



Legal Alert

20 October 2020

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The Interior Ministry has prepared an amendment to the Crisis Act. We bring you a brief summary of the possible changes.

The amendment to the act No. 240/2000 Coll., on Crisis Management and on amendments of certain acts:

- ▶ Maintains art. 3 on the state of danger (according to the explanatory memorandum this is a result of a suggestion to move the provisions regarding the state of danger to the Act on the Security of the Czech Republic);
- ▶ changes art. 5, 6 and 7, so the competences of the government differ in a case of a state of danger, state of emergency and a state of national menace;
 - up to now the regulation set the competences of the government during the state of emergency and the state of danger;
 - the amendment for example provides the competence to limit the right to personal integrity and -inviolability of the home, the right to property and the enjoyment of the right of freedom of movement during the state of danger (formerly possible during the state of emergency or state of national menace);
 - in addition, it is now also possible during a state of national menace to limit or prohibit the entry on the territory of the Czech Republic to persons, who are not citizens of the Czech Republic (transferred from art. 7 on the competences during a state of national menace)
 - art. 6 on governmental competences during a state of emergency (beyond the measures during a state of danger), e.g. the limitation of the right to peaceful assembly, the right to conduct a business, the right to strike, etc.;
- art. 7 governs the competences of the government during a state of national menace (beyond the measures during a state of emergency and state of emergency).
- ▶ new art. 13a on the competences of county governors and the mayor of Prague;
 - the county governor/mayor has the competence to declare a state of danger;
 - lists their competences (similar to governmental competencies during a state of danger), e.g. the limitation of rights to personal integrity and inviolability of the home, the limitation of rights to property, enjoyment rights and freedom of movement, etc.
- ▶ extension of art. 24a on Central crisis staff;
 - determination of rights and obligations of the Central crisis staff, e.g. the Central crisis staff secures cooperation with the crisis management organs of international organisations, prepares drafts of measures for the government and carries out other tasks necessary for resolving the emergency;
 - determination of the members of the Central crisis staff;
 - the chairman of the Central crisis staff is appointed by the Prime Minister, the Minister of Defence in the event of an external threat and the Minister of the Interior in a case of other threats; in the event of a failure to appoint the chairman, the Prime Minister becomes the chairman and the Minister of the Interior becomes the vice-chairman;
 - the statute of the Central crisis staff will be issued.
- ▶ the Police of the Czech Republic and municipal police officers will be authorised to control the observance of crisis measures and to impose a fine for in the event of an offence;

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- ▶ the level of fine increases;
- ▶ change of art. 36 on damages
 - the state is newly obliged to pay damages arising during the conduct of crisis measures or exercises by a governmental body, limited to actual damage only;
 - the damage can be compensated by a restoring an injured party to its original position, if that is not possible or effective, it is compensated financially;
 - repeal of section 2 that stated that damages will be assessed in accordance with the legal framework valid at the time of the rise of the damage.
- ▶ addition to art. 38a which amends the relationship with the act on free access to information in such a way that information used for the preparation for emergencies and their solutions shall not be provided, where the publication of such information could endanger the preparation or effectiveness of the crisis measures or could lead to the endangerment of critical infrastructure, where as determined in particular circumstances;
- ▶ the competence of the government to declare a regulation to prolong a period for the execution of an act, fulfilment of an obligation or performance of an act by an administrative authority or to prolong the validity of issued documents, certificates or other public instruments is added among the enabling provisions.

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