

138

ACT
of 14 March 2006

Amending Certain Other Acts in Conjunction with Adoption of the Act on Public Contracts

The Parliament has adopted the following Act of the Czech Republic:

TITLE ONE

Amendment to Act no. 634/2004 Coll., on Administrative Fees and Charges

Article I

In the Tariff of administrative fees and charges referred to in the Annex to Act no. 634/2004 Coll., on administrative fees and charges, item 64, footnote no. 41 included, shall read as follows:

„Item 64

Receipt of the application for a change to the list of approved economic operators⁴¹
CZK 1,000

Receipt of the application for approval of the system of certified economic operators⁴¹
CZK 20,000

Receipt of the application for approval of the change to the system of certified economic operators⁴¹
CZK 5,000

Receipt of the application for enrolment on the list of approved economic operators⁵
CZK 3,000

⁵ Act no. 137/2006 Coll., on Public Contract⁷.

TITLE TWO

Amendment to Act no. 436/2004 Coll., Amending Certain Other Acts in Conjunction with Adoption of the Act on Public Contracts

Article II

Title 54 in Act no. 436/2004 Coll., amending certain other Acts in conjunction with adoption of the Act on public contracts shall be repealed.

TITLE THREE

Amendment to Act no. 437/2004 Coll., Amending Act no. 50/1976 Coll., on Town and Country Planning and Building Regulations (the Building Code), as Subsequently Amended, Act no. 76/2002 Coll., on Integrated Prevention and Control, on Integrated Register of Pollutants and on Amendment to Certain Other Acts (the Integrated Prevention Act), as Amended by Act no. 521/2002 Coll., and Act no. 40/2004 Coll., on Public Contracts

Article III

Title three in Act no. 437/2004 Coll., amending Act no. 50/1976 Coll., on town and country planning and building regulations (Building Code), as subsequently amended, Act no. 76/2002 Coll., on integrated prevention and control, on integrated register of pollutants and on amendment to certain other Acts (Integrated Prevention Act), as amended by Act no. 521/2002 Coll., and Act no. 40/2004 Coll., on public contracts, shall be repealed.

TITLE FOUR

Amendment to Act no. 60/2005 Coll., Amending Act no. 440/2003 Coll., on the Handling of Raw Diamonds, on Conditions of Import Thereof, Export and Transit and on Amendment to Certain Other Acts and Act no. 40/2004 Coll., on Public Contracts, as Subsequently Amended

Article IV

Title two in Act no. 60/2005 Coll., amending Act no. 440/2003 Coll., on the handling of raw diamonds, on conditions of import thereof, export and transit and on amendment to certain other Acts and Act no. 40/2004 Coll., on public contracts, as subsequently amended, shall be repealed.

TITLE FIVE

Amendment to Act no. 124/2005 Coll., Amending Act no. 117/1995 Coll., on State Social Assistance, as Subsequently Amended, Act no. 482/1991 Coll., on Social Need, as Subsequently Amended, Act no. 235/2004 Coll., on Value Added Tax, as Subsequently Amended, and Act no. 40/2004 Coll., on Public Contracts, as Subsequently Amended

Article V

Title four in Act no. 124/2005 Coll., amending Act no. 117/1995 Coll., on State social assistance, as subsequently amended, Act no. 482/1991 Coll., on social need, as subsequently amended, Act no. 235/2004 Coll., on value added tax, as subsequently

amended, and Act no. 40/2004 Coll., on public contracts, as subsequently amended, shall be repealed.

TITLE SIX

Amendment to Act no. 179/2005 Coll., Amending Certain Other Acts in Conjunction with Adoption of the Act on Cancellation of the Fund of National Property of the Czech Republic

Article VI

Title twenty-seven in Act no. 179/2005 Coll., amending certain other Acts in conjunction with adoption of the Act on cancellation of the Fund of National Property of the Czech Republic, shall be repealed.

TITLE SEVEN

Amendment to Act no. 253/2005 Coll., Amending Certain Other Acts in Conjunction with Adoption of the Act on Labour Inspection

Article VII

Title fourteen in Act no. 253/2005 Coll., amending certain other Acts in conjunction with adoption of the Act on labour inspection, shall be repealed.

TITLE EIGHT

Amendment to Act no. 377/2005 Coll., on Supplementary Supervision of Banks, Savings and Credit Cooperative Associations, Institutions of Electronic Money, Insurance Undertakings and Securities Firms in Financial Conglomerates and on Amendments to Certain Other Acts (the Financial Conglomerates Act)

Article VIII

Title twenty eight in Act no. 377/2005 Coll., on supplementary supervision of banks, savings and credit cooperative associations, institutions of electronic money, savings banks and securities brokers in financial conglomerates and on amendments to certain other Acts (the Financial Conglomerates Act) shall be repealed.

TITLE NINE

Amendment to Act no. 413/2005 Coll., on Amendment to Acts in Conjunction with Adoption of the Act on Protection of Classified Information and on Security Clearance

Article IX

Title sixty one in Act no. 413/2005 Coll., on amendment to Acts in conjunction with adoption of the Act on protection of classified information and on security clearance, shall be repealed.

TITLE TEN

Amendment to Act on Regional Development Aid

Article X

Act no. 248/2000 Coll., on regional development aid, as amended by Act no. 320/2002 Coll., shall be amended as follows:

1. § 15, footnote no. 6 included, shall read as follows:

“§ 15

For the purposes linked with the co-ordination and implementation of economic and social cohesion, the regions whose territorial delimitation is identical with territorial statistical units NUTS2⁶ (hereinafter referred to as “the cohesion regions”) shall be established:

- a) Praha (Prague), delimited by the territory of the capital city of Prague,
- b) Střední Čechy (Central Bohemia), delimited by the territory of Středočeský kraj (the Central Bohemia self-governing region),
- c) Jihozápad (Southwest), delimited by the territory of Jihočeský kraj (the South Bohemia self-governing region) and Plzeňský kraj (the Plzeň self-governing region),
- d) Severozápad (Northwest), delimited by the territory of Karlovarský kraj (the Karlovy Vary self-governing region) and Ústecký kraj (the Ústí nad Labem self-governing region),
- e) Severovýchod (Northeast), delimited by the territory of Liberecký kraj (the Liberec self-governing region), Královohradecký kraj (the Hradec Králové self-governing region) and Pardubický kraj (the Pardubice self-governing region),
- f) Jihovýchod (Southeast), delimited by the territory of Jihomoravský kraj (the South Moravia self-governing region) and Vysočina (the Highlands self-governing region),
- g) Střední Morava (Central Moravia), delimited by territory of Olomoucký kraj (the Olomouc self-governing region) and Zlínský kraj (the Zlín self-governing region),
- h) Moravskoslezsko, delimited by the territory of Moravskoslezský kraj (the Moravian-Silesian self-governing region).

⁶ Communication of the Czech Statistical Office no. 228/2004 Coll., on Up-Dating of Classification of Territorial Statistical Units (CZ-NUTS).“.

2. § 16, heading and footnotes no. 6a and 6b included, shall read as follows:

“Cohesion Region Council

§ 16

(1) In the cohesion regions

- a) Praha (Prague) Cohesion Region Council, seating in Prague,
- b) Střední Čechy (Central Bohemia) Cohesion Region Council, seating in Prague,
- c) Jihozápad (Southwest) Cohesion Region Council, seating in České Budějovice,
- d) Severozápad (Northwest) Cohesion Region Council, seating in Ústí nad Labem,
- e) Severovýchod (Northeast) Cohesion Region Council, seating in Hradec Králové,
- f) Jihovýchod (Southeast) Cohesion Region Council, seating in Brno,
- g) Střední Morava (Central Bohemia) Cohesion Region Council, seating in Olomouc,
- h) Moravskoslezsko (Moravian-Silesian Cohesion Region Council), seating in Ostrava,

shall be established.

- (2) The Cohesion Region Council (hereinafter referred to as “the Regional Council”) shall be a legal person.
- (3) The Regional Council shall be a managing authority^{6a} of the Regional Operational Program for the relevant cohesion region.
- (4) Committee of the Regional Council (hereinafter referred to as “the Committee”), Chairman of the Regional Council (hereinafter referred to as “the Chairman”) and Office of the Regional Council (hereinafter referred to as “the Office”) shall be the bodies of the Regional Council.
- (5) Provisions on delegated competencies of the self-governing regions shall apply to the relationship between the State and the Regional Council by analogy^{6b}.

^{6a} Council Regulation (EC) 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds

^{6b} Act no. 129/2000 Coll., on Self-Governing Regions (Self-Governing Regions System), as subsequently amended.”.

3. Following § 16 new § 16a and § 16b shall be inserted and, heading and footnotes included, shall read as follows:

“§ 16a

The Regional Council shall manage assets in compliance with the budget of its own under the conditions laid down by separate legal regulation^{6c} and ensure exercise of control under separate legal regulation^{6d}. Assets management of the Regional Council for the preceding year shall be re-examined by the Ministry of Finance under separate legal regulation^{6e}.

§ 16b

Regional Council Budget Revenues

Revenues of the Regional Council’s budget shall be, in particular, constituted by

- a) subsidies from the State budget to finance programmes co-financed from the budget of the European Union,
- b) subsidies from the budgets of self-governing regions to finance programmes co-financed from the budget of the European Union,
- c) subsidies from the budgets of self-governing regions to support activities of the Regional Councils,
- d) revenues from the assets of its own and property rights,
- e) pecuniary donations and contributions received,
- f) loans, credits and recoverable financial assistance paid in aid,
- g) interest on deposits, penalty payments and any other payments received in conjunction with the use of Regional Council’s assets.

§ 16c

Regional Council Budget Expenditures

From the Regional Council’s budget shall be, in particular, reimbursed:

- a) expenditures on the programmes co-financed from the budget of the European Union and obligations of the Regional Council resulting from discharging duties imposed thereon by law,
- b) expenditures on own activities of the Regional Council,
- c) instalments of received loans, credits and recoverable financial assistance paid in aid,
- d) sanctions for the breach of budgetary discipline.

§ 16d

Committee

- (1) Councils of self-governing regions, which constitute a cohesion region, shall elect members of the committee from amongst their members. Where the cohesion region is constituted by one self-governing region, the committee shall have 15 members. Where the cohesion region is constituted by more than one region, each self-governing region shall be represented in the committee by 8 members.
- (2) The committee shall exercise its powers even following termination of the term of office of the councils of self-governing regions until a new committee has been elected.
- (3) The membership in the committee shall be a public office.^{6f}
- (4) The committee takes its decisions by a resolution.
- (5) In the case of the cohesion region constituted by a single self-governing region, the committee will have quorum if absolute majority of all members of such a committee is present. In such a case, absolute majority of votes of all members of the committee shall be needed to adopt resolution.
- (6) In the case of the cohesion region constituted by more than one region, the committee will have quorum if absolute majority of all members of the committee elected in individual self-governing regions constituting a cohesion region separately is present. In such a case, absolute majority of votes of all members of the committee elected in individual self-governing regions constituting a cohesion region separately shall be needed to adopt a resolution. Unless the resolution is adopted in this manner, the committee shall appoint a conciliation commission composed of 2 members of the committee from each self-governing region, which shall submit a proposal on how to solve a disputed issue to be re-negotiated by the committee.
- (7) The committee shall hold its sessions as required, however, not less than once every 3 months.
- (8) Any other particulars relating to negotiations and decision-making by the committee shall be set out by the rules of procedure of the committee.

§ 16e

- (1) The committee shall examine and take decisions on the matters related to the implementation of the Regional operational programme and, in particular, it shall approve:
 - a) implementing and management documentation of the Regional operational programme,
 - b) measures concerning publicity and awareness of the Regional operational programme,
 - c) selection of projects to which the Regional council shall grant subsidies and recoverable financial assistance paid in aid,

- d) annual and final report on the implementation or, where appropriate, any other reports and background materials related to the implementation of the Regional operational programme,
 - e) any other matters, where so stipulated by the rules of procedure of the committee.
- (2) The approval of the budget of the Regional Council and that of final account of the Regional council shall be reserved for the committee.

§ 16g

Chairman

- (1) The committee shall elect and remove chairman and vice chairmen from amongst its members. The number of vice chairmen shall be set forth in such a manner that each self-governing region be represented on the committee either by the chairman of the committee or by the vice chairman thereof.
- (2) The chairman shall be the statutory body of the Regional council and shall represent it in public. He/she shall be accountable for the activities thereof to the committee.
- (3) The chairman shall convene and chair the session of the committee.
- (4) In the absence of the chairman, a vice chairman shall act for the chairman. Where more than one vice chairman is elected, the vice chairman shall act for the chairman in the ranking set forth by the committee.

§ 16g

Conflict of Interests

- (1) Membership in the committees shall be incompatible with the position of director and with occupational relationship to the Regional council.
- (2) In the case of a conflict of interest as regards chairman, vice chairman and member of the committee, separate legal regulation^{6b} shall apply.

^{6c} Act no. 250/2000 Coll., on Budgetary Rules of Territorial Budgets, as subsequently amended

^{6d} Act no. 320/2001 Coll., on Financial Control in Public Administration and on Amendment to Certain Other Acts (the Financial Control Act), as subsequently amended.

^{6e} Act no. 420/2004 Coll., on Examination of Assets Management of Territorial Self-Governing Units and Voluntary Association of Municipalities

^{6f} § 2(1), § 124 and § 206 of the Labour Code”.

“§ 17

Office

- (1) The office shall be an executive body of the Regional Council, which secures all and every tasks related to the function of managing authority of the Regional

- operational programme, except for those matters that are entrusted to the committee pursuant to § 16e.
- (2) The office, in addition, shall discharge tasks related to the professional, organizational and technical arrangements of the activity of the Regional Council.
 - (3) The office shall be headed by the director of the office (hereinafter referred to as “the director”). The director shall be appointed and removed by the committee upon the suggestion of the chairman; the appointment entails establishment of occupational relationship to the Regional Council. The director shall be subordinated to the chairman.
 - (4) The director shall
 - a) exercise the authority of a statutory body of the employer towards employees of the Regional Council,
 - b) set salaries of the employees of the Regional Council in compliance with paragraph 6,
 - c) be superior to all the employees of the Regional Council and control the activities thereof.
 - (5) Organizational scheme, number of employees and budget of the office shall be set by the committee.
 - (6) Provisions of the Act on officials of the territorial self-governing units shall apply by analogy to status, rights and duties of the employees of the Regional Council.

Article XI

Transitional Provisions

The rights and obligations ensuing from the activity of the Regional Council established for individual cohesion regions under legal arrangements currently in force shall devolve upon the Cohesion region councils as from the day of entry into effect of this Act.

TITLE ELEVEN

Change in Budgetary Rules

Article XII

Act no. 218/2000 Coll., on budgetary rules and on amendment to certain related Acts, as amended by Act no. 493/2000 Coll., Act no. 141/2001 Coll., Act no. 187/2001 Coll., Act no. 320/2001 Coll., Act no. 450/2001 Coll., Act no. 202/2002 Coll., Act no. 320/2002 Coll., Act no. 479/2002 Coll., Act no. 186/2004 Coll., Act no. 257/2004 Coll., Act no. 436/2004 Coll., Act no. 482/2004 Coll., Act no. 1/2005 Coll., Act no. 127/2005 Coll., Act no. 361/2005 Coll., Act no. 377/2005 Coll. and Act no. 546/2005, shall be amended as follows:

1. In § 7(1), following point j), a new point k), which, including footnote no. 11 a, shall be inserted and read as follows”

“k) subsidies and recoverable financial assistance paid in aid to Cohesion region councils
11a

^{11a} Act no. 248/2000 Coll., on Regional Development Aid, as subsequently amended”.

Current points k) to v) shall be denoted as points l) to w).

Current footnotes no. 11a to 11e shall be denoted as footnotes 11b to 11f, references to footnotes included.

2. In § 7(2), the words “point k) to n)” shall be replaced by the words “points l) to o)”.

3. In § 14(3) the full stop at the end of point l) shall be replaced by comma and a new point j) shall be added, worded as follows:

“j) the list of natural and legal persons paid from the means provided from the State budget, to which the Act on Public Contracts shall not apply”.

4. In § 14, paragraph 10 shall be repealed.

5. In § 37, paragraph 37 shall read as follows:

“The National fund shall be totality of

- a) pecuniary means entrusted to the Czech Republic by the European Communities to implement programmes or projects co-financed from the budget of the European Union, to the exception of the Community aid to rural development, and
- b) pecuniary means of financial mechanisms of the European economic area, Norway and Switzerland, which are entrusted to the Czech Republic on the basis of international agreements.”

6. In § 37(2), second sentence shall be repealed.

7. Following § 75a, new § 75b shall be inserted and shall, including footnote no. 34, read as follows:

“§ 75b

The Ministry shall keep central records, in which it shall process data on subsidies, recoverable financial assistance paid in aid and other transfers of a kind³⁴ provided from the State budget, State funds, State financial assets and National fund (hereinafter referred to as “the central records of subsidies”). The providers thereof shall be obligated to register in central records the data thereon and on the beneficiaries thereof or, where appropriate, to transmit such data therein from other records, if they contain relevant data. The content and extent of data registered in or transmitted into central records of

subsidies and procedures and time limits, which the providers shall keep in the course of registration and transmission shall be laid down by the Ministry by means of a decree.

³⁴ § 2(3) of Decree no. 3123/2002 Coll., on Budgetary Structure”.

TITLE TWELVE

Amendment to the Act on Budgetary Rules of Territorial Budgets

Article XIII

Act no. 250/2000 Coll., on budgetary rules of territorial budgets, as amended by Act no. 450/2001 Coll., Act no. 421/2004 Coll., Act no. 557/2004 Coll., Act no. 562/2004 Coll., Act no. 635/2004 Coll. and Act no. 342/2005 Coll., shall be amended as follows:

1. In § 1, paragraph 4 shall be added and, including footnote no. 2a, worded as follows:

“(4) Provisions of Titles II and III of this Act shall apply, in addition, to management of assets of the Cohesion region councils^{2a}, except for provisions of § 7 to 10.

^{2a} § 16 of Act no. 248/2000 Coll., on Regional Development Aid, as amended by Act no. 138/2006 Coll.”.

2. In § 10, at the end of paragraph 1, full stop shall be replaced by comma and point k) shall be added, worded as follows:

“k) subsidies for the Cohesion region council”.

3. In § 22(3), third sentence shall be replaced by the sentence “In respect of self-governing regions, the capital city of Prague and Cohesion region councils, the Ministry of Finance shall take decisions on the imposition thereof and in respect of municipalities and associations of municipalities, the relevant self-governing region’s office in the framework of delegated competence”.

TITLE THIRTEEN

Amendment to Act on Financial Control

Article XIV

In § 7(2)(a) of Act no. 320/2001 Coll., on financial control in public administration and on amendments to certain other Acts (the Financial Control Act), as amended of Act no. 421/2004 Coll., words “Cohesion region councils” shall be inserted following words “State funds”, and words “evidence on” shall be repealed.

TITLE FOURTEEN

Amendment to Act on Assets Management of Territorial Self-Governing Units

Article XV

Act no. 420/2004 Coll., on examination of assets management of territorial self-governing regions and voluntary associations of municipalities, as amended by Act no. 413/2005 Coll., shall be amended as follows:

1. In § 1, following words “capital of Prague”, the word “and” shall be repealed and following words “voluntary associations of municipalities” words “and Cohesion region councils” shall be inserted.
2. Footnote no. 1 shall read as follows:

“1) § 17(4) of Act no. 250/2000 Coll., on Budgetary Rules of Territorial Budgets, as subsequently amended. § 16a of Act no. 248/2000 Coll., on Regional Development Aid, as amended by Act no. 138/2006 Coll.”.

3. In § 11, following words “with the head of self-governing region”, the word “and” shall be replaced by comma and following the words “with the person designated by the statute of the voluntary association of municipalities” the words “and in respect of the Cohesion region council and the chairman thereof” shall be inserted.

TITLE FIFTEEN

Entry into Effect

Article XVI

This Act shall enter into effect on the first day of the third calendar month following the date of its promulgation.

Zaorálek, autograph

Klaus, autograph

Paroubek, autograph