cross-border service providers can provide services freely based on the authorisations granted in the country where it is established except in cases where other Czech laws specifically regulate the cross-border

⁸ Act No. 561/2004 from 10 November 2004 on pre-school, primary, secondary, advanced vocational and another education, Journal of laws of the Czech republic No. 190

⁹ Act No. 111/1998 from 29 May 1998 on Universities, Journal of laws Czech republic, No. 39

¹⁰ Act No. 183/2006- Building Act

¹¹ Act No. 406/2000 on Energy Management

¹² Act No. 111/1998 on Universities

¹³ Act No. 561/2004 on pre-school, primary, secondary, advanced vocational and another education

¹⁴ Water Act No. 254/2001

¹⁵ Act No. 312/2006 on insolvency administrators;

¹⁶ Act 477/2001 on packaging

¹⁷ Act No. 36/1967 on Experts and Interpreters

¹⁸ Act No. 458/2000 Energy Act

provision of services otherwise. Derogations from this rule seem to concern, in particular the cross-border provision of services of verification of the results of surveying work¹⁹, the handling of sources of ionising radiation, individual dosimetry services and other services relevant to radiation protection²⁰.

¹⁹ Act No. 200/1994 on land surveying

²⁰ Act No. 18/1997 on peaceful use of nuclear energy and ionizing radiation (atomic law)