

255/2012 Coll.

ACT

dated 14 June 2012

on Inspection

(Inspection Code)

Amendment: [183/2017 Coll.](#)

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

PART ONE

INSPECTION CODE

CHAPTER I

GENERAL PROVISIONS

Section 1

Scope and Applicability of the Act

(1) This act regulates the procedures of executive bodies, regional self-governing unit bodies, other bodies and legal entities or individuals exercising public administration duties (hereinafter the “inspection authority”) in the process of inspection of activities of executive bodies, regional self-governing unit bodies, other bodies, legal entities and individuals (hereinafter the “inspected party”).

(2) The Inspection Authorities shall also be governed by this act in the process of inspection of the execution of state administration and in the process of inspection of activities of legal entities founded/established by state or by regional self-governing units carried out by the founder/establisher, unless the inspection of activities of the above legal entities is governed by private law regulations.

Section 2

Inspection

In the process of inspection, the inspection authority shall ascertain whether and how the inspected party fulfills the obligations arising to the inspected party from other legal regulations or imposed upon the inspected party under such regulations.

CHAPTER II

ACTIONS PRECEDING INSPECTION

Section 3

Actions Preceding Inspection

(1) Prior to the commencement of an inspection, the inspection authority may perform actions aimed at acquiring supporting materials and information in order to assess whether an inspection will be commenced.

(2) The actions pursuant to paragraph (1) above shall be documented with a written record. If the actions concerned are followed by an inspection, the facts thus acquired may serve as a basis for the inspection findings.

CHAPTER III

INSPECTION PROCESS

Section 4

Inspection Mandate

(1) The inspection shall be carried out by an individual authorized by the inspection authority to carry out the

inspection (hereinafter the "inspector").

(2) The inspection mandate shall be issued by the head of the inspection authority or by a person authorized by the inspection authority (hereinafter the "inspector's superior"). If there are multiple inspectors involved in a single inspection, the inspector's superior shall designate one of them as the inspection team leader.

(3) The inspection mandate shall take the form of

- a) a written mandate for a single inspection, or
- b) an inspection license, if this is stipulated by other legal regulations.

Section 5

Commencement of Inspection

(1) The inspection authority shall commence an inspection ex officio.

(2) An inspection shall commence with the first inspection task, that being:

- a) submission of the inspection mandate to the inspected party or to another party that has supplied/purchased goods to/from the inspected party, performed work for the inspected party, provided/received services to/from the inspected party or that has participated in any such activities (hereinafter the "obligated party") and that is present at the inspection site;
- b) delivery to the inspected party of an inspection commencement notice; such notice shall also include the inspection mandate or a list of inspectors; or
- c) the first of the inspection tasks immediately preceding the submission of the inspection mandate to the inspected party or to the obligated party present at the inspection site, if the performance of such inspection tasks is necessary in order to conduct the inspection.

(3) If the inspection commences pursuant to paragraphs (2)(a) or (2)(c) above in the absence of the inspected party, the inspector shall inform the inspected party of the commencement of the inspection retrospectively.

Section 6

Summoned Persons

(1) The inspection authority may invite an individual to participate in the inspection in order to achieve the purpose of the inspection (hereinafter the "summoned person").

(2) The inspection authority shall issue an authorization to the summoned person and shall instruct the summoned person as to its rights and obligations relating to its participation in the inspection.

(3) The provisions of this Act governing the rights and obligations of the inspected party and of the obligated party towards the inspector shall apply to the rights and obligations of the inspected party and of the obligated party towards the summoned person accordingly.

Section 7

Access to Land, Buildings and Other Premises

In connection with the inspection, the inspector is entitled to enter buildings, means of transport, land and other premises, with the exception of residential dwellings, owned or used by the inspected party or otherwise directly related to the performance and subject of the inspection, if it is necessary for the purposes of performance of the inspection. The inspector is only authorized to enter a dwelling if the dwelling is used for business or other economic activities or if the purpose of the inspection is to eliminate doubts as to whether the dwelling is used for the above purposes and the purpose of the inspection cannot be fulfilled by other means. The owners or users of such premises are obliged to allow the inspector access to the premises.

Section 8

Other Rights of the Inspector

In connection with the performance of the inspection, the inspector is further authorized to

- a) request proof of identity of the individual that is present at the inspection site, if the individual fulfills the tasks of the inspected party or may contribute to the fulfillment of the purpose of the inspection,
- b) perform control purchases, take samples, conduct the required measuring, monitoring, examinations and tests,
- c) request the provision of data, documents and items pertaining to the subject of the inspection or the activities of the inspected party (hereinafter the "supporting materials"); in justified cases, the inspector may secure original supporting materials,
- d) take visual or audio records,

e) use the technical resources of the inspected party to the degree necessary for the performance of the inspection, subject to prior discussion and agreement with the inspected party,

f) request further necessary assistance and cooperation from the inspected party and the obligated party in order to perform the inspection.

Section 9

Inspector's Obligations

In connecting to performing the inspection, the inspector is obliged to

a) determine the state of affairs in the scope required to achieve the purpose of inspection and substantiate the inspection findings with the necessary references depending on the nature of inspection,

b) care for the rights and justified interests of the inspected party, obliged party and third parties,

c) submit an inspection permit to the inspected party or obliged party, and if requested by the inspected party or obliged party, also submit a document that proves that they are the person indicated in the inspection permit,

d) issue confirmation of the secured original references, and return them immediately once the reasons for their securing cease to exist,

e) allow the inspected party to participate in inspection acts during the performance of inspection onsite, if this is not prevented by fulfillment of the purpose or performance of inspection,

f) draft an inspection report and delivery a duplicate thereof to the inspected party.

Section 10

Rights and Obligations of the Inspected Party and of the Obligated Party

(1) The inspected party is entitled to

a) request from the inspector submission of the inspection mandate and of another document to prove that the person present is the person identified in the inspection mandate,

b) raise objection concerning impartiality of the inspector or the summoned person,

c) become familiar with the content of the inspection report,

d) raise objections against the inspection findings set out in the inspection report.

(2) The inspected party is obliged to create conditions suitable for the performance of the inspection, allow the inspector to perform its competencies stipulated in this Act and provide the necessary assistance and cooperation in this respect and, if requested by the inspector, submit a written report on the elimination or prevention of the irregularities ascertained by the inspection within the deadline designated by the inspector.

(3) The obligated party is obliged to provide the inspector with the necessary assistance and cooperation for the performance of the inspection, if such cooperation cannot be ensured through the inspected party.

Section 11

Collected Samples

(1) The inspector may only collect the necessary number or amount of samples, always against a written confirmation of sample collection. The inspection authority shall return the collected sample, if possible.

(2) The inspection authority shall compensate the party whose sample is collected for the collected sample. The amount of compensation shall equal the price for which the item is regularly marketed by the party at the time of collection or, if such price cannot be determined, the price for which the item was procured or the amount of reasonably incurred costs.

(3) The entitlement to compensation pursuant to paragraph (2) above does not arise, if

a) the sample is returned or if the party whose sample was collected refuses to accept the sample back or waives its return or compensation; or

b) the collected sample does not meet the requirements stipulated by other legal regulations or by the decision or measure adopted by the competent authority.

Section 12

Inspection Report

(1) The inspection report shall contain facts related to the performed inspection, at least:

- a) Identification of the inspection authority and the inspector,
- b) Identification of the relevant legal provision stipulating the power of the inspection authority to perform the inspection,
- c) Identification of the summoned person, including the reasons for their invitation,
- d) Identification of the inspected party,
- e) Identification of the subject of inspection,
- f) Identification of the inspection action commencing the inspection and the date on which such inspection action was performed,
- g) The last inspection action preceding the preparation of the inspection report and the date on which such inspection action was performed,
- h) Inspection findings, containing the ascertained state of affairs, the irregularities revealed and the legal regulations that were violated, including the supporting materials on which these inspection findings are based,
- i) Instructions as to the possibility to file objections against the inspection findings set out in the inspection report, including the deadline for filing objections and the party with whom the objections are to be filed,
- j) Report date,
- k) inspector's signature.

(2) The inspection report will be prepared within 30 days from the date of the last inspection action or within 60 days in particularly complicated cases.

(3) The inspection authority shall deliver a copy of the inspection report to the inspected party.

Section 13

Objections

(1) The inspected party may file objections to the inspection findings set out in the inspection report with the inspection authority within 15 days from the date of receipt of the inspection report, unless a longer deadline is set out in the inspection report.

(2) Objections shall be filed in writing and shall clearly indicate the inspection finding to which they relate, and shall contain a justification of the disagreement with the inspection finding.

Section 14

Handling Objections

(1) If the inspector or the inspection team leader does not accommodate the objections within 7 days from their receipt, the inspector's superior shall either grant, fully or partially, or reject the objections within 30 days from their delivery. In particularly complex cases, the deadline for the settlement of objections by the inspector's superior shall be extended by another 30 days. The inspector's superior will inform the inspected party of this extension of deadline in advance.

(2) Objections that do not clearly indicate which inspection finding they refer to and/or objections lacking justification shall be rejected as unjustified by the inspector's superior. The inspector's superior will also reject objections that were late or filed by an unauthorized person.

(3) If, prior to handling the objections, an administrative proceeding is initiated with the inspected party concerning the imposition of a sanction or corrective measure directly relating to the facts contained in the inspection report, the objections may be handled as part of such administrative proceeding subject to the inspector's superior's consent; if an administrative authority is competent to conduct the administrative proceeding other than the inspection authority that conducted the inspection, the objections can be referred to this administrative authority with the inspector's superior's consent. The inspected party shall be informed by the inspection authority about the reference of the objections. If, however, the administrative proceeding only relates to certain facts contained in the inspection report and such facts can be severed from the other facts contained in the given inspection report, the previous sentence shall only apply to objections concerning the facts that are the subject of the administrative proceeding. The settlement of the objections will be set out in the reasoning of the decision adopted in such administrative proceeding.

Section 15

Non-criminal Offences of Individuals, Legal Entities and Natural Persons - Entrepreneurs

(1) An individual, a legal entity or a natural person who is an entrepreneur shall be deemed to have committed an offence if

- a) being the inspected party, they fail to fulfill any of the obligations pursuant to Section 10(2),
- b) being the inspected party, they fail to fulfill the obligations pursuant to Section 10(3).

(2) A fine of up to CZK 500,000 and CZK 200,000 may be imposed for an offence pursuant to the provision of paragraph (1)(a) and (1)(b), respectively.

Section 16

Cancelled

Section 17

Joint Provisions on Offences

Offences pursuant to Section 15 shall be assessed by the inspection authority competent to carry out the inspection in connection with which the offence was committed.

Section 18

Termination of Inspection

The inspection shall be terminated

- a) upon the expiry of the deadline for filing objections to no effect or upon waiver of the right to file objections;
- b) upon the delivery to the inspected party of the settled objections; or
- c) on the day on which the objections are referred to the administrative authority for settlement (Section 14(3)).

Section 19

Inspection of the Execution of Public Administration

(1) Upon the inspection of the execution of public administration, the inspector is also authorized to impose measures to eliminate or prevent any irregularities identified by the inspection.

(2) The measures to eliminate or prevent any irregularities identified by the inspection shall be set out in the inspection report.

CHAPTER IV

JOINT PROVISIONS

Section 20

Confidentiality Duty

(1) The inspector and the summoned person shall maintain confidentiality of all facts obtained in connection with the inspection or the tasks preceding the inspection and shall not abuse or misuse such information.

(2) The confidentiality duty of the inspector and/or of the summoned person shall survive the termination of their employment or other relationship.

(3) The inspector or the summoned person may only be released from the confidentiality duty by the party in whose interests the inspector or the summoned person are bound by the duty or by the inspector's superior in public interest.

Section 21

Correction of Inaccuracies and Final Investigation

(1) Inaccuracies in the inspection report will be corrected by the inspection authority ex officio by means of an addendum to the inspection report, a copy of which will be delivered to the inspected party and attached to the inspection report.

(2) If it is necessary due to the submitted objections or in order to correct any inaccuracies revealed in the inspection report, the inspector will conduct final investigation of the case. The result of the final investigation shall be recorded in an addendum to the inspection report, a copy of which will be delivered to the inspected party and attached to the inspection report.

(3) The provisions of Sections 6 through 11, Sections 13 through 17 and Section 20 shall apply to the final investigation of the case accordingly.

Section 22

Special Provision on Examining the File

Documents or parts thereof that may be used to identify the person who filed a motion to initiate an inspection shall be exempt from the examination of the file.

Section 23

Inspection Costs

(1) The costs incurred by the inspection authority in connection with conducting the inspection shall be borne by the inspection authority.

(2) The costs incurred by the inspected party or by the obligated party in connection with conducting the inspection shall be borne by the respective party.

Section 24

Takeover of the Inspection by a Superior Administrative Authority

(1) In justified cases, the conduct of the inspection may be taken over by an administrative authority superior to the inspection authority. The superior administrative authority shall inform the inspection authority otherwise competent to carry out the inspection of this fact.

(2) If the superior administrative authority takes over the inspection pursuant to paragraph (1) above, the same inspection cannot be carried out by the inspection authority otherwise competent to carry out such inspection. The inspection authority shall be nevertheless informed of the results of the inspection by the superior administrative authority without undue delay.

Section 25

Cooperation of the Inspection Authorities

(1) The inspection authorities shall cooperate and coordinate their inspections in the interests of due administration.

(2) If an inspection authority requests another inspection authority or another public authority to provide data, information or other supporting materials which are necessary to carry out an inspection, the addressed authority will provide any data, information and other supporting materials it has available, unless it contradicts other obligations imposed by other legal regulations, with the exception of the confidentiality duty.

(3) An inspection authority shall disclose the results of an inspection to another inspection authority or a public authority upon request to the extent that they are needed for the exercise of the powers of such authority. The employees of these authorities are obliged to maintain confidentiality of these facts. Section 20 shall apply accordingly.

(4) The inspection authority shall submit its findings concerning irregularities to the relevant authority competent to take measures to correct the situation or impose sanctions for the revealed irregularities.

Section 26

Publishing Information on Inspections

The inspection authority shall regularly, at least annually, publish general information concerning the results of inspections in a manner that allows for remote access.

Section 27

Planning Inspections

The inspection authority shall prepare an inspection plan, unless the nature or purpose of the inspections prevents such a plan. The inspection authority shall coordinate the content of the inspection plan with other inspection authorities to the extent that it is in the interests of protecting the rights of the inspected parties and unless it is prevented by the purpose of the inspections.

Section 28

Reference to the Code of Administrative Procedure

Unless the law stipulates otherwise, the inspection process shall be governed by the Code of Administrative Procedure.

CHAPTER V

TEMPORARY PROVISIONS AND CANCELLATION PROVISIONS

Section 29

Temporary Provisions

(1) An inspection that has commenced prior to coming into force of this Act shall be concluded according to the existing legislation.

(2) Any existing inspection mandates in the form of a license containing reference to the Act on State Inspection will remain valid until 31 December 2017 at the latest.

Section 30

Cancellation Provision

Act No. 552/1991 Coll. on State Inspection, is hereby cancelled.

PART TWO

Amendment of the Act on the Supreme Audit Office

Section 31

The words "the Inspection Act and" shall be inserted after the word "does not apply" in Section 31 of Act No. 166/1993 Coll. on the Supreme Audit Office.

PART THREE

Amendment of the Act on the Protection of Confidential Data

Section 32

Chapter three of part three of Act No. 148/1998 Coll. on the Protection of Confidential Data and on the amendment of certain other acts, as amended by Act No. 164/1999 Coll., Act No. 18/2000 Coll., Act No. 29/2000 Coll., Act No. 30/2000 Coll., Act No. 363/2000 Coll., Act No. 60/2001 Coll., Act No. 322/2001 Coll., Act No. 151/2002 Coll., Act No. 310/2002 Coll., Act No. 320/2002 Coll., Act No. 436/2003 Coll., Act No. 257/2004 Coll., Act No. 386/2004 Coll., Act No. 190/2005 Coll., the Constitutional Court's award declared under no. 220/2005 Coll., Act No. 290/2005 Coll., Act No. 413/2005 Coll., Act No. 444/2005 Coll., Act No. 342/2006 Coll., Act No. 250/2008 Coll. and Act No. 41/2009 Coll., is cancelled.

PART FOUR

Amendment of the act on the amendment and cancellation of certain acts related to the Act on Regions, the Act on Municipalities, the Act on District Authorities and the Act on the Capital City of Prague

Section 33

Part thirteen of Act No. 132/2000 Coll. on the amendment and cancellation of certain acts related to the Act on Regions, the Act on Municipalities, the Act on District Authorities and the Act on the Capital City of Prague, as amended by Act No. 217/2000 Coll., Act No. 143/2001 Coll., Act No. 86/2002 Coll., Act No. 356/2003 Coll., Act No. 22/2004 Coll., Act No. 93/2004 Coll., Act No. 99/2004 Coll., Act No. 562/2004 Coll., Act No. 587/2004 Coll., Act No. 379/2005 Coll., Act No. 186/2006 Coll., Act No. 189/2006 Coll., Act No. 264/2006 Coll., Act No. 329/2011 Coll., Act No. 375/2011 Coll. and Act No. 456/2011 Coll., is cancelled.

PART FIVE

Amendment of the act amending certain acts governing public health protection

Section 34

Part ten of Act No. 274/2003 Coll., amending certain acts governing public health protection, as amended by Act No. 426/2003 Coll., Act No. 316/2004 Coll., Act No. 626/2004 Coll., Act No. 264/2006 Coll., Act No. 378/2007 Coll. and Act No. 375/2011 Coll., is cancelled.

PART SIX

Amendment of the act amending certain acts in connection with the adoption of the Code of Administrative Procedure

Section 35

Part twenty five of Act No. 501/2004 Coll., amending certain acts in connection with the adoption of the Code of Administrative Procedure, as amended by Act No. 444/2005 Coll., Act No. 281/2009 Coll. and Act No. 329/2011 Coll., is cancelled.

PART SEVEN

Amendment of Act No. 392/2005 Coll.

Section 36

Part two of Act No. 392/2005 Coll., amending Act No. 258/2000 Coll. on the Protection of Public Health and on the Amendment of Certain Related Acts, as amended, and certain other acts, is cancelled.

PART EIGHT

Amendment of the act on amendment of certain acts in connection with the adoption of the Act on the Protection of Confidential Data and on Qualification for Safety Purposes

Section 37

Part ten of Act No. 413/2005 Coll. on the amendment of certain acts in connection with the adoption of the Act on the Protection of Confidential Data and on Qualification for Safety Purposes, as amended by Act No. 138/2006 Coll., Act No. 362/2007 Coll., Act No. 274/2008 Coll., Act No. 41/2009 Coll., Act No. 278/2009 Coll., Act No. 281/2009 Coll. and Act No. 89/2012 Coll., is cancelled.

PART NINE

Amendment of Act No. 230/2006 Coll.

Section 38

Part six of Act No. 230/2006 Coll., amending Act No. 89/1995 Coll. on the State Statistical Service, as amended, and other related acts, as amended by Act No. 281/2009 Coll., Act No. 456/2011 Coll., Act No. 17 /2012 Coll. and Act No. 89/2012 Coll., is cancelled.

PART TEN

Amendment of the act amending certain other acts in connection with the adoption of the Tax Procedure Code

Section 39

Part Ten of Act No. 281/2009 Coll., amending certain acts in connection with the adoption of the Tax Procedure Code, as amended by Act No. 153/2010 Coll., Act No. 350/2011 Coll., Act No. 456/2011 Coll. and Act No. 466/2011 Coll., is cancelled.

PART ELEVEN

EFFECT

Section 40

This act comes into force on 1 January 2014.

Němcová, undersigned

Klaus, undersigned

Nečas, undersigned