

ACT
no. 360/1992 Coll.
of the 7th May 1992
**on the Professional Practice of Certified Architects
and on the Professional Practice of Certified
Engineers
and Technicians Active in Construction**
as amended by Act no. 164/1993 Coll., Act no.
275/1994 Coll.,
Act no. 224/2003 Coll. and Act no. 189/2008 Coll.

The Czech National Council passed the following Act:

CHAPTER ONE
INTRODUCTORY PROVISIONS

Section 1

This Act sets forth

- a) status, rights and obligations of certified architects,
- a) status, rights and obligations of certified engineers and technicians active in construction,
- c) manner of and requirements for certification granting,
- d) establishment, powers and scope of competence of the Czech Chamber of Architects and Czech Chamber Certified Engineers and Technicians Active in Construction (hereinafter referred to as the "Chamber") and
- e) requirements for the performance of the chosen activities in construction in compliance with the law of the European Communities.¹

Section 2

(1) For the purposes hereof, the certification shall mean the authorization of physical persons to perform professional practice in construction.

¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the Recognition of Professional Qualifications.

(2) Certification for any relevant field or specialisation in accordance with this Act authorises for performance of chosen activities in construction^{1a}. Certification shall not be a requisite for professional practice of persons set forth in Chapter Six hereof.

(3) A person to whom certification has been granted in accordance hereof (hereinafter referred to as the "Certified Person") is obligated to perform his/her activity in compliance with this Act.

(4) Certification in accordance with this Act is a special prerequisite for carrying a trade².

(5) Juridical and physical entities practicing business activities under relevant legal statutes³ may perform chosen activities in construction only if the professional practice is guaranteed by persons certified in accordance with this Act unless this Act sets forth otherwise.

CHAPTER TWO
CERTIFICATION

Section 3

By course of the law, a Certified Person is

- a) certified architect,
- b) certified engineer,
- c) certified technician.

Section 4
Certified architect

(1) A certified architect is a person, who has been granted with certification in accordance with this Act and has been entered onto the list of certified architects maintained by the Czech

^{1a} Act no. 50/1976 Coll. on Zone Planning and the Building Code (Building Act), as amended by Act no. 103/1990 Coll. and Act no. 262/1992 Coll.

² Act no. 455/1991 Coll. on Trade Business Activities (Trade Licensing Act)

³ Act no. 513/1991 Coll., Commercial Code

Chamber of Architects.

(2) Pursuant to Subsection 1, the Czech Chamber of Architects shall grant certification for the following fields:

- a) Architecture,
- 2) Urban planning,
- a) Landscape architecture.

(3) The Czech Chamber of Architects shall grant certification with general competence to a person, who fulfils requirements for certification for all fields in accordance with Subsection 2. This certification authorises to perform the professional practice in fields pursuant to Subsection 2, paras. a) through c) inclusive.

(4) Certification with general competence authorises to perform professional practice pursuant to Section 17, paras. a) through l) inclusive hereof. Certification specified in Subsection 2, para. a) authorises to perform the professional practice pursuant to Section 17, subparas. a), b), d) through f), g) through l) hereof. Certification specified in Paragraph 2, subpara. a) authorises to perform the professional practice pursuant to Section 17, subparas. a), b), d) through f), g) through l) hereof. Certification specified in Subsection 2, para. c) authorises to perform the professional practice pursuant to Section 17, paras. c), e), f), h) through l) inclusive hereof. Details concerning the scope of competence in separate fields are set forth in the Certification Code declared by the Chamber.

Section 5

Certified engineer and certified technician

(1) A certified engineer is a person, who has been granted with certification in accordance with this Act and has been entered onto the list of certified engineers maintained by the Czech Chamber of Certified Engineers and Technicians Active in Construction.

(2) A certified technician is a person, who has been granted with certification in accordance with

this Act and has been entered onto the list of certified engineers maintained by the Czech Chamber of Certified Engineers and Technicians Active in Construction.

(3) In accordance with Subsections 1 and 2, the Czech Chamber of Certified Engineers and Technicians Active in Construction grants certification for the following fields:

- a) Building engineering,
- b) Traffic engineering,
- c) Water and landscaping engineering,
- d) Bridges and engineering structures,
- e) Building services engineering,
- f) Building environment engineering,
- g) Building structural and dynamical analysis,
- h) Urban engineering,
- i) Geotechnics,
- j) Fire safety of buildings,
- k) Structures fulfilling forest functions.

Section 6

Both Chambers are authorised to set forth partial specialisations within the frameworks of fields pursuant to Sections 4 and 5. They shall also grant certifications in these specializations.

Granting of certification

Section 7

(1) The Chamber shall grant certification on the basis of an written application to a person, who is

- a) a national of the Czech Republic, or
- b) a national of the EU member states, other EEA member states and of the Swiss Confederation (hereinafter referred to as a „Member State“) or his/her family member^{3a} or shall be a national of another non-member state who

^{3a} Articles 23 and 24, para. 1 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulations (EEC) no. 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC

1. has been awarded with the legal status of a long-term resident in the Czech Republic or another EC Member State^{3b},
2. has been granted with residence permit in the Czech Republic for the purpose of scientific research^{3c},
3. has been awarded with the refugee status or complementary protection, or is a family member of a person specified in Items 1 or 2, if such person has been granted^{3d} with a long-term residence permit or awarded with the refugee status or complementary protection for the purpose of family unification^{3e},
4. has been granted with a residence permit in the Czech Republic or another Member State for the purpose of studies, pupil exchange, unremunerated training and voluntary service^{3f},
5. has been granted with residence permit in the Czech Republic or another Member State because he/she is a victim of trafficking in human beings or has been the subject of an action to facilitate illegal immigration and cooperates with the competent authorities^{3g}, and
 - c) is fully competent to legal acts,
 - d) has no criminal record,
 - e) obtained required education,
 - f) performed professional practice in prescribed length,
 - g) passed successfully a professional competence examination,

h) took the prescribed oath.

(2) The Chamber shall admit an applicant to the professional competence examination within six months following receipt of his/her application in writing, who fulfilled requirements set forth in Subsection 1, para. a) through f) inclusive.

(3) The Chamber shall enable taking of the prescribed oath to each applicant for certification, who fulfilled requirements set forth in Subsection 1, para. a) through g) inclusive, at the latest by one month of successful passing of the professional competence examination.

(4) Certification shall be granted as of the day of taking the oath.

(5) If certification had not been granted to a person because requirements pursuant to Subsection 1 had not been fulfilled, he/she may apply again for certification after expiration of at least one year.

(6) A person, whose certification was withdrawn in accordance with Section 10, subs. 2, para. b), may apply for certification at the earliest after expiration of three years of the day when the decision on withdrawal of certification came into force.

Section 8

(1) For the purposes hereof, a person shall not be considered as a suitable person, if he/she was convicted lawfully of

a) an offence whose body relates to professional practice in accordance with this Act,

b) another deliberate offence if there is concern that an applicant for certification granting will commit the same or similar crime when professionally practicing as a Certified Person.

(2) In accordance with Section 7, subs. 1, para. e), necessary education for particular types of

^{3b} Article 11, para. 1 subparas. a) and c) and article 21 para. 1 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

^{3c} Article 12, para. a) of Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research

^{3d} Article 14, para. 1 subpara. b) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification

^{3e} Article 26, paras. 1 and 3 and Article 27, para. 3 of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

^{3f} Article 17, para. 1 of Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training and voluntary service

^{3g} Article 11, para. 1 of Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities

certification shall be as follows:

a) Study at a university or comparable educational institution^{3h} attained in the field of architecture in a master's study programme for certification in accordance with Section 3, para. a); study complying with requirements as set forth in Items 1.2 and 1.3 of the Schedule for certification in the field set forth in Section 4, subs. 2, para. a),

b) Study at a university or comparable educational institution^{3h} attained in a study field set forth in Section 5, subs. 3 or similar study field in a bachelor's study programme with standard study period of four years at least or in a master's study programme for certification in accordance with Section 3, subpara. b),

b) Study at a university or comparable educational institution^{3h} attained in a study field set forth in Section 5, subs. 3 or similar study field in a bachelor's or master's study programme and/or a secondary or post-secondary technical school of similar study fields for certification in accordance with Section 3, subpara. c),³ⁱ

(3) The Chamber may also recognize study of a similar field or branch as study in accordance with Subsection 2 in well-founded cases.

(4) The Chamber may excuse the educational requirements in exceptional cases, if the applicant for certification can provide evidence of successful professional practice in particular.

(5) The Chamber may permit exemption from requirement in accordance with Section 7, subs. 1, para. a) or b) in well-founded cases.

(6) The total duration of the professional practice in accordance with Section 7, subs. 1, para. f) is prescribed for particular types or fields of certification as follows:

a) At least three years for certification in fields in accordance with Section 4, subs. 2, if an applicant was a graduate of a master's study

programme, and at least five years, if an applicant was a graduate of another similar study programme,

b) At least three years for certification in fields in accordance with Section 5, subs. 1, if an applicant was a graduate of a master's study programme, and at least five years, if an applicant was a graduate of a bachelor's study programme or another similar study programme,

b) At least three years for certification in fields in accordance with Section 5, subs. 2, if an applicant had required education of a master's or bachelor's study programmes, and at least five years, if an applicant had required secondary education.

(7) The subject matter of a professional competence examination shall be to demonstrate knowledge necessary for the performance of relevant professional activities, in particular,

a) demonstration of professional knowledge, if it was not a part of applicant's recognized professional education,

b) demonstration of knowledge of the valid legal statutes regulating the practice of relevant professional and associated, if any, activities.

(8) The respective Chambers stipulate the required field of study and the type of school, the content of professional competence examinations, the content of professional practice, a form of a certificate proving certification for particular fields and specializations. A certification fee for a professional competence examination in one or more fields is fixed to CZK 500 regardless of a field and specialisation. This fee shall be paid on the day of examination.

(9) The oath shall be worded as follows:

a) "On my civil honour and my belief, I pledge as a practicing certified architect to exert all my effort to create quality architectural works, to honour interests of clients as well as those of general public, to respect natural and cultural values and to always abide by the architect's Code of Conduct."

b) "On my civil honour and my belief, I pledge as a practicing certified engineer to exert all my

^{3h} § 44 of Act no. 111/1998 Coll. of the Czech Republic, on Universities or Comparable Educational Institutions and on the Amendment and Supplement to Some Other Acts (Act on Universities or Comparable Educational Institutions)

³ⁱ Act no. 561/2004 Coll., on Pre-School, Basic, Secondary, Post-Secondary Professional and Other Education (Education Act) as amended

effort to create quality building works, to honour interests of clients as well as those of general public, to respect natural and cultural values and to always abide by the engineer's Code of Conduct."

c) "On my civil honour and my belief, I pledge as a practicing certified technician to exert all my effort to create quality building works, to honour interests of clients as well as those of general public, to respect natural and cultural values and to always abide by the technician's Code of Conduct."

Section 9

(1) The Chamber shall enter a person to whom certification has been granted onto the list of Certified Persons maintained by the Chamber and shall issue a person with a written certificate defining the field or specialization and a seal with the national emblem of the Czech Republic.^{3j}

(2) Administration of the list of Certified Persons and written documents relating to Certified Persons is set forth by special legal statutes.^{3k}

Termination, withdrawal and suspension of certification

Section 10

(1) Certification shall be terminated if a Certified Person dies or is declared dead.

(2) The Chamber shall withdraw certification from a person,

a) who has been deprived of his/her legal capacity or whose legal capacity has been limited,

b) whom the Chamber imposed a disciplinary measure in the form of a withdrawal of the

certification,

c) whom certification has been granted on the basis of incorrect or incomplete data,

d) who waives his/her certification in writing.

(3) The Chamber shall strike a person whose certification was ceased or withdrawn from the list of Certified Persons.

Section 11

(1) The Chamber shall suspend certification of a Certified Person

a) for duration of imprisonment, to which such person was condemned of a crime committed in relation with professional practice for which the certification was granted,

b) for duration of an imposed ban on professional practice of a Certified Person,

c) for duration of a disciplinary measure in a form of a suspension of the certification,

d) in the event that a Certified Person applied for it in writing.

(2) The Chamber may suspend certification of a Certified Person in the event that

a) criminal proceedings against a Certified Person have been initiated for deliberate criminal offence committed in the context of his/her professional practice. This suspension shall not be lifted until the final verdict is delivered.

b) proceedings concerning their legal capacity has been commenced. This suspension shall not be lifted until the final verdict that closes such proceedings is delivered.

c) in the event that a Certified Person has not been practicing professionally in the field for which the certification was granted for the period of at least five years. This suspension shall not be lifted until a professional competence examination in accordance with Section 5, para. 1, subpara. f) is passed.

(3) The Chamber shall record such suspension of certification onto the list of Certified Persons.

(4) A Certified Person is obligated to report to

^{3j} Act no. 352/2001 Coll. on Use of the State Symbols of the Czech Republic and on Amendments to Some Acts

^{3k} § 6 of Act no. 97/1974 Coll. on Archiving, as amended. Decree no. 117/1974 Coll. Stipulating Criteria for Recognizing Written Materials as Documents To Be Archived and Details of Pulp Proceedings

the Chamber all facts that may affect withdrawal or suspension of his/her certification within 15 days. Failure to do so shall entail disciplinary proceedings.

CHAPTER THREE

PROFESSIONAL PRACTICE OF CERTIFIED PERSONS

Rights and obligations of Certified Persons

Section 12

(1) A Certified Person is responsible for professional level of performance of chosen and other professional activities for which the certification was granted. This responsibility in accordance with general statutes is not hereby affected.

(2) A Certified Person is obligated to perform the professional practice in scope for which the certification was granted either in person or in cooperation with other Certified Persons or in cooperation with other physical entities working under supervision thereof. Copyright⁴ and rights and obligations ensuing from creation and application of inventions, industrial designs and innovations⁵ shall not be affected with the above.

(3) When practicing professionally, a Certified Person shall be obligated to comply with valid generally binding legal statutes as well as statutes declared by the relevant Chamber.

(4) A Certified Person must not perform

a) any function within which he/she would issue administrative decisions concerning results of his/her own professional practice,

b) activities incompatible with those of a Certified Person pursuant to valid generally binding legal statutes and statutes of the Chamber.

⁴ Act no. 121/2000 Coll., on Copyright and Rights Related to Copyright and on Amendments to Certain Acts (the Copyright Act)

⁵ Act no. 527/1990 Coll., on Inventions, Industrial. Patterns and Innovations

(5) A Certified Person shall be also obligated to continue his/her professional education and keep up to date with information necessary for proper performance of professional practice.

(6) When providing proper performance of chosen activities in construction beyond the scope of his/her field or specialisation, for which a Certified Person has been certified, a Certified Person is obligated to ask a person with certification in the relevant field or specialization to collaborate.

Section 13

(1) In accordance with the type of granted certification, a Certified Person is authorised to use the designation "certified architect", "certified engineer" or "certified technician" always with designation of the field or specialisation, for which the certification has been granted. A person with certification granted in accordance with Section 4, subs. 2, para. b) may use the designation "certified urban planner". A person with certification granted in accordance with Section 4, subs. 2, para. c) may use the designation "certified landscape architect". A certified engineer or technician active in the field of implementation of buildings may use the designation "certified builder".

(2) The designation pursuant to Section 1 as well as the designation architect must not be used by anybody else not even in combination with other words unless it is a part of one's academic title.

(3) A Certified Person affixes his/her signature and the seal bearing the national emblem of the Czech Republic⁶, name of a Certified Person, number under which he/she is registered on the list of Certified Persons maintained by the Chamber and designated field or specialisation and their certification to documents related to his/her

⁶ Act of the Czech National Council no. 68/1990 Coll., on the Use of the National Emblem and the National Flag of the Czech Republic

professional practice.

(4) A Certified Person is obligated to maintain the chronological list of documents with the affixed seal.

(5) For official purposes, documents affixed with the signature and the seal of a Certified Person in accordance with Section 3 become public records.

(6) Upon cessation, withdrawal or suspension of certification, the Chamber shall duly care for documents set forth to in Sections 3 and 4 in accordance with special legal statutes.

Section 14

(1) Certified Persons perform professional practice, for which the certification was granted, as

- a) independent architects or independent engineers performing their professional practice under this Act,

- b) persons performing their professional practice under the Trade Licensing Act,

- c) employees in employment, service, membership or other similar relationships,

- d) partners of an ordinary partnership.⁷

(2) A Certified Person shall notify of manner of his/her professional practice in accordance with Section 1 as well as of changes thereof to the Chamber without undue delay.

Section 15

(1) An independent architect or independent engineer

- a) practices his/her designing activity and provides related professional services independently, in his/her own name, at his/her sole responsibility and for remuneration,

- b) may perform concurrently only teaching,

lecturing or publishing activities but not activities or employments that might threaten independency of his/her practice,

- c) is entitled to employ other persons.

(2) A place of business of an independent architect or independent engineer is the place of business registered on list maintained by the Chamber.

Section 15a **Association**

(1) If an independent architects or independent engineers practice their profession jointly, their mutual relations shall be treated by a written contract (hereinafter referred to the "Association"). Participants of the Association may be exclusively independent architects or independent engineers. Participants of the Association are obligated to practice their profession under joint name.

(2) The association shall have a joint place of business.

Section 15b **Ordinary partnership established for the purpose of professional practice**

(1) If independent architects or independent engineers practice their profession as partners of an ordinary partnership, partners shall be only independent architects and engineers.

(2) Independent architects or independent engineers, who are partners of a partnership in accordance with Section 1, practice their profession on behalf and on account of the partnership.

Section 15c **Limited companies established for the purpose of professional practice**

(1) Should Certified Persons practice their profession as partners of a limited company

⁷ § 3, para. 1, subparas. b) and c), item 8., Act no. 455/1991 Coll.
§ 2, para. 2, subpara. c), Act no. 513/1991 Coll.

established for the purpose of professional practice in accordance with this Act, Certified Persons shall represent majority both among partners and executives in such a company; should a concerned company have only one partner or executive, he/she shall be only a Certified Person.

(2) Certified Persons, who are partners in the company, practice their profession on behalf and on the account of the company;

Section 16

(1) A Certified Person is obligated to conclude a third party professional insurance policy at the latest as of commencement of his/her professional practice. The above provision shall be void if a Certified Person practices his/her profession in employment, service, membership or other similar relationships.

(2) The insurance pursuant to Section 1 shall last for the entire period of his/her professional practice.

(3) A Certified Person is obligated to submit a document proving insurance pursuant to Paragraph 1 to a Client and, upon request, to the relevant Chamber's body.

Competence of Certified Persons

Section 17

Within the scope of the field or specialization (Section 4), for which the certification has been granted, a certified architect is authorised to perform the professional practice in the following scope:

a) Preparation of land-use planning documents including land-use planning data documents,

b) Preparation of design documents of buildings (including relevant land-use planning data documents) with the exception of engineering structure,

c) Preparation of design documents of garden and landscape arrangement and treatment including relevant land-use planning data documents and a relevant parts of land-use planning documents,

d) Participation in preparation of design documents of engineering structures, which are prepared by a certified engineer, particularly in the event that structures are considered important from the point of architecture or town planning by a special statute, master plan or a decision of a relevant land-use authority,

e) Conduct of building and architectural or urban surveys,

f) Issuance of expert statements, preparation of documents and opinions for partial environmental impact assessment of a building⁸ for purposes of proceedings within state authorities,

g) Preparation of design documents for interior decoration of buildings,

h) Execution of designer's or developer's technical supervision of building implementation,

i) Management and implementation of a simple building,

j) Conduct of geodesic measuring for designing activity and alignment works unless a special statute set forth otherwise,

k) Acting on behalf of a developer or a proponent on the basis of granted power at planning, building or occupancy proceedings,

l) Performance of professional functions in the sections of land-use planning or Building Code at state administration authorities, unless a special statute sets otherwise.

Section 18

Within the scope of the field (Section 5) or specialization, for which the certification has been granted, a certified engineer is authorised to perform the professional practice in the below-mentioned scope:

a) Preparation of design documents of buildings (including relevant land-use data

⁸ Act of the Czech National Council no. 17/1992 Coll. on Environment
Act of the Czech National Council no. 244/1992 Coll. on Environmental Impact Assessment

documents) with the exception of those buildings that are considered important from the point of architecture or town planning by a special statute, a master plan or a decision of a relevant land-use authority. The above exception does not apply to conclusion of obligation relations pursuant to general binding statutes⁹,

b) Participation in preparation of design documents of buildings that are considered important from the point of architecture or town planning by a special statute, master plan or a decision of a relevant land-use authority and are designed by a certified architect,

c) Preparation of zoning and planning data documents and a relevant part of the land-use planning documents,

d) Carrying out of structural and dynamical calculations of buildings,

e) Conduct of building and technical or engineering surveys,

f) Execution of testing and diagnostics of building unless a special statute sets forth otherwise,

g) Issuance of expert statements, preparation of documents and opinions for partial environmental impact assessment of a building⁸ for purposes of proceedings within state authorities,

h) Management and implementation of a building,

i) Conduct of geodesic measuring for designing activity and alignment works unless special statutes set forth otherwise,

j) Execution of designer's or developer's technical supervision of building implementation,

k) Acting on behalf of a developer or a proponent on the basis of granted power at planning, building or occupancy proceedings,

l) Performance of professional functions in state administration authorities, either in the departments of land-use planning or Building Code, unless a special statute sets otherwise.

Section 19

⁹ Zákon č. 513/1991 Sb.

⁸ Act of the Czech National Council no. 17/1992 Coll. on Environment
Act of the Czech National Council no. 244/1992 Coll. on Environmental Impact Assessment

Within the scope of the field (Section 5) or specialization, for which the certification has been granted, a certified technician is authorised to perform the professional practice in the below-mentioned scope:

a) Preparation design documents should it fully come under their field; in other cases and in case of the building construction field preparation of relevant part of design documents,

b) Participation in preparation of design documents processed by a certified architect or a certified engineer,

c) Conduct of building and technical surveys,

d) Management of a building implementation,

e) Execution of designer's or developer's technical supervision of building implementation,

f) Management of relevant building and assembly works,

g) Acting on behalf of a developer on the basis of granted power at building or occupancy proceedings,

h) Performance of an expert function in state administration authorities in the department of Building Code.

CHAPTER FOUR

DISCIPLINARY RESPONSIBILITY

Section 20

(1) For serious or repeated breach of obligations set forth herein (hereinafter referred to as the "Disciplinary Misconduct"), the Chamber shall impose any of the following disciplinary measures on a Certified Person unless a crime was committed:

a) Written reprimand,

b) Penalty up to CZK 50,000,

c) Suspension of a certification for the period of at most three years,

d) Withdrawal of a certification.

A decision concerning a disciplinary measure pursuant to paras. b) or c) may concurrently include a decision concerning a ban on

performance of functions in the Chamber.

(2) Yield of penalties falls upon the Chamber, which imposed penalties.

Disciplinary proceedings

Section 21

(1) The Professional Court institutes disciplinary proceedings upon a motion of the Supervisory Board signed by its chairperson to decide about imposition of a disciplinary measure. Disciplinary proceedings are instituted by delivery of such motion for their institution to the Professional Court.

(2) The motion to institute disciplinary proceedings shall be submitted within six calendar months of the day when the Chamber has learnt about this Disciplinary Misconduct, however at the latest three years of the day when this Disciplinary Misconduct was committed. A motion shall be in writing and shall define the Misconduct. Reasons given in the motion to institute disciplinary proceedings shall not be changed after institution of the proceedings.

(3) Provisions of the Administration Code shall be used in the disciplinary proceedings unless this Act or internal statutes of the Chamber sets forth otherwise.

(4) A Certified Person against whom such disciplinary proceedings are conducted is entitled to express his/her opinion concerning the reasons given in the motion and the manner in which they were discovered, to propose evidence or its supplementation, and to question the witnesses and experts in the course of the oral hearing which must always be held.

(5) The decision about imposition of a disciplinary measure shall be in writing and shall include a verdict, justification and advise as to the remedy. The decision shall be delivered to the disciplinarily accused and the Supervisory Board.

Section 22

(1) A Certified Person, whom the discipline measure was imposed, or the Chamber's Supervisory Board may lodge a written appeal against the imposed disciplinary measure pursuant to Section 21 within 15 days of the delivery day of the conviction. The Supervisory Board's appeal shall be signed by its chairperson. An appeal shall be lodged through the Professional Court. A duly and timely submitted appeal has suspensory effect.

(2) An appeal against the imposed disciplinary measure pursuant to Section 21, para. 1 shall be definitely decided by the Board of Directors of the Chamber, which shall either confirm or cancel the reviewed decision. If the Chamber's Board of Directors cancels the contested decision, the Professional Court is bound by a legal opinion of the body of appeal.

(3) A conviction imposing a disciplinary measure in the form of a withdrawal or suspension of the certification shall be reviewed upon a guilty Certified Person's motion to the regional court in the administrative judiciary system having subject-matter and local jurisdiction; such motion shall be lodged within the time limit set forth by the special statutes.

Section 22a

Disciplinary legal power relating to free movement of persons in compliance with the law of the European Communities

(1) The Chamber shall provide all information regarding disciplinary measures or criminal sanctions adopted against a certified or resident person due to serious or repeated breach of duties related to the conduct of his/her professional practice to the appropriate authority of a hosting Member State.

(2) Should the appropriate authority of the hosting Member State have specific information

regarding serious misconduct that occurred outside of its territory before settlement of the person concerned in this hosting State and should it inform the Chamber about this, the Chamber shall examine the correctness of these facts especially when they might affect the performance of chosen or other professional activity in construction in the Czech Republic. The Chamber will decide the nature and scope of investigation to be conducted and shall inform a hosting Member State of the measures to be adopted in the given matter within three months.

(3) The Chamber shall agree upon details of cooperation with appropriate authorities of other Member States at providing the information pursuant to Subsections 1 and 2 hereof including the manner of providing security for provided personal data and these details shall be successively stipulated in a Chamber's internal regulation.

(4) If the Chamber suspends or withdraws the certification [Section 20 subs. 1, paras. c) and d)] of a Certified Person or suspends or withdraws the registration of a resident person, it will also ensure the temporary or permanent withdrawal of the certification mentioned in Section 23, subs. 7, para. c).

(5) Pursuant to the Act, a hosting Member State is defined as another EU Member State where a certified, resident or visiting person performs or will perform his/her professional practice.

CHAPTER FIVE

CHAMBERS

Section 23

(1) The Czech Chamber of Architects and Czech Chamber Certified Engineers and Technicians Active in Construction shall be established as a self-administered professional organisation with a registered office in Prague and authority throughout the Czech Republic.

(2) Regular members of the Czech Chamber of Architects are all certified architects and regular members to the Czech Chamber Certified Engineers and Technicians Active in Construction are all certified engineers and certified technicians active in construction.

(3) Visiting members of the Chamber are persons whose authority comparable to the certification pursuant to the Act has been granted abroad and whose certificate has been recognized by the Chamber.

(4) Extraordinary members of the Czech Chamber of Architects may be, on the basis of their own interest, persons, who do not meet requirements for regular membership.

(5) The Chamber shall be a juridical person.

(6) Within its scope of authority, the Chamber shall, in particular,

a) care for building culture and culture of the created environment,

b) co-influence the protection of public interests in the field of development, architecture and land-use planning,

c) grant, withdraw and suspend certifications,

d) maintain the lists of Certified Persons and release these lists including their changes in a manner facilitating a remote access,

e) maintain the lists of persons registered pursuant to Section 301, subs. 1 or Section 30n, subs. 2 and release these lists including their changes in a manner facilitating a remote access,

f) care for high level of professional practice of Certified Persons,

g) organise the professional competence examinations,

h) conduct disciplinary proceedings,

i) declare Chamber's internal statutes,

j) issue performance and documents standards,

k) support professional education and assist with spreading of professional information,

l) co-operate with state administration and local authorities,

- m) review drafts of generally binding statutes concerning performance of professional activities,
- n) co-operate with institutions of entrepreneurial and commercial nature and mutually amongst themselves,
- o) co-operate with similar foreign institutions,
- p) protect professional interests of Certified Persons,
- r) support welfare interests of Certified Persons,
- s) co-operate with organisers of competitions and tender proceedings, review competition rules and conditions and prevent holding of irregular competitions and tender proceedings,
- t) co-operate at insurance of Certified Persons associated in the Chamber.

(7) In addition, the Chamber's scope of authority shall include issuance of the following documents to concerned persons for the purpose of their free movements in compliance with the law of the European Communities¹:

- a) Documents proving the performance of professional practice,
- b) A certificate of no criminal records pursuant to this Act,
- c) A certificate that a concerned person performs continuously chosen and other professional activities in construction in accordance with legal statutes of the Czech Republic and that this person is authorised to use professional designation pursuant to this Act,
- d) A certificate that a concerned person is a holder of a document proving attained education which meets requirements set forth in Items 1, 2, 3, and 5 of Schedule 1 hereto,
- e) A document proving that the relevant chosen activity in construction is regulated activity pursuant to this Act.

§ 24

The Chamber shall have the following principal bodies:

- a) General Assembly of the Czech Chamber of Architect, Assembly of Delegates of the Czech Chamber of Certified Engineers and Technicians

- Active in Construction,
- b) Board of Directors,
- c) Chairperson of the Chamber,
- d) Supervisory Board,
- e) Professional Court,
- f) Certification Council.

§ 25

(1) The General Assembly is the supreme body of the Czech Chamber of Architects. The Board of Directors is obligated to convene this supreme body at least once a year. The Board of Directors is obligated to convene the General Assembly within three months at the latest, should the Supervisory Board or one third of regular members ask for it. All regular members of the Czech Chamber of Architects are entitled to participate in the General Assembly with a decisive vote. All visiting or extraordinary members of the Czech Chamber of Architects are entitled to participate in the General Assembly with an advisory capacity.

(2) The General Assembly has a quorum, if simple majority vote among all regular members is present. If less than simple majority vote among all regular members is present, the General Assembly shall have a quorum if all regular members had been provably summoned in writing at least 21 days before the General Assembly venue.

(3) The Assembly of Delegates is the supreme body of the Czech Chamber of the Czech Chamber of Certified Engineers and Technicians Active in Construction. The Board of Directors is obligated to convene this supreme body at least once a year. The Board of Directors is obligated to convene the Assembly of Delegates within three months at the latest, should the Supervisory Board or one third of regular members ask for it. The manner of delegates' selection and conditions of a quorum are stipulated in internal statutes of the Czech Chamber of Certified Engineers and Technicians Active in Construction.

(4) The General Assembly and the Assembly of Delegates, respectively, shall

a) elect, by direct ballot from among their regular members, the members of the Board of Directors, the Supervisory Board and the Professional Court for the three-year term of office and recall, by ballot, members of the above bodies.

b) approve the Codes of the Chamber, particularly the Code of Conduct, the Organisational, Election, Disciplinary and Procedural Codes,

c) approve performance and documents standards,

d) approve the size of membership fees,

e) approve the size of compensation for a time loss caused by discharge of the function in the bodies of the Chamber,

f) discuss and approve the reports on activities of other bodies of the Chamber,

g) be able to modify or cancel a decision of the Board of Directors,

h) be able to decide on establishment of auxiliary bodies and set forth their rights and duties,

i) decide on other issues, which it reserves for its decision-making,

j) approve the budget.

§ 26

(1) The Board of Directors is the statutory body of the Chamber. Within the scope of its competence it, in particular, shall

a) convene of the regular or extraordinary General Assembly or the Assembly of Delegates, respectively, and prepare of documents for its proceedings,

b) administrate the Chamber's estates and execute of all administrative activities through the Chamber's Office,

c) protect and enforce of interests of Chamber member,

d) propose members of the Certification Council,

e) approve specializations within the certification fields,

f) be responsible for due maintenance of the list of Certified Persons, inform members about activities of the Chamber, carry out publication,

documentation and editorial activities,

g) decide on all issues of the Chamber, unless these issues come under competence of other bodies.

(2) The Board of Directors elects or votes out a chairperson and at least two vice-chairpersons from among its members. The Chairperson represents outwards the Chamber. The Board of Directors may authorize the Chairperson to make urgent decisions in the period between meetings of the Board of Directors falling otherwise into the scope of authority of the Board of Directors. The designated vice-chairperson fully substitutes as a deputy for the chairperson in the case of the latter's absence.

§ 27

(1) The Supervisory Board is the supreme supervisory body of the Chamber. Within the scope of its competence, it, in particular, shall

a) control all activities of the Chamber, in particular fulfilment of resolutions of the General Assembly or the Assembly of Delegates, respectively, compliance with obligations set forth herein, in other general legal statutes and internal statutes declared by the Chamber,

b) have the right to inspect any documents of the Chamber and to require opinions and other data documents,

c) supervise due performance of Certified Persons' professional practice.

(2) The Supervisory Board elects or votes out a chairperson and at least two vice-chairpersons from among its members. The chairperson represents outwards this body and manages its activities. He/she submits on behalf of the Supervisory Board a motion to institute disciplinary proceedings. The designated vice-chairperson fully substitutes as a deputy for the chairperson in the case of the latter's absence.

(3) The Supervisory Board may decide on establishment of supervisory commissions and delegates a part of its authority to them.

Chairpersons thereof are elected by the Supervisory Board.

§ 28

(1) The Professional Court elects or votes out a chairperson and a vice-chairperson from among its members. The chairperson represents outwards this body, manages its activities and signs its decisions. The vice-chairperson fully substitutes as a deputy for the chairperson in the case of the latter's absence.

(2) The Professional Court may decide on establishment of partial, at least three-member disciplinary senates and delegate a part of its authority to them. Chairpersons thereof are elected by the Professional Court.

(3) The Professional Court or authorized disciplinary senates are authorized to require submission of evidence whose content they may consider significant for their decision.

§ 29

(1) The Certification Council is the body authorised to decide on granting certifications on the basis of the carried out certification proceedings.

(2) Within the scope of its competence, the Certification Council, in particular, shall

- a) nominate Examination Committees,
- b) draw up the Certification Code and determine on the examination content and manner,
- c) draw up specializations within the certification fields.

(3) Members of the Certification Council are appointed by the Minister for Regional Development for a three-year period term. Should the Certification Council breach repeatedly the Chamber's Certification Code, the Minister for Regional Development may withdraw members of the Certification Council.

§ 30

(1) The Organisational Code of the Chamber sets forth details of Chamber's organisation, bodies and their scope competence and authority and number of their members. The Election and Disciplinary Codes set forth details of elections and disciplinary proceedings. The Certification Code sets forth details of certification conditions. The Code of Conduct sets forth details of rights and obligations of Certified Persons.

(2) Expenses incurred in connection with Chamber's activities shall be covered particularly by

- a) membership dues,
- b) certification fees,
- c) charges for acts assisting to Chamber's members,
- d) charges for acts assisting to Chamber's non-members,
- e) penalties,
- f) contributions and donations.

(3) All functions in the Chamber's bodies are honorary; the Chamber shall cover only the necessary expenses incurred in connection with the discharge of these functions of and compensation for the time spent in connection with the discharge of these functions.

(4) The Chamber Office as well as its regional branches provide administrative and professional activities of the Chamber.

CHAPTER SIX

Professional practice performed by nationals of the European Union

Section 30a **Basic provisions**

(1) The chosen activities in construction (hereinafter referred to as the "Chosen Activity")

may be performed by persons set forth in Section 7, subs. 1, para. b), who attained necessary qualification for the Chosen Activity in another member state.

(2) Persons referred to in Subsection 1 may perform the Chosen Activity as resident architects, resident engineers and resident technicians active in construction (hereinafter referred as the "Resident Persons") or as visiting architects, visiting engineers and visiting technicians active in construction (hereinafter referred as the "Visiting Persons").

(3) A Resident Person is defined as a person set forth in Subsection 1, who performs his/her continuous Chosen Activity or runs a business/ or an organizational branch on the territory of the Czech Republic.

(4) A Visiting Person is defined as a person set forth in Subsection 1, who resides on the territory of another Member State and performs temporarily or occasionally Chosen Activity on the territory of the Czech Republic.

Section 30b

Consideration of qualification requisites

(1) Diplomas, certificates and other documents on official qualification as well as Professional Practice are recognized by the Czech Republic in accordance with the EC law¹ to enable access to the Chosen Activity. The recognition body is the Chamber appropriate pursuant to Section 30d, subs. 1 and 2 that considers compliance with qualification requisites and performs other acts related to this activity.

(2) Notification of the Ministry for Regional Development shall declare and continuously updates in accordance with the relevant EC Directive on the Recognition of Professional Qualifications¹:

a) List of documents of attained qualification issued on territories of other Member States that are recognised automatically pursuant to Item 1.1

of the Schedule hereto, as well as institutions and bodies that issue them and the first academic year, in which the professional education and training, on the bases of which the documents have been issued, started,

b) List of documents of attained qualification issued on territories of other Member States that are recognised on the bases of acquired rights pursuant to Item 3.1 of the Schedule hereto, as well as institutions and bodies that issue them and the first academic year, in which the professional education and training, on the bases of which the documents have been issued, started,

(3) Document proving insurance is a certificate issued by an insuring entity in a Member State which states that the insurer has complied with requirements of valid legal statutes in the Czech Republic concerning insurance conditions and scope.

Section 30c

Rights and obligations

(1) The practice of resident persons on the territory of the Czech Republic is governed hereby as well as by the Chamber's internal Codes.

(2) The provisions of Section 11, subs. 4, Section 13, subs. 4 through 6 inclusive, Sections 16 through 19 inclusive, Section 20, subs. 1, paras. a) and b), Section 20, subs. 2, Sections 21 and 22 hereof apply similarly to visiting persons registered by the Chamber. The provisions of Sections 10 and 11, Section 13, subs. 1 and Section 20, subs. 1, paras. c) hereof and the provisions of the Code of Conduct, Disciplinary and Arbitration Code and Competition Code apply commensurately to visiting persons. The provisions of Section 13, subs. 2 and 3 and Sections 14 through 15c hereof do not apply to visiting persons. The provisions pursuant to the second sentence do not apply for a visiting person performing the relevant practice on the territory of the Czech Republic unless adherence to obligations may be sensibly required due to all circumstances and in particular due to the fact that his/her

performance of relevant practice is temporary or occasional.

Section 30d
Recognition body

(1) The Czech Chamber of Architects is the recognition body for assessment of professional qualification and other for performance of chosen activities pursuant to Section 4, subs. 2. The assessment of professional and other qualification for activity set forth in Section 4, subs. 2, para. a) proceeds in accordance with Schedule hereto. Should a professional qualification cannot be recognised in this manner, the assessment proceeds in accordance with Act on Recognition of Professional Qualification^{9a}. For the activities set forth in Section 4 subs. 2 paras. b) and c) proceeds in accordance with Act on Recognition of Professional Qualification.

(2) The Czech Chamber of Certified Engineers and Technicians Active in Construction is the recognition body for assessment of professional and other qualification for performance of chosen activities pursuant to Section 5, subs. 3. The assessment of professional and other qualification for activity set forth in Section 4, subs. 3, para. a) proceeds in accordance with Schedule hereto. Should a professional qualification cannot be recognised in this manner, the assessment proceeds in accordance with Act on Recognition of Professional Qualification. For the activities set forth in Section 4 subs. 2 paras. b) and c) proceeds in accordance with Act on Recognition of Professional Qualification.

(3) The fee for submission of application for recognition of professional qualification amounting to CZK 2,000 is considered as the income of Chambers.

^{9a} Act no. 18/2004 Coll., on Recognition of Professional Qualification and Other Competences of Nationals of the Member States of the European Union and Certain Nationals of Other States and on Amendment of Some Acts, as amended (Act on Recognition of Professional Qualification)

Section 30e
Competence of recognition body

(1) In case of recognition of professional and other qualification, the recognition body shall enter a person onto the list of registered persons without delay.

(2) The recognition body shall provide information about all subject matters concerning access to chosen activity and its performance, in particular about legal statutes, Code of Conduct, internal statutes of the respective Chamber and mediated education in Czech language.

(3) The recognition body stipulates the application form and requisites of submitted documents (Section 30i) in internal statutes.

Section 30f
Academic titles

(1) Resident or visiting persons are entitled to use legal academic title or its abbreviation conferred by a Member State of their origin or former residence in the language of the respective state.

(2) If such academic title used in another Member State may get confused with a title used in the Czech Republic, which requires further education that resident or visiting persons did not attained, the recognition body shall stipulate another designation of the former academic title.

Section 30g
Right for legal protection

(1) An applicant, whose professional qualification or, as the case may be, other competence has been recognised and the recognition body has not entered him/her onto the list of registered persons in the set term (Section 30e, subs. 1), shall be entitled to file a suit with a

court in accordance with a special legal statute.^{9b}

(2) In accordance with a special legal statute^{9b}, it is possible to file a suit with a court against the Chamber's decision to refuse the entry onto the list of registered persons (Section 30l, subs. 2) and against the Chamber's decision to limit authorisation for performance of chosen activity on the territory of the Czech Republic (Section 30r, subs. 2).

Resident person

Section 30h

(1) A resident person may perform chosen activity on the territory of the Czech Republic, if he/she was entered onto the list of registered persons (Section 30l, subpara 1) and took the prescribed oath into hands of a chairperson of relevant Chamber.

(2) The oath shall be worded as follows: "On my honour and my belief, I pledge, to exert all my effort to create quality architectural and constructional works, to honour interests of clients as well as those of general public, to respect natural and cultural values and to always abide by the professional Code of Conduct when performing my practice.

(3) Should a form of the oath pursuant to Subsection 2 be not used by nationals of other Member States, the recognition body shall provide its corresponding and equal form.

Section 30i

Application for registration

(1) An applicant for registration shall include in his/her application the following data:

a) Chosen activities which he/she intends to continuously perform on the territory of the Czech Republic,

b) Delivery address on the territory of the Czech Republic.

(2) An application pursuant to Subsection 1 shall be complemented with the following documents proving

- a) professional qualification,
- b) no criminal record,
- c) conclusion of a third party professional liability insurance policy,
- d) payment of the fee for submission of application for recognition of professional qualification set forth by the provision of Section 30d, subs. 3.

(3) A document pursuant to Subsection 2, para. b) shall older than 3 month.

Section 30j

A resident person (Section 30a, para. 3) affixes his/her signature and the seal bearing the national emblem of the Czech Republic⁶, name of a resident person, number under which he/she is registered on the list of certified persons maintained by the Chamber and designated field or specialisation and their certification to documents related to the performance of his/her activity.

Section 30k

Suitability

(1) A document proving suitability is

a) a certificate proving compliance with requirements of a Member State of origin or a Member State, which the applicant comes from (hereinafter referred to as the "Member State of Origin"), for suitability and good will necessary for commencement of performance of the subject activity, which was issued by an appropriate authority of a Member State of Origin,

b) an excerpt of registers set forth by law or, if unavailable, an equal document issued by an appropriate authority of a Member State of Origin unless this Member State require a document of suitability or good will at persons, who intends to

^{9b} Rules of Administrative Procedure

commence chosen activities, or

c) if a Member State of Origin did not issued documents pursuant to para. b), an applicant's affirmation made before appropriate judicial or administration authority thereof or, where appropriate, before a notary or competent professional association thereof; such affirmation shall be supplemented with a certificate confirming credibility of the above affirmation.

(2) Should the recognition body have specific information about any severe fact that happened outside the territory of the Czech Republic before settling of an applicant on its territory or should it know that the document pursuant to Subsection 1, para. c) includes incorrect information and that this fact or incorrect information may affect the commencement and performance of chosen activity on the territory of the Czech Republic, an appropriate body of a Member State of Origin Chamber shall ask for verification of these facts. Terms for performing these acts are set forth in Act on Recognition of Professional Qualification^{9c}.

(3) The recognition body shall stipulate provision of security for passed-on personal data pursuant to Subsections 1 and 2 by an internal statute.

Section 30l
Activity of recognition body

(1) The recognition body shall enter an applicant, whose professional qualification and other competence was recognised, onto the list of registered persons [Section 23, subs. 6, para. e)].

(2) Should the recognition body shall not recognise professional qualification or other competence of an applicant, it shall issue the decision concerning refusal of such application for entry onto the list of registered persons.

Section 30m

^{9c} Section 32, subs. 4, Act no. 18/2004 Coll., as amended

Membership of the Chamber

Regular members of the Chamber are all resident persons.

Visiting person

Section 30n

In accordance with Act of Recognition of Professional Qualification^{9d}, a visiting person is obligated to notify fully the recognition body before commencement of performance of chosen activity on the territory of the Czech Republic (hereinafter referred to as the "Notification"). In accordance with Act of Recognition of Professional Qualification^{9e}, the recognition body may require verification of professional qualification before commencement of performance of chosen activity.

Section 30o
Notification

Deleted

Section 30p

A visiting person affixes his/her signature and number under which he/she is registered in the Chamber to documents.

Section 30r

Should a visiting person meet requirements ensuing from Act on Professional Recognition, the recognition body shall enter a visiting person onto the list of registered persons [Section 23, subs. 6, para. e)] without undue delay and shall issue a confirmation thereof.

CHAPTER SEVEN

^{9d} Section 36a, Act no. 18/2004 Coll., as amended by Act no. 189/2008 Coll.

^{9e} Section 36b, Act no. 18/2004 Coll., as amended by Act no. 189/2008 Coll.

JOINT AND FINAL PROVISIONS

Section 31

An applicant for certification, whom the Chamber did not grant certification, is entitled to seek protection in accordance with a special statute^{9b}.

Section 32

(1) A certified person is authorised to perform professional practice on the territory of the Czech Republic.

(2) The Chamber may stipulated that natural persons, who were certified for performance of professional practice by a similar authority of the Slovak Republic, are also authorised to perform chosen activities in construction on the territory of the Czech Republic.

(3) The Chamber may also recognise authorisation for professional practice of persons certified by similar foreign institution.

Section 33

(1) In the period between the beginning of legal force hereof and election of regular bodies of both Chambers, a certification shall be granted by constituent committees of chambers. Members of these committees are appointed by the Minister of the Environment of the Czech Republic on the basis of a proposal by the Society of Architects and the Czech Union of Civil Engineers drawn up in co-operation with the Association of Interior Designers, the Association for Urban and Land-Use Planning, the Society for Garden and Landscape Architecture, the Czech Association of Engineering Geologists, the Czech Mechanical Engineering Society and the Society for Indoor Environment Systems.

(2) The constituent committee of the Chamber

shall

a) carry out preparatory works and convene the constituent General Assembly and Assembly of Delegates,

b) be authorised to grant certifications,

c) declare temporary codes of the Chamber,

d) ensure preparation and convocation of the constituent in the manner that their constituent meeting shall be held at the latest by three months of the date when at least 100 certified persons were listed by the relevant Chamber, however, not later than one year of the efficiency date hereof.

(3) The Minister for Regional Development shall approve the Certification Codes of the Chambers.

Section 34

Persons that were granted the authorisation for designing activities or the certificate of special competence for professional practice in construction under hitherto statutes¹⁰ may perform chosen activities in accordance with this Act.

Section 35

This Act becomes valid and efficient as of the promulgation date.

Burešová, authorised signatory

Píthart, authorised signatory

Article I

Act no. 164/1993 Coll. becomes efficient as of the 1st January 1993.

¹⁰ Act no. 50/1976 Coll., as amended by Act no. 103/1990 Coll. and Act no. 262/1992 Coll.

Decree of the Federal Ministry for Technical and Investment Development no. 8/1983 Coll. on Special Competence for Certain Activities in Construction as amended by Decree no. 73/1978 Coll.

Decree of the State Commission for Scientific, Technical and Investment Development no. 186/1990 Coll. on Authorisation for Designing Activity.

Act no. 275/1994 Coll. becomes efficient as of the 1st January 1995.

Resolution of the House of Representatives on continuance of Act no. 275/1994 Coll. was published under no. 276/1994 Coll. in Chapter 82/1995.

Article II [to Act no. 224/2003 Coll.]

Transitional provisions

1. Proceedings concerning imposition of disciplinary measure instituted before the validity and efficiency day hereof shall be concluded in accordance with hitherto legal statutes.

2. A person, who has been granted certification in the field of garden and landscape design before the validity and efficiency day hereof, shall be considered as a certified person in the field of garden and landscaping architecture pursuant to Section 4, subs. 2, para c) of Act no. 360/1992 Coll. as amended by this Act.

3. Authorisations for designing and authorisations for realisation of buildings granted in accordance with Decree no. 8/1983 Coll. on Special Competence for Certain Activities in Construction as amended by Decree no. 73/1978 Coll. or Decree no. 186/1990 Coll. on Authorisation for Designing Activity expires 12 month of the validity and efficiency day hereof.

Article III [to Act no. 224/2003 Coll.]

Amendment of Trade Licensing Act

Act no. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended by Act no. 231/1992 Coll., Act no. 591/1992 Coll., Act no. 600/1992 Coll., Act no. 273/1993 Coll., Act no. 303/1993 Coll., Act no. 38/1994 Coll., Act no. 42/1994 Coll., Act no. 136/1994 Coll., Act no. 200/1994 Coll., Act no. 237/1995 Coll., Act no. 286/1995 Coll., Act no. 94/1996 Coll., Act no. 95/1996 Coll., Act no. 147/1996 Coll., Act no. 19/1997 Coll., Act no. 49/1997 Coll., Act no. 61/1997 Coll., Act no. 79/1997 Coll., Act

no. 217/1997 Coll., Act no. 280/1997 Coll., Act no. 15/1998 Coll., Act no. 83/1998 Coll., Act no. 157/1998 Coll., Act no. 167/1998 Coll., Act no. 159/1999 Coll., Act no. 356/1999 Coll., Act no. 358/1999 Coll., Act no. 360/1999 Coll., Act no. 363/1999 Coll., Act no. 27/2000 Coll., Act no. 29/2000 Coll., Act no. 121/2000 Coll., Act no. 122/2000 Coll., Act no. 123/2000 Coll., Act no. 124/2000 Coll., Act no. 149/2000 Coll., Act no. 151/2000 Coll., Act no. 158/2000 Coll., Act no. 247/2000 Coll., Act no. 249/2000 Coll., Act no. 258/2000 Coll., Act no. 309/2000 Coll., Act no. 362/2000 Coll., Act no. 409/2000 Coll., Act no. 458/2000 Coll., Act no. 61/2001 Coll., Act no. 100/2001 Coll., Act no. 120/2001 Coll. and Act no. 164/2001 Coll., Act no. 256/2001 Coll., Act no. 274/2001 Coll., Act no. 477/2001 Coll., Act no. 478/2001 Coll., Act no. 501/2001 Coll., Act no. 86/2002 Coll., Act no. 119/2002 Coll., Act no. 174/2002 Coll., Act no. 281/2002 Coll., Act no. 308/2002 Coll., Act no. 320/2002 Coll. and findings of the Constitutional Court no. 476/2002 Coll., Act no. 88/2003 Coll., Act no. 130/2003 Coll. And Act no. 162/2003 Coll. Shall be amended as follows:

In Section 3, subs. 2 the dot at the end of para. h) shall be substituted by the comma and para i) shall be amended. The Paragraph i) including the footnote no. 10a) has the following wording:

i) certified architects and certified engineers active in construction who practice their profession as independent architects and independent engineers. ^{10a)}

^{10a)} Section 14, subs. 1, para. a), Act no. 360/1992 Coll. on the Professional Practice of Certified Architects and on the Professional Practice of Certified Engineers and Technicians Active in Development as amended.

Article IV [to Act no. 224/2003 Coll.]

The Prime Minister is authorised to declare the unabridged version of Act no. 360/1992 Coll. on the Professional Practice of Certified Architects and on

the Professional Practice of Certified Engineers and Technicians Active in Development as amended by later acts.

Article V [to Act no. 224/2003 Coll.]

This Act becomes valid and efficient as of the 1st January 2004 except for the provisions of Item 1 [Section 1, para e)], Item 2 (Section 2, subs. 2, last sentence), Item 8 [Section 7, subs. 1, para b)], Item 31 (Section 22a), Item 33 [Section 23, subs. 6, para. e)], Item 34 (Section 23, subs. 7), Item 42 (Chapter Six) and Item 44 (Schedules nos. 1 and 2) that become valid and efficient as of the on the validity and efficiency day of the Treaty of Accession of the Czech Republic to the European Union.

Article XIII [to Act no. 189/2008 Coll.]

Transitional provision

The certificates with the hitherto designation of fields pursuant to Section 4, subs. 2, whose designation is a subject of a change, shall be substituted within one year of efficiency hereof, otherwise then expires.

Article XIV [to Act no. 189/2008 Coll.]

The Prime Minister is authorised to declare the unabridged version of Act no. 360/1992 Coll. on the Professional Practice of Certified Architects and on the Professional Practice of Certified Engineers and Technicians Active in Development as amended by later acts.

EFFICIENCY

Article XXXIX [to Act no. 189/2008 Coll.]

This Act becomes efficient as of the first day of a calendar month following the day of its promulgation.

[1st July 2008]

Schedule to Act no. 224/2003 Coll.

Procedure and requisites for recognition of professional qualification in compliance with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the Recognition of Professional Qualifications

1. Recognition of harmonised professional qualification

1.1 Diplomas, certificates and other documents on attained qualification issued by another Member State and obtained on the basis of theoretical and practical education and fulfilling requirements of Items 1.2 and 1.3 are recognised as equal to documents on attained qualification issued in the Czech Republic.

1.2 Theoretical and practical education leading to obtaining diplomas, certificates and other documents on attained qualification shall be provided by a study with a primary orientation towards architecture at a university or comparable educational institution. This study shall conceive a due proportional balance of theoretical and practical aspects of preparation in architecture and provide the following capabilities, skills and knowledge:

a) The ability and skill to create architectural designs complying with aesthetic and technical requirements,

b) A corresponding knowledge of architectural history and theory and related arts, technologies and humanities

c) A knowledge of the fine arts, as one of the significant factors influencing the quality of an architectural work,

d) A corresponding knowledge of urban and land-use planning, and the abilities and skills related to the designing process,

e) An ability to understand the relationships between people and architectural works, between architectural works and their urban environment, and the need to relate architectural works and the spaces between them with human needs and scales,

f) An ability to understand the profession of

an architect and his role in society, especially when preparing designs which consider social factors,

g) A knowledge of survey methods and preparation of design briefs,

h) An ability to understand to the whole process of building design and structural and technical problems related to building design,

i) A corresponding knowledge of physical laws, building technologies and functions of buildings suitable to provide indoor comfort conditions and protection against the effects of the weather,

j) The ability and skill to design in a manner satisfying the requirements of building's users within the limits set by economic factors and regulations, and

k) A corresponding knowledge of the industrial branches, organizations, standards and processes relating to the integration of partial special designs into an aggregate design.

1.3 Besides requirements set forth in Item 1.2, theoretical and practical education leading to obtaining diplomas, certificates and other documents on attained qualification shall also comply the following requirements:

a) Total duration of theoretical and practical education shall include at least either four years of full-time study at a university or comparable educational institution or at least six year of study at a university or comparable educational institution of which at least three years in a form of full-time study,

b) Education shall be concluded with successful passing an exam leading to obtaining a degree.

1.4 The recognition body shall recognise the three-year preparation at „Fachhochschule“ in the Federal Republic of Germany as equal to documents on attained qualification issued in the Czech Republic that are required for access to relevant profession, if this preparation shall

a) meet the form existing as of the 5th August 1985,

b) fulfil requirements set forth in Item 1.2,

c) enable access to professional practice in the Federal Republic of Germany that corresponds to

the professional practice set forth in Section 4, subs. 2, para. A) of the Act,

d) be complemented with four-year professional practice in the Federal Republic of Germany; the professional practice shall be documented by a certificate issued by the professional organization on which list an applicant is registered; this certificate proves that works drawn up by an concerned applicant in the field of architecture represent conclusive evidence of practical use of all capabilities, skills and knowledge set forth in Item 1.2.

1.5 The recognition body shall also recognise theoretical and practical education attained within a qualification enhancement programme or within a distance study at a university or comparable educational institution, which fulfils requirements set forth in Item 1.2, as equal to documents on attained qualification issued in the Czech Republic that are required for access to relevant profession by persons, which has been working in the field of architecture under supervision of an architect at least seven years and has graduated with successfully passed examination of architecture leading to obtaining a degree, which is equal to final examination set forth in Item 1.3 para. b).

1.6 The list of documents on attained qualification issued on territories of Member States, which are recognized automatically pursuant to Item 1.1 is included in Notification of the Ministry of Regional Development [Section 30b, subs. 2, para. a)].

2. Recognition of professional qualification on the basis of acquired rights

2.1 The recognition body shall also recognise a document on attained qualification issued by another Member State for a person pursuant to Section 7, subs. 1, paras. a) or b), if this documents is listed on the list of documents on attained education issued in other Member States and recognized on the basis of acquired rights, which the Ministry of Regional Development sets forth in the Notification published in the Collection of Statutes [Section 30b, subs. 2, para. b)], and was

issued on the basis of education and professional preparation, which started in an academic year stipulated in this list at the latest.

2.2 The recognition body shall recognise a document on attained qualification issued by another Member State for a person pursuant to Section 7, subs. 1, paras. a) or b), who had already been authorised to practice activity similar to activity set forth in Section 4, subs. 2, para. a) or in Section 5, subs 3, para. a) or whose education and professional preparation, on the basis of which such authorisation was granted, started before the reference year. The reference dates are set forth as follows:

1. 1st January 2007 for Rumania and Bulgaria,
2. 1st May 2004 for Estonia, Cyprus, Lithuania, Latvia, Hungary, Malta, Poland, Slovenia and Slovakia,
3. 1st January 1995 for Austria, Finland and Sweden,
4. 5th August 1987 for other Member States except for the Czech Republic.

A document on attained qualification shall be complemented with a certificate of a Member State, which issued a document on attained qualification, that a concerned person had been authorised to practice activity similar to activity set forth in Section 4, subs. 2, para. a) or in Section 5, subs 3, para. a) under corresponding professional designation and that he/she had really been practicing this activity for the period of at least three following years during five years preceding issuance thereof.

2.3 Even if a document set forth in Item 3.1 or 3.2 does not fulfil minimum requirements set forth in Items 1.2 and 1.3, it is recognised as equal to a document on attained qualification issued in the Czech Republic which is required for commencement of professional practice pursuant to Section 4, subs. 2, para. a) or Section 5, subs. 3, para a).

3. Should legal statutes of a Member State enable the appropriate authority thereof to grant certification for use of special professional designation for concerned professional practice to

persons, who have significant successes in the field of architecture, the recognition body shall recognise a certificate on such authorisation of a concerned person in accordance with legal statutes of the issuing Member State as equal to documents on professional qualification issued in the Czech Republic, which are required for access to relevant professional practice.