

THE PRIME MINISTER

promulgates

the full version of Act No. 129/2000 Coll.,

on Regions (Establishment of Regions)

as amended by Act No. 273/2001 Coll., Act No. 320/2001 Coll., Act No. 450/2001 Coll. and Act No. 231/2002 Coll.

ACT
on Regions (Establishment of Regions)

The Parliament has resolved upon the following law of the Czech Republic:

CHAPTER I

GENERAL PROVISIONS

Part 1

Status of Regions and Regional Bodies

Section 1

(1) A region is a geographically defined community of citizens which has the right to self-government.

(2) A region is a legal corporation under public law; it owns assets and has an income laid down in the law and it manages resources on terms laid down in the law and according to its own budget. A region acts in its own name in legal relations and bears the responsibility which ensues from the said relations.

(3) A region is administered by a Regional Council (hereinafter referred to as the "Council"); other bodies of the region are the Regional Board of Councillors (hereinafter referred to as the "Board of Councillors"), the Chief Executive Officer of the Regional Authority (hereinafter referred to as the "Chief Executive") and the Regional Authority. A special body of the region (hereinafter referred to as a "Special Body"), established by law, is also a body of the region.

(4) A region attends to the general development of its territory and the needs of its citizens.

Section 2

(1) A region administers its matters independently (“separate powers of community”). State authorities may interfere with the separate powers of community only if warranted by a need to protect the law, and only in ways permitted by law. The scope of the separate powers of community may be also restricted by law.

(2) State administration functions delegated by law to the bodies of the region by means of delegated powers of community (Sections 29 and 30). In performing state administration functions, a region constitutes an administrative district. A region is obliged to provide for the exercise of the delegated powers of community.

(3) In exercising separate and delegated powers of community, a region shall always protect public interest.

(4) A region provides for the execution of financial control according to the budgetary rules for territorial budgets and according to a special Act of Parliament¹.

Section 3 cancelled

Section 4

If a separate Act of Parliament defines powers of community of regions and does not indicate the powers are delegated powers of community, the activities in question are always to be considered as a part of the separate powers of community of the region.

Section 5

(1) A region may use a sign and a flag of the region.

(2) A region which does not have a sign or a flag may, at its request, have a sign or a flag conferred by the Chairman of the Chamber of Deputies.

(3) The Chairman of the Chamber of Deputies may, at a request of the region, change the sign or flag of the region.

Part 2

Generally Binding Regulations and Directives of the Region

Section 6

Obligations may be imposed on natural persons and legal entities by means of a generally binding regulation of the region, issued by the Council within the scope of its separate powers of community, only if stipulated by law.

Section 7

On the basis of and within the scope of the law, the Board of Councillors issues regulations within its delegated powers of community provided the region is authorised to do so by law; these regulations are referred to as directives of the region.

Section 8

(1) Generally binding regulations of the region must be in accordance with the law and directives of the region must be in accordance with laws and regulations issued by the government and central state authorities.

¹ Act No. 320/2001 Coll., on Financial Control in Public Administration and on Amendment of Some Other Laws (Act on Financial Control)

- (2) A generally binding regulation of the region and directive of the region (hereinafter referred to as “regional legislation”) comes into force on the day of its promulgation in the Bulletin of Regional Legislation (hereinafter referred to as the “Bulletin”).
- (3) The day of promulgation of a regional legislation is the day of distribution of the relevant chapter of the Bulletin; the day of promulgation must be indicated in the chapter header.
- (4) A regional legislation comes into legal effect on the fifteenth day after its publication in the Bulletin unless the Bulletin indicates that the said legislation is to come into effect on a later date.
- (5) If warranted by an urgent public interest, an earlier effective date of a regional legislation may exceptionally be set, but any such date must not precede the day of its promulgation. An earlier effective date must be indicated in the said regional legislation. In such a case, the regional legislation is published on the official notice board of the Regional Authority (hereinafter referred to as the “official notice board”), on official notice boards of local authorities of municipalities concerned by the legislation, and in media of mass information.
- (6) The Bulletin is published in sequence of numbered chapters, with attached serial numbers. Regional legislation bear serial numbers in the Bulletin. The sequence of regional legislation, as well as the sequence of the Bulletin chapters, are always closed at the end of the year.
- (7) The Bulletin must be available to everybody in the premises of the Regional Authority, local authorities in the region and the Ministry of Interior (hereinafter referred to as the “Ministry”).
- (8) A region shall publish a counterpart of the Bulletin also on a medium which allows for remote access.

Section 9
cancelled

Section 10
cancelled

Part 3

Imposition of Fines on Legal Entities and Self-employed Natural Persons

Section 11

(1) Should a self-employed natural person in business or a legal entity (hereinafter referred to as a “person”) infringe a duty stipulated by regional legislation, the region may impose a fine of up to CZK 200,000 on the said person.

(2) Proceedings on imposition of a fine may be commenced within one year of the date on which the infringement of duties as set out in paragraph 1 comes to the attention of the region, but not later than two years after the date on which the said infringement of duties occurred.

(3) In determining the amount of a fine pursuant to paragraph 1 above, the region takes into account in particular the nature, severity, duration and consequences of the unlawful action, as well as to the proportionality of the fine to the financial situation of the perpetrator.

(4) Paragraph 1 does not apply if the law stipulates a higher sanction for the breach of the said duties.

(5) The imposition of a fine does not release the persons stated in paragraph 1 from the duty to correct the irregular condition by a date set by the region, taking into account the circumstances of the case.

(6) The proceeds from fines constitute income of the region.

Part 4
Citizens of the Region

Section 12

(1) A citizen of the region is any natural person who is a citizen of the Czech Republic and has permanent domicile⁵ in any municipality or on military territory within the geographical area of the region.

(2) A citizen of the region upon reaching the age of 18 years has the following rights:

- a) to vote for and to be elected to the Council on the terms stipulated by a separate Act of Parliament⁶,
- b) in meetings of the Council, and according to the Rules of Procedure, to express an opinion on the matters under discussion at such meetings,
- c) to inspect the regional budget and the financial statement of the region, the audit report concerning the financial management of the region in the previous calendar year, resolutions and minutes of the meeting of Council meetings, resolutions of the Board and the committees of the Council (hereinafter referred to as “committees”) and commissions of the Board (hereinafter referred to as “commissions”), and to make extracts from the said documents unless prohibited by other laws,
- d) to demand by means of a petition that certain matters falling within the separate powers of community be discussed by the Board or the Council; if the petition must be signed by at least 1000 citizens of the region, the proposal must be discussed at a meeting of the relevant body within 60 days, or, if the matter falls within the authority of the Council, within 90 days,
- e) to submit to the bodies of the region proposals, comments and suggestions which are to be addressed by the bodies of the regions without undue delay, within 60 days at the latest, or, if the matter falls within the authority of the Council, within 90 days,
- f) to express opinions on the draft regional budget and the financial statement of the region for the previous calendar year, either in writing within the deadline stipulated in the Rules of Procedure, or verbally, at a meeting of the Council.

(3) A natural person over 18 years of age who owns immovable property in the territory of the region also has the rights set out in paragraph 2 items b) to f).

Section 13

A natural person over 18 years of age who is a foreign national and is registered for permanent residence in any municipality or on military territory in the geographical area of the region also has the rights set out in Section 12 paragraph 2, if this is stipulated by an international treaty by which the Czech Republic is bound and which has been promulgated.

⁵ Act No. 133/2000 Coll., on Records of Population and Birth Numbers and on Amendment of Some Other Laws (Act on Records of Population), Act No. 326/1999 Coll., on Residence of Aliens on the Territory of the Czech Republic and on Amendment of Some Other Laws.

⁶ Act No. 130/2000 Coll., on Regional Council Elections and on Amendment of Some Other Laws

CHAPTER III POWERS OF COMMUNITY

Part 1 *Separate Powers of Community*

Section 14

- (1) Separate powers of community of a region include matters which are in the interest of the region and its citizens unless they fall within the delegated powers of community of the region.
- (2) Separate powers of community of a region include, in particular, matters laid down in Sections 11, 35, 36 and 59, with the exception of issuing directives of the region, and matters which the law makes part of the separate powers of community.
- (3) For the execution of separate powers of community, a region may establish and institute legal entities and organisation units of the region unless otherwise stipulated by law.
- (4) In exercising separate powers of community, a region may engage in co-operation with municipalities; in that, however, it must not interfere with their separate powers of community. A municipality may start legal proceedings against any such interference.
- (5) Regions are obliged, to the extent practicable, negotiate with municipalities any measures relating to their respective separate powers of community in advance.

Section 15

(1) A region is entitled to express opinions on proposals of state authorities which concern the separate powers of community of the region. State authorities are obliged, where practicable, the measure which concerns the region's separate powers of community in advance.

(2) State authorities and municipal bodies shall provide bodies of the region with data and information for the purpose of execution of powers of community, free of charge and on request. The region has the same obligation with respect to state authorities and municipal bodies. Protection of data and secret information according to special legislation⁷ remains unaffected.

(3) In exercising their powers of community, regions are entitled to use data from the real estate registers, free-of-charge.

Section 15a

- (1) A region is obliged to issue confirmations and to make reports for use by legal entities and natural persons if stipulated by special legislation.
- (2) A region issues confirmation of facts necessary for enforcing law abroad, provided the region has knowledge of any such facts, even in cases when it is not required to do so by law.

Section 16

In executing its separate powers of community, a region is governed:

⁷ For instance Act No. 149/1998 Coll., on Protection of Secret Information and on Amendment of Some Other Laws, as amended, Act No. 101/2000 Coll., on Personal Data Protection and on Amendment of Some Other Laws, as amended, and Act No. 89/1995 Coll., on the State Statistical Service, as amended

- a) in issuing generally binding regulations, only by Acts of Parliament,
- b) in other matters, also by by-laws issued on the basis of an Act of Parliament.

Financial Management of the Region

Section 17

- (1) Assets of a region must be used in an effective and economical manner in accordance with the region's interests and tasks which ensue from its powers of community set out by law. A region is obliged to make effort to maintain and develop its assets. A region shall keep records of its assets⁸.
- (2) Assets of a region must be protected from destruction, damage, theft and misuse. A region shall dispose of redundant property in the manner and on the terms set out in separate regulations⁹, unless specified otherwise in this Act.
- (3) A region must not be a guarantor for obligations of natural persons and legal entities, save for the following:
- a) obligations arising from a loan agreement provided the funds are used for investment which is made with financial support from the state budget, state funds or a national fund,
 - b) obligations arising from a loan agreement provided the fund are used for investment in an immovable asset owned by the region or a municipality,
 - c) those established by the region, the state or a municipality,
 - d) those where the concern of the region, or together with another region (regions), municipality (municipalities) or the state exceeds 50%.
- (4) Legal acts made in contravention to the provision of paragraph 3 are invalid from the start.
- (5) The state does not guarantee the financial results or obligations of the region unless the guarantee is accepted by the state in the form of a contract.
- (6) A region is obliged to protect its property from unauthorised intervention and to exercise the right to compensation for damages and to claim any proceeds from unjust enrichment in good time.
- (7) A region is obliged to constantly monitor whether debtors honour their obligations duly and on time, and to ensure that the rights which ensue from the said obligations are not lost under the statute of limitations or otherwise.

Section 18

- (1) Any intention on the part of a region to sell, exchange or give away immovable assets, to lease them or to lend them shall be made public by the region for a period of at least 30 days prior to the decision being made in the relevant body of the region, by way of publication on an official notice board, for those interested to make comments or to place bids. An immovable asset is in the intention identified using data according to a separate Act of Parliament^{9a}; the data must be valid on the day of publication of the intention. If the region does not publish its intention for the required duration of time, the legal act is invalid.
- (2) In the event of a transfer of property for consideration, the price is negotiated usually as an amount customary at the time and in the location, unless the price is regulated by the state. Any variance from the customary price shall be justified.

⁸ For instance Act No. 563/1991 Coll., on Accounting, as amended

⁹ The Civil Code, for instance.

^{9a} The Civil Code, for instance.

- (3) The provision of paragraph 1 shall not apply in the event of a lease of flats, lease or loan of regional property for a period shorter than 90 days, or if it is a lease or a loan to a legal entity established by the region, or if it is a lease of road or road accessory in connection with a special use of roads according to a separate Act of Parliament^{9b}.
- (4) Provisions of paragraphs 1 and 2 shall not apply to loans or leases of assets to contributory organisations established by the region, unless stipulated otherwise in a special regulation or in the deed of incorporation.

Section 19
cancelled

Section 20

(1) The management of the region's finances in the past year is subject to review by an auditor. Cost of the audit shall be paid by the region from its budget.

(2) The financial statement, together with the audit report, for the past calendar year is to be discussed by the Council by 30 June of the following year, and the Council shall take measures to correct any deficiencies.

(3) If a region does not request auditor by 31 January for the review of its financial management in the past year, the Ministry of Finance may, by way of administrative proceedings, impose a fine of up to CZK 100,000. In such a case, the Ministry will provide for the audit by an auditor at the expense of the obliged region.

(4) Proceeds from fines constitute income of the state budget.

Section 21

The management of subsidies from the state budget and from state funds shall be monitored by the Ministry of Finance, or by a tax office authorised by the Ministry of Finance, during the budgeting year. In the event of an infringement of the law, the Ministry shall take measures to correct the deficiencies found.

Section 22

Rules for drawing up the region's budget and financial statement and rules for the management of finances within this budget are set out in a separate Act of Parliament.

Section 23

(1) If, by law, the validity of a legal act on the part of the region is subject to advance publication, approval or consent, the document to be obtained with reference to the legal act will bear an endorsement to verify that these conditions have been fulfilled.

(2) Legal acts requiring approval of the Council or the Board may only be made if the prior consent is given, otherwise these legal acts of the region are invalid from the start. These legal acts are executed by the Chief Executive or a person authorised

^{9a} Section 5 of Act No. 344/1992 Coll., on Land Registry in the Czech Republic (Land Registry Act), as amended.

^{9b} Section 25 of Act No. 13/1997/Coll. on Terrestrial Communications, as amended

by them unless otherwise specified in this Act of Parliament [Section 69 paragraph 2 item b)].

Co-operation between Regions

Section 24

(1) Regions may co-operate with other regions and with municipalities.

(2) The provisions of the Civil Code concerning professional associations of legal entities and on the agreement of association do not apply to the co-operation of regions with other regions and with municipalities unless specified otherwise in this Act of Parliament.

(3) Co-operation between regions is done in particular

- a) on the basis of an agreement concluded with the aim of executing a specific task,
- b) by incorporation of legal persons according to a special Act of Parliament¹⁰ by two or more regions.

(4) The agreement must be done in writing and be approved by the respective Councils, otherwise it is invalid.

(5) The agreement referred to in paragraph 3 must contain

- a) indication of the parties to the agreement,
- b) the subject of the agreement,
- c) rights and obligations of parties to the agreement,
- d) if the subject of the agreement is a building, the way the building will be used after its completion,
- e) reasons for and the way of withdrawal of parties from the agreement, and the settlement of assets and property rights.

Section 25

(1) Assets acquired by means of co-operation between regions or with municipalities under an agreement pursuant to Section 24 paragraph 3 shall become the joint ownership of all parties to the agreement. The ownership interests in the property acquired by means of such co-operation are equal unless provided otherwise in the agreement.

(2) All parties to the agreement are jointly and severally liable for any obligations to third parties, unless provided otherwise in the agreement.

(3) A region is bound by the draft agreement pursuant to Section 24 paragraph 3 as of the day of its approval by the Council until the day designated as the day of acceptance of the draft agreement unless the other region to whom the draft is intended rejects it before the expiration of the date set for acceptance of the draft.

(4) The agreement pursuant Section 24 paragraph 3 is final and conclusive as of the day of acceptance of its draft by all parties to the agreement, unless provided otherwise in the agreement.

Section 26

(1) A region may not be a member of a civil association of citizens created under separate legislation¹¹.

¹⁰ The Civil Code

¹¹ Act No. 83/1990 Coll., on Association of Citizens, as amended.

(2) A region may not be a member of an association of municipalities¹².

Co-operation with Other Entities

Section 27

The provision of the Civil Code on professional groups of legal entities and those concerning association agreements apply to co-operation between regions and legal entities or natural persons in civil law relations.

Section 28

Co-operation with Territorial Self-governing Units in Other Countries

(1) A region may co-operate with self-governing territorial units of other countries and enter into international association with foreign counterparts.

(2) Regions may enter into agreements on mutual co-operation with territorial self-governing units of other countries. The contents of any such co-operation may only be activities which fall within the separate powers of community of the region which enters the agreement. The agreement must contain

- a) the names and registered addresses of the parties to the contract,
- b) the subject of the agreement (co-operation),
- c) bodies and the means of their establishment,
- d) the period of time for which the agreement is concluded.

The agreement must be in writing and approved by the respective Councils of the regions in order to be valid.

(3) A legal entity may be established on the basis of an agreement on co-operation only if this is stipulated by an international treaty by which the Czech Republic is bound and which has been promulgated.

(4) An agreement in terms of paragraphs 2 and 3 which shall be the basis for establishment of a legal entity or a membership in an existing legal entity is subject to approval by the Ministry following a discussion with the Ministry of Foreign Affairs. Without such approval, the contract cannot become final and conclusive. An approval may be refused only on the grounds of inconsistency with the law or with an international treaty by which the Czech Republic is bound and which has been promulgated.

Part 2

Delegated Powers of Community

Section 29

(1) On their territory, bodies of a region execute delegated powers of community in matters laid down in the law.

¹² Sections 49 – 50 of Act No. 128/2000 Coll., on Municipalities (Establishment of Municipalities).

- (2) A region shall receive a contribution from the state budget towards the execution of the delegated powers of community. The amount of the contribution is determined by the Ministry of Finance, following a discussion with the Ministry.

Section 30

In exercising delegated powers of community, bodies of the region are governed

- a) in issuing directives of the region by Acts of Parliament and by-laws issued on the basis of Acts of Parliament,
- b) in other cases, also by government resolutions and directives from ministries and other central administrative authorities; government resolutions and directives from ministries and other central administrative authorities may not impose duties on the bodies of the region unless such duties are stipulated by law. A precondition for validity of a directive of a central administrative authority is its promulgation in the Government Bulletin for Regional and Municipal Bodies.

CHAPTER IV BODIES OF THE REGION

Part 1 The Council

Section 31

(1) The Council consists of the members of the Council. The number of members of the Council is as follows, according to the population of the region:

- | | |
|--|-------------|
| a) up to 600,000 inhabitants: | 45 members |
| b) over 600,000 but less than 900 000 inhabitants: | 55 members |
| c) over 900,000 inhabitants: | 65 members. |

(2) The decisive fact for the determination of the number of members of the Council is the number of inhabitants of the region on 1st January of the election year.

(3) The number of members of the Council to be elected shall be published by the Regional Authority within 2 days of its determination on the official notice board and later in the Bulletin.

Section 32

(1) The performance of duties which ensue from membership of the Council is regarded as discharging a public office¹³. A member of the Council may not be limited in the rights which ensue from their labour or other relations as a result of performing their office.

(2) The terms on which the mandate of a member of the Council is given or lost are set out in a separate Act of Parliament⁶.

Section 33

(1) The mandate of a member is acquired of the Council upon election; a member is elected after the completion of the voting procedure.

(2) A member of the Council is to make the following pledge at the first meeting of the Council which he/she attends after being elected: "I pledge loyalty to the Czech Republic.

¹³ Section 2 paragraph 1, Section 124, 206 of the Labour Code.

I pledge upon my honour and conscience that I will discharge my office conscientiously and in the interest of the region and its citizens and be governed by the Constitution and laws of the Czech Republic.”

(3) The member of the Council is to make the above pledge to the member chairing the meeting of the Council by saying the words ”I pledge”. The member of the Council is to confirm the pledge with their signature.

Section 34

- (1) In discharging their office, a member of the Council has the following rights:
- a) the right to submit proposals for discussion by the Council and the Board, as well as by committees and commissions,
 - b) the right to make enquiries, comments and suggestions to the Board and its individual members, to committee chairpersons and statutory bodies of legal entities established by the region, to heads of contributory organisations and other organisation units established or incorporated; replies to the above must be given without delay, within 30 days at the latest,
 - c) the right to require information on matters connected with the discharge of the office of a member of the Council from employees of the region assigned to the Regional Authority, and the said information must be provided within 30 days.

(2) A member of the Council is obliged to attend meetings of the Council and of any other bodies of the region which they may be a member of, to perform tasks assigned to the member in question, to defend the interests of citizens of the region and to act in such a manner as not to jeopardise the esteem in which their office is held.

(3) A member of the Council may not take part in discussing and deciding on certain matters in the bodies of the region in the event that the decision might involve an advantage or detriment to the member of the Council or to a person closely associated with the member of the Council, or for a natural person or legal entity represented by the member of the Council by law or on the basis of a power of attorney (conflict of interests) is obliged to notify the relevant body of the region of this fact before the proceedings begin.

Authority of the Council

Section 35

(1) The Council takes decisions on matters which fall within the separate powers of community. The Council shall take decisions on matters falling within the delegated powers of community only if the law so stipulates.

- (2) The following matters are reserved for the Council:
- a) submitting bills to the Chamber of Deputies,
 - b) submitting proposals to the Constitutional Court for the repeal of legislation¹⁵ if it is believed that such legislation is contrary to the law,
 - c) issuing generally binding regional legislation,
 - d) co-ordinating the development of the geographical area of the region, approving development programmes for the geographical area of the region under separate Acts of Parliament, arranging their implementation and monitoring their performance,

¹⁵ Section 63 paragraph 2 item e) of Act No. 183/1993 Coll., on Constitutional Court.

- e) approval of planning and zoning documents for the territory of the region and publishing the binding parts thereof in the form of a generally binding regional legislation,
- f) approving development plans in the area of tourism on the territory of the region, arranging for their implementation and monitoring their performance,
- g) electing representatives of the region to the regional boards of cohesion regions,
- h) stipulating the scope of basic transport service in the region,
- i) deciding on the region's co-operation with other regions and on international co-operation,
- j) approving the regional budget and the financial statement of the region,
- k) establishing or abolishing contributory organisations and organisation units of the region, in addition to approving their deeds of incorporation,
- l) deciding on the establishment and abolition of legal entities, approving their deeds of incorporation, memoranda of association, incorporation agreements and articles of association, deciding on participation in existing legal entities,
- m) delegating the region's representatives with the exception of Section 59 paragraph 1) j), in commercial companies in which the region has an ownership interest,
- n) proposing the region's representatives in other bodies of commercial companies in which the region has an ownership interest, and proposing their recall,
- o) electing and recalling the Chief Executive, Deputy Chief Executive(s) and other members of the Council from the midst of its members, and recalling them from office,
- p) determining the number of members of the Board of Councillors who are given leave from work to perform their office, as well as functions for which the Council members are given the leave from work for, and as of which date,
- q) establishing and abolishing committees and electing and recalling their chairpersons and members,
- r) deciding on rewards for the members of the Council who were not given a leave from work, and on rewards pursuant to Section 50 paragraphs 4 and 5,
- s) determining the rules for compensation of travel expenses to members of the Council (Section 53),
- t) deciding on financial remuneration to natural persons who are not members of the Council, in connection with performance of office in committees, commissions and special bodies,
- u) awarding awards of the region,
- v) performing other tasks laid down in the law.

(3) The Council decides on revoking resolutions of the Board of Councillors if presented for decision according to Section 62.

Section 36

Decisions on the following acts on the part of the region concerning property rights are also reserved for the Council:

- a) acquisition and transfer of immovable assets,
- b) providing material and monetary gifts with a value of over CZK 100,000 to a single natural person or legal entity during the course of a calendar year,
- c) providing subsidies from special funds for civil associations, humanitarian organisations and other legal entities and natural persons active in the territory of the region in the fields of youth, sport and physical education, social services, fire safety, culture, education and science, health care, drug prevention, the prevention of criminality and the protection of

animals and the environment, with a value exceeding CZK 200,000 CZK to a single natural person or legal entity during the course of a calendar year, unless these are purpose-tied subsidies from the state budget,

- d) providing subsidies to municipalities from the region's budget and monitoring their utilisation,
- e) waiver of a right to and a remission of a receivable whose value exceeds CZK 200,000,
- f) pledging movable property and rights whose value exceeds CZK 200,000,
- g) agreements on payment in instalments payable over a period longer than 18 months,
- h) transfer of any receivable whose value exceeds CZK 200,000,
- i) entering into contracts to accept or provide credit or a loan, to take on the obligation of a guarantor or to accede to an obligation or an association agreement,
- j) pledging immovable assets,
- k) issuing own bonds,
- l) determination of an ownership interest in a business of other legal entities,
- m) monetary and in-kind contributions in the capital of legal entities.

Section 37

The Council has the right to reserve other rights within its separate powers of community with the exception of rights reserved for the Board of Councillors as set out in Section 59 paragraph 1.

Section 38

cancelled

Proceedings of the Council

Section 39

(1) The constitutive meeting of a newly elected Council is to be called by the existing Chief Executive to take place after the deadline for a court ruling under a separate Act of Parliament⁶ but not later than 40 days after the results of the election are announced.

(2) The constitutive meeting of a newly elected Council is usually chaired by the most senior member of the Council until a new Chief Executive or a Deputy Chief Executive is elected. The first meeting of the Council shall elect a Chief Executive, Deputy Chief Executive and other members of the Board Councillors. Should it fail to do so, the acting Chief Executive is to dismiss the meeting. At the same time the Council shall decide on the date on which the meeting is to continue, which must be within 7 days after the original meeting.

(3) If the constitutive meeting of a newly elected Council is not called by the deadline stated in paragraph 1, the Ministry shall call the said meeting.

Section 40

(1) The Council is to meet as necessary but not less than once every three months. Meetings of the Council are usually to be called and chaired by the Chief Executive.

(2) Resolutions, decisions and elections of the Council are valid if approved by a simple majority of all members of the Council.

Section 41

(1) If, when a meeting of the Council is opened, the Council does not constitute a simple majority, the Chief Executive shall end the meeting. A substitute meeting of the Council shall take place within 15 days.

(2) If at least one third of the members of the Council so request, the Chief Executive is obliged to call a meeting of the Council, which is to take place within 21 days of the receipt of the said request by the Regional Authority.

(3) Should the Chief Executive fail to call a meeting of the Council in accordance with the previous paragraphs, the Deputy Chief Executive or another member of the Council shall do so.

Section 42

(1) Meetings of the Council are public. The Regional Authority shall publish a notice of the meeting detailing the venue, time and proposed agenda of the scheduled meeting of the Council at least ten days in advance on the Regional Authority's official notice board; additionally, it may also choose to publish the notice of the meeting in a way customary in the location.

(2) The Board of Councillors shall prepare the draft agenda of any meeting of the Council and submit it to the Council for approval.

(3) Decisions to include other items in the agenda which are proposed during the meeting of the Council are to be made by the Council.

(4) If a member of the government or a representative authorised by a member of the government, member of the Chamber of Deputies or a Senator attends a meeting of the Council and requests to speak, they must be allowed to do so.

Section 43

Minutes are to be taken of the proceedings of each meeting of the Council and signed by the Chief Executive and by elected verifiers. The minutes, which must be drawn up within 10 days after the end of the meeting, must include the number of members of the Council present, the approved agenda of the meeting, the course and results of voting and the resolutions passed, and must be kept open to inspection at the Regional Authority. Decisions on objections to the minutes from members of the Council are to be taken by the next meeting of the Council.

Section 44

The Council shall issue its Rules of Procedure, in which it shall stipulate the details of proceedings of the Council and the committees.

Section 45

(1) If the number of the members of the Council falls by more than a half of the number determined in Section 31 paragraph 1 and no substitute members are available, the existing Council shall provide for the performance of the Council's tasks until a new Council is elected. In such a case, the Council however does not have the right to exercise powers of

community pursuant to Section 35 paragraph 2 and Section 36. The Ministry shall be immediately notified of this fact by the Regional Authority.

(2) If the Council fails to meet for a period exceeding 6 months in the required quorum, or if it fails to elect a Chief Executive within 6 months from the date of the resignation or recall of the previous Chief Executive, or within 6 months from the constitutive meeting, the Ministry shall dissolve the Council and the Minister of Interior shall announce new elections. A region may start legal proceedings against the decision on dissolution of the Council. Until a new Council is elected, the Board of Councillors exercises its authority pursuant to Section 59 paragraph 1 to 3. If a Board of Councillors is not elected, the Chief Executive exercises the authority pursuant to Section 63. If a Chief Executive is not elected, the authority is exercised by another member of the Council who is authorised for this purpose by the Council.

Remuneration of Members of the Council

Section 46

(1) Members of the Council who are given long-term leave from work¹⁶ in order to discharge their office and members who were not employed before they were elected to the office of a member of the Council but discharge their office to the same extent as members of the Council who are given long-term leave from work (hereinafter referred to as "members given leave") are hereunder entitled to a fee for discharging the office of a member given leave. The said fee is to be paid from the region's budget.

(2) The fee is construed as a payment provided by the region to members given leave, in return for discharging their office; payment provided in connection with the discharge of their office of a member of the Council under separate legislation, in particular travel expenses, are not regarded as part of the fee.

(3) The fee as set out in paragraph 1 consists of:

- a) a monthly fee (Section 48)
- b) a further fee (Section 49)
- c) a fee at the end of the term of office (Section 50).

(4) Members of the Council other than those defined in paragraph 1 (hereinafter referred to as "members not given leave"), if they are employed, are to be given paid time off work¹⁷; the scope of time necessary for the discharge of their office is to be determined by the region in each individual case. The employers of such members of the Council are to be reimbursed by the region under a separate regulation¹⁷ for the payment of wages or salaries. Members not given leave who are not employed or in a similar relation are to be compensated by the region from the region's budget for their loss of earnings in connection with the discharge of their function, in a fixed amount which is to be determined by the Council for the calendar year in question.

Section 47

Members not given leave may be paid a monthly fee and a further fee.. The maximum amount of this fee shall be determined in an implementing regulation.

¹⁶ Section 124 of the Labour Code.

¹⁷ Section 17 of Government Decree No. 108/1994 Coll., implementing the Labour Code and Some Other Laws.

Section 48

(1) The monthly fee is a monetary payment provided monthly according to the type of work performed and in an amount to be determined in an implementing regulation.

(2) If a member of the Council does not discharge their office as a result of sickness, quarantine, pregnancy or caring for a child under 3 years of age, they are entitled to a monthly fee on a pro rata basis. A member of the Council is obliged to inform the Chief Executive or Deputy Chief Executive immediately of these reasons and their expected duration.

Section 49

The further fee is a financial payment provided to members given leave on terms and in an amount determined in an implementing regulation.

Section 50

(1) A member on leave and a member not given leave, if they perform the function of a Chief Executive, who was eligible for a monthly fee at the time of the elections to the Council, is entitled to the said fee for three months after the general election if they have not again become eligible for a monthly fee.

(2) If the former Chief Executive performs authority pursuant to Section 63 paragraph 1 before a new Council is constituted, they are eligible for a monthly fee in the former amount.

(3) A member of the Council who exercises authority pursuant to Section 64b paragraph 2 is eligible for a monthly fee in the same amount for which a Chief Executive would be eligible according to an implementing regulation.

(4) A member on leave and a member not given leave, if they perform the function of a Chief Executive whose mandate ended before the date of elections to the Council and who was eligible for a monthly fee at the time when their term of office ended, is still eligible for the said fee for three months after the end of their mandate.

(5) A member on leave and a member not given leave, if they perform the function of a Chief Executive who was eligible for a monthly fee and was recalled or resigned, is still eligible for the said fee for three months after the date of resignation or recall.

Section 51

The due dates and payment of fees for members of the Council and deductions from fees are governed by legislation concerning the salary relations of municipal employees¹⁸ and by the Labour Code. Similarly, the Labour Code governs the scope and order of deductions from the fee. For these purposes, the fee to the members of the Council is regarded as a salary of an employee in a labour law relationship to the region. The region is regarded as the employer and Council members as employees.

Section 52

(1) The fee is paid to a member of the Council on leave starting from the day when they were elected or appointed into the position which is eligible for the fee.

(2) The fee is paid to a member of the Council not on leave starting from the day determined by the Council.

(3) In the event of a parallel performance of several functions

a) the member of the Council on leave is eligible for a monthly fee relating to the function which pays the highest fee,

¹⁸ Section 16 – 18 of Act No. 143/1992 Coll., on Salary and Remuneration for Work Standby in Budgetary and Some Other Organisations and Bodies, as amended.

- b) the member of the Council not on leave may be paid a monthly fee up to the total of all fees for individual functions performed.

Section 53

Members of the Council are entitled to reimbursement of travelling expenses in the amount and on terms stipulated by legislation which applies to employees in labour law relationship¹⁹.

Section 54

- (1) Members given leave are entitled to a holiday allowance of 5 weeks for the calendar year according to this Act of Parliament.
- (2) If the term the member's term in office did not last the duration of the calendar year, the member is eligible for a pro rata portion of the holiday allowance which is, for each started calendar month of the performance of the office, one twelfth of the holiday allowance for the calendar year.
- (3) The monthly fee according to this Act of Parliament applies also to the holiday allowance.
- (4) The region shall grant to a member given leave also that part of the holiday allowance not used up before the leave off work was given to perform the public office. If the member given leave did not use up their holiday allowance before the time of leave expires, the employer giving the leave shall grant the holiday allowance.

Section 55

The provisions of the Labour Code apply to relations which ensue from the office of a member given leave, unless this Act of Parliament stipulates otherwise.

Section 56

cancelled

Part 2

The Board of Councillors

Section 57

(1) The Board of Councillors is the executive body of the region in the area of separate powers of community. In exercising its powers of community, the Board of Councillors is responsible to the Council. The Board of Councillors may take decisions on matters in the area of delegated powers of community if the law so stipulates.

(2) The Board of Councillors consists of the Chief Executive, Deputy Chief Executive(s) and other members of the Board of Councillors. The number of members of the Board of Councillors is in a region with :

- | | |
|-------------------------------|-------------|
| a) under 600,000 inhabitants: | 9 members |
| b) over 600,000 inhabitants: | 11 members. |

(3) If the Chief Executive or Deputy Chief Executive is recalled from office or resigns from their office, they cease to be a member of the Board of Councillors.

¹⁹ For example Act No. 119/1992 Coll., on Compensation for Travel, as amended.

Section 58

(1) The Board of Councillors is to meet as required. Meetings of the Board of Councillors are called by the Chief Executive. The Board of Councillors' meetings are not public. The Board of Councillors may invite another member of the Council or other persons to the discussion of individual items.

(2) Resolutions, decisions and elections are valid if approved by a simple majority of all members of the Board of Councillors.

(3) Minutes shall be taken of the proceedings of each meeting of the Board of Councillors, and shall include the number of members of the Board of Councillors present, the approved agenda of the meeting, the course and results of voting and the resolutions passed. The minutes are to be signed by the Chief Executive or Deputy Chief Executive. The minutes, which must be drawn up within 10 days after the end of the meeting, must be kept open to inspection at the Regional Authority. Decisions on objections to the minutes from members of the Board of Councillors are to be taken by the next meeting of the Board of Councillors.

(4) The Board of Councillors is to give a report on its activities at every meeting of the Council.

Section 59

(1) The Board of Councillors prepares proposals and suggestions for discussion by the Council and also implements resolutions approved by the Council. The following is reserved for the Board of Councillors:

- a) to arrange for the management of finances according to the approved budget and to implement budgeting measures to the extent authorised by the Council,
- b) to determine the number of employees of the region assigned to the Regional Authority and organisation units, and the budget for salaries of the employees,
- c) based on a proposal by the President of the Regional Authority (hereinafter referred to as the "President"), to appoint and recall heads of departments of the Regional Authority; appointments and recalls without a proposal from the President are invalid,
- d) to set up and abolish as required commissions of the Board of Councillors (hereinafter referred to as "commissions"), to appoint and recall their chairpersons and members,
- e) to assign tasks for the Regional Authority within the separate powers of community, and to monitor the performance of the tasks,
- f) to review measures adopted by the Regional Authority within the separate powers of community,
- g) to handle proposals, comments and suggestions from municipalities in the geographical area of the region and from legal entities,
- h) to define rules for accepting and handling petitions and complaints,
- i) to perform the function of a founder and establisher with respect to legal entities and organisation units established or founded by the region or transferred to the region under a separate Act of Parliament, including appointing and recalling of directors of such organisations and determining their salaries and fees; once a year it shall also discuss a report on the activities of such organisations and their performance of the tasks for which they were established or founded and shall take appropriate corrective measures,
- j) to decide on all matters of the region as the sole member of a commercial corporation,
- k) to issue the directives of the region,
- l) to decide on execution of lease agreements and loan agreements; this power may be delegated by the Board of Councillors to the relevant department of the Regional Authority, either in part or in full,
- m) to discuss and handle proposals, comments and suggestions submitted to the Board of Councillors by members of the Council or by commissions of the Board of Councillors.

(2) The Board of Councillors also decides with respect to the following property law actions of the region:

- a) granting of subsidies to civil associations, humanitarian organisations and other legal entities and natural persons active in the fields of youth, sport and physical education, social services, fire protection, culture and education, science, health care, anti-drug activities, the prevention of criminality and the protection of animals and the environment; such subsidy must not exceed CZK 200,000 per legal entity or natural person per calendar year,
- b) waiver of a right to and a remission of a receivable whose value exceeds CZK 200,000,
- c) pledging movable property and rights whose value exceeds CZK 200,000,
- d) agreements on payment in instalments payable over a period longer than 18 months,
- e) acquisition and transfer of movable assets including money,
- f) giving of material and monetary gifts with a value of up to CZK 100,000 in each individual case.

(3) The Board of Councillors decides on other matters falling within the separate powers of community provided such matters are not reserved by law for the Council or provided the Council itself has not made such reservation.

(4) The Board of Councillors may entrust the Chief Executive or the Regional Authority with the authority of decision pursuant to paragraph 1 l) and paragraph 2 e). It may also entrust the Chief Executive with the authority to decide pursuant to paragraph 3.

Section 60

- (1) Should the number of members of the Board of Councillors fall during its term of office to such an extent that it no longer constitutes a quorum (Section 58 paragraph 2) and if the number of members of the Board of Councillors is not complemented at the next meeting of the Council in order that it constitutes a quorum, its powers shall be carried out by the Council until such time as the required number of members of the Board of Councillors is elected. In such cases the Council may entrust the Chief Executive with the performance of certain tasks which would otherwise be performed by the Board of Councillors.
- (2) If the Board of Councillors is recalled as a whole and a new Board of Councillors is not elected at the same time, the former Board of Councillors shall execute its power until such time that a new Board of Councillors is elected.

Part 3

The Chief Executive

Section 61

- (1) The Chief Executive represents the region outwardly.
- (2) The Chief Executive and their deputy (deputies) are elected by the Council from among its members. The Chief Executive and their deputy must be citizens of the Czech Republic. The Chief Executive and their deputy are responsible to the Council for the discharge of their office. The Board of Councillors may set tasks for the Chief Executive within the scope of its sphere of authority only.
- (3) The Chief Executive
 - a) together with the Deputy Chief Executive, signs regional legislation,
 - b) following approval from the Minister of the Interior, appoints or recalls the President pursuant to a special Act of Parliament; any such appointment or recall of the President without prior approval from the Minister of the Interior is not valid,

- c) set the President's salary in accordance with a separate regulation²¹ and assigns tasks to the President,
- d) on the basis of authorisation contained in the law, sets up special bodies for the performance of the delegated powers of community,
- e) is responsible for ordering an audit of the management of the region's finances for the previous calendar year,
- f) arranges for the protection of confidential information,
- g) is responsible for informing the public of the activities of the region²²,
- h) carries out other tasks in the separate or delegated powers of community, if such tasks are entrusted to the Chief Executive by the Council or the Board of Councillors, or if the law so stipulates,
- i) carries out similar tasks as the statutory body of an employer according to special legal regulations with respect to the Council members given leave and the President.

(4) The Chief Executive calls and usually also chairs the meeting of the Council and the Board of Councillors, and signs, together with verifiers, minutes of the meeting of the Council and the minutes of the meeting of the Board of Councillors.

Section 62

The Chief Executive shall suspend the implementation of a resolution of the Board of Councillors if they believe that the said resolution is not appropriate. The Chief Executive then shall submit the matter to the Council for decision at its next meeting.

Section 63 cancelled

Section 64

The Deputy Chief Executive shall deputise for the Chief Executive. The Council may elect more than one Deputy Chief Executive and assign particular tasks to each one. The Deputy Chief Executive specified by the Council shall deputise for the Chief Executive in the event of their absence and in the time when the Chief Executive does not discharge their office (Section 48 paragraph 2 and Section 54).

Section 64a

In the event that the Chief Executive is recalled from office or has resigned from office and a new Chief Executive is not elected at the same time, the authority of the Chief Executive under this Act of Parliament exercised by the Deputy Chief Executive designated by the Council to deputise for the Chief Executive (Section 64). If the Council did not designate a Deputy Chief Executive for this purpose, or in the event that the designated Deputy Chief Executive was recalled from office or resigned together with the Chief Executive, the Council shall entrust the exercise of authority of the Chief Executive to one of the members of the Board of Councillors.

Section 64b

(1) In the period from the elections for the Council until the constitutive meeting of the newly elected Council, the Chief Executive exercises powers pursuant to

²¹ Act No. 143/1992 Coll.

²² Act No. 106/1999 Coll.

Section 59 paragraph 2 items a), c), d), e), h), i) and j), Section 59 paragraph 3 and Section 61 paragraph 3.

- (2) If the Council fails to elect a Chief Executive at the constitutive meeting of the Council, the former Chief Executive, provided they are still a member of the Council, shall exercise the powers pursuant to paragraph 1. If the former Chief Executive is no longer a member of the Council, the Council shall entrust the exercise of authority of the Chief Executive to one of the members of the Board of Councillors.

Section 64c

- (1) A Chief Executive has the right to use a badge for special occasions. The badge consists of a large national emblem in the middle and the writing “Česká republika” along its perimeter.
- (2) A Board of Councillors may stipulate the cases when the badge may be worn by another member of the Council or the President of the Regional Authority.

Part 4

Special bodies

Section 65

- (1) The Chief Executive shall establish special bodies to perform the delegated powers of community if a separate Act of Parliament so stipulates.
- (2) A special body may be chaired only by a person who, unless stipulated otherwise by a separate Act of Parliament²³, has demonstrated their professional competency in the field of the delegated powers of community for the execution of which the special body was established. The provisions of special legal regulations governing the demonstration of professional competencies of officers of territorial self-governing units apply similarly to the demonstration of professional competencies of persons chairing the special bodies.
- (3) Provisions of paragraph 2 does not apply to cases when a special body is chaired, by stipulation in a legal provision, by the Chief Executive.

Part 5

The Regional Authority

Section 66

The Regional Authority carries out tasks within the delegated powers of community assigned to the Regional Authority by the Council, and assists in the activities of committees and commissions. The Board of Councillors may only set tasks for the Regional Authority within the scope of the sphere of authority assigned to the Board of Councillors by law.

Section 67

(1) The Regional Authority performs delegated powers of community with the exception of matters which the law assigns to the Council or a special body. The Regional Authority:

²³ Section 53 paragraph 4 of Act No. 200/1990 Coll., on Violations, as amended by Act No. 67/1993 Coll.

- a) reviews decisions issued by municipal bodies in proceedings according to separate Acts of Parliament^{22b}, unless this sphere of authority is assigned by law to a special body or the law stipulates otherwise,
- b) imposes sanctions in accordance with the law,
- c) provides specialist and methodological assistance to municipalities,
- d) arranges for the development and operation of an information system compatible with the information systems of public administration,
- e) organises controls of execution of delegated powers of community of municipalities, evaluates the results and submits proposals for the necessary measures to the Ministry or the government, respectively,
- f) establishes the function of a co-ordinator for Roma affairs,^{22c}
- g) exercises other powers assigned to the Regional Authority by law.

(2) The Regional Authority controls, in the scope and by means determined by law, activities of municipal bodies in their execution of delegated powers of community.

Section 68

(1) The Regional Authority consists of a President and employees of the region assigned to the Regional Authority (hereinafter referred to as "employees"). The Regional Authority is headed by the President. In the event of the President's absence, a Vice-President deputises for the President.

(2) The Regional Authority is divided into departments and sections.

Section 69

(1) The President is an employee of the region. A President is responsible to the Chief Executive for the fulfilment of tasks assigned to the Regional Authority within the separate and delegated powers of community.

(2) The director:

- i. arranges for the performance of tasks within the delegated powers of community according to separate Acts of Parliament,
- ii. submits to the Ministry proposals for suspension of generally binding regulations of municipalities and municipal directives or their individual provisions^{22d} under separate Acts of Parliament,
- c) performs the function of the employer's statutory body with respect to employees assigned to the Regional Authority according to separate regulations,
- d) sets the wages and salaries of employees of the Regional Authority in accordance with separate regulations²¹,
- e) is the superior of all employees of the Regional Authority and monitors their work,
- f) issues, in particular, the rules of organisation and employment guidelines, rules for making and deleting records of the Regional Authority,
- g) is entitled to submit proposals to the Board of Councillors for the issue of directives of the region,
- h) appoints, following a discussion with the Chief Executive, Vice-Presidents,

^{22b} Act No. 71/1967 Coll., on Administrative Proceedings (Rules of Administrative Procedure), as amended, Act No. 337/1992 Coll., on Administration of Taxes and Levies, as amended.

^{22c} Section 6 paragraph 7 of Act No. 273/2001 Coll., on Rights of Members of Ethnic Minorities and on Amendment of Some Other Laws.

^{22d} Section 64 paragraph 2e) of Act No 182/1993 Coll., on Constitutional Court. Act No. 150/2002 Coll., The Code of Administrative Judiciary Procedure.

- i) carries out the tasks assigned to them by the Council, Board of Councillors or the Chief Executive,
- j) carries out the tasks set in the separate powers of community by the Council and the Board of Councillors, as well as other statutory tasks.

(3) The President has the right to attend meetings of the Council and meetings of the Board of Councillors in a consultative capacity.

- (4) The President may not hold any office in political parties or political movements. The office of director is incompatible with the office of a member of parliament or senator in the Parliament of the Czech Republic and with the office of a member of the Council of a body of a territorial self-governing unit.

Section 69a

- (1) The Regional Authority in its delegated powers of community supervises the execution of the separate and delegated powers of community by municipalities according to a separate Act of Parliament^{22e}.
- (2) Employees of the region assigned to the Regional Authority who take part in supervision pursuant to paragraph 1 must be university-educated in the area of law or in an area relating to the subject of the supervision.
- (3) The supervision concentrates exclusively on ex post review of compliance with the law, and is performed in a way as to avoid any restriction to the separate powers of community and the decision-making authority of the bodies of the municipality.

Section 70

(1) All documents produced by the bodies of the region which relate to the separate powers of community shall have a header including the name of the region and the name of the relevant body which produced the document.

(2) All documents produced by the bodies of the region which relate to the delegated powers of community shall have a header including the words "Regional Authority", the name of the region and the name of the department or a special body which produced the document. This does not apply to directives of the region.

Section 70a

Stamp of the Region

A region may use its own stamp. A stamp may be used by the region only in cases when the law does not stipulate the obligation to use an official stamp with the small national emblem.

Section 71

The Regional Authority shall establish an official notice board situated in a place accessible to the public 24 hours a day. The official notice board is usually situated on a building which is the seat of the Regional Authority, or a building where the Regional Authority has its other offices.

Section 72 – 75 cancelled

^{22e} Act No. 128/2000 Coll., on Municipalities (Establishment of Municipalities), as amended.

CHAPTER V
BODIES OF THE COUNCIL AND OF THE BOARD OF COUNCILLORS

Committees

Section 76

- (1) The Council may established committees as its initiative and advisory bodies. Committees shall submit their recommendations and proposals to the Council.
- (2) A chairperson of each committee is always a member of the Council.

Section 77

- (1) The committees perform tasks assigned to them by the Council. Committees are responsible for their activities to the Council.
- (2) The number of members of a committee must always be odd. Committees shall meet as required.
- (3) Resolutions are valid if approved by a simple majority of all members of the committee. Committee resolutions are to be drawn up in writing and signed by the chairperson of the committee.

Section 78

- (1) The Council shall always establish a financial committee, a controlling committee and a committee for education and employment. These committees are to have at least five members.
- (2) The region, on which territory where, according to the last population census, at least 5% of inhabitants who consider themselves not to be of a Czech nationality, must establish a committee for ethnic minorities. Members of such committee are representatives of ethnic minorities if they are delegates of a union established under a separate Act of Parliament¹¹, however the committee must always have at least a half of its membership from ethnic minorities.
- (3) A Chief Executive, a Deputy Chief Executive, a President or persons involved in the budgeting and auditing activities in the Regional Authority cannot be members of financial and controlling committees.
- (4) The financial committee:
- a) monitors the management of the region's assets and finances,
 - b) monitors the financial management of legal entities and institutions established or founded by the region or transferred to the region,
 - c) monitors the use of subsidies granted to municipalities by the region from regional resources; for this purpose the committee is entitled to request the relevant documents from municipalities and the municipalities are obliged to provide the committee with the required co-operation,
 - d) performs other tasks in the field of finance with which the Council entrusts the committee.
- (5) The controlling committee:
-

- a) monitors the implementation of resolutions of the Council and the Board of Councillors,
- b) monitors compliance of other committees' and the Regional Authority with legislation in the area of separate powers of community,
- c) carries other controlling tasks with which the Council entrusts the committee.

(6) The committee for education and employment:

- a) in consequence of the development of demography and employment, it evaluates and makes opinions on schools and the network of schooling facilities, subjects of studies and vocational training and their changes in the sphere of regional competence,
- b) submits proposals for improving the performance of schools, schooling facilities, pre-school facilities established by the region, respectively,
- c) makes comments on intentions for granting of subsidies in the field of youth, physical education and sport,
- d) discusses reports on results of educational activities of schools, schooling facilities and pre-school facilities established by the region,
- e) carries out other tasks in the field of education with which the Council entrusts the committee.

Section 79

(1) The committee shall make a protocol of the control performed, which record is to include the subject of the control, any deficiencies found and measures proposed to correct the said deficiencies. The said protocol is signed by a member of the committee and an employee whose activities were subject to the control.

(2) The committee shall submit the said protocol to the Council; if the protocol concerns a control, the protocol is accompanied by a statement of employees or the body whose activities were subject to the control.

Section 80

Commissions

(1) The Board of Councillors shall establish commissions as its initiative and advisory bodies. Commissions submit their recommendations and proposals to the Board of Councillors.

(2) Resolutions of a commission are valid if approved by a simple majority of all members of the commission.

(3) A commission is responsible to the Board of Councillors for its activities.

CHAPTER VI SUPERVISION

Section 80a

(1) The execution of the separate and delegated powers of community of a region is subject to state supervisions (hereinafter referred to only as "supervision"). The supervision is carried out by the relevant ministries and other relevant central administrative authorities.

(2) Supervision consists exclusively of ex post evaluation of compliance with the laws, and is carried out in a way as to avoid any restriction to the separate powers of community and

the decision-making authority of the bodies of the region, and to avoid an unlawful intervention in their activities on the part of the state.

Section 81

(1) In supervising the execution of separate powers of community, it is examined whether the generally binding regulations of the region are in compliance with the law and, in case of resolutions and decisions of the bodies of the region, their compliance with the laws and by-laws is examined.

(2) In supervising the execution of delegated powers of community, it is examined whether the directives of the region are in compliance with the laws and by-laws issued by the government and other central administrative authorities and, in case of resolutions and decisions of the bodies of the region, their compliance with the laws and by-laws, government resolutions and directives issued by ministries and other central administrative authorities is examined.

Section 82

In exercising supervision, the ministries and other relevant central administrative authorities are entitled:

- a) to require that the relevant body of the region submits documents and provide complete information necessary for the inspection by a set deadline,
- b) to require the region to change or cancel illegal measures of its bodies by a set deadline,
- c) to require the region to carry out a task stipulated to it by a law; if the region does not carry out the task stipulated to it by a law and after the relevant authority calls to the region's attention the fact that the region has not remedied the situation, the relevant central administrative authority shall provide for the performance of the task at the expense of the region, provided the task can be carried out by another party; in justified cases the central administrative authority may waive the claim to the costs associated.

Section 83

- (1) The Ministry shall suspend the effect of a generally binding regulation of the region if it is in contravention with the law.
- (2) Decision of the Ministry on the suspension of the effect of a generally binding regulation of the region comes into effect as of the day of its receipt in writing by the Regional Authority. The decision shall be immediately published in the Bulletin.
- (3) If the Council does not abolish the generally binding regulation of the region or if it fails to bring it into accordance with the law within 3 months of the effect of the suspension decision, the Minister of Interior shall put a proposal to the Constitutional Court to abolish the regulation. The Minister of Interior shall proceed in a similar manner in the event of the President's of Regional Authority inactivity pursuant to Section 69 paragraph 2b).
- (4) If the Constitutional Court refuses or rejects the proposal for abolishment of the generally binding regulation, or discontinues the proceedings, the decision of the

Ministry on the suspension of the generally binding regulation expires on the day when the ruling of the Constitutional Court becomes final and conclusive.

Section 84

- (1) The Ministry shall suspend the execution of a resolution or decision of a body of the region in separate powers of community if it is in contravention with the law or a by-law. The decision on suspension of the execution of a resolution or decision of the body of the region in separate powers of community comes into effect on the day of its receipt in writing by the region. An appeal application lodged on time does not have a suspensive effect.
- (2) If the relevant body of the region does not remedy the situation within 3 months of the suspension of execution of the resolution or decision, the Ministry shall start legal proceedings for the abolishment of the resolution or decision. If the relevant body of the region remedies the situation before the court issues a ruling, the Ministry shall revoke its decision on the suspension of execution of a resolution or decision of the body of the region in separate powers of community within 15 days as of the receipt of the resolution or decision of the body of the region on the remedy of the situation by the Ministry.
- (3) If the court rejects the complaint or discontinues the proceedings, the decision of the Ministry on the suspension of execution of a resolution, decision or another measure expires on the day when the court ruling becomes final and conclusive.

Section 85

- (1) The relevant ministry or other relevant central administrative authority shall suspend the effect of a directive of the region if it is in contravention with the law.
- (2) Decision of the relevant ministry or a relevant central administrative authority on the suspension of the effect of a directive of the region comes into effect as of the day of its receipt in writing by the Regional Authority. The decision shall be immediately published in the Bulletin.
- (3) If the relevant body of the region does not abolish the directive of the region or if it fails to bring it into accordance with the law within 3 months of the effect of the suspension decision, the relevant Minister or the head of the relevant central administrative authority shall put a proposal to the Constitutional Court to abolish the directive according to a separate Act of Parliament.
- (4) If the Constitutional Court refuses or rejects the proposal of the relevant Minister or the head of the central administrative authority for abolishment of the directive of the region, or discontinues the proceedings, the decision of the relevant ministry or the relevant central administrative authority on the suspension of the directive of the region expires on the day when the ruling of the Constitutional Court becomes final and conclusive.

Section 86

- (1) The relevant ministry or another relevant central state authority shall suspend the execution of a resolution, decision or a measure of a body of the region in delegated powers of community, if the resolution, decision or measure is in contravention with the law or a by-law issued by the government or a central administrative authority or with government resolutions, directives of ministries and other central administrative authorities.

- (2) If the relevant body of the region fails to abolish the resolution, decision or measure, or if it fails to bring it into accordance with the law, or a by-law issued by the government or a central administrative authority or with government resolutions, directives of ministries and other central administrative authorities within a deadline set by the relevant ministry or the other central administrative authority, which deadline must not be shorter than 30 days, the ministry or the central administrative authority shall abolish the resolution, decision or measure by its decision.
- (3) The decision of the relevant ministry or the other central administrative authority on the suspension of execution of the resolution, decision or measure, as well as the decision on its abolishment, comes into effect on the day of its receipt in writing by the Regional Authority.

Common Provisions on Supervision

Section 87

- (1) In exercising supervision, the region shall on request submit records of all kinds of controlling activities, including those performed by other controlling authorities which bear relevance to the subject of the supervision. The Regional Authority has on request to submit copies of whole database for assessment of the content of all information which bear relevance to the subject of the supervision.
- (2) After the promulgation of a legal regulation of the region, the Regional Authority shall send it to the Ministry without undue delay.
- (3) The Regional Authority shall send to the Ministry any resolutions or other measures of the bodies of the region within the set deadline, if the Ministry so requests.
- (4) Supervision of the execution of the separate and delegated powers of community of regions does not extend to decisions of the region issued in administrative proceedings and to decisions issued in proceedings for administration of taxes and levies.
- (5) Provisions of Section 84 shall not apply to cases of violation of civil, commercial and labour law.

Section 88

- (1) An employee of the relevant ministry who is entrusted with controlling the activities of the Regional Authority or a special body (hereinafter referred to as an "controller") is obliged to show written authorisation.
- (2) In carrying out a control, a controller is entitled to proceed as follows:
 - a) to require that the relevant body of the region submits documents by a set deadline and provide complete information necessary for the control,
 - b) if justified and necessary, to seize the documents submitted; the controller is obliged to confirm the receipt of such materials in writing.
- (3) In performing a control, a controller is obliged to:
 - a) inform the director of the commencement and completion of the control and to submit an authorisation to perform the control,
 - b) to determine the actual condition of the activities subject to control and to compare them with the relevant legislation,

- c) to arrange for due protection of any seized documents and to return them without delay if the reasons for keeping the documents cease to apply,
- d) draw up a report on the results of the control.

Section 89

(1) The report on the control shall include in particular the following:

- a) identification of the body performing the control and the body subject to control,
- b) the names of the controllers,
- c) the place and time of the control,
- d) the subject of the control,
- e) all findings of the control, including deficiencies found and the persons responsible for these deficiencies,
- f) proposed corrective measures to remedy the deficiencies found,
- g) identification of all documents on which the findings of the control are based.

(2) The control report is to be signed by all controllers who took part in the control.

Section 90

(1) Controllers shall inform the President or a representative authorised by the President, and the persons responsible for any deficiencies found, of the contents of the inspection report. The controllers shall give the President or the representative authorised by the President a counterpart of the control report. A counterpart of the part of the report in which personal accountability is identified shall be given by the controllers to the persons accountable and their superiors. If the President or the representative authorised by the President, or the person held accountable, refuses to sign the control report, the controller is to indicate this in the report.

(2) The President or a representative authorised by the President, and persons held accountable, may submit their justified objections to the content of the control findings as stated in the control report in writing within 15 days of receipt of the control report.

(3) Decisions on the objections are to be taken by the controller's superior within 30 days of receipt of the said objections by the relevant ministry.

Section 91

(1) If, subject to a control, the region fails to:

- a) meet the obligation imposed on the region under Section 87, the relevant ministry shall impose a fine of up to CZK 100,000 on the region by means of a decision issued in administrative proceedings⁴,
- b) correct the deficiencies found by the set deadline or subsequently within the grace period, the relevant ministry shall impose a fine of up to CZK 500,000 on the region.

(2) Fines imposed in accordance with paragraph 1 constitute income of the state budget; the procedure to be followed in collecting and recovering such fines is set out in a separate Act of Parliament²⁶.

Section 91a

⁴ Act No. 71/1967 Coll., on Administrative Proceedings (Rules of Administrative Procedure), as amended by Act No. 29/2000 Coll.

²⁶ Act No. 337/1992 Coll., on Administration of Taxes and Levies, as amended.

In making decisions pursuant to Section 90 paragraph 2, the Rules of Administrative Procedure do not apply.

CHAPTER VII

RELATIONSHIP OF MINISTRIES AND THE GOVERNMENT TO TERRITORIAL SELF-GOVERNING UNITS

Section 92

(1) In exercising delegated powers of community, bodies of the region are subordinate to the relevant ministry.

- (3) The relevant ministries, whose competencies include the function of the state administration performed by bodies of the region, shall manage within the limits stipulated in law manage the execution of state administration functions by issuing legal regulations and directives; a precondition for the validity of a directive is its promulgation, or, in exceptional cases, a notice of its issue in the Government Bulletin for Regional and Municipal Bodies.

Section 92a

Relationship of Ministries to the Regions

The relevant ministries whose competencies include the functions of state administration performed by bodies of the region

- a) review decisions of the bodies of the region issued in the area of delegated powers of community in administrative proceedings⁴; provisions of the Rules of Administrative Procedure apply to the review of decisions of bodies of the region issued in administrative proceedings,
- b) control the execution of delegated powers of community by bodies of the region within the scope of the delegated function.

Section 93

In the area of delegated powers of community, the Ministry:

- a) co-ordinates the issuing of directives and instructions by ministries and other central administrative authorities which relate to the delegated powers of community of the region; for this purpose it publishes the "Government Bulletin for Regional and Municipal Bodies", a precondition for the validity of a directive of a central administrative authority is its promulgation in the Government Bulletin for Regional and Municipal Bodies.
 - b) monitors compliance with government resolutions and measures in the activities of the relevant bodies of the region and the provision of specialist assistance to municipalities by regional authorities,
 - c) organises conferences of Regional Authority Presidents,
 - d) in co-operation with the relevant central administrative authorities, organises controls in selected areas of activities of bodies of the region, evaluates their results and submits proposals to the government for the necessary measures,
 - e) manages and, in co-operation with the relevant ministries, co-ordinates the development and implementation of information systems of regions and arrange for the management and implementation of projects.
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CHAPTER VIII

CONTROL OF EXECUTION OF POWERS OF COMMUNITY DELEGATED TO MUNICIPALITIES

Section 93a

A region, in its delegated powers of community controls the execution of delegated powers of community by municipalities; the control is performed by the Regional Authority.

Principles of Control Performance

Section 93b

- (1) An employee of the relevant region authorised to perform a control of activities of a municipal authority or a special body (hereinafter referred to only as the “controller”) is obliged to identify themselves using an authorisation written by the President of the Regional Authority.
- (2) The controller has the following rights in their performance of the control
 - a) to require the relevant municipal body to produce documents and to provide complete information necessary for the performance of the control,
 - b) if justified and when necessary, to seize the submitted documents; their acceptance must be confirmed by the controller’s signature.

Section 93c

In exercising supervision, the municipality is obliged to submit, on request, documents on all types of controls, including those performed by other controlling authorities and which bear relevance to the subject of the control. On request, the municipal authority is obliged to surrender copies of whole databases for evaluation of information contained therein and bearing relevance to the subject of the control.

Authorisation and Procedure of Regions in Performing Control of Execution of Powers of Community Delegated to Municipalities

Section 93d

- (1) The authorisation of a region in performing control of execution of powers of community delegated to municipalities (hereinafter referred to only as “control”) is set out in a separate Act of Parliament.
- (2) A controller carries out the control in the scope of the written authorisation issued by the President.

Section 93e

Duties of the Controlled Entity

The relevant body of the municipality is obliged, in relation to the control performed, to present to the controller at their request and within the set deadline the required documents and to provide complete information necessary for the performance of the control.

Section 93f
Duties of the Controller

- (1) A controller is obliged
- a) to identify themselves by means of a written authorisation issued by the President of the Regional Authority pursuant to Section 93b paragraph 1,
 - b) to notify the Mayor of the municipality of the start and completion of the control,
 - c) to establish the real condition of activities subject to control and to compare them with the relevant legislation,
 - d) to arrange for due protection of seized documents and to return them immediately after the reasons for their keeping cease to exist,
 - e) to make a written protocol detailing the results of the control, stating all the particulars set forth in this Act of Parliament,
 - f) to inform of the contents of the protocol the Mayor of the municipality or a representative authorised by the Mayor, as well as persons held accountable for the deficiencies found if stated in the control protocol,
 - g) to give a counterpart of the protocol to the Mayor of the municipality or a representative authorised by the Mayor for signature,
 - h) to give the part of the counterpart of the protocol which details the personal accountability for the deficiencies found to the persons held accountable and their superior,
 - i) to instruct the Mayor of the municipality or a representative authorised by the Mayor of the possibility to lodge an objection against the contents of the finding contained in the objection protocol.
- (2) If the Mayor or a representative authorised by the Mayor or the responsible person refuses to sign the control protocol, the controller makes a note to this effect on the protocol.

Section 93g
Particulars of the Control Protocol

The protocol bears the following particulars

- a) identification of the controlling region,
- b) identification of the municipal body subject to control,
- c) first and last name of the controller or controllers,
- d) place and time of the control,
- e) subject of the control,
- f) all control findings, including description of the deficiencies found and identification of persons accountable,
- g) identification of all documents taken as a basis for the control,
- h) proposal of measures to rectify the deficiencies found, together with the deadline for their redress,
- i) signature of the controller who performed the control; in the event that the control was performed by more than one controller, signatures of all controllers involved,
- j) date of acceptance of the control protocol by the Mayor or by a person authorised by the Mayor or by the person responsible,
- k) date of execution of the protocol.

Section 93h
Objections

- (1) A Mayor or a person authorised by the Mayor or responsible persons may lodge a written and substantiated objection against the contents of the control findings set out in the control protocol within 15 days as of the day of acceptance of the control protocol, with the President of the Regional Authority.
- (2) President of the Regional Authority decides on objections within 30 days as of their delivery to the region.
- (3) In making decisions pursuant to paragraph 2, the Rules of Administrative Procedure do not apply.

Section 93i

Fines

- (1) If, when controlled by the region, a municipality
 - a) fails to meet a duty pursuant to Section 93c, the region will impose a fine by means of a decision of up to CZK 20,000
 - b) fails to redress the deficiencies found within the set deadline and, subsequently, within the grace period, the region will impose a fine by means of a decision of up to CZK 100,000.
- (2) Proceedings on an administrative delict may be instigated within 1 year as of the day when the region learned of actions set forth in paragraph 1, but no later than 2 years as of the day when the actions were committed. An administrative delict cannot be taken up if 3 years elapse from its commitment.
- (3) Fines imposed under paragraph 1 constitute income of the region; their collection and recovery are governed by a special Act of Parliament.

CHAPTER IX

JOINT, INTERIM AND FINAL PROVISIONS

Joint provisions

Section 94

- (1) If bodies of a region are entrusted with deciding on the rights and duties of natural persons and legal entities in matters within the separate powers of a region, the proceedings are with the relevant Regional Authority; its decisions are governed by the Rules of Administrative Procedure⁴ unless provided otherwise in this or another Act of Parliament. The relevant ministry reviews the decisions; the appellate body may not overturn the decision.
- (2) Facts suggesting exclusion of an employee assigned to a Regional Authority²⁷ from discussion and deciding in a matter which is subject to administrative proceedings are notified to the relevant head of Regional Authority department; facts suggesting exclusion of a head of a Regional Authority department or a member of a special body are notified to the President of the Regional Authority. Employee who is notified of the facts decides on existence of prejudice; the same

²⁷ Section 9 of Act No. 71/1967 Coll.

employee, if the decision on exclusion for prejudice is made, will make all necessary arrangements for the proceedings to go ahead.

- (3) Bodies of the region themselves execute administrative decisions issued by them unless a motion is lodged for execution of the decision by court. Fines imposed by the region are collected and recovered by the region ²⁶; fines constitute income of the region unless provided otherwise in a special Act of Parliament.
- (4) Administrative proceedings without a legitimate conclusion prior to this Act coming into legal effect shall be concluded pursuant to hitherto existing regulations.

Section 95

This Act of Parliament does not apply to the Capital City of Prague

Interim Provisions

Section 96

- (1) President of the Municipal Authority in the seat of the region shall recruit as employees of the Municipal Authority employees who will be determined by the Ministry on the basis of the results of a competition organised by the Ministry. These employees will arrange for the preparation of the launch of operation of the newly elected bodies of the region and for exercise of the powers of the Regional Authority.
- (2) For the Brněnský region, tasks set out in paragraph 1 shall be provided for by Municipal Authority Brno-venkov, for Ostravský region by Municipal Authority Karviná and for Plzeňský region by Municipal Authority Plzeň-sever.
- (3) Rights and obligations ensuing from labour law relations of employees recruited pursuant to paragraphs 1 and 2 shall be transferred from the Municipal Authorities to the relevant regions as of the day of this Act coming into legal effect.

Section 97

Constitutive meeting of Regional Councils elected in elections in year 2000 shall be called by the Minister of Interior. The day of the meeting shall be determined to be within 40 days as of the announcement of the election results.

F i n a l P r o v i s i o n s

Section 98

Delegating Provisions

The government shall enact implementing regulations to implement Sections 47, 48 and 49.

Section 99

Legal Effect

- (1) This Act shall come into legal effect on the day of elections to Regional Councils in regions, save for provisions of Sections 7, 29, 30 and 67 which come into legal effect on January 1, 2001.
- (2) Provisions of Section 96 comes into legal effect on the day of promulgation of this Act in the Collection of Laws.

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Act No. 273/2001 Coll., on Rights of Members of National Minorities and on Amendment of Some Other Laws, came into legal effect on the day of promulgation (August 2, 2001).

Act No. 320/2001 Coll., on Financial Control in Public Administration and on Amendment of Some Other Laws (Financial Control Act), came into legal effect on January 1, 2002.

Act No. 450/2001 Coll., amending the Act No. 128/2000 Coll., on Municipalities (Establishment of Municipalities), as amended, Act No. 129/2000 Coll., on Regions (Establishment of Regions), as amended, Act No. 131/2000 Coll., on the Capital City of Prague, as amended, Act No. 250/2000 Coll., on Budgetary Rules for Territorial Budgets, as amended by Act no. 320/2001 Coll., Act No. 218/2000 Coll., on Budgetary Rules and on Amendment of Some Other Laws (Budgetary Rules), as amended, and Act No. 101/2000 Coll., on Personal Data Protection and on Amendment of Some Other Laws, as amended, came into legal effect on the day of promulgation (December 31, 2001)

Act No. 231/2002 Coll., amending the Act No. 129/2000 Coll., on Regions (Establishment of Regions), as amended, came into legal effect on January 1, 2003, save for points 26 and 79 which came into legal effect on the day of promulgation (June 4, 2002).

The Prime Minister:

PhDr. Špidla, in his own hand

