

ACT

of 2 October 1991

on licensed trade (the Trade Licensing Act)

as amended by Act No 231/1992, Act No 591/1992, Act No 600/1992, Act No 273/1993, Act No 303/1993, Act No 38/1994, Act No 42/1994, Act No 136/1994, Act No 200/1994, Act No 237/1995, Act No 286/1995, Act No 94/1996, Act No 95/1996, Act No 147/1996, Act No 19/1997, Act No 49/1997, Act No 61/1997, Act No 79/1997, Act No 217/1997, Act No 280/1997, Act No 15/1998, Act No 83/1998, Act No 157/1998, Act No 167/1998, Act No 159/1999, Act No 356/1999, Act No 358/1999, Act No 360/1999, Act No 363/1999, Act No 27/2000, Act No 29/2000, Act No 121/2000, Act No 122/2000, Act No 123/2000, Act No 124/2000, Act No 149/2000, Act No 151/2000, Act No 158/2000, Act No 247/2000, Act No 249/2000, Act No 258/2000, Act No 309/2000, Act No 362/2000, Act No 409/2000, Act No 458/2000, Act No 61/2001, Act No 100/2001, Act No 120/2001, Act No 164/2001, Act No 256/2001, Act No 274/2001, Act No 477/2001, Act No 478/2001, Act No 501/2001, Act No 86/2002, Act No 119/2002, Act No 174/2002, Act No 281/2002, Act No 308/2002, Act No 320/2002, Finding of the Constitutional Court promulgated under No 476/2002, Act No 88/2003, Act No 130/2003, Act No 162/2003, Act No 224/2003, Act No 228/2003, Act No 274/2003, Act No 354/2003, Act No 438/2003, Act No 38/2004, Act No 119/2004, Act No 167/2004, Act No 257/2004, Act No 326/2004, Act No 499/2004, Act No 635/2004, Act No 695/2004, Act No 58/2005, Act No 95/2005, Act No 127/2005, Act No 215/2005, Act No 253/2005, Act No 358/2005, Act No 428/2005, Act No 444/2005, Act No 62/2006, Act No 76/2006, Act No 109/2006, Act No 115/2006, Act No 131/2006, Act No 161/2006, Act No 165/2006, Act No 179/2006, Act No 186/2006, Act No 191/2006, Act No 212/2006, Act No 214/2006, Act No 225/2006, Act No 310/2006, Act No 315/2006, Act No 160/2007, Act No 269/2007, Act No 270/2007, Act No 296/2007, Act No 130/2008, Act No 189/2008, Act No 230/2008, Act No 254/2008, Act No 274/2008, Act No 227/2009, Act No 285/2009, Act No 292/2009, Act No 160/2010, Act No 155/2010, Act No 145/2010, Act No 427/2010, Act No 424/2010, Act No 73/2011, Act No 152/2011, Act No 350/2011, Act No 351/2011, Act No 355/2011, Act No 420/2011, Act No 375/2011, Act No 53/2012, Act No 119/2012, Act No 169/2012, Act No 167/2012, Act No 199/2012, Act No 201/2012, Act No 202/2012, Act No 428/2011, Act No 221/2012, Act No 407/2012, Act No 241/2013, Act No 234/2013, Act No 309/2013, Act No 308/2013, Act No 279/2013, Act No 303/2013, Act No 140/2014, Act No 206/2015, Act No 267/2015, Act No 91/2016, Act No 88/2016, Act No 126/2016, Act No 304/2016, Act No 258/2016, Act No 188/2016, Act No 65/2017, Act No. 64/2017 Act No 183/2017, Act No 229/2016, Act No 193/2017, Act No 289/2017, Act No 261/2017, Act No 204/2017, Act No 111/2018, Act No 171/2018, Act No. 176/2019, Act No. 277/2019 and Act No 39/2020 Coll.

The Federal Assembly of the Czech and Slovak Federative Republic has passed the following Act:

GENERAL PROVISIONS

TITLE I

SUBJECT OF REGULATION

Section 1

This Act lays down conditions for carrying on a licensed trade (hereinafter referred to as 'trade') and inspections of compliance with those conditions.

Trades

Section 2

A trade shall mean a systematic activity carried out independently under the conditions laid down in this Act, under a person's own name and liability, with a view to making a profit.

Section 3

(1) The following shall not constitute a trade:

- a) the performance of an activity statutorily reserved for the State or for a designated legal person,
- b) the use of the results of intellectual creativity protected by specific laws, their originators or authors²⁾,
- c) the collective administration of copyright and rights related to copyright in accordance with specific legislation^{2a)},
- d) the restoration of cultural monuments or parts thereof which are works of fine art or applied art^{2b)},

²⁾ Act No 527/1990 Coll., on inventions, designs and improvement suggestions, as amended by Act No 519/1991 Coll. Act No 121/2000 Coll., on copyright and related rights and amending certain laws (the Copyright Act). Act No 529/1991 Coll., on the protection of topographies of semiconductor elements, as amended by Act No 116/2000 Coll. Act No 478/1992 Coll., on utility models, as amended by Act No 116/2000 Coll.

^{2a)} Act No 121/2000 Coll.

^{2b)} Act No 20/1987 Coll., on the care of monuments by the State, as amended.

e) the performance of archaeological research^{2c)}.

(2) Further, in the context of specific laws, trades shall not comprise the activities of the following natural persons:

- a) doctors, dental practitioners and pharmacists^{2d)}, paramedical workers^{2e)} in the provision of health services, and natural healers,
- b) veterinary surgeons, other veterinary workers, including rendering workers and persons performing professional activities related to selection work and the breeding of livestock³⁾,
- c) lawyers⁴⁾, notaries^{5a)} and patent attorneys⁶⁾ and bailiffs^{6a)},
- d) experts and interpreters⁷⁾,
- e) auditors⁸⁾ and tax consultants^{8a)},
- f) stock jobbers^{8b)},
- g) mediators and arbitrators in collective bargaining disputes⁹⁾ and arbitrators in property disputes^{9a)},

^{2c)} Section 21(2) of Act No 20/1987 Coll., on the care of monuments by the State.

^{2d)} Act No 95/2004 Coll., on conditions for the acquisition and recognition of professional competence and specialist competence to practice as a doctor, dental practitioner or pharmacist, as amended.

^{2e)} Act No 96/2004 Coll., on conditions for the acquisition and recognition of competence to engage in paramedical professions and to carry out activities connected with the provision of health care and amending certain related laws (the Paramedical Act), as amended.

³⁾ Act No 166/1999 Coll., on veterinary care and amending certain related laws (the Veterinary Act), as amended.

⁴⁾ Act No 85/1996 Coll., on the legal profession, as amended.

^{5a)} Act of the Czech National Council No 358/1992 Coll., on notaries and their activities.

⁶⁾ Act No 237/1991 Coll., on patent attorneys, as amended by Act of the Czech National Council No 14/1993 Coll.

^{6a)} Act No 120/2001 Coll., on bailiffs and enforcement (Rules of Enforcement) and amending other laws.

⁷⁾ Act No 36/1967 Coll., on experts and interpreters.

⁸⁾ Act of the Czech National Council No 524/1992 Coll., on auditors and the Chamber of Auditors of the Czech Republic.

^{8a)} Act of the Czech National Council No 523/1992 Coll., on tax consulting and the Chamber of Tax Consultants of the Czech Republic.

^{8b)} Act No 229/1992 Coll., on commodity markets, as amended.

- h) officially licenced surveyors¹⁰⁾,
- i) authorised architects and authorised engineers active in construction who engage in activities as freelance architects and freelance engineers^{10a)},
- j) authorised inspectors who engage in their activities as a liberal profession^{10b)},
- k) road safety auditors⁵²⁾,
- l) mediators registered under the Act on Mediation.

(3) Further, the following shall not constitute a trade:

- a) banking activities¹¹⁾, providers of payment services^{11a)}, issuing electronic money^{11a)}, operating payment systems with irrevocable settlement^{11a)}, currency exchange activities^{11d)}, insurance activities¹²⁾, security funds, insurance brokers or accredited persons according to the Act on Insurance and Reinsurance Distribution, pension funds^{12a)}, pension companies⁵⁵⁾, savings and

⁹⁾ Section 11 and Section 13(1) of Act No 2/1991 Coll., on collective bargaining, as amended by Act No 519/1991 Coll, Act No 118/1995 Coll., and Act No 155/1995 Coll.

^{9a)} Act No 216/1994 Coll., on arbitration and the enforcement of arbitral awards.

¹⁰⁾ Act No 200/1994 Coll., on surveying and amending certain laws related to the implementation thereof.

^{10a)} Section 14(1)(a) of Act No 360/1992 Coll., on the profession of authorised architects and the profession of authorised engineers and technicians active in construction, as amended.

^{10b)} Section 144(4) of Act No 183/2006 Coll., on land-use planning and building rules (the Building Act).

⁵²⁾ Act No. 13/1997 Coll., on roads, as amended by Act No. 152/2011 Coll.

¹¹⁾ Act No 6/1993 Coll., on the Czech National Bank, as amended. Act No 21/1992 Coll., on banks, as amended.

^{11a)} Act No 284/2009 Coll., on payment systems.

^{11d)} Act No 219/1995 Coll., the Foreign Exchange Act, as amended.

¹²⁾ Act No 363/1999 Coll., on insurance and on amendments to some related laws (the Insurance Contract Act). Act No 38/2004 Coll., on insurance intermediaries and on independent loss adjusters and on amendments to the Trade Licensing Act (the Act on Insurance Intermediaries and Independent Loss Adjusters).

^{12a)} Act No 42/1994 Coll., on state-contributory supplementary pension insurance and amending certain acts related to its introduction, as amended.

⁵⁵⁾ Act No. 427/2011 Coll., on supplementary pension saving.

loans societies^{12b)}, commodities markets^{8b)}, organisers of regulated markets^{13b)}, securities traders^{13b)} and their bound representatives^{13b)} and the activities of persons involved in the management or administration of an investment fund or foreign investment fund and the activities of persons providing settlement of securities^{13a)}, the activities of persons accepting and giving instructions or investment advisory activities relating to investment tools under the conditions set form in a special Act and their bound representatives^{13b)}, and the activities of credit rating agencies^{13c)}, the activities of providers of reporting services, the activities of accredited persons according to the Act on Capital Market Undertaking, provision and intermediation of consumer credit and the activity of accredited persons under the Act on consumer credit,

- b) operating games of chance,
- c) mining and other activities using mining techniques¹⁵⁾,
- d) the generation of electricity, the production of gas, the transmission of electricity, the transmission of gas, the distribution of electricity, the distribution of gas, the storage of gas, trade in electricity, trade in gas, the production of heat and the distribution of heat, which are subject to a licence under specific legislation¹⁶⁾,
- e) agriculture, including sales of unprocessed agricultural products for the processing or resale thereof, with the exception of professional phytosanitary care,
- f) sales of unprocessed plant and animal products from natural persons' internal small-scale cultivation and breeding,
- g) maritime shipping and sea fishing¹⁷⁾,
- h) the operation of railways and rail transport¹⁸⁾,

^{12b)} Act No 87/1995 Coll., on savings and loan associations and credit unions and on certain related measures and on an amendment to the Czech National Council Act No 586/1992 Coll., on income taxes, as subsequently amended.

^{13a)} § 82 and 83 Act No 256/2004 Coll., on business activities on the capital market.

^{13b)} Act No 256/2004 Coll.

^{13c)} Art. 3 (1)(b) of Regulation (EC) No. 1060/2009 of the European Parliament and of the Council, of 16 September 2009, on credit rating agencies.

¹⁵⁾ Sections 2 and 3 of Act of the Czech National Council No 61/1988 Coll., on mining, explosives and the State Mining Authority, as amended.

¹⁶⁾ Act No 458/2000 Coll., on conditions of business and on State administration in the energy sectors and amending certain laws (the Energy Act), as amended.

¹⁷⁾ Act No 61/2000 Coll., on maritime shipping.

¹⁸⁾ Section 60(3) of Act No 266/1994 Coll., on railways.

- i) the performance of communication activities in accordance with specific legislation¹⁹⁾,
- j) research, production and distribution of medicinal products²⁰⁾,
- k) the handling of addictive substances, products containing them, and certain substances used in the production or processing of addictive substances under a specific law²¹⁾,
- l) the activity of authorised or accredited persons²²⁾ and notified subjects^{22c)} in the field of state testing,
- m) foreign trade in military material^{22a)},
- n) the performance of labour inspections^{22b)},
- o) radio and television broadcasting²³⁾,
- p) the offer or provision of services for the direct gratification of sexual needs,
- r) the intermediation of employment^{23a)},
- s) the operation of technical inspection centres^{23c)},
- t) education and training in schools, preschool and educational establishments included in the register of schools and educational establishments, education in bachelor, master and doctoral studies, and lifelong learning programmes in accordance with specific legislation^{23d)},

¹⁹⁾ Act No 127/2005 Coll., on electronic communications and amending certain related laws (the Electronic Communications Act).

²⁰⁾ Act No 79/1997 Coll., on medicinal products and amending certain related laws.

²¹⁾ Act No 167/1998 Coll., on addictive substances and amending certain other laws.

²²⁾ Act no. 22/1997 Coll., on technical requirements for products amending and supplementing certain acts, as amended.

^{22c)} Act no. 90/2016 Coll., on conformity assessment of designated products in their placing on the market.

^{22a)} Act No 38/1994 Coll., on foreign trade in military material and amending Act No 455/1991 Coll., the Trade Licensing Act, as amended, and Act No 140/1961 Coll., the Criminal Code, as amended.

^{22b)} Act No 251/2005 Coll., on labour inspections.

²³⁾ Act No 231/2001 Coll., on radio and television broadcasting and amending other laws, as amended.

^{23a)} Act No 1/1991 Coll., on employment, as amended. Act of the Czech National Council No 9/1991 Coll., on employment and the competence of authorities of the Czech Republic in the field of employment, as amended.

^{23c)} Act No 38/1995 Coll., on the technical specifications for the operation of road vehicles on highways.

- u) the handling of highly dangerous substances^{23e)},
- v) the operation of airports, the operation of commercial air transport and aeronautical work, the provision of air services, activity of executive pilots and the provision of professional training in the field of protection of civil aviation against illegal acts^{23f)},
- x) the activities of organisations set up under specific legislation^{23h)} conducted in accordance with the purpose for which they were established,
- y) child protection by legal and natural persons, if authorised to provide child protection under specific legislation²³ⁱ⁾,
- z) the prospecting, exploration and production of mineral resources from and beneath the sea bed and the ocean bed beyond State territorial limits^{23j)},
- aa) the operation of cemeteries^{23k)},
- ab) the activities of authorised packaging companies in accordance with specific legislation^{23l)},
- ac) the handling of high-risk and risky biological agents and toxins^{23m)},
- ad) the operation of zoological gardens pursuant to a licence issued by the Ministry of the Environment²³ⁿ⁾,

^{23d)} Act No 564/1990 Coll., on State administration and autonomy in education, as amended. Act No 29/1984 Coll., on the system of primary schools, secondary schools and post-secondary vocational colleges (the Schools Act), as amended. Act No 76/1978 Coll., on educational establishments, as amended.

^{23e)} Act No 19/1997 Coll., on certain measures connected with the prohibition of chemical weapons and amending Act No 50/1976 Coll., on land-use planning and Building Rules (the Building Act), as amended, Act No 455/1991 Coll., the Trade Licensing Act, as amended, and Act No 140/1961 Coll., the Criminal Code, as amended.

^{23f)} Act No 49/1997 Coll., on civil aviation and amending Act No 455/1991 Coll., the Trade Licensing Act, as amended.

^{23h)} Section 27 of Act No 250/2000 Coll., on budgetary rules of territorial budgets.

²³ⁱ⁾ Section 4(2)(b) and Sections 48 to 50 of Act No 359/1999 Coll., on child protection.

^{23j)} Act No 158/2000 Coll., on the prospecting, exploration and production of mineral resources from the sea bed beyond State territorial limits and amending certain laws.

^{23k)} Act No 256/2001 Coll., on funeral services and amending certain laws.

^{23l)} Act No 477/2001 Coll., on packaging and amending certain related laws (the Packaging Act).

^{23m)} Act No 281/2002 Coll., on certain measures connected with the prohibition of bacteriological (biological) and toxin weapons and amending the Trade Licensing Act.

- ae) archiving^{23o)},
- af) the provision of social services in accordance with specific legislation^{23p)},
- ag) the activities of authorised persons entitled to verify professional competence required to obtain a certificate of a professional qualification under a specific law^{23q)},
- ah) the letting of property, residential and non-residential premises,
- ai) providing of health services^{55a)},
- aj) the performance of professional plant health care activities in accordance with specific legislation⁵⁶⁾,
- ak) operation of postal services and foreign postal services pursuant to a special legal regulation⁵⁷⁾.

Section 4

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TITLE II

CARRYING ON A TRADE

Section 5

Entities eligible to carry on a trade

(1) A natural or legal person may operate a trade if that person complies with the conditions laid down in this Act (hereinafter referred to as 'entrepreneur'); State authorisation to carry on a

²³ⁿ⁾ Act No 162/2003 Coll., on conditions for the operation of zoological gardens and amending certain laws (the Zoological Gardens Act).

^{23o)} Act No 499/2004 Coll., on archiving and the registry service and amending certain laws.

^{23p)} Act No 108/2006 Coll., on social services.

^{23q)} Act No 179/2006 Coll.

^{55a)} Act No. 372/2011 Coll., on health services and conditions of their provision (the Health Services Act).

⁵⁶⁾ Section 81 of Act No. 326/2004 Coll., on plant health and amending certain related acts, as amended by Act No. 199/2012 Coll.

⁵⁷⁾ Act No. 29/2000 Coll., on postal services and amending certain acts (Postal Services Act), as amended.

trade (hereinafter referred to as 'concession') shall be required only in the instances defined by this Act.

(2) A natural person who does not have his residence in the Czech Republic, or a legal person whose registered seat is not in the Czech Republic (hereinafter referred to as a 'foreign person'), may carry on a trade in the Czech Republic under the same conditions and to the same extent as a Czech person, unless this or a special act provides otherwise. For the purposes of this Act, a Czech person shall be regarded as a natural person having his residence or a legal person having its registered office in the Czech Republic. For the purposes of this Act, residence in the Czech Republic shall mean the place of permanent residence in the Czech Republic^{24), 38e)}.

(3) Where a person is required by law to submit documents confirming certain facts, this shall mean the submission of the relevant document together with a translation into Czech by an interpreter registered in the register of experts and interpreters^{24a)}, unless the document concerned has been issued in Czech. The authenticity of the signature and the stamp on the originals of submitted documents issued abroad shall be certified.

(4) The requirement of translation into Czech by an interpreter registered in the register of experts and interpreters and the requirement of certifying the authenticity of a signature and the impression of a stamp pursuant to paragraph (3) shall not apply to documents submitted by a citizen of a Member State of the European Union or by a legal person having its registered office, headquarters or principal place of business in a Member State of the European Union, unless there are doubts as to the correctness of the translation or the authenticity of the signature or impression of the stamp.

(5) A foreign natural person who intends to carry on a trade in the Czech Republic and who, under a specific law,^{24b)} is required to have permission to reside in the Czech Republic shall submit a document proving the granting of a visa for residence of more than 90 days or a long-term residence permit together with the notification of the trade and the application for a concession. The obligation to submit a document in accordance with the first sentence shall not apply to a foreign natural person who intends to carry on a trade in the Czech Republic by means of a branch plant^{24c)}.

(6) A natural person who has been granted international protection and his family members may carry on a trade under the same conditions as a citizen of the Czech Republic.

(7) (deleted)

^{38e)} Act No. 133/2000 Coll. on the population register and birth registration numbers and on amendments to certain acts (Act on the Population Register), as amended.

^{24a)} Act No 36/1967 Coll., on experts and interpreters.

^{24b)} Act No 326/1999 Coll., on the residence of foreign nationals in the Czech Republic, and the amendment of certain acts, as amended.

^{24c)} Section 503 of the Civil Procedure Code.

Section 6

General conditions for carrying on a trade

(1) Unless otherwise provided in this Act, the general conditions to be met by natural persons in order to carry on a trade shall be:

- a) full legal capacity, which may be replaced by judicial approval of the consent of the minor's legal guardian to the independent operation of business activities⁵⁸⁾, and
- b) good character.

(2) For the purpose of this Act, a person shall not be regarded as being of good character if he has been conclusively sentenced for an intentional criminal offence, if that offence was committed in connection with the business or line of business for which he is applying or reporting, unless that person is regarded as if he had not been sentenced^{25a)}.

(3) Good character shall be demonstrated in the case of citizens of the Czech Republic by an extract from the Crime Register and, in the case of persons that are citizens of another Member State of the European Union, by means of the documents specified under Section 46 paragraph 1 (a). In the case of persons that are neither citizens of the Czech Republic nor citizens of another Member State of the European Union, good character shall be demonstrated by means of the documents specified in Section 46 paragraph 1 (b) and an extract from the Crime Register, unless such persons have been granted permanent residence in the territory of the Czech Republic; these demonstrate good character in the same way as citizens of the Czech Republic. The trade licensing office shall be entitled to demand an extract from the Crime Register pursuant to specific legislation^{25b)}. A application for the issue of an extract from the Crime Register and the extract from the Crime Register shall be transmitted electronically in a manner facilitating remote access.

(4) For the purpose of assessing good character, the trade licensing office shall be entitled to request from the court a copy of a final decision. If the decision does not contain facts that are decisive for the assessment of good character, the trade licensing office may consult those parts of a criminal file that contain those facts. If the decision has been issued by a court of another country, the trade licensing office shall be entitled to request a copy of the court's final decision from the person who is notifying a trade or applying for a concession. Unless this person submits the copy to the trade licensing office within the set deadline, the person has not remedied the defects of the notification or of the application for a concession. In that event, the trade licensing office shall proceed under Section 47(5) or Section 53(2).

⁵⁸⁾ Section 33 of the Civil Procedure Code.

^{25a)} E.g. Sections 60, 60a and 70 of the Criminal Code.

^{25b)} Act No 269/1994 Coll., on the Crime Register, as amended.

Section 6a

(deleted)

Section 7

Special conditions for carrying on a trade

(1) Professional or other competence, where required by this Act or specific legislation, shall be regarded as special conditions for carrying on a trade.

(2) Where requirements regarding professional competence are amended after a trade authorisation has been issued, proof of professional experience shall not be required by an entrepreneur already holding a trade authorisation to carry on the trade concerned or by a person holding the office of responsible representative for the trade concerned provided that he held this office prior to the change.

(3) Where professional or other competence cannot be proven from a document issued to a natural person, professional competence may be proven from a document issued to an entrepreneur by a competent professional authority pursuant to specific legislation^{22b)}.

(4) If, in the context of the professional competence, professional experience is required in the field, for the purposes of this Act this shall mean the performance of professional activities pertaining to the field or related field of a trade by a self-employed person in the field or related field based on the relevant business authorisation, a person authorised by the management of a business plant (hereinafter referred to as the “plant”) or of a branch plant, by a responsible representative, a person directly responsible for the management of activities which are the subject of the trade, or a person performing independent professional work corresponding to the field of the trade as an employee, civil servant, member of an organisation or similar status (hereinafter referred to as “employment relationship”). The length of experience shall be understood to mean the period during which the professional activities are performed in an employment relationship for the set weekly working period or a commensurate period during which these activities were performed in an employment relationship for a shorter working period or in another employment relationship or a commensurate period of performance of the professional activities by a self-employed person, a person authorised by plant management or branch plant management or by an authorised representative. Related fields shall mean fields that use the same or similar work procedures and expertise.

(5) A citizen of the Czech Republic or another Member State of the European Union may also prove professional competence by means of evidence of professional qualifications certifying that he has carried out the activity concerned in another Member State of the European Union

^{22b)} Act No 251/2005 Coll., on labour inspections.

- a) for a period of six consecutive years as a self-employed person or in a managerial position; the performance of the activity must not have been terminated more than 10 years before the notification of the trade or the submission of an application for a concession,
- b) for a period of three consecutive years as a self-employed person or in a managerial position, if he holds a document certifying formal qualifications that has been issued or recognized by the competent authority or institution of a Member State and that confirms at least three years' vocational education and training in preparation for the performance of the activity concerned in the Member State of origin,
- c) for a period of four consecutive years as a self-employed person or in a managerial position, if he holds a document certifying formal qualifications that has been issued or recognized by the competent authority or institution of a Member State and that confirms at least two years' vocational education and training in preparation for the performance of the activity concerned in the Member State of origin,
- d) for a period of three consecutive years as a self-employed person, if he proves that he performed the activity concerned for at least five years in an employment relationship; the performance of the activity must not have been terminated more than 10 years before the notification of the trade or the submission of an application for a concession,
- e) for a period of five consecutive years in a managerial position, of which at least three years in a professional office with responsibility for at least one department of a plant, if he holds a document certifying formal qualifications that has been issued or recognized by the competent authority or institution of a Member State and that confirms at least three years' vocational education and training in preparation for the performance of the activity concerned in the Member State of origin,
- f) for a period of five consecutive years as a self-employed person or in a managerial position; the performance of the activity must not have been terminated more than 10 years before the notification of the trade or the submission of an application for a concession,
- g) for a period of three consecutive years as a self-employed person or in a managerial position, if he proves that he performed the activity concerned for at least five years in an employment relationship; the performance of the activity must not have been terminated more than 10 years before the notification of the trade or the submission of an application for a concession,
- h) for a period of five consecutive years in an employment relationship, if he holds a document certifying formal qualifications that has been issued or recognized by the competent authority or institution of a Member State and that confirms at least three years' vocational education and training in preparation for the performance of the activity concerned in the Member State of origin,
- i) for a period of six consecutive years in an employment relationship, if he holds a document certifying formal qualifications that has been issued or recognized by the competent authority or institution of a Member State and that confirms at least two years' vocational education and training in preparation for the performance of the activity concerned in the Member State of origin,

- j) for a period of three consecutive years as a self-employed person or in a managerial position; the performance of the activity must not have been terminated more than 10 years before the notification of the trade or the submission of an application for a concession,
- k) for a period of two consecutive years as a self-employed person or in a managerial position, if he holds a document certifying formal qualifications that has been issued or recognized by the competent authority or institution of a Member State and that confirms vocational education and training in preparation for the performance of the activity concerned in the Member State of origin,
- l) for a period of two consecutive years as a self-employed person or in a managerial position, if he proves that he performed the activity concerned for at least three years in an employment relationship; the performance of the activity must not have been terminated more than 10 years before the notification of the trade or the submission of an application for a concession, or
- m) for a period of three consecutive years in an employment relationship, if he holds a document certifying formal qualifications that has been issued or recognized by the competent authority or institution of a Member State and that confirms at least vocational education and training in preparation for the performance of the activity concerned in the Member State of origin,

where so provided in Section 21(2) for vocational trades referred to in Annex No 1 to this Act or in respect of individual professional or permitted trades under Annexes 2 or 3 to this Act; the Act on the Recognition of Professional Qualifications shall apply to assessments of professional competence^{25c)}.

(6) An entrepreneur shall ensure that the activities constituting the trades referred to in Annex No 5 to this Act are performed solely by natural persons fulfilling the requirements of professional competence as provided for in that Annex. This provision shall not affect specific legislation laying down the professional competence of natural persons for the performance of a particular trade. An entrepreneur shall keep records of persons fulfilling the conditions of professional competence and shall store copies of documents demonstrating such competence for at least three years as of the date on which such persons cease to perform the corresponding activities; in doing so, the entrepreneur shall also comply with the obligations laid down in the law governing the protection of personal data^{25d)}.

^{25c)} Act No 18/2004 Coll., on the recognition of professional qualifications and other competence of nationals of European Union Member States and amending certain laws (the Act on the Recognition of Professional Qualifications), as amended.

^{25d)} Act No 101/2000 Coll., on protection of personal data and amending certain acts, as amended.

Section 7a

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Section 8

Impediments to carrying on a trade

(1) A natural or legal person whose estate is the subject of a bankruptcy order may not carry on a trade as of the date

- a) of sale of the plant by means of a single contract in the context of the liquidation of assets,
- b) on which a decision enters into force under which a court terminates the plant operation, or as of the date designated in that decision as the date on which the plant operation is to be terminated.

(2) A natural or legal person may not carry on a trade for a period of three years as of the date on which a decision enters into force that dismisses an insolvency petition on the grounds that the debtor's estate is insufficient to defray the costs of insolvency proceedings, or from the legal virtue of a decision on termination of insolvency proceedings on the ground that the debtor's assets are totally inadequate for the satisfaction of creditors. Further, a natural or legal person may not carry on a trade for a period of three years as of the date on which a decision enters into force that cancels bankruptcy procedure on the grounds that the debtor's estate is entirely insufficient to satisfy creditors. If bankruptcy procedure is cancelled for another reason, the impediment to carrying on a trade referred to in paragraph (1) shall end when the decision to cancel bankruptcy procedure enters into force. The trade licensing office may waive an impediment under the first or second sentence if the debtor proves that he complies with the requirements for the due fulfilment of business obligations and for the due fulfilment of financial liabilities.

(3) If, in insolvency procedure, a court orders an interim measure under which the handling of the assets of the natural or legal person whose bankruptcy or impending bankruptcy is being handled in that procedure is restricted, that person may execute actions related to the establishment, amendment or cancellation of a trade authorisation, notify the interruption of a trade or the resumption of a trade before the expiry of the period for which the trade is interrupted only with the written permission of the interim receiver.

(4) During insolvency procedure, a natural or legal person whose estate is subject to a bankruptcy order may execute actions related to the establishment, amendment or cancellation of a trade authorisation, notify the interruption of a trade or the resumption of a trade before the expiry of the period for which the trade is interrupted only with the written permission of the receiver.

(5) A natural or legal person whose activities are prohibited may not carry on the trade the scope of which covers those activities over the duration of the prohibition. Where this is an unqualified trade, the person concerned may not perform activities within the scope of the

unqualified trade to which the punishment or sanction of the prohibition of activity applies, such being over the duration of that prohibition; the performance of other activities within the scope of the unqualified trade is not affected. The absence of any obstruction to the carrying-on of a trade by a legal person shall be demonstrated by an extract from the Crime Register, and in the case of a foreign legal person additionally by means of the documents specified under Section 46(2)(a) or (b) from the state where it has its registered office. The trade licensing office is authorised to request an extract from the Crime Register under specific legislation^{25b)}. Requests for the submission of an extract from the Crime Register and extracts from the Crime Register are delivered in electronic form and in a manner allowing remote access.

(6) Unless specific legislation provides otherwise, for 3 years from the date on which the decision to cancel the trade authorisation becomes legally effective, the same trade may not be carried on by

- a) a natural or legal person that has had its trade authorisation revoked under Section 58 para. 2 or 3,
- b) a natural or legal person that has been a member of a statutory body of a legal entity at the time when events occurred or continued that led to the revocation of the trade authorisation for this legal entity pursuant to Section 58 para. 2 or 3; this shall not apply in a case where the natural or legal person who was a member of a statutory body proves that it made every effort that could be required to prevent a breach of those legal obligations that led to the revocation of the trade authorisation,
- c) a legal entity, the member of whose statutory body is a natural or legal person whose trade authorisation has been revoked pursuant to Section 58 para. 2 or 3,
- d) a legal entity, the member of whose statutory body is a natural or legal person that was a member of the statutory body of the legal entity at the time when events occurred or continued that led to the revocation of the trade authorisation for this legal entity, pursuant to Section 58 para. 2 or 3; this shall not apply in a case where the legal entity proves that this member made every effort that could be required to prevent a breach of those legal obligations that led to the revocation of the trade authorisation.

(7) (deleted)

Section 9

Classification of trades

Trades are classified as:

- a) notifiable trades, which may be carried on once they have been notified, provided that the stated conditions are met,
- b) permitted trades, which may be carried on pursuant to a concession.

Section 10

Trade authorisation

(1) The authorisation to carry on a trade (hereinafter referred to as 'trade authorisation') shall become effective, with the exception referred to in paragraph (5), for legal persons already entered in the commercial or similar register, for legal persons not required to be entered in the commercial register, and for natural persons:

- a) in the case of notifiable trades, as of the date of notification; this shall not apply to the cases referred to in the second sentence of Section 47(5) and in Section 47(6) to (8).
- b) in the case of permitted trades, as of the date on which the decision granting the concession enters into force; this shall not apply in the case set out in Section 54(3).

(2) Legal persons established in accordance with specific legislation^{28a)}, who are entered in the commercial register only after their establishment are issued with a trade authorisation in accordance with paragraph (1)(a) and (b).

(3) An entrepreneur shall prove his trade authorisation

- a) by means of an extract from the trade licensing register, containing the information under Section 60(5)(a), (b) or (c) (hereinafter referred to as 'extract'),
- b) pending the issue of an extract, by means of a copy of the notification, with proof of delivery to the trade licensing office via a public administration contact point^{28c)}, or by means of an enforceable decision on the granting of a concession.

(4) The trade licensing office shall confirm the fulfilment of the conditions for carrying on a trade by issuing an extract to foreign natural persons who intend to carry on a trade in the Czech Republic through their branch plant, to the founders, or to the bodies or persons authorised to submit an application for the registration of a Czech legal person in the commercial or similar register, if the legal person is shown to have been formed, or to foreign legal persons.

(5) The persons referred to in paragraph (4) shall hold a trade authorisation as of their registration in the commercial or a similar register, provided they are registered in such a register on the basis of another Act. If they fail to submit an application for registration within 90 days from the date on which the extract is delivered or if the application is not upheld, the trade licensing office shall decide that the notifier has not met the conditions for the inception of a trade authorisation; as regards concession, this fact shall be reported in the file and entered in the trade licensing register.

^{28a)} Act No 250/2000 Coll., on budgetary rules of territorial budgets, as amended.

^{28c)} Section 8a of Act No 365/2000 Coll., on public administration information systems and amending certain other laws.

(6) Should a natural person, who has not yet been assigned a personal identification number, receive a trade authorisation, the trade licensing office shall assigne him a personal identification number provided by the administrator of the basic register of persons^{28d)}.

(7) A trade authorisation can't be transferred to another person. Another person is eligible to perform only if it's prescribed by this Act.

(8) (deleted)

Carrying on a trade through a responsible representative

Section 11

(1) An entrepreneur may carry on a trade through a responsible representative. The responsible representative is a natural person who is appointed by the entrepreneur to whom the person is responsible for the proper carrying-on of the trade and compliance with trade licensing legislation and who is in a contractual relationship with him. No person may be appointed the responsible representative for more than four entrepreneurs.

(2) The responsible representative shall fulfil general and specific conditions for carrying on a trade in accordance with Sections 6 and 7.

(3) A person whose activities are prohibited may not be a responsible representative for the trade the scope of which covers those activities over the duration of the prohibition. Not even a person whose trade authorisation has been cancelled under Section 58(2) or (3) may be a responsible representative in the same trade for a period of one year from the date the decision to cancel the trade authorisation enters into force. A member of the supervisory body of a legal person may not be a responsible representative of that legal person.

(4) The duty to appoint a responsible representative shall apply to

- a) an entrepreneur comprising a natural person and failing to comply with the conditions for carrying on a trade (Section 7),
- b) an entrepreneur comprising a legal person, for trades requiring compliance with specific conditions for carrying on a trade (Section 7). The responsible representative appointed by a Czech legal person shall be a person who is a member of the statutory body of that legal person and who fulfils the conditions to hold the office of responsible representative under this Act. The responsible representative appointed by a foreign legal person shall be the head of the branch plant located in the Czech Republic who fulfils the conditions to hold the office of responsible representative under this Act. Where a responsible representative cannot be appointed from the persons referred to above, the entrepreneur shall appoint a responsible representative from other persons.

^{28d)} Act No. 111/2009 Coll., on basic registers.

(5) The appointment of a responsible representative for a notifiable trade and the termination of his appointment shall be notified by the entrepreneur to the trade licensing office within 15 days of the event referred to above. Should the responsible representative himself notify the termination of his office, he shall also prove that he has informed the entrepreneur of the termination of his office in writing in advance. Where the date of termination of the responsible representative's office cannot be determined according to the entrepreneur's notification, the termination of the responsible representative's office shall be effective on delivery of the responsible representative's notification to the trade licensing office. If the responsible representative, in his notification, specifies a later date for the termination of his office, termination of his office shall be effective as of that later date.

(6) A responsible representative for a notifiable trade may hold his office as of the date of appointment, provided that he meets the conditions required by this Act.

(7) The entrepreneur shall submit the appointment of a responsible representative for a permitted trade to the trade licensing office for approval. The appointment shall become effective on the day the decision granting approval enters into force. The entrepreneur shall notify the termination of the responsible representative's office to the trade licensing office within 15 days of the termination of the office. Should the responsible representative himself notify the termination of his office, he shall also prove that he has informed the entrepreneur of the termination of his office in writing in advance. Where the date of termination of the responsible representative's office cannot be determined according to the entrepreneur's notification, the termination of the responsible representative's office shall be effective on delivery of the responsible representative's notification to the trade licensing office. If the responsible representative, in his notification, specifies a later date for the termination of his office, termination of his office shall be effective as of that later date.

(8) If a responsible representative ceases to perform his duties or comply with the conditions, the entrepreneur shall appoint a new responsible representative within fifteen days. This shall not apply if the trade is suspended or if the entrepreneur notifies the trade licensing office that the carrying-on of the trade has been temporarily discontinued (Section 31(12)).

(9) An entrepreneur may also appoint a responsible representative in cases not required by this Act. Section 11, with the exception of paragraph (8), shall apply mutatis mutandis to such an appointment.

(10) If a responsible representative appointed by an entrepreneur ceases to perform his duties or no longer complies with the statutory requirements, the entrepreneur may only carry on the trade without a responsible representative where provided so by another legal regulation and under the conditions prescribed therein. The trade licensing office shall register the termination of duties of the responsible representative in the trade licensing register and indicate that the trade is temporarily carried on without a responsible representative.

(11) The provisions of paragraphs 1 to 9 above shall not apply, where different conditions for the carrying-on of a trade through a responsible representative are provided for by a special legal regulation.

Section 12

(deleted)

Section 13

Continuation in carrying on a trade on the death of an entrepreneur

(1) Should an entrepreneur die, any of the following may carry on the trade under the conditions set out in paragraphs 2 to 5 until the conclusion of the probate proceedings

- a) the administrator of the decedent's estate, or the executor of the will, if he also administers the estate²⁹⁾,
- b) heirs under the law, in the absence of testamentary heirs,
- c) testamentary heirs and the surviving spouse or partner^{28a)}, even if he/she is not an heir, provided that he/she is co-owner of assets used to carry on the trade,
- d) the insolvency administrator appointed by a court in accordance with a special legal regulation²⁶⁾, but for a period not extending beyond the end of insolvency proceedings, and the liquidation administrator⁵⁹⁾,
- e) the surviving spouse or partner^{28a)} complying with the condition referred to in subparagraph (c) above, provided that the heirs do not continue the trade, or
- f) the trust administrator⁶⁰⁾, if the plant was placed in a trust fund as disposition of property upon death.

(2) If the administrator of the estate called on by the deceased entrepreneur, or the executor of the will, if he also administers the estate, or a person stipulated in paragraph 1 (b), (c) or intends to continue a trade on the basis of an authorisation held by the deceased entrepreneur, or the executor of the will, he shall inform the trade licensing office of this fact within three months from the date of death of the entrepreneur, unless otherwise required by this Act. Upon expiry of this period without

²⁹⁾ Sections 1553 to 1560 of the Civil Procedure Code.

Sections 157 to 159 of Act No. 292/2013 Coll., on special judicial proceedings.

^{28a)} Act No. 115/2006 Coll., on registered partnerships and on amendments to certain related acts, as amended.

²⁶⁾ Act No. 182/2006 Coll., on bankruptcy and settlement (the Insolvency Act), as amended.

⁵⁹⁾ Sections 197, 203 to 205 of Act No. 292/2013 Coll., on special judicial proceedings.

⁶⁰⁾ Sections 1448 to 1456 of the Civil Procedure Code.

action, the trade authorisation of the deceased entrepreneur shall be deemed expired as of the date of the entrepreneur's death, unless the trade is further carried out by the administrator of the decedent's estate appointed by a court, or the trust, insolvency or liquidation administrator. If the person referred to in the first sentence above does not meet the conditions laid down in Section 6 and 7 or if impediments under Section 8 apply to that person, or if the person does not reside in the Czech Republic, he shall appoint a responsible representative without undue delay where required of him under this Act.

(3) If the person referred to in the first sentence of paragraph 2, who has notified, under paragraph 2, the continuation of a trade, has decided not to continue in carrying on a trade pursuant to a trade authorisation of a deceased entrepreneur, such a person shall report this fact to the trade licensing office. The permission to continue in carrying on the trade shall cease to exist as of the date on which the notification is delivered to the trade licensing office and, if the trade is not further carried on by another authorised person under paragraph 1, the trade authorisation of the deceased entrepreneur shall also cease to exist as of this date.

(4) The administrator of the decedent's estate appointed by a court, or the trust, insolvency or liquidation administrator shall report the continuation of the trade within one month from the date of the entrepreneur's death and, if appointed to this position at a later date, within one month of the day he assumed office. If the administrator of the decedent's estate appointed by a court, or the trust or insolvency administrator fails to meet the conditions laid down in Section 7, they shall appoint a responsible representative without undue delay.

(5) If the trade authorisation of a deceased entrepreneur has not ceased to exist under paragraph 2 or 3, the trade may, after the termination of the inheritance proceedings, be further carried by a person referred to in paragraph 1 (b), (c) or (e), who has proven to have acquired the ownership rights relating to the operation of the trade, even though such a person has not notified that the trade will further be carried on under paragraph 2, or by a trust administrator if the ownership rights relating to the operation of the trade were placed in a trust fund as disposition of property upon death. Such a person shall notify the trade licensing office that the person will continue to carry on the trade, within 3 months following the completion of the inheritance proceedings, and shall also report the trade or apply for a concession according to this Act, otherwise the right to continue to carry on the trade will expire upon the expiry of this period without action. The right of the person that has notified the continued operation of the trade according to the second sentence to continue to carry on the trade will cease to exist no later than on the date of the issue of a trade authorisation or, as regards notifiable trades, on the date on which the trade licensing office issues a decision under Section 47 paragraph 5 or 6 and, as regards permitted trades, on the date of the discontinuance of proceedings or the decision rejecting the application for a concession. The trade authorisation of a deceased entrepreneur will cease to exist upon the expiry of a three-month period specified in the second sentence, or upon the termination of the right of the last of the continuing persons to continue to carry on the trade. For the requirements under paragraphs 2 to 5, Sections 45, 46 and 50 shall apply *mutatis mutandis*.

(7) For the purpose of the registration in the trade licensing register, the court shall upon request of the trade licensing office provide data regarding the lawful completion of the inheritance proceedings regarding the estate of the deceased entrepreneur.

Section 14

In the case of a merger or break-up of a company or cooperative, or in the case of a transfer of assets to a member under specific legislation^{29a)} the successor company or cooperative that does not yet hold the relevant trade authorisation, or the recipient member that is a natural person and that does not yet hold the relevant trade authorisation, can carry on in the trade on the basis of the trade authorisation of the company or cooperative that ceased to exist or was broken up, provided that it notifies the trade licensing office of the carrying on in the business within 15 days of the entry into force of the merger, break up, or transfer of assets to a member, and at the same time notifies a notifiable trade or applies for a concession pursuant to this Act. The right to continue carrying on a trade in accordance with the first sentence shall become extinct on the date of issue of a trade authorisation to the legal successor or as regards notifiable trades - on the date on which the trade licensing office issues a decision under Section 47 (5) or (6) and - as regards permitted trades - on the date of the discontinuance of proceedings or the decision rejecting the application for a concession

Section 15

(deleted)

Section 16

(deleted)

Establishments

Section 17

(1) For the purposes of this Act, an establishment shall mean the space where a trade is carried on. A vending machine or similar device used to sell goods or provide services (hereinafter referred to as 'vending machine') and mobile establishment shall also be regarded as an establishment.

(2) A mobile establishment is an establishment which may be relocated and is not situated in one place for more than three months.

(3) A trade may be carried on in multiple establishments, provided that the entrepreneur has legal title for the use of such establishments. At the trade licensing office's request, the entrepreneur shall prove his legal title to use an establishment; this shall not apply to mobile establishments and vending machines. In respect of mobile establishments, at the trade licensing office's request the entrepreneur shall prove the legitimacy of the establishment's location. Where an establishment is

^{29a)} Act No. 125/2008 Coll. on the transformations of companies and cooperatives, as amended.

located in a dwelling and the entrepreneur is not the owner of that dwelling, he may carry on a trade there only with the owner's permission. The entrepreneur shall notify the commencement and termination of a trade in an establishment to the trade licensing office in advance; this shall not apply to the commencement of a trade in an establishment which is specified in the notification of a trade pursuant to Section 45(2)(g) and Section 45(3)(f), or in the application for a concession under Section 50, or to vending machines and mobile establishments. In the notification, the entrepreneur shall set out the information required under paragraph (5).

(4) The entrepreneur shall ensure that the establishment is suitable for carrying on a trade in accordance with specific legislation^{29b)}. For each establishment, a person shall be appointed to be responsible for the operation of the establishment; this shall not apply to vending machines.

(5) In the notification under paragraph (3), the entrepreneur shall specify

- a) the company name, business name, or given name and surname,
- b) the personal identification number,
- c) the address of the establishment or its place, as appropriate, and the objects of business at the establishment; in the case of an unqualified trade the field of activity,
- d) the date on which a trade is commenced (terminated) at the establishment.

(6) The trade licensing office which receives a notification under paragraph (3) shall assign an establishment identification number provided by the administrator of the basic register of persons^{28d)}, unless one has already been assigned, it shall register the establishment in the trade licensing register, and shall inform the entrepreneur of the registration.

(7) An establishment shall be permanently and visibly marked on the exterior with the company name, business name or given name and surname of the entrepreneur and his personal identification number. A mobile establishment and vending machine shall be marked with information about the registered office or address where the branch plant of a foreign person is situated.

(8) An establishment intended for the sale of goods or provision of services to consumers^{29c)} shall also be permanently and visibly marked on the exterior with the following information

- a) the given name and surname of the person responsible for the operation of the establishment, with the exception of vending machines,
- b) the opening or operating hours for contact with consumers, except in cases of mobile establishments and vending machines,

^{29b)} E.g. Act No 183/2006 Coll., on land-use planning and building rules (the Building Act).

^{28d)} Act No. 111/2009 Coll., on basic registers.

^{29c)} Act No 634/1992 Coll., on consumer protection, as amended.

c) the category and class of an accommodation facility providing temporary accommodation.

(9) When an establishment under paragraph (8) is closed, the entrepreneur, unless prevented by compelling reasons, shall label the commencement and termination of the closure in advance by means of a notice in a suitable, visible place on the exterior; this shall not apply to mobile establishments and vending machines.

(10) The entrepreneur may sell goods or provide services via consumer-operated vending machines if the sale of goods or provision of services does not require a concession. The sale of goods or provision of services by means of vending machines shall not facilitate the acquisition of certain types of goods by persons protected under specific legislation^{29e)}.

Section 18

(1) A municipality may issue market rules in the form of a municipal ordinance^{29f)}. In the market rules, it shall define the places with regard to offering and selling goods (hereinafter referred to as “sale of goods”) and offering and providing services (hereinafter referred to as “provision of services”) outside an establishment intended for that purpose by a decision, measure or another action required by the Building Act^{29g)}. These places shall include markets and marketplaces (hereinafter referred to as “marketplaces”):

(2) By the market rules, the municipality may define

- a) capacity and requirements for the facilities of marketplaces,
- b) business hours for the sale of goods and the provision of services at marketplaces,
- c) rules of keeping the marketplace clean and safe,
- d) rules to be observed by the marketplace operator to ensure that the marketplace is duly operated, or
- e) rules to be observed by the marketplace operator to ensure that the marketplace can be duly used by persons with reduced mobility or orientation.

(3) By the market rules, the municipality may also

- a) divide the marketplace by goods sold or service provided, or
- b) define that the market rules shall not apply to specific types of the sale of goods and the provision of services outside establishments.

^{29e)} E.g. Act No 379/2005 Coll., on measures to provide protection against damage caused by tobacco products, alcohol and other addictive substances and amending certain related laws.

^{29f)} Section 11(1) of Act No 128/2000 Coll., on municipalities (the Municipal Order), as amended.

^{29g)} Act No 183/2006 Coll., on land-use planning and Building Rules (the Building Act), as amended.

(4) A municipality may stipulate by a municipal ordinance^{29f)} that certain types of the sale of goods and the provision of services outside establishments are prohibited in all or part of the municipality.

PART TWO

CLASSIFICATION OF TRADES

TITLE I

NOTIFIABLE TRADES

Section 19

The following trades are notifiable trades

- a) vocational trades, where a condition for carrying on the trade is the professional competence referred to in Sections 21 and 22,
- b) professional trades, where a condition for carrying on the trade is the professional competence referred to in Annex No 2 to this Act, unless otherwise provided below,
- c) unqualified trades, where no professional competence is set as a condition for carrying on the trade.

Division 1

Vocational trades

Section 20

The trades listed in Annex No 1 to this Act are vocational trades.

Professional competence

Section 21

(1) Professional competence for vocational trades shall be documented by proof of

- a) due completion of secondary education with a certificate of apprenticeship³⁰⁾ in a relevant field of education,
- b) due completion of secondary education with a school-leaving examination³¹⁾ in a relevant field of education, or with vocational training subjects in a relevant field,
- c) due completion of higher vocational education³¹⁾ in a relevant field of education,
- d) due completion of higher education^{31a)} in a relevant field of study programmes and study fields,
- e) recognition of professional qualifications issued by the recognition authority in accordance with the Act on the Recognition of Professional Qualifications^{25c)}, or
- f) acquirement of complete professional qualifications which are set for appropriate full professional qualifications in the National system of qualifications ^{23q)}.

(2) Citizens of the Czech Republic or another Member State of the European Union may also prove professional competence

- a) in respect of the trades listed in Part A, Annex No 1 to this Act by means of the documents laid down in Section 7(5)(b), (c) or (e),
- b) in respect of the trades listed in Part B, Annex No 1 to this Act by means of the documents laid down in Section 7(5)(b), (c), (f) or (h), or
- c) in respect of the trades referred to in Part C, Annex No 1 to this Act by means of the documents laid down in Section 7(5)(j), (k), (l) or (m).

Section 22

Documents proving professional competence in accordance with Section 21 may be replaced by evidence of

- a) due completion of secondary education with a certificate of apprenticeship³⁰⁾ in a related field of education and evidence of one year's experience in the field,

³⁰⁾ E.g. Act No 29/1984 Coll., on the system of primary schools, secondary schools and post-secondary vocational colleges (the Schools Act), as amended, Decree of the Ministry of Education of the Czech Socialist Republic No 31/1987 Coll., on the completion of studies at secondary schools and on the completion of training at special vocational centres, Decree of the Ministry of Education, Youth and Sports of the Czech Republic No 354/1991 Coll., on secondary schools, as amended, Act No 561/2004 Coll., on preschool, primary, secondary, further vocational, and other education (the Schools Act), as amended.

³¹⁾ E.g. Act No 29/1984 Coll., as amended, Act No 561/2004 Coll., as amended.

^{31a)} Sections 45, 46 and 98(1) of Act No 111/1998 Coll., on universities and amending other laws (the Universities Act), as amended.

- b) due completion of secondary education with a school-leaving examination³¹⁾ in a related field of education and evidence of one year's experience in the field,
- c) due completion of higher vocational education³¹⁾ in a related field of education and evidence of one year's experience in the field,
- d) due completion of higher education^{31a)} in a relevant related field of study programmes and study fields,
- e) due completion of retraining^{30a)} for relevant work activities, issued by an establishment accredited in accordance with specific legislation, or by an establishment accredited by the Ministry of Education, Youth and Sports, or by a ministry in whose purview the sector in which the trade is operated falls, and evidence of one year's experience in the field, or
- f) six years' experience in the field.

Division 2

Professional trades

Section 23

The trades listed in Annex No 2 to this Act are professional trades.

Section 24

Professional competence

(1) Professional competence for professional trades is laid down in Annex No 2 to this Act or is regulated by specific legislation listed in that annex.

(2) A citizen of the Czech Republic or another Member State of the European Union may prove professional competence by means of a document on the recognition of professional qualifications issued by the recognition authority in accordance with the Act on the Recognition of Professional Qualifications.

^{30a)} Decree No 21/1991 Coll., on more detailed conditions for the retraining of job-seekers and employees, as amended by Decree No 324/1992 Coll. Decree No 524/2004 Coll., on the accreditation of facilities to provide retraining for job-seekers and persons interested in employment. Decree No. 176/2009 Coll., setting out the requisite details of an application for the accreditation of an educational programme, the organisation of education in a retraining facility, and the manner of its termination.

Division 3

Unqualified trades

Section 25

(1) Unqualified trades are trades for the carrying-on of which this Act requires no proof of professional or other competence. In order to acquire a trade authorisation for an unqualified trade, general conditions must be fulfilled (Section 6(1)).

(2) Unqualified trades and the areas of activity pertaining to unqualified trades are listed in Annex No 4 to this Act.

TITLE II

PERMITTED TRADES

Section 26

The trades listed in Annex No 3 to this Act are permitted trades.

Section 27

Professional competence and conditions for carrying on a trade

(1) Professional competence for permitted trades is laid down in Annex No 3 to this Act or is regulated by specific legislation listed in that annex.

(2) A citizen of the Czech Republic or another Member State of the European Union may prove professional competence by means of a document on the recognition of professional qualifications issued by the recognition authority in accordance with the Act on the Recognition of Professional Qualifications.

(3) The trade licensing office shall lay down or amend an entrepreneur's conditions for carrying-on a trade pursuant to this Act or by virtue of specific legislation.

PART THREE

Scope of trade authorisation

Section 28

(1) The scope of a trade authorisation (hereinafter referred to as 'scope of authorisation') shall be assessed according to the objects of business referred to in the extract, with consideration for the provisions of this Part. A trade authorisation to carry on an unqualified trade shall entitle the holder to engage in the activities listed in Annex No 4 to this Act.

(2) If carrying on a trade in accordance with Annexes 2 and 3 is tied to a document issued by a special authority in accordance with specific legislation, the scope of the trade authorisation shall be defined in that document.

(3) In cases of doubt, the trade licensing office shall take a decision on the scope of authorisation at the entrepreneur's request.

Section 29

(deleted)

Section 30

(deleted)

Section 31

Obligations of an entrepreneur

(1) An entrepreneur carrying on a trade through a responsible representative (Section 11) shall ensure that the responsible representative participates in the carrying-on of the trade to the extent required.

(2) An entrepreneur shall visibly mark his place of business, or the business name, or given name and surname and the personal identification number, if one has been assigned, the building in which he has a registered office, if different from his place of abode (Section 5 paragraph 2), and a foreign person shall visibly mark the branch plant, if set up. At the request of the trade licensing office, an entrepreneur shall prove his legal title to use the space in which he has a registered office on the territory of the Czech Republic, and in which a foreign person has the branch plant. Entrepreneurs need not prove legal title to space in which they have their place of business in the Czech Republic, if the place of business is identical with the place of residence (Section 5 paragraph

2), except where the place of residence is identical with the address of the recording office⁵³⁾, a special register⁵³⁾ or the address of the seat of the administrative body⁵⁴⁾, which has officially cancelled the indication of the place of reported residence in the Czech Republic.

(3) An entrepreneur shall demonstrate to a control body, at its request and within the time limit set by it, the method applied in the acquisition of the goods for sale or the materials used in the provision of services.

(4) In cases relating to the purchase of second-hand goods or goods without proof of acquisition, cultural monuments or items of cultural value, the receipt of such goods as pawned items or the mediation of the purchase or pawning of such goods, prior to the conclusion of the contract an entrepreneur shall identify the parties to the contract in accordance with the Act on Certain Measures to Combat Money Laundering and the Financing of Terrorism and the subject of the contractual relationship and keep records of such information, including the date on which the contractual relationship is established. These records shall be available at the establishment where identification takes place and where the goods are located.

(5) For the purposes of this Act, identification of the subject of the contractual relationship shall mean ascertainment of the product name, brand and serial number, of stated on the product, otherwise a brief description of the product facilitating reasonable identification thereof.

(6) The entrepreneur shall keep records of the identification information under paragraphs (4) and (5) and store such information for a period of five years following the date of conclusion of the contract.

(7) If a party to the contractual relationship refuses to undergo identification, or if the subject of the contractual relationship cannot be identified, the entrepreneur shall not purchase goods, take receipt of goods as pawned goods or mediate the purchase thereof.

(8) An entrepreneur shall ensure that a person fulfilling the condition of knowledge of the Czech or Slovak language is present in his establishment intended for the sale of goods or the provision of services to consumers during opening or business hours intended for contact with consumers. Should the trade licensing office have doubts, it may examine the fulfilment of this condition by means of an interview, during which it judges whether that person is capable of responding fluently and linguistically correctly to questions concerning ordinary situations in everyday life and business and whether that person knows how to communicate the content of an article in the daily press orally.

(9) An entrepreneur shall be held liable for his employees' proof of fulfilment of the condition of good character where the good character of employees is required as a condition under this Act or specific legislation.

⁵³⁾ Section 10 paragraph 5 and Section 10a of Act No. 133/2000 Coll., as amended.

⁵⁴⁾ Section 98a paragraph 3 of Act No. 326/1999 Coll., as amended by Act No. 274/2008 Coll.

(10) An entrepreneur and natural persons carrying on an activity which is the subject of a trade, persons acting on their behalf, and the responsible representative shall prove their identity to employees of the trade licensing office.

(11) Should an entrepreneur notify the trade licensing office of the interruption of a trade, the trade shall be interrupted as of the day of the delivery of the notification of the interruption to the trade licensing office or as of a later date specified in the notification and end on the date specified in the notification; if the validity of the trade authorisation is limited in time, the operation of the trade can be interrupted for a maximum period of the duration of the authorisation. During the interruption of trade, the entrepreneur is subject to the obligations set out in this Act, except for the obligations set out in paragraph 2 relating to the designation of the building where the entrepreneur has his registered office or the branch plant, obligations set out in paragraphs 9, and 17 and in Section 17 (4) and (8) and the obligation to comply with the conditions of professional and other competence, if this Act or special legislation require them for the carrying on of the trade.

(12) An entrepreneur shall notify the trade licensing office in writing in advance of the resumption of a trade before the expiry of the period for which the trade is interrupted under paragraph (11). A trade may be resumed no earlier than the date of delivery of notification of the resumption of the trade to the trade licensing office or as of a later date specified in the notification.

(13) Acting on notification pursuant to paragraphs (12) and (13), the trade licensing office shall enter this information in the trade licensing register and inform the entrepreneur of this entry.

(14) The entrepreneur shall issue proof of the sale of goods and of the provision of a service at the customer's request. This document shall contain a specification of the entrepreneur, i.e. his company name, business name or given name and surname, and personal identification number, if one has been assigned, the date of the sale of goods or the provision of the service, the type of goods or service, and the price, unless otherwise provided in specific legislation.

(15) An entrepreneur shall, at the trade licensing office's request, state whether the entrepreneur carries on a particular trade and submit documents as evidence.

(16) An entrepreneur shall inform the trade licensing office, no later than by the day on which it terminates its activities in an establishment, of the address at which any possible liabilities can be settled. The entrepreneur shall be obliged to report any change of the address referred to in the first sentence for 4 years after the termination of activities in an establishment. The address for settlement of debt must not be identical with the address of the entrepreneur's residence, if this is the address of the recording office⁵³⁾, a special register⁵³⁾ or the address of the seat of the recording office⁵⁴⁾; this shall not apply where the entrepreneur has proven his title or right to use the place at these addresses.

⁵³⁾ Section 10 paragraph 5 and Section 10a of Act No. 133/2000 Coll., as amended.

⁵⁴⁾ Section 98a paragraph 3 of Act No. 326/1999 Coll., as amended by Act No. 274/2008 Coll.

(17) An entrepreneur shall be held liable for the fact that his employees have professional competence as laid down in specific legislation, knowledge of safety procedures and knowledge of regulations concerning the protection of public health. Where required by the nature of the work or other activities, the entrepreneur shall also be held liable for the repeated medical examinations of his employees in accordance with specific legislation³³⁾.

(18) An entrepreneur who vocationally trains young people shall be governed by specific legislation^{23d)}.

(19) In carrying on a trade, an entrepreneur shall comply with obligations arising from this Act and specific legislation.

Section 31a

(deleted)

Section 32

(deleted)

Section 33

(deleted)

Scope of authorisation

Section 34

(1) An entrepreneur carrying on a trade consisting of business activities shall also be entitled, provided that the nature of the trade is preserved

- a) to lease goods,
- b) to act as an intermediary in the purchase and sale of goods in individual cases,
- c) to make minor alterations to goods in order to adapt them to the purchaser's requirements, should the purchaser so request,
- d) to assemble goods delivered to customers if assembly entails simple operations not requiring special expertise,

³³⁾ E.g. Act No 258/2000 Coll., on the protection of public health and amending certain related laws.

e) to replace defective parts of delivered goods if replacement is simple and does not require special expertise.

(2) An entrepreneur shall also be entitled to service goods supplied by the entrepreneur provided that the servicing is carried out by competent persons.

(3) Where the activities referred to in paragraphs (1) and (2) require a concession, the entrepreneur may carry out such activities only if he holds the relevant concession.

(4) An entrepreneur shall be entitled to accept orders for the manufacture, processing or modification of goods which he is authorised to sell, and to commission such work from an authorised manufacturer.

Section 35

(deleted)

Section 36

(deleted)

Section 37

(deleted)

Section 38

(deleted)

Section 39

(deleted)

Section 40

(deleted)

Section 41

(deleted)

Section 42

(1) An entrepreneur carrying on a trade consisting of manufacturing activity shall be entitled, within the scope of his trade authorisation, to manufacture, sell and repair products provided that the nature of the trade is preserved.

(2) An entrepreneur shall also be entitled:

- a) to purchase and resell the products of other manufacturers, together with accessories, provided that these are the same type as products manufactured by the entrepreneur or, in individual cases, to act as an intermediary in the sale of products and accessories developed externally,
- b) to manufacture and print packaging, labels and other auxiliary items facilitating the sale of products manufactured by the entrepreneur,
- c) to lease products developed internally and products of the same type made by other manufacturers, together with accessories,
- d) to assemble, modify and service such products.

(3) The purchase, sale, intermediation of sales and the lease of externally developed products under paragraph (2)(a) and (c) shall be possible only insofar as the nature of the manufacturing trade is preserved.

Section 43

Section 42(2) and (3) shall apply mutatis mutandis to an entrepreneur who carries on a trade where he repairs or services items, transports persons or items, or provides accommodation, hospitality services, pawning services and other work and activities to satisfy other needs, provided that the nature of the trade is preserved.

Section 44

An entrepreneur authorised to transport persons and goods may engage in activities connected with ensuring the safety and comfort of passengers, the transfer, storage and packaging of consignments, the operation of safekeeping services and the provision of hospitality services aboard vehicles.

PART FOUR

INCEPTION, AMENDMENT AND TERMINATION OF A TRADE AUTHORISATION, TRADE LICENSING REGISTER

TITLE I

NOTIFYING A TRADE

Section 45

(1) A natural or legal person who intends to carry on a notifiable trade shall notify the trade licensing office of this fact.

(2) In the notification, a natural person shall specify

- a) his given name and surname, where appropriate the company name, his citizenship, residential address, birth registration number, if assigned, his date of birth, place of birth (municipality, district, country) and surname at birth,
- b) in the case of a responsible representative, the information listed under a) for the responsible representative, if the natural person concerned carries on the trade via this responsible representative,
- c) in the case of a foreign natural person, his given name and surname, where appropriate the company name, birth registration number, if assigned, date of birth, residential address outside the Czech Republic, address of the abode in the Czech Republic (if permitted), the designation and address of the branch plant in the Czech Republic; where the responsible representative is a person resident outside the Czech Republic, the address of his abode in the Czech Republic, if the abode has been permitted, shall also be specified,
- d) registered office address,
- e) the objects of business, applying the definition under paragraph (4), and any other supplementary information relating to the scope of the trade authorisation,
- f) the personal identification number, if assigned,
- g) the establishment or establishments in which the carrying-on of the trade shall be commenced on inception of the trade authorisation, with the exception of mobile establishments and vending machines,
- h) the duration of permitted residence, in the case of a person subject to the obligation to have his residence permitted pursuant to Sec. 5 (5).
- i) academic title or scientific degree of the persons referred to under a) - c) entered in the ID card, under the Act on Identity Cards (hereinafter referred to as the “academic title or scientific degree”), if these will be used in the operation of the trade,

- j) a request for an automatic change in the address of the registered office to reflect the address of the place of residence.
- k) where appropriate the address for mail delivery from all trade licensing offices.

(3) In the notification, a legal person shall specify

- a) the company name or business name, address of its registered office, in the case of a natural person(s) who is/are member(s) of its statutory body or a person authorised to represent the legal person who is a member of the statutory body: given name, surname, birth registration number if assigned, date of birth, residential address or address of the abode in the Czech Republic, if permitted, the date of entry into office and, in the case of a legal person who is a member of its statutory body, the company name or business name, address of its registered office and the personal identification number if assigned, as well as the date of entry into office; data on members of the statutory body need not be specified by a legal person established by entry into a public register maintained by a registry court⁶⁸ (hereinafter referred to as “public register”),
- b) in the case of a responsible representative, the information listed under paragraph (2)(a) for the responsible representative, if the legal person concerned carries on the trade via this responsible representative,
- c) the designation and address of the branch plant in the Czech Republic if it is a foreign legal person; where the responsible representative is a person residing outside the Czech Republic, the address of his abode in the Czech Republic, if the abode has been permitted, shall also be specified,
- d) the personal identification number, if assigned,
- e) the objects of business, applying the definition under paragraph (4), and any other supplementary information relating to the scope of the trade authorisation,
- f) the establishment or establishments in which the carrying-on of the trade shall be commenced on inception of the trade authorisation, with the exception of mobile establishments and vending machines,
- g) academic title or scientific degree of the persons referred to under a) - c), if these will be used in the operation of the trade,
- h) where appropriate the address for mail delivery from all trade licensing offices.

(4) The notifier shall define the objects of business referred to in the notification with reasonable certainty and clarity. Where an unqualified trade is notified, the notifier shall specify the fields of activity in which the notifier is to engage in business. The objects of business of an

⁶⁸) Act No 304/2013 Coll., on public registers of legal and natural persons and on the registration of trust funds, as amended.

unqualified trade shall be notified in accordance with the name of the field of activity listed in Annex No 4 to this Act. The objects of business of a vocational and professional trade shall be notified in accordance with Annexes 1 and 2 to this Act in full or in part.

(5) The notifier shall not be required to supply the information specified in the applications or notifications under paragraphs 1 and 2 and contained in the form under paragraph 3.

Section 45a

(1) A natural person may, together with the notification of a trade or an application for a concession at a trade licensing office, also

- a) notify the commencement of self-employment according to the Act on the organisation and provision of social security,
- b) submit a pension insurance registration form,
- c) submit a sickness insurance registration form,
- d) notify a vacancy or the filling of a vacancy,
- e) submit a notification in accordance with the Public Health Insurance Act.

(2) A legal person may, together with the notification of a trade or an application for a concession at a trade licensing office, also notify a vacancy or the filling of a vacancy.

(3) Notification of a trade or an application for a concession shall be submitted on a form issued by the Ministry of Industry and Trade.

(4) The trade licensing office shall deliver information obtained under paragraph (1)(a) to (c) to the competent social security authority, information obtained under paragraph (1)(d) and under paragraph (2) to the Employment Office of the Czech Republic – to the competent regional branch office and in the area of the capital city to the branch office for Prague, and information obtained under paragraph (1)(e) to the competent health insurance company.

(5) An entrepreneur may also notify the trade licensing office, within the time limit laid down in specific legislation, of a change in the information under paragraphs (1) and (2), provided that he does so in connection with the fulfilment of the reporting obligation under this Act.

(6) Information under the preceding paragraphs, including notification of changes thereto, shall be forwarded by the trade licensing office to the competent authorities within five working days; this time limit shall commence on inception of the trade authorisation or as of the date that defects in a notification are remedied or that changes are notified. This information may be forwarded electronically and in a manner facilitating remote access.

Section 45b

(1) Together with notifying a trade or applying for a concession, a person may also submit data required in the application for the registration for personal income tax or road tax to the trade licensing office.

(2) An entrepreneur may also submit data required in the notification of a change to the registration data pertaining to the registration for income tax or road tax to the trade licensing office.

(3) A submission containing the data required in the application for the registration or in the notification of a change to the registration data under paragraphs 1 and 2 shall only be possible

- a) electronically in the format and structure published by the Ministry of Industry and Trade, or
- b) orally on the record.

(4) The trade licensing office shall transmit the data under paragraphs 1 and 2 to the relevant tax authority electronically in the format and structure published by the tax authority for the application for registration and for the notification of a change to the registration data.

(5) The data must be transmitted to the tax authority within 3 working days from the day when the person under paragraph 1 or 2 submitted the data to the trade licensing office.

(6) The transmission of the data by the trade licensing office to the tax authority shall be regarded as the submission of an application for registration or of a notification of a change to the registration data made by the person under paragraph 1 or 2.

Section 46

(1) Unless otherwise provided in this Act, a natural person shall enclose with his notification

- a) If he is a citizen of another Member State of the European Union, an extract from the crime register or an equivalent document issued by the competent judicial or administrative authority of that State or the Member State of most recent residence, or an extract from the Criminal Records Register with an appendix^{25b)} containing the information entered in the crime register of the Member State of which he is a citizen, or the Member State of most recent residence; if the Member State of most recent residence is the Czech Republic, the procedure laid down in the third sentence of Section 6 paragraph 3 shall be followed. If that State does not issue extracts from the crime register or an equivalent document, the natural person shall submit an affidavit of good character, made in the presence of a notary or an authority of the Member State of which he is a citizen, or in the presence of a notary or an authority of the State of most recent residence. These documents shall not be more than three months old; a document under this provision may be replaced by a document on the recognition of professional qualifications, provided that it also proves compliance with the condition of good character,

^{25b)} Act No. 269/1994 Coll., on the criminal records register, as amended.

- b) if he is a citizen of a State other than a State referred to under a) above, and does not have a permit for permanent residence in the Czech Republic, an extract from the crime register or an equivalent document issued by the State of which the natural person is a citizen. If that State does not issue extracts from the crime register or an equivalent document, the natural person shall submit a solemn declaration of good character, made in the presence of a notary or another competent authority of the State of which he is a citizen, or in the presence of a notary or another competent authority of the State of most recent residence. These documents shall not be more than three months old,
- c) if the responsible representative is a citizen of a Member State of the European Union, he shall submit the documents listed in (a) above, if the responsible representative is a citizen of a State other than a Member State of the European Union and has not been issued a permit for permanent residence in the Czech Republic, he shall submit the documents listed in (b) above; these documents shall not be more than three months old,
- d) a document proving his professional competence, or the responsible representative's professional competence, if required by the Act,
- e) if he is a foreign natural person, residence documents, where this obligation is required under Section 5(5); a foreign natural person setting up a branch plant in the Czech Republic, a document proving that the person has a plant outside the Czech Republic and documents proving the operation of it; a citizen of a Member State of the European Union shall not submit a document on the plant operation,
- f) a document proving a legal right to use premises in which the registered office is located, if this is different from his place of residence (Section 5 paragraph 2), or if he has his residence at the address of the recording office⁵³⁾, a special register⁵³⁾ or the address of the registered office of the administrative body⁵⁴⁾, or where the person has placed a branch plant of a foreign person in the Czech Republic; a written declaration from the owner of the property, residential unit or non-residential unit in which the premises are located that he agrees to the use of the premises shall suffice as evidence of a legal title to use the premises,
- g) a declaration from the responsible representative that he agrees to his appointment; the signature on the declaration shall be officially certified unless the responsible representative makes the declaration in person before the trade licensing office, or unless the responsible representative sends a declaration to this office signed in the manner with which specific legislation associates the effects of a personal signature⁶⁹⁾,

⁵³⁾ Section 10 paragraph 5 and Section 10a of Act No. 133/2000 Coll., as amended.

⁵⁴⁾ Section 98a paragraph 3 of Act No. 326/1999 Coll., as amended by Act No. 274/2008 Coll.

⁶⁹⁾ Section 18(2) of Act No 300/2008 Coll., on electronic procedures and authorised conversion of documents, as amended.

Section 6(1) of Act No 297/2016 Coll., on trust services for electronic transactions.

h) proof of payment of the administrative fee in accordance with specific legislation³⁶ⁱ⁾.

(2) A legal person shall enclose with its notification

- a) in the case of a legal person with its registered office on the territory of a country other than the Czech Republic, an extract from the Crime Register or an equivalent document issued by a competent court or administrative authority of such state evidencing that no obstruction exists to its carrying on a trade within the meaning of Section 8(5); these documents shall not be more than three months old,
- b) if the state referred to in sub-paragraph (a) above does not issue extracts from the Crime Register or equivalent documents, the legal person shall submit an affidavit made before a notary or another competent authority of such state regarding the fact that no obstruction exists to its carrying on a trade within the meaning of Section 8(5); these documents shall not be more than three months old,
- c) if the responsible representative is a citizen of a Member State of the European Union, the documents listed under sub-paragraph 1 (a) above, if the responsible representative is a citizen of a State other than a Member State of the European Union who does not have a permit for permanent residence in the Czech Republic, the documents listed in sub-paragraph 1 (b); these documents shall not be more than three months old,
- d) a document proving the responsible representative's professional competence,
- e) a document proving that the legal person has been established or founded, if registration in the commercial or similar register has not yet been made, or a document proving that the legal person has been registered in the relevant register other than the trade or another public register, if the registration has already been made; in the case of a foreign legal person, an extract from the commercial or similar register kept in the State where the legal person has its registered office, and a document proving the operation of the plant abroad; the document proving the operation of the plant abroad need not be submitted by a legal person with its registered office, headquarters, or principal place of business in a Member State of the European Union; the extract from the register shall not be more than three months old,
- f) a document proving the legal reason for the use of the premises in which the legal person has its registered office in the Czech Republic, unless the notified address of the registered office has already been registered in the commercial register or other register, if this document is required under specific legislation as a condition of registration in that register; a written declaration from the owner of the property, residential unit or non-residential unit where the premises are located that he agrees with the use of the premises shall suffice as evidence of the legal reason for the use of the premises,
- g) a document proving the legal reason for the use of the premises in which the foreign person's branch plant is located in the Czech Republic, unless the notified address has already been

³⁶ⁱ⁾ Act No 634/2004 Coll., on administrative fees, as amended.

registered in the commercial register or other register, if this document is required under specific legislation as a condition of registration in that register; a written declaration from the owner of the property, residential unit or non-residential unit where the premises are located that he agrees with the use of the premises shall suffice as evidence of the legal reason for the use of the premises,

- h) a declaration from the responsible representative that he agrees to his appointment; the signature on the declaration shall be officially certified unless the responsible representative makes the declaration in person before the trade licensing office, or unless the responsible representative sends a declaration to this office signed in the manner with which another legislation associates the effects of a personal signature⁶⁹⁾,
- i) proof of payment of the administrative fee in accordance with specific legislation³⁶ⁱ⁾.

(3) If the notification is submitted by a minor, who has been granted legal capacity by a court, or for whom the court has obtained the consent of the legal representative for the independent operation of a business activity, the court decision to grant legal capacity or the consent of the legal representative obtained by the court shall also be submitted.

(4) Documents confirming education which have been issued abroad shall be accompanied by a recognition clause in accordance with specific legislation^{31d)}, documents confirming university education shall be accompanied by a certificate of recognition in accordance with specific legislation^{31e)}.

(5) The obligation to submit documents accompanied by a recognition clause or a certificate of recognition under paragraph (4) shall not apply to documents confirming education which are issued in a Member State of the European Union or which are submitted by a person from such a State.

(6) The notifier is not required to attach the documents listed in paragraphs 1 and 2 to the notification, if the facts evidenced can be found in the basic registers or if the trade licensing office can verify these facts free of charge by remote access from land register's data. The notifier is also not required to attach the documents referred to in paragraph 1 (a), (b), (d) and (f) and paragraph 2 (a), (b), (d), (f) and (g) relating to the person entered in the trade licensing register if these documents were already attached to any of the notifications, to any application for a licence or notification of a change, provided the facts evidenced by these documents remain unchanged; the documents referred to in paragraph 1 (a) and (b) and in paragraph 2 (a) and (b) shall not be more than 3 months old.

^{31d)} Section 108 of Act no. 561/2004 Coll., Decree No. 12/2005 Coll., on the conditions of the recognition of equality and nostrification of certificates issued by foreign schools.

^{31e)} Sections 89 and 90 of Act No 111/1998 Coll., as amended by Act No 165/2006 Coll., and Act No 189/2008 Coll.

(7) Where the documents referred to in paragraph 1 (a), (b), (d) and (f) and paragraph 2 (a), (b), (d), (f) and (g) are submitted in paper form, the trade licensing office shall create electronic copies, which it shall store in the trade licensing register in accordance with Section 60 (1).

Section 47

(1) If a notifier complies with all the conditions laid down in the Act, the trade licensing office shall make an entry in the trade licensing register within five working days of delivery of the notification and shall issue the entrepreneur with an extract.

(2) An extract issued to a natural person shall specify

- a) his given name and surname, academic title or scientific degree, birth registration number, if assigned, the entrepreneur's date of birth and his residential address; in the case of a foreign person his residential address outside the Czech Republic, address of the abode in the Czech Republic, if permitted, the designation and address of the branch plant in the Czech Republic, if set up,
- b) the company name, if the natural person is registered in the commercial register, and the personal identification number, if assigned,
- c) the objects of business in full or in part in accordance with Section 45(4), and any other supplementary information relating to the scope of the trade authorisation, if specified by the entrepreneur in the notification,
- d) registered office address,
- e) the term of validity of the trade authorisation; in the case of a person referred to in Section 5(5), that period shall be understood as the period of residence permitted,
- f) the date of inception of the trade authorisation,
- g) the date and place of issue of the extract.

(3) An extract issued to a legal person shall specify

- a) the company name or business name, registered office address, personal identification number, if assigned; in the case of a foreign person the designation and address of the branch plant in the Czech Republic,
- b) the objects of business in full or in part in accordance with Section 45(4), and any other supplementary information relating to the scope of the trade authorisation, if specified by the entrepreneur in the notification,
- c) the term of validity of the trade authorisation,
- d) the date of inception of the trade authorisation,
- e) the date and place of issue of the extract.

(4) If a notification does not contain the particulars according to Sections 45 and 46, the trade licensing office shall call upon the notifier to rectify the defects within the time limit laid down in paragraph (1). In its request, the trade licensing office shall set a reasonable time limit for rectification of the defects which shall be at least 15 days. The trade licensing office may extend the time limit repeatedly at the entrepreneur's request where there are compelling reasons for such an extension. Over the time limit specified in the trade licensing office's request, the time limit for registration in the trade licensing register and issue of an extract shall be suspended.

(5) Should the notifier rectify defects in the stated time limit or in an extended time limit, the notification shall be regarded as devoid of defects from the beginning. Should the notifier fail to rectify defects in the stated or extended time limit, the trade licensing office shall commence procedure and shall rule that no trade authorisation arose on notification of the trade; in the case of a notification made by persons referred to in Section 10(4), the trade licensing office shall rule that the notifier has not complied with the conditions required for the inception of a trade authorisation. If the notifier, prior to the issue of a decision, rectifies the defects and the trade licensing office finds that the conditions for the inception of a trade authorisation have been met, the trade licensing office shall conclude the procedure by making an entry into the trade licensing register and issuing an extract.

(6) If the notifier fails to comply with the conditions laid down in this Act, the trade licensing office shall commence procedure and rule that no trade authorisation arose on notification of the trade. In the case of a notification by a person under Section 10(4), the trade licensing office shall rule that the notifier has not complied with the conditions required for the inception of a trade authorisation.

(7) If a notification is made by a foreign natural person who is also required to submit a document confirming his residence permit in accordance with Section 5(5) and who has proven the fulfilment of all conditions, with the exception of the condition of the residence permit, for the purposes of residence permit procedure the trade licensing office shall issue that foreign natural person with an extract containing the information under Section 47(2), with the exception of the information under subparagraph (e). The right to carry on a trade shall arise for that person on the date of production of a document proving the granting of a long-term visa or a long-term residence permit to the trade licensing office where the trade has been notified. If a foreign natural person fails to comply with the general and specific conditions for carrying on a trade, the trade licensing office shall decide that the notifier has not qualified for the inception of a trade authorisation.

(8) If the person referred to in paragraph (7) submits a document confirming his residence permit in accordance with specific legislation^{24b)} within three working days of the date of notification of the foreign national's place of residence in the Czech Republic³⁷⁾, the trade licensing office shall within five working days issue an extract in accordance with Section 47(2). Should this person fail to submit a document confirming his residence permission in the stated time limit, the trade licensing office shall decide that the notifier has not qualified for the inception of a trade authorisation. The

³⁷⁾ Section 93 of Act No 326/1999 Coll., on the residence of foreign nationals in the Czech Republic, and the amendment of certain acts, as amended

trade licensing office shall make the same decision if the said person fails to produce a document confirming his residence permission within six months of the date of service of the extract under paragraph (7). The trade licensing office shall enter in the trade licensing register that the notifier has not complied with the conditions required for the inception of a trade authorisation.

(9) If, for compelling reasons, the trade licensing office is unable to make an entry in the trade licensing register and issue an extract in the time limit under paragraph (1), and this does not constitute procedure under paragraph (4), the trade licensing office shall request a superior authority to extend the time limit for issue of the extract. The trade licensing office shall inform the notifier of the extension to the time limit and the reasons for this.

(10) If the trade licensing office finds that an entry in the trade licensing register has been made by reference to a notification in contravention of the law, it shall commence proceedings for annulment of the relevant trade authorisation. The trade licensing office shall conclude the procedure with a new entry and issue a new extract, or shall issue a decision annulling the trade authorisation.

(11) The trade licensing office shall correct errors in the text and other obvious misprints in an entry in the trade licensing register at any time by making a corrective entry and issuing the entrepreneur with a new extract.

Section 48

(1) The trade licensing office shall send an extract, or shall communicate information about a trade and entrepreneur by other means (Section 60(7)), to the tax authority with territorial jurisdiction responsible for the administration of income tax, to the Czech Statistical Office, to the social security administration with territorial jurisdiction based on the entrepreneur's residential address or registered office, in the case of a foreign person based on his place of permitted residence, registered office or location of the foreign person's branch plant, to the competent health insurance company, if known to the trade licensing office, to the authority or organisation which, under specific legislation, keeps a register of all general health insurance policyholders, and the registry court in the case of persons registered in public registers. This obligation of the trade licensing office shall also apply to changes in the trade licensing register, including changes to a trade authorisation if a trade is carried on after the death of the entrepreneur, to the interruption or suspension of a trade, to decisions annulling a trade authorisation, to decisions that a trade authorisation did not arise on notification of a trade, and to measures issued in accordance with Section 47(10) and (11).

(2) The trade licensing office shall forthwith inform the Ministry of the Interior of the issue of an extract to a foreign natural person in accordance with Section 47(7), the inception of a trade authorisation, the suspension and cancellation of a trade authorisation, and decisions on the non-inception of a trade authorisation, the interruption of a trade, the fact that the notifier or concession applicant has not complied with the conditions for the inception of a trade authorisation, decisions on the discontinuance of proceedings for concessions and decisions rejecting applications for a concession.

(3) The trade licensing office shall comply with the obligations referred to in paragraph (1) within 30 days from the date on which the entry is made in the trade licensing register, unless otherwise provided in this Act.

Section 49

(1) An entrepreneur shall inform the trade licensing office of all changes and amendments relating to information and documents required for the notification of a trade, and shall submit the related documents within 15 days from the date on which they occur; this shall not apply where changes and amendments have already been entered in basic registers^{28d)}, the commercial or another public register or the citizen register information system^{38e)}, if the entrepreneur is a citizen of the Czech Republic, or in the foreigner information system^{31g)}, if the entrepreneur is a foreigner. Changes and provision of supplementary data obtained from these registers, systems or public registers shall be entered by the trade licensing office in the trade licensing register without undue delay. If an entrepreneur submits the documents referred to in Section 46 paragraph 1 (a), (b), (d) and (f) and in paragraph 2 (a), (b), (d), (f) and (g), the trade licensing office shall proceed accordingly, pursuant to Section 46 paragraph 7.

(2) For the submission of documents for the notification of amendments and additions referred to in the first sentence of paragraph 1 above, Section 46(6) shall apply appropriately.

(3) Acting on notification pursuant to paragraph (1), the trade licensing office shall make an entry in the trade licensing register and, depending on the circumstances, shall issue an extract (Section 47(2) or (3)), or shall inform the entrepreneur of this entry. If a reported change or amendment is not evidenced by means of documents in accordance with paragraph (1), the trade licensing office shall call upon the entrepreneur to submit documents and shall set a time limit for fulfilment of this obligation, which shall be at least 15 days, and shall not make an entry in the trade licensing register until the documents are submitted. If a change relates to the scope of the objects of business and is not evidenced by documents in accordance with this Act, the trade licensing office shall rule, in separate procedure, that the trade authorisation did not arise in the context of the reported change. If an entrepreneur fails to comply with the notification duty under paragraph 1 and the trade licensing office becomes aware of such a change based on the necessary evidence, the change will be entered in the trade licensing register without undue delay.

(4) Where there is a change of responsible representative, an entrepreneur shall complement this notification with documents under Section 46, and the trade licensing office, if the responsible representative appointed by the entrepreneur complies with the conditions for carrying on a trade, shall make an entry in the trade licensing register and shall inform the entrepreneur of that entry. If the responsible representative appointed by the entrepreneur does not comply with the conditions

^{38e)} Act No. 133/2000 Coll., on the registry of citizens and personal ID numbers and on amending certain acts (the Citizen Register Act), as amended.

^{31g)} Sec. 158 of Act No. 326/1999 Coll., on the residence of foreigners in the Czech Republic and on amending certain acts, as amended by Act No. 227/2009 Coll.

for carrying on a trade or if the entrepreneur has not appointed a responsible representative even though he is required to do so by law, the trade licensing office shall commence procedure to suspend the trade further to Section 58(3).

(5) If an entrepreneur moves to a new home address and has previously notified the trade licensing office that in the event of a change in the place of residence the entrepreneur wishes to have their registered office moved to the same address as their place of residence, they will not need to notify the trade licensing office about the change in the registered office when moving to a new home address.

(6) If the trade licensing office finds that the entry of a change or supplementation in the trade licensing register has been made in contravention of the law, the provisions of Section 47(10) shall apply mutatis mutandis.

(7) When trade licensing office corrects errors in the text and other obvious misprints in an entry of a change or supplementation in the trade licensing register, the provisions of Section 47(11) shall apply mutatis mutandis.

TITLE II

PROCEDURE ON CONCESSIONS

Section 50

Particulars of an application for a concession

(1) A person intending to carry on a permitted trade shall submit an application for a concession to the trade licensing office.

(2) For the particulars of an application for a concession, Section 45(2), (3) to (5) and Section 46 shall apply mutatis mutandis. The objects of business shall be specified in the application for a concession in full or partial scope according to Annex No 3.

(3) If conditions of professional or other competence are laid down for carrying on a trade, the following shall be attached to an application for a concession:

- a) in the case of a natural person, a document proving his professional and other competence, or a document proving the professional and other competence of the responsible representative,
- b) in the case of a legal person, a document proving the responsible representative's professional and other competence.

(4) In an application for a concession, the applicant shall also specify information in accordance with specific legislation and evidence that information by means of documents required for the competent State administration authority to assume an opinion in accordance with Section 52(1) of this Act.

Section 51

(deleted)

Section 52

Considering an application

(1) Where, under specific legislation or Annex No 3 to this Act, a State administration authority's authorisation, approval, permission or opinion is required for the carrying-on of a trade, the trade licensing office shall submit to that authority the application for a concession or, where required so by a special legal regulation, an application to approve the appointment of a responsible representative, together with all documents supplied by the applicant for a concession which are required in order to assume an opinion; this authority shall express an opinion within 30 days of delivery of the application, unless otherwise provided in Annex No 3. Its opinion shall be binding upon the trade licensing office. The trade licensing office shall not require this opinion if the authority stipulated in Annex No 3 to this Act has issued a decision approving the conditions in accordance with specific legislation.

(2) If a foreign natural person who is also required to submit a document confirming his residence permit under Section 5(5) submits an application for a concession, the trade licensing office shall proceed in accordance with Section 47(7) and (8) *mutatis mutandis*.

Section 53

Decision-making on concessions

(1) Prior to taking a decision on a concession, the trade licensing office shall determine whether all the general and specific conditions for carrying on a trade have been fulfilled and whether there are any impediments to carrying on the trade.

(2) If any of the conditions under paragraph (1) are not met or if the competent state administration authority under Annex No 3 to this Act opposes the granting of a concession, the trade licensing office shall reject the application.

(3) If the appointment of a responsible representative is submitted to the trade licensing office for approval together with the application for a concession and the proposed person meets the statutory conditions, the trade licensing office shall approve the appointment of the responsible representative in its decision to grant a concession.

(4) The trade licensing office shall grant a concession to the person referred to in Section 5(5) covering the duration of his residence permit.

(5) For the particulars of a decision granting a concession, Section 47(2)(a) to (e) and Section 47(3)(a) to (c) shall apply mutatis mutandis. In the decision granting a concession, the trade licensing office shall set out the conditions for carrying on a trade in accordance with Section 27(3).

Section 54

(1) The trade licensing office shall make an entry in the trade licensing register and issue an extract to the entrepreneur within five working days from the date on which the decision granting a concession enters into force.

(2) For the issue of an extract, Section 47(2), (3) and (11) shall apply mutatis mutandis.

(3) If a foreign natural person who is required to submit, under Section 5(5), a document confirming his residence permit under Section 47(8), fails to submit such a document, this shall be deemed as failure to comply with the conditions required for the inception of a trade authorisation. The trade licensing office will report this fact in the file and enter it in the trade licensing register.

(4) If the trade licensing office finds that an entry in the trade licensing register has not been made in accordance with the decision on the granting of a concession, or that the data entered in the trade licensing register and not contained in the decision on the granting of a concession do not correspond to the reality, the trade licensing office will correct the entry in the trade licensing register and - depending on the circumstances - will issue an extra or inform the entrepreneur about the correction of the entry.

Section 55

(1) The information duties of the trade licensing office under Section 48 shall apply accordingly.

(2) The trade licensing office will send a copy of the lawful decision to grant concession, its change or revocation, data regarding the interruption or suspension of a trade, extract, or otherwise provide data regarding the permitted trade and the entrepreneur, in another agreed manner, also to the authority competent to issue a comment under Section 52 (1).

Section 56

Changes to the information given in an application for a concession

(1) An entrepreneur shall inform the trade licensing office of all changes and amendments relating to information and documents laid down as particulars of an application for a concession, and shall submit the related documents within 15 days from the date on which they occur; this shall not apply where changes and amendments have already been entered in basic registers^{28d)}, the

commercial or another public register or the citizen register information system^{38e)}, if the entrepreneur is a citizen of the Czech Republic, or in the foreigner information system^{31g)}, if the entrepreneur is a foreigner. Changes and provision of supplementary data obtained from these registers, systems or public registers shall be entered by the trade licensing office in the trade licensing register without undue delay. If an entrepreneur submits the documents referred to in Section 46 paragraph 1 (a), (b), (d) and (f) and in paragraph 2 (a), (b), (d), (f) and (g), the trade licensing office shall proceed accordingly, pursuant to Section 46 paragraph 7.

(2) For the submission of documents for the notification of amendments and additions referred to in the first sentence of paragraph 1 above, Section 46(6) shall apply appropriately.

(3) Acting on notification pursuant to paragraph (1), the trade licensing office, depending on the circumstances, shall change the decision granting a concession, register changes in the trade licensing register, issue an extract (Section 47(2) or (3)), inform the entrepreneur of this entry or shall decide to suspend the trade or revoke the trade authorisation. If an entrepreneur fails to comply with the notification duty under paragraph 1 and the trade licensing office becomes aware of such a change based on the necessary evidence, the change will be entered in the trade licensing register without undue delay.

(4) Changes relating to the scope of the objects of business and the conditions for carrying on a trade shall be made by the trade licensing office by amending the decision granting a concession on its own or another party's initiative. It shall subsequently make an entry in the trade licensing register and issue an extract with the changed information within the time limit under Section 54(1).

(5) Sections 52 and 53 shall apply *mutatis mutandis* to procedure for the amendment of a decision granting a concession. Procedure to change conditions laid down in a decision granting a concession under Section 27(3) shall be commenced by the trade licensing office on its own or another party's initiative.

(6) If an entrepreneur moves to a new home address and has previously notified the trade licensing office that in the event of a change in the place of residence the entrepreneur wishes to have their registered office moved to the same address as their place of residence, they will not need to notify the trade licensing office about the change in the registered office when moving to a new home address.

(7) In the correction of an entry of a change or supplementation of data in the trade licensing register, the trade licensing office shall adequately follow the provisions of Section 54(4) or Section 47(11).

^{38e)} Act No. 133/2000 Coll., on the registry of citizens and personal ID numbers and on amending certain acts (the Citizen Register Act), as amended.

^{31g)} Sec. 158 of Act No. 326/1999 Coll., on the residence of foreigners in the Czech Republic and on amending certain acts, as amended by Act No. 227/2009 Coll.

TITLE III

TERMINATION OF A TRADE AUTHORISATION

Section 57

(1) A trade authorisation shall be terminated:

- a) on the death of an entrepreneur, except in the cases under Section 13,
- b) upon the dissolution of a legal person, except in the cases under Section 14,
- c) at the end of a specific period, if a trade authorisation is limited to a fixed period,
- d) on the deletion of a foreign person mandatorily entered in the commercial register or its objects of business from the commercial register,
- e) where so provided by specific legislation,
- f) by a decision of the trade licensing office to revoke the trade authorisation.

(2) A trade authorisation shall not terminate on expiry of the period under paragraph (1)(c) if, prior to the expiry of the period for which the trade authorisation has been limited, the entrepreneur announces that it is planning on carrying on in the trade or requests an amendment to the decision granting a concession issued for a fixed period. A foreign natural person whose authorisation to carry on a trade in the Czech Republic is tied to permission to reside in the Czech Republic shall submit a new residence permit with the notification. If this permit is not submitted, the trade licensing office shall call upon that person to do so and set a reasonable time period for doing so, at least for the duration of the residence permitted. If the permit is not submitted within the period set, the trade authorisation shall be terminated on the last day of that period, provided that the period for which the trade authorisation was limited has expired.

(3) If a trade authorisation is terminated, the trade licensing office shall notify this fact to the authorities referred to in Section 48 and Section 55(2).

Section 58

(1) The trade licensing office shall revoke a trade authorisation if

- a) an entrepreneur no longer complies with the conditions under Section 6 paragraph 1 (a) or (b),
- b) impediments under Section 8 arise, apart from an impediment under Section 8(5) in the case of an unqualified trade,
- c) an entrepreneur so requests, or
- d) the entrepreneur does not prove the legal reason for the use of the premises under Section 31(2)

(2) The trade licensing office shall revoke a trade authorisation or suspend a trade at the proposal of a state administration authority issuing an opinion in accordance with Section 52(1) on the grounds that the entrepreneur has seriously breached the conditions laid down in the decision granting a concession, this Act or specific legislation.

(3) The trade licensing office may revoke a trade authorisation or suspend a trade to the necessary degree if the entrepreneur has seriously breached the conditions laid down in the decision granting a concession, this Act or specific legislation. The trade licensing office may also revoke a trade authorisation on a proposal from the competent social security administration if an entrepreneur has failed to honour liabilities towards the State.

(4) The trade licensing office shall revoke a trade authorisation if a foreign natural person whose authorisation to carry on a trade in the Czech Republic is tied to permission to reside in the Czech Republic (Section 5(5)) fails to comply with this condition.

(5) The trade licensing office may revoke an entrepreneur's trade authorisation if the entrepreneur fails to carry on a trade for a period of longer than four years; this shall not apply if the entrepreneur has notified the interruption of a trade under Section 31(11).

(6) The trade licensing office shall suspend a trade in an establishment, if the operation of the trade in the establishment leads to a significant breach of the duties set out in this Act or specific legislation.

(7) The trade licensing office shall revoke a trade authorisation upon the entrepreneur's request as of the date notified by the entrepreneur, but no earlier than as of the date on which the application is delivered. If the entrepreneur does not specify the cancellation date, the trade authorisation shall be cancelled as of the date on which the decision of the trade licensing office becomes legally effective. If a trade authorisation revocation procedure under paragraph 2 or 3 has been launched, the decision to revoke the same trade authorisation upon the entrepreneur's request cannot be made before the decision to revoke the trade authorisation under paragraph 2 or 3 is made.

(8) In the decision to suspend a trade under paragraphs 2 and 3 or to suspend a trade in an establishment under paragraph 6, the trade licensing office shall set the period over which the trade cannot be carried on; this period must not be longer than one year. Unless the reasons that had led to the suspension are eliminated within the set deadline, the trade licensing office shall again decide to suspend the operation of the trade in the establishment or to revoke the entrepreneur's trade authorisation, depending on the circumstances of the case.

Section 59

The trade licensing office shall be entitled to impose a prohibition of unlawful conduct^{40a)} on an entrepreneur carrying on the trade of travel agency or tour operator in the carrying-on of that trade where such conduct infringes or could infringe the common interest of consumers^{40b)} and where such conduct is perpetrated in the European Union or in another State forming the European Economic Area. Breach of this Act shall constitute grounds for the revocation or suspension of a trade authorisation.

TITLE IV

TRADE LICENSING REGISTER

Section 60

(1) The trade licensing register is a public administration information system^{38d)} maintained in electronic form, which includes the information set out in paragraph 2 below and data of a statistical and reference nature associated with the carrying out of a trade. Information and data are transferred from other information systems and registers for this purpose. The administrator of the trade licensing register is the Trade Licensing Office of the Czech Republic and its operators are the regional trade licensing offices within the scope set out in paragraphs 3 to 5 below and municipal trade licensing offices within the scope set out in paragraphs 2 to 5 below. Municipal trade licensing offices enter in this information system documents evidencing compliance with the conditions stipulated in this Act, referred to in Section 46 paragraph 7.

(2) The following particulars, including changes thereto, shall be entered in the trade licensing register:

a) identification data, specifically

1. in the case of a natural person, the given name and surname, academic title or scientific degree, citizenship, residential address, birth registration number, if assigned, date of birth, identification number of the person if the person has a company name, company name and registered office address,
2. in the case of a foreign natural person, the data specified in point 1 plus the address of the abode in the Czech Republic, if permitted, the designation and address of his branch

^{40a)} Article 3(b) of Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation).

^{40b)} Article 3(k) of Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation).

plant in the Czech Republic, and the data specified in point 7 regarding the head of that branch plant,

3. in the case of a legal person, the company name or business name, registered office address, identification number of the person, and the data specified in points 5 and 6 regarding members of its statutory body,
 4. in the case of a foreign legal person, the data specified in point 3 plus the designation and address of the branch plant situated in the Czech Republic, and the data specified in point 7 regarding the head of that branch plant,
 5. in the case of a natural person who is a member of a legal person's statutory body or a person authorised to represent a legal person which is a member of the statutory body, the given name, surname, academic title or scientific degree, residential address or address of the abode in the Czech Republic, birth registration number, if assigned, date of birth, dates of entry into and cessation of the office,
 6. in the case of a legal person who is a member of a statutory body, the company name or business name, registered office address, identification number of the person, dates of entry into and cessation of the office,
 7. in the case of the head of a foreign person's branch plant, the given name, surname, academic title or scientific degree, citizenship, residential address or address of the abode in the Czech Republic, and residential address outside the Czech Republic, birth registration number, if assigned, date of birth, dates of entry into and cessation of the office,
 8. in the case of a responsible representative, the given name, surname, academic title or scientific degree, citizenship, residential address or address of the abode in the Czech Republic, and residential address outside the Czech Republic, birth registration number, if assigned, date of birth, dates of entry into and cessation of his office,
- b) the objects of business,
 - c) the type of trade,
 - d) the establishment or establishments in which the trade is carried out, with the exception of vending machines and mobile establishments, including information required by Section 17(5)(c) and (d); including the identification number of the establishment, or including data according to Section 58(6),
 - e) the validity period of the trade authorisation,
 - f) the date of inception of the trade authorisation,
 - g) period of the suspension or interruption of a trade,
 - h) the date of termination of the trade authorisation,
 - i) the date of delivery of an extract in accordance with Section 10(4),

- j) a decision on bankruptcy, a decision that the debtor is not in bankruptcy, a decision on handling the bankruptcy, and a decision on the cancellation of a bankruptcy procedure, a decision on compliance with a reorganisation plan or with essential parts thereof, a decision on compliance with a discharge of debt, and a decision on the cessation of an insolvency procedure because the debtor's assets are completely insufficient to satisfy the creditors,
- k) the entry of a legal person into liquidation procedure,
- l) impediments to a trade under Section 8,
- m) the fines imposed by trade licensing offices and penalties imposed by other administrative authorities in connection with the business, with the exception of fines imposed on the spot,
- n) other additional information relating to the scope of the trade authorisation (Section 45(2)(e), Section 45(3)(e) and Section 45(4)), and to the conditions for carrying on a trade (Section 27),
- o) the address of the place where any liabilities may be settled following the termination of activities in an establishment.
- p) person continuing to carry on the trade of a deceased entrepreneur; the data regarding such a person shall be entered adequately according to a),
- q) failure to comply with the conditions for continuing in the trade pursuant to Section 10(5), Section 47(8) and Section 52(2).
- r) delivery address under Section 45(2)(k) and under Section 45(3)(h).

(3) The trade licensing register is a public list as regards the sections that include the data set out in paragraph 2 above, unless stated otherwise. The trade licensing register is not a public list as regards the sections that include

- a) the information referred to in paragraph 2(m) and (r), information on the domicile and place of residence in the Czech Republic, the domicile outside the Czech Republic and birth registration numbers,
- b) the other information referred to in paragraph 2 at the end of 4 years after the expiry of the last trade licence for an entrepreneur, when this data will be transferred from the public section of the trade licensing register to the non-public section; this information will again be included in the public section of the trade licensing register in the event the entrepreneur again obtains a trade licence,
- c) the other information referred to in paragraph 2 in the event the conditions for carrying on a trade, pursuant to Section 10 paragraph 5, Section 47 paragraph 8 and Section 52 paragraph 2 are not complied with,
- d) the documents stored in accordance with paragraph 1.

(4) The trade licensing office shall provide

- a) the information referred to in paragraph 3 (a) to the entrepreneur to whom it relates, to the administrative authorities, if they require such information to perform their activities, and in cases set out in other legal regulations,
- b) the information referred to in paragraph 3 (b) and (c) to a person who can demonstrate a legal interest in it, within the scope set out in paragraph 5 (b) to (d).

(5) Upon request, the trade licensing office shall issue the following, in paper or electronic form and under the conditions set out in paragraph 4, about one person identified in the application from the trade licensing register

- a) an extract pursuant to Section 47 paragraph 2 or 3; this extract shall be issued to the entrepreneur to whom it relates,
- b) a full extract about one person, containing all the information referred to in paragraph 2,
- c) a partial extract about one person, containing the information requested,
- d) a confirmation of a specific registration or a confirmation that the trade licensing office does not hold a specific registration.

(6) Upon request, the trade licensing office shall issue a dataset from the public section of the trade licensing register, in paper or electronic form, which may only include basic identification data on the entrepreneur, i.e. given name, surname, or company name or business name, as appropriate, registered office address and personal identification number, as well as, if requested by the applicant, the objects of business and the location of the establishment. The dataset shall include data valid as at the date when the dataset was prepared. The applicant must not publish this dataset or provide it to a third party.

(7) The application for providing the dataset under paragraph 6 may be submitted to the office competent under Section 71(5) of this Act; in addition to the requirements for submission laid down by the Rules of Administrative Procedure, the application must include the scope of the dataset requested.

(8) The dataset under paragraph 6 shall be provided to the applicant within 30 days from submitting the application. Where a particularly large dataset is requested, the deadline for providing it shall be extended by 30 days. If the trade licensing office fails to grant the whole or part of the application, it shall issue a decision on rejection of the application or of part of the application within the deadline pursuant to the first sentence or second sentence, as appropriate.

(9) Data other than those specified in paragraphs 4, 5 and 6 shall not be provided, unless this Act provides otherwise.

(10) The Trade Licensing Office of the Czech Republic³⁹⁾ shall make the information held in the public section of the trade licensing register available in electronic form, in a manner that allows remote access to this information. The information from the public section of the trade licensing register pursuant to paragraph 5 (b) shall also be issued as verified outputs from the public administration information system in accordance with the Act regulating public administration information systems^{38d)}. The Trade Licensing Office of the Czech Republic shall provide information from the trade licensing register to those authorities referred to in Section 48, to authorities pursuant to another legal regulation and to administrative authorities that require this information to carry out their activities, in electronic form in a manner that allows remote access, or by any other means agreed. The transmission of information pursuant to Section 45a and Section 45b shall proceed accordingly.

(11) The Ministry of the Interior or the Police of the Czech Republic shall provide the Trade Licensing Office of the Czech Republic, regional and municipal trade licensing offices³⁹⁾, for the needs

³⁹⁾ Act No. 570/1991 Coll., on trade licensing offices, as amended.

^{38d)} Act No. 365/2000 Coll., on public administration information systems and on amendments to certain other acts, as amended.

of proceedings at those offices under this Act, for the needs of maintaining the trade licensing register, and for them to exercise their supervisory responsibilities under other legislation⁷⁰⁾, with

- a) reference data from the basic register of persons,
- b) data from the population records information system,
- c) data from the foreigners information system.

(12)The data provided pursuant to paragraph 11 (a) are

- a) surname,
- b) name (s),
- c) date, place and district of birth; in the case of data for a person who was born abroad, the date, place and state in which they were born,
- d) permanent address,
- e) identification document type and number,
- f) date, place and district of birth; in the case of data for a person who died outside the Czech Republic, the date of death and the place and state in which the death occurred; if a court ruling declaring the death was issued, the date that is taken as the date of death in the ruling, or the day that the subject of the data, who had been declared dead, did not survive, and the date on which this ruling came into effect,
- g) citizenship, or citizenship of several countries, if relevant.

(13)Data provided pursuant to paragraph 11 (b) are

- a) given name(s), surname, former surname,
- b) date and place of birth,
- c) birth number,
- d) citizenship,
- e) permanent address,
- f) date, place and district of birth; in the case of data for a person who died outside the Czech Republic, the date of death and the place and state in which the death occurred,
- g) the date that is taken as the date of death in a court ruling, or the day that the subject of the data, who had been declared dead, did not survive,

⁷⁰⁾ For instance, Act No 40/1995 Coll., on regulation of advertising and amending and supplementing Act No 468/1991 Coll., on operation of television and radio broadcasting, as amended, Act No 634/1992 Coll., on protection of consumers, as amended.

h) restriction of legal capacity.

(14)Data provided pursuant to paragraph 11 (c) are

- a) given name(s), surname, any changes to these, maiden name,
- b) date of birth,
- c) sex,
- d) place and country of birth,
- e) birth registration number, if one has been assigned,
- f) citizenship,
- g) type of residence and address,
- h) number and validity of the residency permit,
- i) start of residency, if applicable the date on which the residency ends,
- j) restriction of legal capacity,
- k) administrative or judicial expulsion and the period for which the subject is not allowed to enter the territory of the Czech Republic,
- l) date, place and district of death; in the case of a death that occurred outside the Czech Republic, the State in which the death occurred and the date of death,
- m) the day that is taken as the date of death in a court ruling, or the day that the subject of the data did not survive.

(15)Data that are kept as reference data in the basic register of persons shall only be used from the population records information system or from the foreigners information system if they are in the form that predates the present situation.

(16)Of the data provided, only those data that are essential to perform a given task may always be used and kept in a specific case.

PART FIVE

TRADE INSPECTION

TITLE I

TRADE INSPECTION

Section 60a

(1) Trade licensing offices shall carry out trade inspections within the scope of their competence with the aim of monitoring whether and how the obligations laid down in the Trade Licensing Act and specific legislation relating to licensed trades are fulfilled, the provision of services under Section 69a, and the conditions for carrying-on a trade as laid down in the decision granting a concession.

(2) The trade licence authorities monitor the compliance with obligations in spirits labelling and dealing with spirits under the law governing compulsory spirits labelling, if they find breaching of these obligations in the execution of their other duty, and compliance with tobacco labelling obligations under the excise duty law. If they find that there has been a breach of such obligations, they shall immediately inform the Excise Duty administrator accordingly.

Section 60b

If the municipality or region issues a license to the person carrying out inspections, employees of trade licensing offices shall show this license during inspections. If the municipality or region does not issue a license under the first sentence, employees of trade licensing offices carrying out inspections shall show a written authorisation for each individual inspection. The provision of information concerning the outcome of an inspection of an entrepreneur or concerning the results of an administrative proceeding conducted on the entrepreneur to another administrative authority in response to its request and for the purposes of an inspection or administrative proceeding, shall not be considered to be a breach of confidentiality by an employee in accordance with a special legal regulation³⁹⁾.

³⁹⁾ Act No. 570/1991 Coll., on trade licensing offices, as amended.

Section 60c

An entrepreneur shall be entitled to invite a third party of his choice during inspections. The absence of a third party shall not constitute grounds to interrupt an inspection.

Section 60d

(1) A trade licensing office may decide to demand that an entrepreneur correct irregularities discovered in the way he carries on a trade.

(2) An appeal against the decision under paragraph 1 will not have any suspensory effect.

Section 60e

(deleted)

TITLE II

OFFENCES

Section 61

Offences of natural persons

(1) A natural person shall commit an offence

- a) as the administrator of the business assets of the deceased entrepreneur, or the executor of the will, if he also administers the estate, or a person referred to in Section 13 paragraph 1 (b), (c) or (e) by failing to appoint a responsible representative in contravention of Section 13 paragraph 2, or
- b) as an administrator of the estate appointed by a court, or as a trust, liquidation or insolvency administrator by failing to notify the intention to continue to carry on the business in contravention of Section 13(4), or by failing to appoint an authorised representative.

(2) A natural person shall commit an offence by submitting a false solemn declaration concerning good character in accordance with

- a) Sec. 46 (1) (a), if he is a citizen of another European Union Member State, or
- b) Sec. 46 (1) (b), if he is a citizen of a country other than a European Union Member State.

(3) Further, a natural person shall commit an offence by carrying on a trade which is

- a) an unqualified trade without holding a trade authorisation for that trade,
- b) the subject of a vocational or professional trade without holding a trade authorisation for that trade, or
- c) the subject of a permitted trade without holding a trade authorisation for that trade.

(4) The following fines may be imposed for offences

- a) up to CZK 10,000 for an offence under paragraph (1),
- b) up to CZK 100,000 for an offence under paragraph (2),
- c) up to CZK 500,000 for an offence under paragraph (3)(a),
- d) up to CZK 750,000 for an offence under paragraph (3)(b),
- e) up to CZK 1,000,000 for an offence under paragraph (3)(c).

(5) Offences referred to in paragraphs (2) and (3) cannot be dealt with in an on-the-spot procedure.

Offences of legal persons and natural persons engaged in business

Section 62

(1) A legal person, as an entrepreneur, or a natural person engaged in business shall commit an offence

- a) in contravention of Section 7(6), by failing to arrange for the performance of activities that are the content of trades referred to in Annex No 5, solely by natural persons fulfilling the conditions of professional competence, or fails to maintain and keep for a period prescribed by law a record of those persons, or fails to maintain for the period prescribed by law copies of documents of their professional competence,
- b) by failing to report the appointment of a responsible representative or failing to notify the trade licensing office of the termination of his appointment for a notifiable trade in accordance with Section 11(5),
- c) by failing to report to the trade licensing office, for approval, the appointment of a responsible representative or failing to notify the termination of his appointment for a permitted trade in accordance with Section 11(7),
- d) by failing to appoint a new responsible representative in accordance with Section 11(8),
- e) in contravention of Section 17(3)
 - 1. by failing to prove the legal title to use an establishment or the legitimacy of the placement of a mobile establishment at the request of the trade licensing office, or

2. by failing to report in advance the commencement or termination of a trade at an establishment,
- f) by failing to appoint a person responsible for the establishment's activities in accordance with Section 17(4),
 - g) by failing to mark the establishment in accordance with Section 17(7), (8) or (9),
 - h) in contravention of Section 17(10), by permitting, by the sale of goods or provision of services via vending machines operated by the consumer, particular types of goods to be obtained by persons protected under a specific law,
 - i) by breaching a condition set or amended by the trade licensing office for carrying on a permitted trade in accordance with Section 27(3),
 - j) by failing to mark a registered office or branch plant in contravention of Section 31(2),
 - k) by failing to prove to a control body the manner in which the goods for sale or material were obtained in accordance with Sec. 31 (3),
 - l) in contravention of Section 31(4), by failing to identify a party to a contractual relationship or the subject matter of a contractual relationship, or by failing to keep records of parties to a contractual relationship or of the subject matter of a contractual relationship, or by failing to have those records available in the establishment where the identification is taking place and where the goods are located,
 - m) by failing to keep a record of, or store, identification information in accordance with Section 31(6),
 - n) in contravention of Section 31(7), by purchasing goods or accepting goods as pawned items, or by mediating the purchase of such goods,
 - o) by failing to ensure that a person fulfilling the condition of knowledge of the Czech or Slovak language in line with Section 31(8) is present in his establishment intended for the sale of goods or the provision of services to consumers during opening or business hours intended for contact with consumers,
 - p) by failing to ensure that its employees prove compliance with the condition of good character in accordance with Section 31(9),
 - q) by failing to report to the trade licensing office the resumption of a trade in accordance with Section 31(12),
 - r) by failing to issue proof of the sale of goods or the provision of a service at the customer's request or failing to state in the proof of sale the information stipulated by law in accordance with Section 31(14),
 - s) in contravention of Section 31(15), by failing to communicate at the request of the trade licensing office whether he carries on a trade or by failing to produce documents documenting the carrying on of a trade,

- t) in contravention of Section 31(16), by failing to report to the trade licensing office, in the case of the termination of activities in an establishment, the address of the place where any potential liabilities may be settled,
- u) in contravention of Section 31(17), by employing employees who do not possess the competence to engage in an occupation as laid down in specific legislation, or the knowledge of safety procedures or regulations concerning the protection of public health,
- v) in contravention of Section 49(1), by failing to report to the trade licensing office, within the time period set, changes and amendments relating to information and documents required for the notification of a trade, or by failing to submit documents concerning such changes and amendments, with the exception of failing to report a change in the field of activity under an unqualified trade, or
- w) in contravention of Section 56(1), by failing to report to the trade licensing office, within the time period set, changes and amendments relating to information and documents required as particulars of an application for a concession or by failing to submit documents concerning such changes and amendments.

(2) A natural person engaged in business listed in Sec. 69a (1) shall commit an offence in the temporary provision of services

- a) by failing to prove in contravention of Sec. 69a (4) (a) the legitimacy of the provision of services during an inspection,
- b) by failing to ensure, in contravention of Sec. 69a (4) (b) and Sec. 7 (6), the performance of activities that constitute the contents of trades listed in Annex No. 5, solely by natural persons who meet the requirements of professional competence, or
- c) by failing, in contravention of Sec. 69a (5), to report to the recognition authority the provision of services in an activity that constitutes a trade and the operation of which requires compliance with special professional competence provisions in accordance with Sec. 7.

(3) A legal person listed in Sec. 69a (2) shall commit an offence in the temporary provision of services

- a) by failing to prove in contravention of Sec. 69a (4) (a) the legitimacy of the provision of services during an inspection,
- b) by failing to ensure, in contravention of Sec. 69a (4) (b) and Sec. 7 (6), the performance of activities that constitute the contents of trades listed in Annex No. 5, solely by natural persons who meet the requirements of professional competence, or
- c) by failing, in contravention of Sec. 69a (5), to report to the recognition authority the provision of services in an activity that constitutes a trade and the operation of which requires compliance with special professional competence provisions in accordance with Sec. 7.

(4) The following fines may be imposed for offences

- a) up to CZK 1,000,000 for an offence under paragraph (1) (h), (k), (l), (m), (n), (r) (t), or (u),
- b) up to CZK 100,000 for an offence under paragraph (1) (a), (c), (d), (e), (f), (g), (i), (j), (k), (o), (p), (q), or (s), or under paragraph (2) or under paragraph (3),
- c) up to CZK 50,000 for an offence under paragraph (1) (b),
- d) up to CZK 20,000 for an offence under paragraph (1)(v) or (w),
- e) up to CZK 10,000 for an offence under paragraph (1)(q).

Section 63

(1) Further, a legal person shall commit an offence by carrying on activity which is

- a) an unqualified trade,
- b) the subject of a vocational or professional trade, or
- c) the subject of a permitted trade,

without holding a trade authorisation for that trade.

(2) The following fines may be imposed for offences

- a) up to CZK 500,000 for an offence under paragraph (1)(a),
- b) up to CZK 750,000 for an offence under paragraph (1)(b),
- c) up to CZK 1,000,000 for an offence under paragraph (1)(c).

(3) Offences referred to in the paragraph 1 cannot be dealt with in an on the spot procedure.

Section 63a

(deleted)

Section 64

Common provisions

(1) Offences under this Act shall be handled in the first instance by municipal trade licensing offices.

(2) Fines shall be recovered and enforced by the authority which levied them.

TITLES III and IV

Section 65 to 66a

(deleted)

PART SIX

COMMON, TRANSITIONAL AND FINAL PROVISIONS

TITLE I

Common provisions

Section 67

(1) For the purposes of this Act, the address in the Czech Republic shall mean a combination of data on the address location registered in the basic register of geographical identification, of addresses and real estate⁷¹⁾. Addresses shall be entered into the trade licensing register to include the following data:

- a) name of a municipality or military training area; the municipality name in the Capital of Prague shall be followed by a municipal district number,
- b) name of a municipal quarter; name of a cadastral section in the Capital of Prague,
- c) postcode assigned to the address location,
- d) street name, if entered in the register of geographical identification, of addresses and real estate,
- e) land registry reference number or registration number,
- f) street number, if assigned, including its appendix.

(2) The address outside the Czech Republic shall be entered into the trade licensing register to include the names of a municipality and region, street name and house number, postcode and country name.

⁷¹⁾ Decree No 359/2011 Coll., on basic register of geographical identification, of addresses and real estate.

Section 68

Cooperation of State administration authorities

(1) Authorities carrying out inspections under specific regulations shall cooperate with one another and shall send copies of decisions ruling on any serious infringement of specific regulations by an entrepreneur to the trade licensing office within 30 days of the date on which such a decision enters into force. Within the same time limit, they shall also notify the competent trade licensing office of any cases of unauthorised business ascertained in the course of their activities. This shall not prejudice the obligation of confidentiality laid down in a specific law⁴²⁾.

(2) Within 30 days of ascertaining such conduct, trade licensing offices shall inform individual specialized authorities, in particular authorities supervising the observance of hygiene, safety and fire regulations, and bodies of the Czech Trade Inspectorate, of the infringement of the relevant specific regulations by persons carrying out activities which are the subject of a trade.

Section 69

(deleted)

Section 69a

(1) A citizen of a Member State of the European Union who is entitled to engage in business activities in a Member State of the European Union may temporarily provide services in the Czech Republic within the scope of his business authorisation in accordance with Article 56 et seq. of the Treaty on the Functioning of the European Union.

(2) A legal person whose internal relations are governed by the law of a Member State of the European Union and who has its registered office, headquarters or principal place of business activities in a Member State of the European Union and is entitled to engage in business activities in a Member State of the European Union may temporarily provide services in the Czech Republic within the scope of its business authorisation in accordance with Articles 56 et seq. of the Treaty on the Functioning of the European Union.

(3) Citizens of other States parties to the European Economic Area Agreement, citizens of the Swiss Confederation and legal persons having their registered office in such States shall be regarded as persons referred to in paragraphs (1) or (2) for the purposes of this provision.

(4) Further provisions of this Act shall not apply to the provision of services in accordance with this section, with the exception of

⁴²⁾ E.g. Act of the Czech National Council No 337/1992 Coll., on the administration of taxes and charges, as amended.

- a) the obligation to prove, in an inspection under Section 60a, the authorisation to provide services by means of an identity card, a document verifying nationality, a document confirming that the person providing services is established in the Member State of origin and engages in the activity in question in accordance with the legislation of the Member State of origin, and
- b) the obligation of a person providing services to ensure the performance of activities which are the content of trades listed in Annex No 5 to this Act solely by natural persons complying with the requirements of professional competence laid down in that annex; for the purposes of that annex, the condition of professional competence shall be regarded as fulfilled if the person providing services produces proof, on behalf of persons in a salaried position performing the activity, of their education in the Member State of origin training them to carry out the regulated activity concerned or, if the activity concerned is not regulated in the Member State of origin, proof that they have carried on the activity in one or more of the Member States for a period of at least one year in the preceding ten years.

(5) The natural persons referred to in paragraph (1) providing services in an activity which is a trade and for the carrying-on of which compliance with the specific condition of professional competence is required under Section 7 (hereinafter referred to as 'regulated activity') shall provide written notification of the provision of services in the Czech Republic to the recognition authority, including the submission of documents in accordance with specific legislation⁴³⁾. Section 36a of the Act on the Recognition of Professional Qualifications shall apply to legal persons referred to in paragraph (2) *mutatis mutandis*. In relation to a legal person, evidence of professional qualifications or experience shall be produced by an appointed person responsible for the due provision of services.

(6) In the case of persons providing services in regulated activities which are trades, the trade licensing office shall be entitled, during an inspection in accordance with Section 60a, to check on the fulfilment of the obligation to notify the recognition authority in writing of the provision of the service⁴⁴⁾. The trade licensing office may also check on the fulfilment of the obligation of the person providing the services to ensure that the activities constituting the trades referred to in Annex No 5 to this Act are performed solely by natural persons fulfilling the requirements of professional competence.

Section 70

(1) For the purposes of this Act, the following shall also be considered to be citizens of a Member State of the European Union

⁴³⁾ Section 36a of Act No 18/2004 Coll., on the recognition of professional qualifications and other competence of nationals of European Union Member States and nationals of other States and amending certain laws (Act on the Recognition of Professional Qualifications), as amended.

⁴⁴⁾ Section 36a(4) of Act No 18/2004 Coll., as amended by Act No 189/2008 Coll.

- a) a citizen of another country that is Party to the Agreement on the European Economic Area and a citizen of the Swiss Confederation,
- b) a family member of a citizen of the European Union or a person referred to in sub-paragraph (a)⁶¹⁾,
- c) a person who has been granted permanent residence in the Czech Republic and his/her family members,
- d) a third-country national who has been granted the legal status of a long-term resident of the Czech Republic or another European Union Member State⁶²⁾,
- e) a third-country national who has been granted residence in the Czech Republic or another European Union Member State for the purpose of scientific research, studies, training or voluntary service in the European voluntary service⁶³⁾,
- f) a family member of a person referred to in sub-paragraph (d) or (e), who has been granted long-term residence in the Czech Republic⁶⁴⁾,
- g) a third-country national who is a victim of trafficking in human beings or who has been the subject of an action to facilitate illegal immigration, who is cooperating with the competent authorities, if he/she has been granted residence in the Czech Republic or another European Union Member State for this purpose⁶⁶⁾,
- h) the holder of a European Union Blue Card⁶⁷⁾.

⁶¹⁾ Article 23 and Article 24 paragraph 1 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEEC) No. 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

⁶²⁾ Article 11 paragraph 1 (a) and Article 21 paragraph 1 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

⁶³⁾ Article 22 of Council Directive 2016/801/EC of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

⁶⁴⁾ Article 14 paragraph 1 (b) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

⁶⁶⁾ Article 11 paragraph 1 of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

⁶⁷⁾ Article 14 paragraphs 1 and 4 of Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

(2) The authorisation referred to in Section 69a shall not apply to those persons referred to in paragraph 1 (c) to (h).

(3) For the purposes of this Act, a legal entity with a registered office on the territory of a European Union Member State shall be considered to be a legal entity, whose internal relations are governed by the laws of a Member State of the European Union or another country which is Party to the Agreement on the European Economic Area and which has its registered office, central administration or principal place of business on the territory of a Member State of the European Union or another country which is Party to the Agreement on the European Economic Area. A legal entity whose internal relations are governed by the laws of the Swiss Confederation and which has its registered office, central administration or principal place of business on the territory of the Swiss Confederation shall also be considered to be a legal entity pursuant to the previous sentence, subject to the conditions and within the scope set out in an international treaty on the free movement of persons.

(4) Where this Act requires the submission of documents issued by a competent authority of a European Union Member State or the carrying out of business activities on the territory of a European Union Member State, these shall also be understood to refer to documents issued by a competent authority of a country which is Party to the Agreement on the European Economic Area and documents issued by a competent authority of the Swiss Confederation and the carrying out of activities on the territory of these countries.

Section 71

Geographical jurisdiction

(1) Submissions under this Act may be made to any municipal trade licensing office. The municipal trade licensing office to which a submission is delivered first shall be competent to proceed in accordance with this Act.

(2) In proceedings on the cancellation of a trade authorisation or on the suspension of a trade, the geographical jurisdiction of the trade licensing office shall be determined in accordance with the Rules of Administrative Procedure; this shall not apply in the event of the cancellation of a trade authorisation at the request of the entrepreneur.

(3) The obligation of courts and other authorities to disclose information, deriving from specific legislation, shall be fulfilled by the trade licensing office with geographical jurisdiction under paragraph (2). This office shall make the corresponding entry in the trade licensing register.

(4) A trade licensing office which executes an action resulting in the need to make an entry in the trade licensing register shall be competent to make that entry.

(5) A dataset under Section 60(6) shall be issued, according to its geographical jurisdiction, by a municipal trade licensing office, regional trade licensing office or the Trade Licensing Office of the

Czech Republic. A dataset determined by a registered office address shall be issued by the trade licensing office within the geographical area of which the entrepreneur has his registered office. A dataset determined by an establishment location shall be issued by the trade licensing office within the geographical area of which the establishment is located. A dataset determined by the objects of business shall be issued by the trade licensing office within the geographical area of which the entrepreneur with the requested objects of business has his registered office or establishment.

(6) If a delivery address under Section 45(2)(k) or under Section 45(3)(h) is specified by a trade notifier in his notification or by an applicant for a concession in his application, all trade licensing offices shall be obliged to deliver mailings to the specified address; this shall not apply if the person has set up a date exchange box.

Section 72

(1) Submissions under this Act to a municipal trade licensing office may be made via a public administration contact point^{28c)}; this shall not apply to applications for datasets under Section 60(6).

(2) A public administration contact point shall deliver a received submission to the municipal trade licensing office chosen by the submitter without undue delay. Should the submitter fail to choose a municipal trade licensing office, the submission shall be delivered to the municipal trade licensing office with jurisdiction based on the place of submission. If a submission is made at a mission and the submitter fails to choose a municipal trade licensing office, the jurisdiction of the municipal trade licensing office shall be determined in accordance with the Rules of Administrative Procedure.

(3) If a time limit is set for a submission, it is considered met if, on the final day of the time limit, the submission is made to a public administration contact point. The time limit for handling a submission shall commence on delivery thereof, including annexes, to the municipal trade licensing office.

(4) A submission shall be delivered electronically in a manner facilitating remote access with the use of the communication infrastructure of the trade licensing register, provided that the nature of the submission so allows. The public administration contact point shall send the competent municipal trade licensing office under paragraph (2) the documentary form of the submission without undue delay.

^{28c)} Section 8a of Act No 365/2000 Coll., on public administration information systems and amending certain other acts.

Section 73

International treaties

The provisions of this Act shall not apply unless otherwise provided by an international treaty to which the Czech Republic is bound and which has been promulgated in the Collection of Laws and International Treaties or in a previous similar Collection.

Section 73a

The Government shall determine the content of individual trades and fields of activity under unqualified trades.

TITLE II

TRANSITIONAL AND FINAL PROVISIONS

Section 74

Preservation of current authorisations

(1) Natural and legal persons may continue business activities constituting trades under this Act for a period of one year after this Act enters into effect on the basis of an authorisation for business activity or a business authorisation granted prior to the entry into effect of this Act. Such authorisations shall be revoked on expiry of the said time limit.

(2) Natural persons whose authorisation for business activity under an unqualified trade or vocational trade is revoked on expiry of the time limit under paragraph (1) shall, at the same time, acquire a trade authorisation for those trades. The trade licensing office shall issue a trade certificate within the time limit laid down in paragraph (1).

(3) Natural persons who hold authorisation for a business activity under an unqualified or permitted trade as at the date this Act enters into effect shall submit documents proving that they have met the conditions laid down by the Act or that they have appointed a responsible representative who meets the conditions to the trade licensing office within nine months of the entry into effect of this Act. If this condition is satisfied, the trade licensing office shall issue a trade certificate or trade permit certificate within 60 days of the submission of the documents.

(4) Legal persons who hold business authorisation for activities constituting trades as at the date this Act enters into effect shall submit documents proving that they have appointed a responsible representative who meets the conditions under the Act to the trade licensing office within nine months of the entry into effect of this Act. If this condition is satisfied, the trade licensing

office shall issue a trade certificate or trade permit certificate within 60 days of the submission of the documents.

(5) If the persons referred to in paragraphs (3) and (4) fail to submit the documents to the trade licensing office or fail to prove in the submitted documents that they meet the conditions for carrying on a trade, they shall not be granted a trade authorisation. In cases of doubt, the trade licensing office shall decide whether the conditions for carrying on a trade have been met.

Section 75

(1) Applications from natural persons for the registration of a business activity constituting a trade which are submitted in accordance with existing regulations and which have not been fully processed before this Act enters into effect shall be regarded as notifications or as applications for a concession.

(2) Applications for an authorisation, permit or certificate of competence for an activity which have not been fully processed before this Act enters into effect shall be regarded, depending on their content, as applications for a concession or as notifications of a professional trade. The competent State administration authority shall forward them to the trade licensing office, and shall attach an opinion to the application for a concession as the basis for a decision.

(3) Natural persons who have received an authorisation, permit or certificate of competence and have not applied for registration before this Act enters into effect shall attach that document to the application for a concession or to the notification of a professional trade. In decision-making on concessions, these documents shall replace the opinion of the competent State administration authority.

Section 76

Natural persons shall also be able, to the same extent and under the same conditions, to carry on trades which, under specific legislation, may be carried on by organisations.

Section 77

Authorisations for business activities and business authorisations for activities not constituting trades shall not be affected, unless provided otherwise by a specific regulation.

Section 78

By 30 June 2012, the competent trade licensing office, acting in accordance with the part of the first sentence before the semi-colon of Section 71(2) *mutatis mutandis*, shall assign a registered

number to an establishment set up before 1 July 2010 as provided by the administrator of the basic register of persons^{28d)}.

Section 79

Liquidation of assets due to insolvency

(1) The liquidation of assets due to insolvency shall be regarded as an impediment to the carrying-on of a trade arising prior to the entry into effect of Act No 328/1991 on bankruptcy and composition⁴⁷⁾.

(2) Liquidation of assets due to insolvency which has occurred prior to 1 January 1990 shall not be taken into consideration.

Section 80

Repealing provisions

As at the date this Act enters into effect the following shall be repealed:

1. Act No 105/1990 on private enterprise by citizens, as amended by Act No 219/1991, apart from Sections 12a to 12e,
2. Section 2 of Presidential Decree No 100/1945 on the nationalization of mines and certain industrial enterprises, as amended by Act No 114/1948 on the nationalization of certain other industrial and other undertakings and factories and regulating certain conditions of nationalized and national undertakings,
3. Section 4 of Act No 114/1948 on the nationalization of certain other industrial and other undertakings and factories and regulating certain conditions of nationalized and national undertakings,
4. Section 3 of Act No 115/1948 on the nationalization of other industrial and other production undertakings and factories in the food-processing sector and regulating certain conditions of nationalized and national undertakings in this sector, as amended by Act No 108/1950, amending regulations on the nationalization of certain undertakings in the food-processing industry,
5. Section 3 of Act No 120/1948 on the nationalization of commercial undertakings employing fifty or more persons,
6. Section 1(2) of Act No 121/1948 on the nationalization of construction industries, as amended by Act No 58/1951 amending the Act on the Nationalization of Construction Industries,

^{28d)} Act No. 111/2009 Coll., on basic registers.

⁴⁷⁾ Sections 352 to 354 of the Rules of Civil Procedure, No 99/1963 Coll.

7. Section 3 of Act No 123/1948 on the nationalization of printing undertakings,
8. Section 8 of Act No 124/1948 on the nationalization of certain public catering undertakings, tap-houses and accommodation facilities.

Section 81

This Act shall enter into effect on 1 January 1992.