

Act of Law No. 159/2006 Coll., of March, 16th 2006, on Conflict of Interests

The Parliament has resolved on the following act of law of the Czech Republic:

Part One

Conflict of Interests and Incompatibility of some Official Duties

Chapter I

Initial Provisions

Article 1

Subject Matter

This act of law addresses

- a) the obligation of public officials to carry out their service in a way preventing any conflict between their private interests and the interests they are obligated to defend or protect in connection with their assignment,
- b) the obligation of public officials to report all facts allowing public control of their other activities carried out in addition to their duties as public officials, public control of their assets, other income, gifts or benefits acquired during their term of office and/or public control of their financial liabilities,
- c) the limitations applicable to selected activities of public officials and the incompatibility of the office of a public official with other assignments,
- d) the liability of public officials for any breach of their obligations specified by this act of law, including all sanctions that can be imposed for such a breach.

Article 2

Public Official

(1) For the purpose of this act of law, the term public official is understood to mean:

- a) any member of the Chamber of Deputies of the Parliament of the Czech Republic (hereinafter only the “Deputy”),
- b) any member of the Senate of the Parliament of the Czech Republic (hereinafter only the “Senator”),
- c) any cabinet member or any director of a central public administration office not headed by a cabinet member¹⁾,
- d) the president of the Office for Personal Data Protection,
- e) the president of the Czech Office for Standards, Metrology and Testing,

- f) any member of the Council of the Czech Telecommunication Office,
- g) any member of the Presidium of the Securities Commission,
- h) any judge,
- i) any member of the Bank Board of the Czech National Bank,
- j) the president and vice-president and any member of the Supreme Audit Office,
- k) the ombudsman,
- l) the director of the Czech Security Information Service,
- m) the director of the Office for Foreign Relations and Information,
- n) any member of the Council for Radio and TV Broadcasting,
- o) any full-time member of a regional council or any member of the Metropolitan Authority of the City of Prague²⁾ (hereinafter only the "Region"),
- p) any full-time member of a municipal council, town council, local council of a territorially subdivided chartered town or local council of the City of Prague³⁾ (hereinafter only the "Municipality"),
- q) any part-time municipal mayor and any part-time municipal or regional councillor.

(2) For the purpose of this act of law, in addition to the public officials defined in Section 1 herein, the following personnel are also classified as public officials:

- a) any member of the Police of the Czech Republic and the Czech Customs Administration,
- b) any public prosecutor,
- c) any member of a statutory body, managing body, supervisory body or controlling body of any corporation established by law,
- d) any manager of a corporation established by law supervising other managers,
- e) any senior civil servant entitled to supervise other civil servants at a certain management level, to impose official duties, to organise, manage and control official activities and to issue binding directives,
- f) any manager of a territorial self-governing unit participating in the execution of administrative activities employed by a local authority, municipal authority, authority of a chartered town, authority of a territorially subdivided chartered town, town precinct authority, district authority of a territorially subdivided chartered town, regional authority, district authority of the City of Prague or the Metropolitan Authority of the city of Prague.

(3) The obligations specified in this act of law shall apply to the personnel indicated in Section 2, Subsection a) only if such personnel as a part of their official duties

- a) handle financial means of public administration authorities as transaction principals within the meaning of the Act on Financial Control,
- b) participate directly in the preparation and realisation of public tenders,
- c) decide in administration proceedings on matters regulated by governmental edicts,
- d) take part in criminal prosecution.

Chapter II

Conflict of Interests

Article 3

(1) If any conflict between the interest of the public and his/her private interest occurs, no public official may prefer his/her own interest over the interests that he/she is obligated to enforce and defend as a public official. For the purpose of this act of law, personal interest is understood to mean any interest securing any private benefit or preventing possible reduction of any material or other benefit.

(2) No public official may jeopardise the interest of the public, by

- a) using his/her official standing, his/her executive powers or any information obtained in connection with his/her office to acquire material or other benefit for himself/herself or any other person,
- b) referring to his/her office in matters related to his/her personal interests, above all to his/her job, occupation or business,
- c) allowing any party to use his/her first name(s) and surname or his/her image together with his/her official title for commercial advertising purposes in return for payment.

Chapter III

Limitation of Selected Activities of Public Officials and Incompatibility of Public Office with other Assignments

Article 4

(1) No public official defined in Article 2, Section 1, Subsections c) through g) and Subsections i) through m) may:

- a) be engaged in business or any other gainful activity,
- b) act as a statutory body or a member of a statutory body, managing body, supervisory body or controlling body of any business corporation, unless specified otherwise by special legal regulations,
- c) enter into any employment, service or similar relation, except for relations resulting from and/or related to his/her public office.

(2) The limitations defined in Section 1 do not apply to management of the public official's own assets and to scientific, teaching, journalistic, literary, artistic or sporting activities, except for business activities in such areas.

(3) The public officials included in Section 1 shall terminate all activities specified therein without unnecessary delay after assuming a public office, within 30 days at the latest. If it is not possible to meet the time limit specified in the previous sentence because of reasons beyond the public official's control, he/she shall report such a fact in writing to the relevant administration body and adopt all measures warranting that all activities specified in Section 1 are terminated as soon as possible. This provision in no way affects the public official's obligations resulting from and/related to special legal regulations⁴.

Article 5

(1) No Deputy or Senator representing the state in any managerial, supervisory or controlling body of any corporate entity partially or fully owned or controlled by the state, any corporate entity controlled by the state, the Czech National Bank or all of them shall be entitled to receive any reimbursement for such representation.

(2) No public official specified in Article 2, Section 1, Subsections o) and p) representing any region or municipality in any managerial, supervisory or controlling body of any corporate entity partially or fully owned or controlled by such a region or municipality shall be entitled to receive any reimbursement for such representation.

(3) No Deputy or Senator may accept any appointment or office within public administration of the Czech Republic, whether on an employment or service basis, in which he/she would be making decisions

a) at a ministry or in another public administration office,

b) in a public prosecution office or court of justice,

c) in security services⁵, armed forces of the Czech Republic, the Supreme Audit Office, the Office of the President of the Czech Republic, the Office of the Chamber of Deputies, the Office of the Senate, the Land Fund of the Czech Republic or other state funds, and in the Ombudsman's Office.

Article 6

For one year following the end of his/her term of office, no public official defined in Article 2, Section 1, Subsections c) through g) and i) through q), and in Section 2, Subsections c) through f), may become a partner or accept any position in any body of any corporate entity or become employed by any business subject, if such a corporate entity or business subject within the last three years preceding the end of his/her term of office concluded an agreement with the state or any territorial self-governing unit concerning a public tender whose limits had been exceeded and, at the same time, the conclusion of such an agreement fell within his/her competence or within the competence of any authority on behalf of which he/she was acting.

Chapter IV

Presentation of Notices of Personal Interest, Activities, Assets, Income, Gifts and Liabilities

Article 7

Affirmations

Each public official shall present the following notices in the form of affirmations:

- a) notice of personal interests (hereinafter only the “notice of personal interests”),
- b) notice of other conducted activities (hereinafter only the “notice of activities”),
- c) notice of all assets acquired during his/her term of office (hereinafter only the “notice of assets”),
- d) notice on income, gifts and liabilities (hereinafter only the “notice of income, gifts and liabilities”).

Article 8

Notice on Personal Interests

(1) In the course of consideration of any constitutional body, another state body or any body of a territorial self-governed unit in which he/she makes an address, presents a petition or is entitled to vote, each public official shall announce his/her relation to the considered issue, point out any personal benefit or injury that he/she might obtain or suffer as a result and state whether he/she has any personal interest in the considered issue; this provision does not apply to obvious benefits or interests.

(2) The notice pursuant to Section 1 herein must be presented in writing before the beginning of consideration or verbally in its course, but immediately before the considered issue is to be voted at the latest; each notice shall become an integral part of meeting minutes.

Article 9

Notice of Activities

(1) Every public official is obligated to declare in writing, precisely, completely and honestly, that he/she

- a) is engaged in business or other gainful activities and to state the subject, method and place of such business or other gainful activities,
- b) is a partner or member of a corporation engaged in business operations (hereinafter only the “business corporation”) and to state its name and registered office,
- c) is a statutory body or member of a statutory body, managerial body, supervisory body or controlling body of any business corporation and to state its name and registered office,

d) is employed, in service or in any similar relation, except for public administration employment or service.

(2) Every public official is obligated to produce the notice of activities defined in Section 1 herein by 30 June of each following calendar year.

Article 10

Notice of Assets

(1) Every public official is obligated to declare in writing, precisely, completely and honestly, that he/she during his/her term of office acquired

a) ownership rights or other material rights to real estate, including the price of such real estate or the price of acquisition of his/her ownership or other material right to such real estate and the method of acquisition,

b) ownership rights to chattels, other rights or other material assets, including the method of acquisition of such chattels, other rights or other material assets, if the overall value of such chattels, other rights or other material assets acquired in the course of one calendar year exceed CZK 500,000.00; the said sum shall not include chattels, other rights or other material assets whose value does not exceed CZK 25,000.00,

c) securities or securities-related rights in compliance with special legal regulations⁶⁾, if the overall purchase price of such securities or securities-related rights at the time of their acquisition exceeds CZK 50,000.00 in the case of the same issuer or CZK 100,000.00 in the case of several issuers,

d) interests in other business corporations than those specified in Subsection c), if the value of such interest exceeds CZK 50,000.00 in the case of one business corporation or CZK 100,000.00 in the case of several business corporations.

(2) Every public official is obligated to produce the notice of activities defined in Section 1 herein by 30 June of each following calendar year.

(3) Every public official is also obligated to state in his/her notice of assets presented in compliance with Section 1 herein all assets acquired by his/her spouse and included in community property of spouses.

Article 11

Notice of Income, Gifts and Liabilities

(1) Every public official is obligated to declare in writing, precisely, completely and honestly, that he/she

a) during the term of his/her office acquired any income or other material benefits, especially gifts, except for the gifts included in his/her notice of assets in compliance with Article 10 herein, bonuses, revenues from business or other gainful activities, dividends or other income from his/her interests in or for his/her services for business corporations (hereinafter only the "income or other material benefits"), if the overall amount of such income or other material benefits exceed CZK 100,000.00 in one calendar year; for the purpose of this act of law, the term "income or other material benefit" does not include any salary, remuneration or allowance to which a public official is entitled in connection with his/her execution of official duties in compliance with special legal regulations⁷⁾; the aforementioned overall amount shall not include gifts whose value does not exceed CZK 10,000.00,

b) has unsettled financial liabilities, especially loans, credits, rental charges, obligations resulting from leasing contracts or bill payables, if the overall amount of such liabilities exceeds CZK 100,000.00 as of 31 December of the calendar year to which the relevant notice of income, gifts and liabilities relates.

(2) Every public official is obligated to state in his/her notice the amount, type and source of his/her income in compliance with Section 1, Subsection a), the amount and type of his/her liabilities in compliance with Section 1, Subsection b), and the name of his/her creditor. Every public official is obligated to produce the notice of income, gifts and liabilities defined in this Article by 30 June of each following calendar year.

Article 12

(1) Every public official shall present all notices in compliance with Articles 9 through 11, and in compliance with Section 2 must within the time limits defined in this act of law in every year of his/her term of office. If his/her term of office ends, he/she shall present all notices in compliance with Articles 9 through 11 and in compliance with Section 2 no later than 30 days following the end of his/her term of office. All particulars shall be based on the situation as of the last day of his/her term of office.

(2) If none of the conditions specified in Articles 9 through 11 occurs during any calendar year, the public official concerned shall report this fact by 30 June of the following calendar year at the latest.

(3) Any notice presented in electronic form through public data network and featuring a certified electronic signature⁸⁾ shall be regarded as a written notice pursuant to this act of law.

(4) Every public official shall forward his/her notices in compliance with Articles 9 through 11 and in compliance with Section 2 to the relevant registration authority (Article 14, Section 1).

(5) The Ministry of Justice shall specify in its edict the structure and format of the form on which each notice is to be presented.

Chapter V

The Evidence of the Notices of Activities, the Notice of Assets and the Notice of Income, Gifts and Liabilities and its Administration

Article 13

The Register of Notices

(1) The register of the notices of activities, the notices of assets and the notices of income, gifts and liabilities (hereinafter only the "Register") is a collection of documents supplied by public officials in compliance with Article 12, Section 4 featuring their first names and surnames, the bodies of which they are members, their official titles and other information specified by Articles 9 through 11 and Article 12, Section 2. The Register is administered by the relevant registration authority (Article 14, Section 1).

(2) On written application, anyone is entitled to search in the Register free of charge and to use its content to make duplicates and excerpts. Each written application must feature the applicant's first name, surname, Birth Identification Number and permanent address. The duplicates and excerpts produced by individual applicants are not verified and do not have the character of public documents.

(3) Anyone is entitled to inform the registration authority administering the Register (Article 14, Section 1) in writing of any fact indicating that the data featured in the Register are not correct or complete; such information may also be forwarded in electronic form by public data network. The registration authority shall inform the applicant on how his/her application has been processed within 30 days following its presentation date; if an application is presented in electronic form, it is possible to reply in the same way.

(4) Each search in the Register is recorded. Every record must feature the following information:

- a) identification of the subject searching in the Register,
- b) identification of the applicant's request,
- c) the subject of inquiry,
- d) the date and time of provision of the requested data,
- e) identification of the person or technical device providing the requested data.

(5) Everyone interested in searching in the Register in electronic form at its central address by public data network shall be allocated a unique username and password by the Register's administrator after completing an application featuring the following information:

- a) the applicant's first name,
- b) the applicant's surname,
- c) the applicant's Birth Identification Number,
- d) the applicant's permanent address.

The username(s) and/or password(s) allocated by the Register's administrator for the purpose of searching in the Register in electronic form at its central address by public data network may not be disclosed to any third party.

(6) The Register's administrator shall provide all necessary documents concerning a particular public official that are available in the Register to any authority competent to decide on possible breach of such public official's obligations resulting from and/or related to this act of law at its request.

(7) The information archived in the Register may be used and further processed for the purpose of establishment of possible conflict of interests of public officials only. The processing of any personal information featured in the Register may not affect the terms and conditions of personal data protection specified by special legal regulations⁹⁾.

Article 14

Administration of the Register

(1) The Register is administered as follows:

a) the Mandate and Immunity Committee of the Chamber of Deputies of the Parliament of the Czech Republic (hereinafter only the "Chamber of Deputies") administers the data of all public officials specified in Article 2, Section 1, Subsections a), c) through g) and i) through n), except for the Senators,

b) the Mandate and Immunity Committee of the Senate of the Parliament of the Czech Republic (hereinafter only the "Senate") administers the data of all public officials specified in Article 2, Section 1, Subsections b) and h),

c) the ministries and other central governmental bodies not managed by cabinet members administer the data of all public officials specified in Article 2, Section 2, Subsections a) through e) that are employed by them or in a similar relationship with them,

d) the directors of regional councils administer the data of all public officials specified in Article 2, Section 1, Subsection o), and Section 2, Subsection f), that are regional councillors or regional council employees,

e) the director of the Metropolitan Authority of the City of Prague administers the data of all public officials specified in Article 2, Section 1, Subsection o), and Section 2, Subsection f), that are councillors of the City of Prague or employees of the Metropolitan Authority of the City of Prague,

f) the secretaries of municipal authorities, municipal authorities of chartered towns or municipal authorities of territorially subdivided chartered towns, local municipal authorities or district municipal authorities of territorially subdivided chartered towns administer the data of all public officials specified in Article 2, Section 1, Subsections p) and q), and Section 2, Subsection f), that are municipal councillors or municipal employees,

g) the secretaries of local authorities or the mayors of local authorities having no secretaries

administer the data of all public officials specified in Article 2, Section 1, Subsections p) and q), and Section 2, Subsection f), that are local councillors or employees of local authorities.

(2) The Register's administrators above all

- a) accept and register all notices presented in compliance with Articles 9 through 11 and Article 12, Section 2,
- b) archive all applications presented to them in compliance with Article 13, Section 2 for 5 years following the date of their presentation,
- c) archive all applications presented to them by public officials in compliance with Articles 9 through 11 and Article 12, Section 2 for 5 years following the end of their term of office,
- d) check whether all details featured in the notices presented in compliance with Articles 9 through 11 and Article 12, Section 2, and request that additional details be supplied, where necessary,
- e) accept all notices in compliance with Article 13, Section 3,
- f) provide all necessary documents in compliance with Article 13, Section 4 to competent authorities,
- g) enter information into records in compliance with Article 13, Section 4,
- h) assess all applications for the allocation of usernames and passwords enabling their holders to search in the Register in electronic form at its central address through public data network.

(3) Unless specified otherwise by this act of law, all members of administration authorities as well as all other personnel having access to the administered data are obligated to keep all facts learnt in connection with their professional duties strictly confidential. This provision, however, does not apply to information forming an integral part of the Register. This confidentiality clause also applies to all information on any person informing the Register's administrator that the data featured therein might be incorrect or incomplete. This confidentiality clause does not apply to any authority competent to decide on possible breach of the obligations of public officials defined in this act of law and to courts of justice.

Chapter VI

Liability of Public Officials and Proceedings

Article 15

All public officials are liable for any breach of the obligations specified by this act of law not classified as a criminal offence.

Article 16

The Authorities Deciding on Breach of Obligations

Any breach of the obligations of public officials specified in this act of law shall be decided by administrative courts.

Proceedings

Article 17

(1) All proceedings to determine whether the obligations of public officials specified in this act of law have been breached (hereinafter only the "Proceedings") are initiated by an administrative court on a motion.

(2) The motion for initiation of proceedings may be presented by the relevant Register's administrator (Article 14, Section 1) if – after assessing all available facts or provided information – it comes to a conclusion that there is a reasonable suspicion that the obligations specified in this act of law have been breached. The administrator competent to present such motion is the administrator of the Register in which the public official who is to become the subject of such proceedings is registered.

(3) The motion for initiation of proceedings may also be presented by anyone having a reasonable suspicion that the obligations of public officials specified in this act of law have been breached.

(4) A motion for initiation of proceedings may be presented 6 months following the day on which the administrator or person entitled to present it learnt that this act of law had been breached at the latest. However, any such motion may be presented 5 years following the day on which such a breach occurred at the latest, regardless of the fact of whether the term of office of the public official concerned has already ended or not.

Article 18

(1) The participants in proceedings are the party presenting the motion for their initiation and the public official concerned.

(2) The outcome of proceedings shall be determined by the facts at issue and the legislation effective as of the time of breach of obligations; subsequent legal regulations shall be applied only if they are more favourable for the public official concerned.

(3) The resulting verdict may specify an alternative time limit in which the public official concerned must meet his/her obligations.

Article 19

(1) Each competent court of justice is entitled to check whether the data specified in the notices archived in the Register are precise, correct and complete. In order to do so, it is

entitled to request cooperation from relevant state authorities, territorial self-governed units and other corporate entities and private individuals. It is especially entitled to ask for all necessary information and explanations and/or to ask such subjects to verify whether the data specified in the Register are up-to-date. All aforementioned subjects are obligated to cooperate with such courts of justice upon their written request. All information and explanations must be provided within a specified time limit that may not be shorter than 10 working days. Unless specified otherwise by special legal regulations¹⁰⁾, all information and explanations shall be provided free of charge.

(2) If, as a part of proceedings, it is necessary to check a public official's tax details held by the Inland Revenue, such public official shall authorise the Inland Revenue to disclose all tax details related to the issue concerned. Should the public official refuse to issue such authorisation, the tax details originally reported by the public official shall be regarded as incorrect.

(3) The proceedings shall be completed even if the public official concerned resigns from his/her public office or is dismissed before the date of the final decision.

Article 20

Should the findings established in the course of proceedings indicate that a criminal offence has been committed, the court of justice shall report this fact to the authorities responsible for criminal proceedings.

Article 21

Publication of Verdicts

(1) Every legally effective verdict must be sent by the court of justice to the administrator of the Register in which the public official concerned is registered, unless the administrator is also one of the parties participating in proceedings.

(2) The president of the Chamber of Deputies, the president of the Senate, the Prime Minister, the Mayor of the City of Prague, the mayor of a chartered town, the chief executive of regional authority or the mayor of a municipality shall present every verdict concerning any member the Chamber of Deputies, the Senate, the government or the relevant regional or municipal council and/or any employee of the relevant territorial self-governed unit that is also a public official, as well as the reasons justifying such decision, at the next meeting of the Chamber of Deputies, the Senate, the government or the relevant regional or municipal council. All verdicts concerning the other public officials specified in Article 2, Section 1 shall be announced by the Prime Minister at the next meeting of his/her cabinet to which he/she shall invite the public official concerned. The same procedure shall be used if a motion for the initiation of proceedings against any public official is rejected. Any verdict concerning the president of the Chamber of Deputies, the president of the Senate, the Prime Minister, the Mayor of the City of Prague, a chief executive of a regional authority or a mayor shall be announced by the vice-

president of the Chamber of Deputies, the vice-president of the Senate, the first Deputy Prime Minister, the relevant deputy of the Mayor of the City of Prague, the relevant deputy chief executive of a regional authority, the relevant deputy mayor or another councillor, respectively.

(3) Each verdict, including its justification, shall be published in electronic form through public data network by the authority of which the public official concerned is a member or in all other cases by the government at its website no later than 15 days after its legally effective date. Each such verdict must be published for at least 6 months.

(4) Any verdict concerning the public officials specified in Article 2, Section 1, Subsections p) and q) adopted in compliance with Sections 1 and 2 that cannot be published in electronic form through public data network because of technical limitations of the municipality concerned shall be published on its official board instead. Any such verdict must be published for at least 6 months.

Article 22

Penalties

(1) Each public official failing to meet the time limit specified in Articles 9 through 11 shall be fined by the court up to CZK 30,000.00; the said fine may be imposed even repeatedly until the obligation concerned has been duly met.

(2) The court shall fine any public official

- a) stating inaccurate, incomplete or incorrect information in his/her notices presented in compliance with Articles 9 through 11 and Article 12, Section 2,
- b) referring to his/her public office in cases related to his/her personal interests, especially to his/her occupation, job or business,
- c) failing to complete a notice of personal interest (Article 6),

up to CZK 100,000.00.

(3) The court shall fine any public official

- a) using his/her position, executive powers or information acquired in connection with his/her office to obtain unjust enrichment or another unlawful benefit or advantage for himself/herself or another person,
- b) executing any office or activity classified by this act of law as incompatible with the post of a public official,
- c) allowing his/her name, his/her first name and surname or his/her image to be used in connection with his/her official title for commercial advertising purposes in return for payment or another benefit,

up to CZK 500,000.00.

(4) When specifying the amount of a fine, the court shall take into account how serious the breach of this act of law is, the personal benefit acquired by the public official concerned and the extent of his/her fault.

(5) All fines imposed on public officials are regarded as revenues of the State Budget. All such fines are collected and enforced by the court of justice imposing them.

Chapter VII

Offences

Article 23

Any private individual

a) using or further processing any information featured in the Register for any other purpose than to detect possible conflict of interests of a public official in compliance with Article 13, Section 5,

b) failing to keep all information learnt from the Register or concerning any person informing the Register's administrator of the fact that the data featured in the notices archived in the Register might be incorrect or incomplete strictly confidential in compliance with Article 14, Section 3,

c) stating clearly untrue facts in his/her motion for the initiation of proceedings in compliance with Article 17,

d) disclosing illegally his/her username or password used to search in the Register in electronic form at its central address through public data network to a third party,

is committing an offence.

Article 24

Any person found guilty of any of the offences defined in Article 23 may be fined up to CZK 100,000.00.

Article 25

(1) When specifying the amount of a fine, it is necessary to take into account how serious the offence concerned is, especially its circumstances and the way of its occurrence, how serious and extensive its consequences are, its duration and whether the public official concerned attempted to eliminate or reduce its negative effects.

(2) All offences defined in Article 23, Subsections a) and b) shall be considered by the Office for Personal Data Protection. All offences defined in Article 23, Subsection c) shall be considered in compliance with the principle of delegated powers by the council of the municipality with extended powers in which the public official concerned has his/her permanent address.

(3) All fines imposed for the offences defined in Article 23, Subsections a) and b) are collected and enforced by the relevant customs office. All such fines are regarded as revenues of the State Budget. All fines imposed for the offences defined in Article 23, Subsection c) are collected and enforced by the authority imposing them. All such fines are regarded as budget revenues of the municipality whose authority imposed them.

(4) Every fine is payable within 30 days following the effective date of its imposition.

(5) The process of collection and enforcement of fines is governed by special legal regulations¹¹⁾.

Chapter VIII

Transitory Provisions

Article 26

If as of the effective date of this act of law any public official is engaged in any activity or holds any office that is incompatible with his/her public office, he/she shall terminate any such activity or resign from any such office within 3 months following the effective date of this act of law and report this fact to the relevant registration authority. However, the assessment of possible incompatibility of offices of all Deputies, Senators and councillors of territorial self-governed units already elected shall be governed by existing legal regulations until the end of their term of office.

Chapter IX

Annulling Clause

Article 27

The following acts of laws are annulled:

1. Act No. 238/1992 Coll., on selected measures related to protection of public interests and on incompatibility of some public offices (the Act on Conflict of Interests).
2. Act No. 287/1995 Coll., amending and expanding Act No. 238/1992 Coll. of the Czech National Council on selected measures related to protection of public interests.

3. Act No. 228/1997 Coll., amending and expanding Act No. 238/1992 Coll. of the Czech National Council on selected measures related to protection of public interests (the Act on Conflict of Interests), as amended by Act No. 287/1995 Coll.

Part Two

Amendment of the Rules of Legal Administration Procedure

Article 28

Act No. 150/2002 Coll., the Rules of Legal Administration Procedure, as amended by Act No. 192/2003 Coll., Act No. 22/2004 Coll., Act No. 237/2004 Coll., Act No. 436/2004 Coll., Act No. 555/2004 Coll., Act No. 127/2005 Coll., Act No. 350/2005 Coll., Act No. 357/2005 Coll. and Act No. 413/2005 Coll., is amended as follows:

1. The full stop at the end of Subsection d), Section 2, Article 4, shall be replaced with a comma and a new Subsection e) shall be added. The text of Subsection e), including Footnote No. 1c, shall read as follows:

“e) in the instance of any breach of the obligations of public officials in compliance with special legal regulations^{1c)}.

1c) Act No. 159/2006 Coll. on conflict of interests.”

2. Section 5 shall be inserted after Section 4 of Article 7. Its text shall read as follows:

“(5) All cases of any breach of the obligations of public officials shall fall within the competence of the regional court of justice in whose jurisdiction the relevant public official has his/her permanent address or in whose jurisdiction he/she stays.”

The existing Sections 5 and 6 shall be changed to Sections 6 and 7.

Part Three

Amendment of the Act on Banks

Article 29

Act No. 21/1992 Coll. on banks, as amended by Act No. 264/1992 Coll., Act No. 292/1993 Coll., Act No. 156/1994 Coll., Act No. 83/1995 Coll., Act No. 84/1995 Coll., Act No. 61/1996 Coll., Act No. 306/1997 Coll., Act No. 16/1998 Coll., Act No. 127/1998 Coll., Act No. 165/1998 Coll., Act No. 120/2001 Coll., Act No. 239/2001 Coll., Act No. 319/2001 Coll., Act No. 126/2002 Coll., Act No. 453/2003 Coll., Act No. 257/2004 Coll., Act No. 439/2004 Coll. and Act No. 413/2005 Coll., is amended as follows:

1. The full stop at the end of Subsection j), Section 3, Article 38, shall be replaced with a comma and a new Subsection k) shall be added. The text of Subsection k), including Footnote No. 9c, shall read as follows:

“k) the authority competent to decide on any breach of the obligations of public officials in compliance with special legal regulations^{9c)}.”

9c) Act No. 159/2006 Coll. on the conflict of interests.”

2. The expression “Section 3, Subsections a) and h)” shall be replaced with the expression “Section 3, Subsections a), h) and k)”.

Part Four

Amendment of the Act on Capital Market Operations

Article 30

The full stop at the end Section 1, Article 115 of Act No. 256/2004 Coll. on capital market operations, as amended by Act No. 635/2004 Coll., shall be replaced with a comma and a new Subsection k) shall be added. The text of Subsection k), including Footnote No. 1a, shall read as follows:

"k) the authority competent to decide on any breach of the obligations of public officials in compliance with special legal regulations^{1a)}.”

1a) Act No. 159/2006 Coll. on conflict of interests”.

Part Five

Amendment of Act No. 15/2002 Coll.

Article 31

Part one of Act No. 15/2002 Coll., amending Act No. 238/1992 Coll. on selected measures related to protection of public interests and incompatibility of some public offices (the Act on Conflict of Interests), as amended, and selected other acts of law, is deleted.

Part Six

Amendment of the Act on Legal Charges

Article 32

Act No. 549/1991 Coll. on legal charges, as amended by Act No. 271/1992 Coll., Act No. 273/1994 Coll., Act No. 36/1995 Coll., Act No. 118/1995 Coll., Act No. 160/1995 Coll., Act No. 151/1997 Coll., Act No. 209/1997 Coll., Act No. 227/1997 Coll., Act No. 103/2000 Coll., Act No. 155/2000 Coll., Act No. 241/2000 Coll., Act No. 255/2000 Coll., Act No. 451/2001 Coll., Act No. 151/2002 Coll., Act No. 309/2002 Coll., Act No. 192/2003 Coll., Act No. 555/2004 Coll., Act No. 628/2004 Coll. and Act No. 357/2005 Coll., is amended as follows:

1. The full stop at the end of Subsection r), Section 2, Article 11, shall be replaced with a comma and a new Subsection s) shall be added. The text of Subsection s) shall read as follows:

"s) the party presenting a motion for proceedings related to breach of obligations by public officials, if such party is an administration authority."

2. A new Subsection d) shall be added after Subsection c) of Article 14a, Section 2 of the appendix "Penalty Tariffs". It shall read as follows:

"d) on the breach of obligations

of public officials CZK 5,000.00".

The existing Subsection d) is changed to Subsection e).

Part Seven

Effective Date

Article 33

This act of law shall become effective on 1 January 2007.

1) Article 2, Section 1 of Act No. 2/1969 Coll. on the establishment of ministries and other central public administration bodies of the Czech Republic, as amended.

2) Article 32, Section 1 of Act No. 129/2000 Coll. on regions (regional structure), as amended.

Article 51, Section 2 of Act No. 131/2000 Coll. on the City of Prague, as amended.

3) Article 51 of Act No. 131/2000 Coll., as amended.

4) For instance, Article 45 of the Labour Code, as amended, Article 95 of Act No. 6/2002 Coll. on courts of justice, judges, lay judges and judicial public administration and on change of selected acts of law (the Act on Courts of Justice and Judges), as amended, Article 21, Section 3 of Act No. 283/1993 Coll. on public prosecution, as amended.

5) Article 1, Section 1 of Act No. 361/2003 Coll. on service relations of members of security forces, as amended.

6) Act No. 591/1992 Coll. on securities, as amended.

7) Act No. 236/1995 Coll. on salaries and other allowances related to the office of government and selected public authority representatives and judges, as amended.

Act No. 128/2000 Coll. on municipalities (municipal structure), as amended.

Act No. 129/2000 Coll., as amended.

Act No. 131/2000 Coll., as amended.

8) Act No. 227/2000 Coll. on electronic signature and on change of selected acts of law (the Act on Electronic Signature), as amended.

9) Act No. 101/2000 Coll. on personal data protection and on change of selected acts of law, as amended.

10) Article 38, Section 5 of Act No. 21/1992 Coll. on banks, as amended.

Article 115, Section 5 of Act No. 256/2004 Coll. on capital market transactions.

11) Act No. 337/1992 Coll. on administration of taxes and charges, as amended.