

255/2012 Coll.

ACT

dated 14 June 2012

on inspection (Inspection Code)

The Parliament has decided on the following act of the Czech Republic:

PART ONE

INSPECTION CODE

CHAPTER I

GENERAL PROVISIONS

Section 1

Validity of the act

(1) This act regulates the procedure of executive bodies, local government unit bodies, other bodies and legal entities or individuals exercising authority in the area of public administration (hereinafter the “inspection authority”) during the inspection of activities of the executive bodies, local government unit bodies, other bodies, legal entities and individuals (hereinafter the “inspected party”).

(2) The inspection authorities proceed according to this act also when inspecting the execution of state administration and when inspecting the activities of legal entities founded or established by the state or local government unit carried out by the founder or establisher, provided the inspection of these legal entities is not governed by private law regulations.

Section 2

Inspection

During inspection, the inspection authority determines how the inspected party fulfils the obligations arising from other legal regulations or those imposed based on these regulations.

CHAPTER II

ACTIONS PRECEDING INSPECTION

Section 3

Actions preceding inspection

(1) The inspection authority may perform actions before commencing inspection, the purpose of which is to procure the references needed to assess whether it will commence inspection.

(2) A record will be drafted of the actions according to subsection (1). If these actions are followed by an inspection, the facts thus procured may serve as a reference for the inspection findings.

CHAPTER III

COURSE OF INSPECTION

Section 4

Inspection permit

(1) Inspection is carried out by an individual authorised by the inspection authority (hereinafter the “inspector”).

(2) The head of the inspection authority or person authorised to do so by the inspection authority (hereinafter the “inspector’s superior”) issues the inspection permit. If there are several inspectors involved in the individual inspections, the

inspector's superior will designate one of them as the head of the inspection team.

(3) The inspection permit takes the form of

- a) a written permit for individual inspection, or
- b) an ID pass, if stipulated by other legal regulations.

Section 5

Commencement of inspection

(1) The inspection authority commences inspection *ex officio*.

(2) Inspection is commenced by the first inspection action, that being:

a) submission of the permit to inspect the inspected party or another party that supplied or supplies the inspected party with goods or purchased or purchases goods from it, performed or performs work for it, or provided or provides services to it or used or uses its services, or participated or participates in these activities (hereinafter the "obliged party"), which is present on the inspection site;

b) delivery of a notice on commencement of inspection to the inspected party; this notice must also include the inspection permit or a list of inspectors; or

c) the first of the inspection actions immediately preceding the submission of an inspection permit to the inspected party or obliged party, that is present on the inspection site, if the performance of such inspection actions is necessary to conduct the inspection.

(3) If inspection is commenced under subsection (2)(a) or (c) without the presence of the inspected party, the inspector will inform the inspected party of the commencement of inspection subsequently.

Section 6

Invited persons

(1) The inspection authority may invite an individual (hereinafter the "invited person") to participate in the inspection in the interest of achieving its purpose.

(2) The inspection authority will issue a permit for the invited person and instruct the invited person about their rights and obligations during participation in the inspection.

(3) The rights and obligations of the inspected party and obliged party towards the invited person are governed as appropriate by the provisions of this act on the rights and obligations of the inspected party and obliged party towards the inspector.

Section 7

Access to land, buildings and other premises

In connection to performing inspection, the inspector is authorised to access buildings, means of transport, land and other premises with the exception of dwellings, which are owned or used by the inspected party or are otherwise directly related to the performance and subject of inspection, if required for performance of the inspection. The inspector is only authorised to access a dwelling if the dwelling is used for business or operation of other economic activities, or if the inspection is to eliminate doubts as to whether the dwelling is used for these purposes and the purpose of inspection cannot be fulfilled by other means. The owners or users of these premises are obliged to allow the inspector access.

Section 8

Inspector's other rights

In connection to performing inspection, the inspector is further authorised to

a) require proof of identification of the individual that is present at the inspection site, if it is a person fulfilling the tasks of the inspected party, or a person that can contribute to fulfilling the purpose of inspection,

b) perform the inspection of purchases, take samples, conduct the required measuring, monitoring, viewings and tests,

c) request the provision of data, documents and items pertaining to the subject of inspection or activities of the inspected party (hereinafter "references"); in justified cases, the inspector may secure original references,

d) create image or audio recordings,

e) in the degree necessary for the course of inspection, to use the technical resources of the inspected party, following prior

discussion with the inspected party,

f) request further cooperation required to perform inspection from the inspected party and obliged party.

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 fulfilment 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 obliged party

(1) The inspected party is authorised to

a) ask the inspector to submit their inspection permit and another document proving that they are the person set out in the inspection permit,

b) object to the impartiality of the inspector or invited person,

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

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

(2) The inspected party is obliged to create conditions for performance of the inspection, allow the inspector to perform their authorities stipulated by this act and provide the necessary cooperation for this purpose, and to submit a written report on elimination or prevention of the deficiencies determined by the inspection within the deadline designated by the inspector, if requested by the inspector.

(3) The obliged party is obliged to provide the inspector with the cooperation needed to perform 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 of samples; they will issue a confirmation of sample collection. The inspection authority will return the collected sample, if possible.

(2) The inspection authority will pay the party from which the sample was collected compensation for the collected sample in the amount of the price for which this party regularly sells the item on the market at the time of its collection; if this price cannot be determined, compensation will be equal to the price for which the inspected party procured the item, or to the value of purposefully expended costs.

(3) The claim to compensation according to subsection (2) does not arise if

a) the sample was returned or if the party from which the sample was collected refuses to accept it, or has declared that they do not require its return or compensation; or

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

Section 12

Inspection report

(1) The inspection report contains facts related to the performed inspection. However, it always contains at least

a) identification of the inspecting authority and inspected party,

- b) identification of the provision of the legal regulation defining the authorisation of the inspection authority to perform inspection,
- c) identification of the invited person and reason for their invitation,
- d) identification of the inspected party,
- e) identification of the subject of inspection,
- f) inaction act by which inspection was commenced, and date when this inspection act was carried out,
- g) last inspection act preceding the drafting of the inspection report and date on which this inspection act was carried out,
- h) inspection findings, containing the determined state of affairs with indication of deficiencies and indication of the legal regulations that were violated, including indication of the references on which these inspection findings are based,
- i) instructions about the option of filing objections against the inspection findings set out in the inspection report with indication of the deadline for their filing and who they are filed to,
- j) drafting date,
- k) inspector's signature.

(2) The inspection report will be drafted within a deadline of 30 days from the date of performing the last inspection act; in particularly complicated case within 60 days.

(3) The inspection authority will deliver a duplicate 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 to the inspection authority within a deadline of 15 days from the date of delivering the inspection report, unless a longer deadline is set out in the inspection report.

(2) Objections are filed in writing, and it must be obvious which inspection finding they refer to, and must contain a justification of the objection to this inspection finding.

Section 14

Handling objections

(1) If the head of the inspection team or inspector does not accommodate the objections within a deadline of 7 days from their delivery, the inspector's superior will handle them within a deadline of 30 days from their delivery, either by accommodating them, partly accommodating them or rejecting them. In particularly complex cases, the deadline for handling objections by the inspector's superior is extended by 30 days. The inspector's superior will inform the inspected party of this extension in advance.

(2) Objections, from which it is not obvious which inspection finding they refer to, or objections that are lacking a justification, will be rejected as unjustified by the inspector's superior. The inspector's superior will also reject objections that were filed late or by an unauthorised person.

(3) If administrative proceedings on imposition of a sanction or corrective measures directly related to facts contained in the inspection report are commenced with the inspected party before handling of the objections, the objections may be handled within these administrative proceedings with consent from the inspector's superior; if a different administrative authority than the inspection authority that conducted the inspection is authorised in the administrative proceedings, the objections can be handed over to this administrative authority with consent from the inspector's superior. The inspection authority will inform the inspected authority about the handover of the objections. However, if the administrative proceedings were commenced in direct relation only to some of the facts contained in the inspection report, which can be severed from the other facts in the given inspection report, the procedure according to the first sentence will be applied only to objections concerning the facts concerning which the administrative proceedings were commenced. The handling of objections will be set out in the justification of the decision issued within such administrative proceedings.

Section 15

Misdemeanours

(1) An individual commits a misdemeanour by

- a) failing to fulfil one of the obligations under Section 10(2) as the inspected party,
- b) failing to fulfil the obligations according to Section 10(3) as the obliged part.

(2) A fine of up to CZK 500,000 will be imposed for misdemeanours according to subsection (1)(a), and a fine of up to CZK 200,000 will be imposed for misdemeanours according to subsection (1)(b).

Section 16

Administrative offences

(1) A legal entity or individual – entrepreneur commits an administrative offence by

- a) failing to fulfil one of the obligations under Section 10(2) as the inspected party,
- b) failing to fulfil the obligations according to Section 10(3) as the obliged part.

(2) A fine of up to CZK 500,000 will be imposed for misdemeanours according to subsection (1)(a), and a fine of up to CZK 200,000 will be imposed for misdemeanours according to subsection (1)(b).

Section 17

Joint provisions

(1) A legal entity is not liable for the administrative offence if it proves that it exerted the maximal efforts that can be required of it to prevent violation of the legal obligation.

(2) When determining the fine for a legal entity, the gravity of the administrative offence will be taken into account, in particular the manner in which it was committed, its consequences and the circumstances under which it was committed.

(3) The liability of the legal entity for the administrative offence expires if the administrative authority does not commence proceedings on it within 6 months from the date when it learned of it, but at latest within 1 year from the date when it was committed.

(4) The provision on liability and prosecution of legal entities will apply to liability for the conduct that occurred in the business operation of an individual or in direct relation thereto.

(5) The administrative offences according to Sections 15 and 16 are discussed in the first degree by the inspection authority authorised to conduct the inspection in connection to which the administrative offence was committed.

Section 18

Termination of inspection

Inspection is terminated

- a) upon the vain passing of the deadline for filing objections or upon waiver of the right to file objections;
- b) on the date of delivery of the response to objections to the inspected party; or
- c) on the date when the objections were submitted for handling to the administrative authority (Section 14(3)).

Section 19

Inspection of the performance of state administration

(1) During the inspection of performance of state administration, the inspector is also authorised to impose measures to eliminate or prevent the deficiencies identified during inspection.

(2) The measures to eliminate or prevent the deficiencies found during inspection will be set out in the inspection report.

CHAPTER IV

JOINT PROVISIONS

Section 20

Nondisclosure obligation

(1) The inspector or invited person must preserve the confidentiality of all facts they learn in connection to the inspection or the tasks preceding inspection, and to not misuse such obtained information.

(2) The nondisclosure obligation of the inspector or invited person remains intact even after the termination of their employment or other relation.

(3) The inspector or invited person may be relieved of their nondisclosure obligation only by the party in whose interest the inspector or invited person is bound by this obligation, or in public interest by the inspector's superior.

Section 21

Correction of inaccuracies and final investigation of the case

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

(2) if necessary based on the submitted objections or in order to correct found inaccuracies in the inspection report, the inspector will conduct a final investigation of the case. The result of final investigation is entered into the amendment to the inspection report, a duplicate of which will be delivered to the inspected party and attached to the inspection report.

(3) During final investigation, the provisions of Sections 6 through 11, Sections 13 through 17 and Section 20 will be applied as appropriate.

Section 22

Special provisions on viewing files

Documents or parts thereof, from which the identity of the person that filed the initiative for inspection can be determined, are excluded from viewing of the file.

Section 23

Inspection costs

(1) The costs incurred by the inspection authority in connection to conducting the inspection are borne by the inspection authority.

(2) Costs incurred by the inspected party or obliged party in connection to conducting the inspection are borne by these parties.

Section 24

Takeover of inspection performance by a superior administrative authority

(1) In justified cases, performance of the inspection may be taken over by a superior administrative authority to the inspection authority. The superior administrative authority will inform the inspection authority of this fact that is otherwise authorised to perform such inspection of this fact.

(2) If the superior administrative authority takes over inspection according to subsection (1), the same inspection cannot be carried out by the inspection authority otherwise authorised to perform such inspection. However, the superior administrative authority will inform the inspection authority of the result of inspection without undue delay.

Section 25

Cooperation between inspection authorities

(1) The inspection authorities cooperate and coordinate their inspections in the interest of good administration.

(2) If an inspection authority asks another inspection authority or other public authority to provide data, information or other inspection references need to conduct the inspection, the addressed authority will provide such data, information and other inspection references, if it has them at its disposal and this is not prevented by the fulfilment of obligations imposed by other legal regulations, with the exception of nondisclosure obligation.

(3) Upon request, the inspection authority will disclose the results of inspection to another inspection authority or public authority, if they are required for the performance of its authorities. The employees working at these authorities are obliged to preserve the confidentiality of such facts. Section 20 will be applied similarly.

(4) The inspection authority submits its findings about deficiencies to the respective authority, which is authorised in its capacity to undertake measures to correct the situation or impose sanctions for the found deficiencies.

Section 26

Publishing information

The inspection authority publishes general information about the results of inspections regularly, at least once a year, in a manner enabling remote access.

Section 27

Planning inspections

The inspection authority processes an inspection plan, if this is not prevent by their nature or purpose. The inspection authority coordinates the content of the inspection plan with the other inspection authorities, if it is in the interest of protecting

the rights of the inspected parties and is not prevented by the purpose of inspection.

Section 28

Relation to the Administrative Code

Unless the act stipulates otherwise, the inspection procedure is governed by the Administrative Code.

CHAPTER V

TEMPORARY AND CANCELLATION PROVISIONS

Section 29

Temporary provisions

(1) Inspection commenced before the coming into effect of this act will be concluded according to the existing legal regulations.

(2) If the existing inspection permits in the form of a pass contain a reference to the Act on State Inspection, they will remain valid maximally until 31 December 2017.

Section 30

Cancellation provisions

Act No. [552/1991 Coll.](#) on state inspection is cancelled.

PART TWO

Amendment of the Act on the Supreme Audit Office

Section 31

In [Section 31 of Act No. 166/1993 Coll.](#) on the Supreme Audit Office, the words "Inspection Act and" are added after the word "does not apply".

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 laws, 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 award of the Constitutional Court 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 laws related to the Act on Regions, Act on Municipalities, Act on District Offices and Act on the City of Prague

Section 33

Part Thirteen of Act No. [132/2000 Coll.](#) on the amendment and cancellation of certain laws related to the Act on Regions, Act on Municipalities, Act on District Offices and Act on the 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 that amends certain laws in the area of protecting public health

Section 34

Part ten of Act No. [274/2003 Coll.](#), which amends certain laws in the area of protecting public health, 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 that amends certain laws related to the passing of the Administrative Code

Section 35

Part Twenty-five of Act No. [501/2004 Coll.](#), which amends certain laws related to the passing of the Administrative Code, 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.](#), which amends Act No. [258/2000 Coll.](#) on the protection of public health and certain related laws, as amended, and certain other laws, is cancelled.

PART EIGHT

Amendment of the Act on amendment of laws related to the passing of the Act on the protection of confidential data and on security qualifications

Section 37

Part Ten of Act No. [413/2005 Coll.](#) on the amendment of laws related to the passing of the Act on the protection of confidential data and on security qualifications, 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.](#), which amends Act No. [89/1995 Coll.](#) on the state statistical service, as amended, and other related laws, 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 that amends certain laws related to the passing of the Taxation Code

Section 39

Part Ten of Act No. [281/2009 Coll.](#), which amends certain laws related to the passing of the Taxation 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

EFFECTIVENESS

Section 40

This act comes into effect on 1 January 2014.

Němcová, undersigned

Klaus, undersigned

Nečas, undersigned