

NATIONAL ACTION PLAN

THE CZECH REPUBLIC (CZ)

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INTRODUCTION

The Czech Republic (CZ) ranks among the countries with the highest number of regulated professions and activities¹. In view of this fact and also as a part of long-term efforts to enhance the business environment of the CZ, in addition to pursuing the process for transparency in line with the EC time schedule, the CZ has been implementing the “Ex-ante Coordination of Economic Reforms in the Area of Regulated Professions” project. Its objective is to decrease regulation by 25% - either through the partial or full deregulation.

A working group has been set up to implement Directive 2013/55/EU and to facilitate the related process of enhancing transparency. The group consists of representatives of the authorities that are responsible for relevant regulated professions. The group has been in charge of verifying the existing and adding newly requested information in the database of regulated profession. The members of the group have also prepared reports on the professions concerned and they have been working on the development of action plans.

The project is coordinated by the Ministry of Education, Youth and Sports (MoEYS), namely the Centre for Recognition of Professional Qualifications. In addition to the coordination and provision of technical support, public consultations and surveys² have been carried out focusing on free movement of workers. The purpose was to identify problems in this area. The results of the consultation with employers and entrepreneurs do not underline the need of deregulation. The outcome of the surveys is that most of the respondents are against reducing or eliminating the requirements for the performance of regulated professions. Moreover, the data provided by the recognition bodies, the SOLVIT centre and the Points of Single Contact both in the CZ and abroad, have not indicated any major obstacles that would restrain migrating individuals from performing their professions in the CZ.

The Office of the Government of the CZ has prepared an economic analysis that is published on the MoEYS Web site. The conclusions show that the actual level of the regulation in the CZ is not that high, despite the second highest number of regulated professions³. For example, in order to perform many professional activities it is possible to gain the required qualification either through retraining or voluntary certification. At the same time new instruments have been designed that considerably reduce the overall administrative burden.

For the purpose of developing the action plan the members of the working group have been provided with the relevant data and outcomes of the public consultations and have been given the access to the European database of regulated professions. The representatives of relevant sectors took part in peer reviews in Brussels in order to compare the Czech legislation related to individual professions with the relevant legislation in other Member States. Another background material for the development of the action plan is the detailed analysis of proportionality and other outputs of the transparency project, to which the Czech Republic has been fully committed. In the course of the transparency project much data

¹ According to the European database of regulated professions

http://ec.europa.eu/internal_market/qualifications/regprof/index.cfm

² For more information on the results of the consultations and surveys kindly go on

<http://www.msmt.cz/mezinarodni-vztahy/uznavani-kvalifikaci?lang=1>

³ According to the European database of regulated professions Hungary has the highest number of regulated professions (436)

were specified and added both to the European and national database. The Czech database is also available in English. The Czech Republic is very transparent in this area. Its database of regulated professions lists all regulated activities, including various specialisations within a particular sector, as well as activities that are subject to partial regulation (reserved activities). Their specification in the database will facilitate the so-called “partial access”. The evidence of the fact that these are “specialisations” is low number of individuals practicing these professions (for 168 professions there are up to 1,000 individuals performing them).

The objective of the Czech Republic in the area of regulated professions is to adjust the requirements for their practice in a non-discriminatory and reasonable manner. The number of regulated professions of the CZ in the European database of regulated professions is 371 (in 30th November 2015). The works on the final National Action Plan were divided into two parts: Intermediary Action Plan (IntAP) adopted in April 2015 and Complementary Action Plan (ComAP) elaborated in December 2015.

Within the IntAP adopted in April 2015 the Czech Republic examined **282 professions, both from the first and second cluster**. Professions within the following authorities’ competence are included: The Czech Chamber of Architects; Chamber of Veterinary Surgeons of the Czech Republic; Czech Bar Association; Czech Chamber of Auditors; Czech Chamber of Chartered Engineers and Technicians; Czech Chamber of Patent Attorneys; Czech Chamber of Tax Advisers; Czech Mining Authority; Czech Office for Surveying, Mapping and Cadastre; Ministry of Transport; Ministry of Regional Development; Ministry of Industry and Trade; Ministry of Health, non-medical professions; Ministry of Agriculture; Ministry of Culture; Ministry of Justice; Ministry of Labour and Social Affairs; National Navigation Authority; Rail Authority; State Office for Nuclear Safety. Based on the contribution to the presented action plan made by competent authorities, **56 regulatory changes** are planned, which are under review or currently in the process of reform. Out of these, **51 changes are expected to alleviate the current regulation**. On the other hand, 5 of them are expected to make the regulation more stringent. Moreover, 2 more professions within the competence of Ministry of Agriculture were added to the database since they were identified as regulated during the transparency exercise. In addition, 1 profession will be defined and certified on a non-mandatory basis.

ComAP included **examination of remaining 89 professions**, mainly from the second cluster. The professions that have undergone revision are regulated by following competent authorities: Czech National Bank; Energetic Regulation Office; Ministry of Education, Youth and Sports; Ministry of Environment; Ministry of the Interior and Ministry of Health (only medical professions). According to the contributions of the mentioned competent authorities changes in the regulation of **49 professions** are planned or have been adopted recently. In 48 cases the reform of regulation implies alleviation of conditions for pursuing the professions concerned, including 1 full deregulation without replacement. The modification of a regulation of 1 remaining profession should be considered as neutral, since there will be only an organizational alteration.

To conclude both IntAP and ComAP, all **changes affecting 105 regulated professions** or activities require creation of **7 new acts**:

- Act on pyrotechnic articles,

- Act on Private Security Activity,
- Social Workers Act,
- Atomic Act
- Waste Act
- Act on real estate intermediation
- Act on the protection of the heritage fund

Moreover, **amendments to the 6 following acts are planned as well:**

- Act on undertaking
- Act on Arms and Ammunition
- Act on the paramedical professions and its implementing regulations
- Act on conditions for receiving and recognition of basic qualification and specialist qualification for performing the medical profession of physician, dentist and pharmacist
- Act on Certain Conditions of Business Activities in the Field of Tourism
- Trade Licensing Act

Referring to the new or amended legislation, Act on pyrotechnic articles entered into force in July 2015 and according to that, several changes in both databases have been made. Other Acts or amendments are likely to be adopted by the deadline, as the competent authorities have declared. Some of them are already in the Parliament, some are being prepared or discussed.

The contributions of the various sectors concerning the state of affairs and the planned changes in regulation are presented below. The follow-up comments made by other Member States and the European Commission will be considered in the upcoming period.

As a next step after Transparency Exercise, European Commission is expected to issue a guidance that identifies concrete reform needs for specific Member States as well as to propose a legislative action to address regulatory barriers. The CZ will support EC in such actions and will cooperate accordingly. In the future the CZ will provide Commission with reports on professions' regulation and justification of new regulations as required by Article 59 of the revised Directive 2005/36/EC.

CONTRIBUTION OF THE COMPETENT AUTHORITIES

SECTOR: BUSINESS SERVICES

Competent authority:

Ministry of Trade and Industry

Introduction:

There are currently 95 regulated trades pursuant to the Act No. 455/1991 Coll., on Licensed Trade (the Trade Licensing Act), as amended, sponsored by the Ministry of Industry and Trade (please note that due to various merges of activities this figure may differ both from the numbers of activities listed in the database of the Ministry of Education, Youth and Sports and in the European Commission's database). This figure reflects division of trades building on narrowly defined scope of authorized activities based on specific requirements on performance of each of them. Authorized activities of individual trades are specified in the implementing legislation to the Trade Licensing Act (Government Order No. 278/2008 Coll.). Thus, the specific requirements for performance of individual activities are clearly and comprehensibly determined. A reassessment of the qualification requirements of individual trades is currently underway. Since December 2013 up to this day, regulatory frameworks of 4 trades have been revised on the basis of this reassessment. In connection with other 17 trades, further changes or revisions of regulatory framework are expected in the near future. As regards the remaining trades, no regulatory framework revision is considered at the moment.

a) Professions with conclusion to „maintain current system“:

Introduction (generally for all professions):

The activities included in the list below are regulated by the Act No. 455/1991 Coll., on Licensed Trade (the Trade Licensing Act), except for activities of energy engineers, which are governed by the Act No. 406/2000 Coll., on Energy Management. The Act No. 455/1991 Coll., on Licensed Trade (the Trade Licensing Act) has been revised in year 2008 by the Act No. 130/2008 Coll. This particular amendment brought reassessment of individual trades regulation, resulting in substantial liberalization. Not mentioning other changes – with regard to a number of trades, the requirement on professional experience has been reduced. This liberalization is not, however, always accepted by representatives of professional organizations and business associations in a positive way, with reference to importance of the practical experience for provision of quality services.

Some trades were merged; others were reclassified from the regime of regulated trades into the regime of unqualified trades. Recently, regulation of following trades has been reassessed: “Silniční motorová doprava” (Road vehicle transport), “Poskytování nebo zprostředkování spotřebitelského úvěru” (Provision or mediation of the consumer credit), “Péče o dítě do tří let věku v denním režimu” (Day care of children up to the age of three), “Kontrolní testování profesionálních zařízení pro aplikaci přípravků na ochranu rostlin” (Check testing of professional equipment for the application of preparations), “Měření znečišťujících a pachových látek, ověřování množství emisí skleníkových plynů a zpracování rozptylových studií” (Measurements of pollutants and odorous substances, verification of amounts of greenhouse gas emissions and preparation of dispersion studies), “Výroba

a zpracování paliv a maziv a distribuce pohonných hmot” (Production and processing of fuel and lubricants, distribution of fuel), “Výroba nebezpečných chemických látek a nebezpečných chemických směsí a prodej chemických látek a chemických směsí klasifikovaných jako vysoce toxické*) a toxické*)” (Manufacture of dangerous chemicals and dangerous chemical mixtures and sale of chemicals and chemical mixtures classified as very toxic and toxic), “Speciální ochranná dezinfekce, dezinfekce a deratizace” (Special protective disinfection, disinsectization and disinfestation), “Poskytování tělovýchovných a sportovních služeb v oblasti” (Provision of physical education and sport services in relevant sport) a “Oční optika” (Optician). As regards the professional trade “Poskytování nebo zprostředkování spotřebitelského úvěru” (Provision or mediation of the consumer credit), the current regulation was introduced as late as in year 2011 in connection with the transposition of the Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on Credit Agreements for Consumers and Repealing Council Directive 87/102/EEC into the Czech legal order. As regards the trade “Silniční motorová doprava” (Road vehicle transport), the last revision has been implemented in 2012 in connection with application of the Regulation (EC) No. 1071/2009 of the European Parliament and of the Council. As regards the trade “Péče o dítě do tří let věku v denním režimu” (Day care of children up to the age of three), the preceding regulation has been eased by allowing for the required professional competence to be demonstrated also by an evidence of professional qualification for pursuing the profession of a nursery school teacher, or by an evidence of passing an examination and so obtaining a professional qualification of child care provider pursuant to the Act on Verification and Recognition of Further Education Results. The requirements on professional competence related to the trade “Kontrolní testování profesionálních zařízení pro aplikaci přípravků na ochranu rostlin” (Check testing of professional equipment for the application of preparations) have also been eased, whereas in respect of the trade “Měření znečišťujících a pachových látek, ověřování množství emisí skleníkových plynů a zpracování rozptylových studií” (Measurements of pollutants and odorous substances, verification of amounts of greenhouse gas emissions and preparation of dispersion studies) the regulation of entry into business by means of professional competence requirement has been completely relinquished. As regards the trade “Výroba a zpracování paliv a maziv a distribuce pohonných hmot” (Production and processing of fuel and lubricants, distribution of fuel), the current regulation has been expanded also to distribution of fuel, though with significantly more liberal professional competence requirements. These changes had been implemented before December 2013. Effective as of 1 January 2015, means of demonstrating professional competence in relation to trades “Výroba nebezpečných chemických látek a nebezpečných chemických směsí a prodej chemických látek a chemických směsí klasifikovaných jako vysoce toxické*) a toxické*)” (Manufacture of dangerous chemicals and dangerous chemical mixtures and sale of chemicals and chemical mixtures classified as very toxic and toxic), “Speciální ochranná dezinfekce, dezinfekce a deratizace” (Special protective disinfection, disinsectization and disinfestation), “Poskytování tělovýchovných a sportovních služeb v oblasti” (Provision of physical education and sport services in relevant sport), “Výroba a zpracování paliv a maziv a distribuce pohonných hmot” (Production and processing of fuel and lubricants, distribution of fuel) have been extended so as to include an evidence of passing an examination and obtaining professional qualification for the respective profession pursuant to the Act on Verification and Recognition of Further Education Results. As regards the trade “Oční optika” (Optician), on one hand, the professional competence requirement now applies not only to

the entrepreneur himself, but also the persons in depending positions, on the other hand, scope of reserved activities requiring professional competence has been significantly narrowed.

Thus, the regulation now lays down requirements on entering into business, and, in respect of selected activities, also on performance of these activities by persons in the employment or similar relationship, that are proportionate to the protection of public interests pursued. Therefore, more substantial liberalization of professional competence requirements of trades listed below is not currently under consideration; and nor is deregulation.

Cluster 1

- (14667 CZ) Výroba, instalace, opravy elektrických strojů a přístrojů, elektronických a telekomunikačních zařízení (Manufacture, installations and repairs of electrical machinery and apparatus, electronic and telecommunication equipment)
- (14529 CZ) Činnost účetních poradců, vedení účetnictví, vedení daňové evidence (Accounting consulting, bookkeeping, tax accounting)
- (16713 CZ) Provozování střelnic a výuka a výcvik ve střelbě se zbraní (Operating shooting ranges and instruction and practice in shooting with an arm)
- (14566 CZ) Geologické práce (Geological works)
- (17511 CZ) Výkon zeměměřických činností (Surveying activities)
- (20385 CZ) Revize, prohlídky a zkoušky určených technických zařízení v provozu (Inspection, checking and testing of specified technical equipment in operation)
- (20367 CZ) Nákup a prodej, půjčování, vývoj, výroba, opravy, úpravy, uschovávání, skladování, přeprava, znehodnocování a ničení bezpečnostního materiálu (Purchase and sale, rental, development, manufacture, repair, modification, storage, transportation, disabling and destruction of security material)
- (14591 CZ) Kominictví (Chimney sweep)
- (14649 CZ) Provádění veřejných dražeb – dobrovolných, - nedobrovolných (Public auctions - voluntary, - compulsory)
- (14647) Provádění dobrovolných dražeb movitých věcí podle zákona o veřejných dražbách (Performance of voluntary auctions of movables under the Public Auctions Act)
- (17510 CZ) Nákup a prodej kulturních památek nebo předmětů kulturní hodnoty (Purchase and sale of cultural monuments or items of cultural value)
- (16710 CZ) Projektová činnost ve výstavbě (Construction design)
- (14648 CZ) Provádění staveb, jejich změn a odstraňování (*Construction of structures, changes thereto and demolition thereof*)
- (14598 CZ) Montáž, opravy, revize a zkoušky elektrických zařízení (Installation, repairs, revision inspections and testing of electrical equipment)
- (16706 CZ) Montáž, opravy a rekonstrukce chladicích zařízení a tepelných čerpadel (Installation, Repair and Refurbishment of Refrigeration Systems and Heat Pumps)
- (14661 CZ) Vodoinstalatérství, topenářství (*Plumbing, heating*)
- (14600 CZ) Montáž, opravy, revize a zkoušky zdvihacích zařízení (Installation, repair, inspection and testing of lifting equipment)
- (14660 CZ) Truhlářství, podlahářství (*Joinery, flooring*)
- (15625 CZ) Broušení a leptání skla (*Glass cutting and etching*)
- (14594 CZ) Malířství, lakýrnictví, natěračství (*Painting, varnishing, coating*)

- (14588 CZ) Izolatérství (*Building insulation*)
- (14627 CZ) Pokrývačství, tesařství (*Roofing, carpentry*)
- (14686 CZ) Zednictví (*Bricklaying*)
- (14596 CZ) Mlékárenství (*Dairy farming*)
- (14597 CZ) Mlynářství (*Milling*)
- (14608 CZ) Pekařství, cukrářství (*Bakery and pastry products*)
- (14664 CZ) Výroba a úprava kvasného lihu, konzumního lihu, lihovin a ostatních alkoholických nápojů (s výjimkou piva, ovocných vín, ostatních vín a medoviny a ovocných destilátů získaných pěstitelským pálením) a prodej kvasného lihu, konzumního lihu a lihovin (*Production and processing of fermented spirits, consumer spirits and other alcoholic beverages (except for beer, fruit wines, other wines and mead, and growers' own fruit distillates) and the sale of fermented alcohol, drinking alcohol and spirits*)
- (16720 CZ) Výroba a úprava lihu sulfitového nebo lihu syntetického (*Production and processing of sulphite or synthetic alcohol*)
- (14625 CZ) Pivovarnictví a sladovnictví (*Brewing and malting*)
- (19425 CZ) Zpracování tabáku a výroba tabákových výrobků (*Tobacco processing and the manufacture of tobacco products*)
- (14527 CZ) Barvení a chemická úprava textilií (*Dyeing and chemical treatment of textiles*)
- (14690 CZ) Zpracování kůží a kožešin (*Processing of hides and skins*)
- (14688 CZ) Zpracování gumárenských směsí (*Processing of rubber compounds*)
- (14689 CZ) Zpracování kamene (*Stone working*)
- (14657 CZ) Slévárství, modelářství (*Casting of metals, modelling*)
- (14590 CZ) Klempířství a oprava karoserií (*Tinsmithery and repair of vehicle bodies*)
- (18485 CZ) Obráběčství (*Machining*)
- (14593 CZ) Kovářství, podkovářství (*Forging, horseshoeing*)
- (14565 CZ) Galvanizérství, smaltérství (*Galvanization, enamelling*)
- (14685 CZ) Zámečnictví, nástrojářství (*Locksmithery, tool-making*)
- (14687 CZ) Zlatnictví a klenotnictví (*Goldsmithery and jewellery*)
- (14663 CZ) Výroba a opravy hudebních nástrojů (*Manufacture and repair of musical instruments*)
- (14528 CZ) Aplikace, výroba a opravy ortopedické obuvi (*Application, manufacture and repair of orthopaedic footwear*)
- (16719 CZ) Výroba a opravy sériově zhotovovaných protéz, trupových ortéz, končetinových ortéz, měkkých bandáží (*Manufacture and repair of series produced prostheses, body orthoses, limb orthoses, soft bandages*)
- (14601 CZ) Oceňování majetku pro – věci movité, - věci nemovité, - nehmotný majetek, - finanční majetek, - obchodní závod (*Valuation of property - movable assets, - immovable assets, - intangible assets, - financial assets, - enterprises*)
- (16714 CZ) Silniční motorová doprava (*Road vehicle transport*)
- (14603 CZ) Opravy silničních vozidel (*Repair of road vehicles*)
- (15645 CZ) Opravy ostatních dopravních prostředků a pracovních strojů (*Repair of other transport equipment and work machinery*)
- (15644 CZ) Kontrolní testování profesionálních zařízení pro aplikaci přípravků (*Check testing of professional equipment for the application of preparations*)

- (14656 CZ) Řeznictví a uzenářství (*Butchery and meat processing*)
- (14545 CZ) Energetický specialista (Energy engineer)

Comments related to activities requiring further explanation due to the fact that other Member States typically do not regulate them, according to the European Commission's database of regulated professions:

(14597 CZ) Mlynářství (Milling)

The Trade Licensing Act regulates activities falling within the scope of vocational trade "Mlynářství" (Milling) in the way allowing only persons professionally qualified, and having sufficient expertise to be able to ensure performance of these activities with regard to securing all aspects, to operate such a business. The rationale behind this regulation is to limit production of grain mill products by incompetent persons, and thereby to avoid risks to food safety, human health, environment and consumer interests. An entrepreneur may appoint a responsible representative meeting the professional competence requirements.

With regard to the fact that grain mill products form important part of the consumer basket and represent a basic range of goods intended for nutrition of the population, and that during the journey of grain mill products - from receiving raw materials, over processing thereof, up to individual consumers - many risk factors lay that might affect wholesomeness of these products, it is essential that these activities are provided by people who are familiar with rules of good manufacturing and hygiene practices and relevant legislation, so that they can ensure wholesomeness of grain mill products and protect health of their consumers. These persons shall be competent to perform hygiene controls in mill premises using the HACCP system and other principles listed for example in the Council Directive 93/43/EEC on the Hygiene of Foodstuffs and in Czech legislation. Regulation allows for effective control of persons performing the activity, both by Trade Licensing Offices and other public administration bodies responsible for monitoring compliance with good hygienic practices in food production, food hygiene and operational and personal hygiene. Deregulation would make control more difficult and thus would lead to significant reduction of protection of public interest pursued by the regulation, with regard to the fact that all activities that are trades and are not regulated by means of the professional competence requirement may be exercised on basis of an authorization to single unqualified trade. Should the regulation laid down in the Trade Licensing Act be dropped, it could lead to entry of persons completely unfamiliar with the matter in question into business, which would not be able to meet requirements set by relevant legislation for securing wholesomeness of food products at any stage of food handling.

Legal regulation of the activity in question laid down in the Trade Licensing Act has been reassessed and revised several times, if it comes to professional competence requirements, mainly due to changes in the area of education. At present, one may demonstrate his professional competence not only by secondary, higher vocational or tertiary education in the field concerned or a related field, but also by another form of education that is substantially less demanding as to the length and extent of the preparation, if compared with the education provided at secondary, higher vocational and tertiary education institutions, but at the same time ensures compliance with knowledge and skills requirements essential for the safe exercise of the activity. With regard to protection of individual aspects of public interest (in particular protection of human life and health,

protection of consumer rights and, last but not least, protection of environment), we consider the regulation to be necessary and entirely proportionate, and thus we do not currently envisage any regulatory framework modifications.

(19425 CZ) Zpracování tabáku a výroba tabákových výrobků (Tobacco processing and the manufacture of tobacco products)

Regulation of the given activity is laid down in the Trade Licensing Act. It allows to operate a business in the field of tobacco processing and manufacturing of tobacco products only such persons that comply with the requirement of professional qualification, i.e. education in the field focused on food chemistry or agriculture and experience appropriate to the level of education. An entrepreneur may appoint a responsible representative that meets the professional competence requirements.

Purpose of regulation is to restrict processing and manufacturing of above mentioned commodities by incompetent persons, and thereby to prevent risks associated with threats to health or safety of persons and consumer interests, and tax evasion linked to illegal manufacturing of tobacco products. Current legal regulation is therefore a tool for securing proper provision of the given activity not only by the entrepreneur himself, but also by his employees, for whom the entrepreneur is responsible in exercise of the activity. The regulation thus allows for effective control of persons exercising the given activity, both by Trade Licensing Offices and other public administration bodies responsible for monitoring compliance with good manufacturing practices and tax legislation. Deregulation would make control of compliance with obligations laid down in the Trade Licensing Act, and also by other acts, more difficult, and thus would lead to significant reduction in protection of the public interest pursued by the regulation, with regard to the fact that all activities, that on one hand are trades and on the other hand are not regulated by means of professional competence requirements or other qualification, may be exercised on basis of an authorization to a single unqualified, unregulated trade. We do not currently envisage any changes to the regulatory framework of this activity in the sense of its liberalization.

(14664 CZ) Výroba a úprava kvasného lihu, konzumního lihu, lihovin a ostatních alkoholických nápojů (s výjimkou piva, ovocných vín, ostatních vín a medoviny a ovocných destilátů získaných pěstitelským pálením) a prodej kvasného lihu, konzumního lihu a lihovin (Production and processing of fermented spirits, consumer spirits and other alcoholic beverages (except for beer, fruit wines, other wines and mead, and growers' own fruit distillates) and the sale of fermented alcohol, drinking alcohol and spirits)

The Trade Licensing Act regulates activities consisting in production and processing of fermented spirits, consumer spirits and other alcoholic beverages, which substantively fall within the permitted trade "Výroba a úprava kvasného lihu, konzumního lihu, lihovin a ostatních alkoholických nápojů (s výjimkou piva, ovocných vín, ostatních vín a medoviny a ovocných destilátů získaných pěstitelským pálením) a prodej kvasného lihu, konzumního lihu a lihovin" (Production and processing of fermented spirits, consumer spirits and other alcoholic beverages (except for beer, fruit wines, other wines and mead, and growers' own fruit distillates) and the sale of fermented alcohol, drinking alcohol and spirits), by regulating conditions for entry into business. The regulation does not apply to sale of these commodities. Only persons who obtained a concession on production and processing of fermented spirits, consumer spirits and other alcoholic beverages, granting of which is

subject to fulfillment of professional qualification requirements and requirements laid down in the Act on Alcohol, are allowed to do business consisting in activities of production character. An entrepreneur may secure compliance with the professional competence requirement by appointing a responsible representative that meets the professional competence requirements.

Purpose of regulation is to restrict production and processing of the abovementioned commodities by incompetent persons, and thereby to prevent risks associated with threats to health of persons, food safety and consumer interests. Furthermore, the regulation aims at ensuring that spirits and alcoholic beverages are produced in approved establishments by authorized producers, reduction of tax evasion associated with illegal spirit production and protection of environment against pollution of watercourses by leaks of products from the manufacturing. With regard to the fact that, due to use of improper procedures in course of the spirit production by distillation, substances may be formed, consumption of which is unacceptable from the health perspective for their highly toxic characteristic, and with regard to the fact that alcohol consumption in the Czech Republic is still relatively high, it is essential that its production is carried out by persons that are familiar, in particular, with rules of good manufacturing, hygiene practices and the relevant legislation, so as to be able to ensure wholesomeness of fermented spirits, consumer spirits, liquors and other alcoholic beverages and to protect health and lives of their consumers.

With regard to so-called „methanol affair” of 2012 – 2013, in course of which 47 persons had died as a result of methanol poisoning after having consumed alcohol beverages and several dozen of people have health problems with permanent consequences, we consider the current regulation to be necessary, noting that it has been supplemented by stricter measures in the field of registration of subjects that produce spirits and alcoholic beverages or trade with it.

Cluster 2

- (16716 CZ) Vedení spisovny (Registry keeping)
- (21629 CZ) Požární ochrana (Technicko-organizační činnost v oblasti požární ochrany (Technical and organizational activity in the area of fire protection)
- (14650 CZ) Provozování autoškoly (*Driving instruction*)
- (15646 CZ) Obchod se zvířaty určenými pro zájmové chovy (*Trade in animals used for livestock breeding* – Trade in pet animals!)
- (14599 CZ) Montáž, opravy, revize a zkoušky tlakových zařízení a nádob na plyny (Installation, repair, inspection and testing of pressure equipment and gas vessels)
- (14587 CZ) Hostinská činnost (*Catering services*)
- (14651 CZ) Provozování cestovní kanceláře (Tour operators)
- (14655 CZ) Restaurování děl z oboru výtvarných umění, která nejsou kulturními památkami nebo jejich částmi, ale jsou uložena ve sbírkách muzeí a galerií nebo se jedná o předměty kulturní hodnoty (Restoration of art works that are not cultural monuments or parts thereof but are held in collections of museums and galleries or that are objects of cultural value)
- (14653 CZ) Průvodcovská činnost horská (Working as a mountain guide or leader)
- (14589 CZ) Kamnářství (*Stove-fitting*)
- (14585 CZ) Hodinářství (*Watchmaking*)

- (14530 CZ) Čištění a praní textilu a oděvů (*Cleaning and washing of textiles and clothing*)
- (14586 CZ) Holičství, kadeřnictví (*Hairdressing*)
- (19366 CZ) Drezúra zvířat (*Animal training (for public performance)*)
- (19405 CZ) Poskytování nebo zprostředkování spotřebitelského úvěru (Provision or mediation of the consumer credit)
- (14645 CZ) Poskytování služeb v oblasti bezpečnosti a ochrany zdraví při práci (Provision of Occupational Safety and Health (OHS) Services)
- (14595 CZ) Masérské, rekondiční a regenerační služby (*Massage, reconditioning, and regeneration services*)
- (14654 CZ) Psychologické poradenství a diagnostika (Psychological consulting and diagnostics)
- (14606 CZ) Péče o dítě do tří let věku v denním režimu (*Day care of children up to the age of three*)
- (16721 CZ) Výroba tepelné energie a rozvod tepelné energie, nepodléhající licenci realizovaná ze zdrojů tepelné energie s instalovaným výkonem jednoho zdroje nad 50 kW (Generation and distribution of heat not subject to a licence from heat sources with an installed capacity per source of more than 50kW)
- (16707 CZ) Montáž, opravy, revize a zkoušky plynových zařízení a plnění nádob plyny (Installation, repair, inspection and testing of gas equipment and filling of gas containers)
- (14626 CZ) Podnikání v oblasti nakládání s nebezpečnými odpady (Business involving the handling of hazardous waste)

Comments related to activities requiring further explanation due to the fact that other Member States typically do not regulate them, according to the European Commission's database of regulated professions:

(15646 CZ) Obchod se zvířaty určenými pro zájmové chovy (Trade in animals used for livestock breeding – Trade in pet animals!)

Regulation of this activity is laid down in the Trade Licensing Act. In exercise of trade in animals used for livestock breeding, the professional competence is, apart from professional competence of the entrepreneur himself (or professional competence of a responsible representative appointed by the entrepreneur), to some extent required also from all other persons that directly carry out such activity on behalf of the entrepreneur (i.e. in employment relationship). This requirement stems out from the specifics of the given trade, as it is necessary to take into account primarily the need for protection of animals against mistreatment by traders and their employees in course of handling with animals, as well as protection of health of pet shops employees. The entrepreneur bears responsibility for compliance of persons in depending position with professional competence requirement.

b) Professions with conclusion to „reform current system“ or „review still underway“:

Cluster 1

1. Sector: 63.11 - Data processing, hosting and related activities

Profession: (18486 CZ) Zpracování návrhu katalogizačních dat (Processing of cataloguing data)

1.1. Intents

- Objective(s)

The objective is to ensure that draft codification data is processed by qualified persons, so as to protect public interest consisting in maintenance of sufficient quality in codification data drafts processing. It is also necessary to achieve this objective by the least restrictive means. For this reason, it is being proposed to waive the requirement to demonstrate professional competence of the entrepreneur doing business in the field in question upon entering into business, as is prescribed by the Trade Licensing Act.

- Indicator(s)

Quality of processing the draft codification data is secured within the framework of assessment of completeness of the draft codification data of a product prior to assignation of a product code and prior to inclusion of the product into the codification system by the Defense Standardization, Codification and Government Quality Assurance Authority. The regulation is laid down in the Act No. 309/2000 Coll., on Defense Standardization, Codification and Government Quality Assurance of National Defense Products and Services.

1.2. Measures

(Measures may be taken either on a sector level or on a specific occupation level)

- Summary of the existing regulatory framework

Legal regulation of the given activity is effective as of 1 April 2001, when the activity "Zpracování návrhu katalogizačních dat" (Processing of codification data) has been classified as a professional trade. The Trade Licensing Act stipulates a professional competence requirement as a precondition of entry into business in this area, which has to be complied with by the entrepreneur, or by a responsible representative appointed by the entrepreneur.

The activity is furthermore regulated by the Act No. 309/2000 Coll., on Defense Standardization, Codification and Government Quality Assurance of National Defense Products and Services. According to this act, the Defense Standardization, Codification and Government Quality Assurance Authority shall issue a certificate of competence to process draft codification data of a product to the entrepreneur prior to issuance of the certificate. It shall, among other things, assess whether an applicant for a certificate has elaborated a methodology for processing the draft codification data of a product for purposes of identification thereof and whether the applicant has proven access to application program equipment for processing the draft codification data of a product.

Furthermore, the authority assess the draft codification data of a product processed on a basis of testing materials provided by the Defense Standardization, Codification and Government Quality Assurance Authority. The Defense Standardization, Codification and Government Quality Assurance Authority also checks completeness

of the draft codification data of a product prior to assignation of a product code and prior to inclusion of the product into the codification system. Therefore, the above mentioned public administration body has an overview of entities processing the codification data, and has sufficient means to assess quality of their work.

- Evaluation of the conclusions made

Therefore, it can be questioned whether the above mentioned measure does protect the public interest consisting in quality processing of draft codification data in a sufficient manner, without need to examine the professional competence of a business entity upon entering into business.

Legal regulation of the given activity in the Trade Licensing Act does not prevent development of business in the given area and is justified by the requirement of competence of experts doing business in the field of activity in question. According to our opinion, however, it is not an essential and the only possible option for protection of the public interest, and it is realistic to expect that the self-regulation could play a similar role in this respect. Business entities that must comply with requirements on quality processing of draft codification data required by the Defense Standardization, Codification and Government Quality Assurance Authority must have qualified experts who are able to process the draft. At the same time, control of processed drafts performed by the Defense Standardization, Codification and Government Quality Assurance Authority in our view allows the requirements on professional competence upon entering into business as stipulate by the Trade Licensing Act to be relinquished.

- Proposed measure(s)

We review an option of amending the Trade Licensing Act, so as to refrain from the regulation of entry into business by means of a professional competence requirement, while maintaining the regulation laid down in the Act on Defense Standardization, Codification and Government Quality Assurance of National Defense Products and Services.

- Framework process for implementation of measures

The change can be realized by means of amending the Trade Licensing Act, consisting in deletion of the trade “Zpracování návrhu katalogizačních dat” (Processing of codification data) from the list of regulated professional trades. The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The proposal is currently subject to review. The proposal should be submitted to the Government in November 2016, it is expected that the act should become effective as of 1 January 2017.

- Status of reform implementation (if already under way)

No comment.

- New regulatory framework (if a reform was adopted recently)

No comment.

2. Sector: 80 - Security and investigation activities

Profession: (14604 CZ) Ostraha majetku a osob (Protection of property and persons)

2.1. Intents

- Objective(s)

The objective is to regulate under a common framework the activities consisting in private security activities and private security services (the current professions “Ostraha majetku a osob” (Protection of property and persons), “Služby soukromých detektivů” (Services of private detectives) and “Poskytování technických služeb k ochraně majetku a osob” (Provision of technical services for protection of property and persons) and professional consultancy in these fields by separate legal regulation, which would regulate both doing business within the activities in question, as well as pursuit of the activities of “Ostraha majetku a osob” (Protection of property and persons) for own needs via employees. At the same time, there is an effort to integrate the business operation in the abovementioned activities into the regime of licenses issued by the Ministry of Interior and to make exercise of the activities for own needs subject to registration with the mentioned administrative authority.

As regards the regulatory requirements consisting in professional competence requirements of the entrepreneur or employees, a significant tightening, as compared to the current legal regulation, is not being considered.

- Indicator(s)

There are risks associated with exercise of these activities, consisting not only in threat to life, health and property rights of recipients of services, but also in security risks, since personally, materially and technically equipped personal security services may become an instrument of unfair competition of business, political and other entities.

2.2. Measures

(Measures may be taken either on a sector level or on a specific occupation level)

- Summary of the existing regulatory framework

The regulation in the Trade Licensing Act consist in a restriction according to which only such professionally competent persons are allowed to do business within activities falling into the scope of the permitted trade “Ostraha majetku a osob” (Protection of property and persons) that have sufficient expertise to be able to ensure exercise of the activity in a way respecting all requirements, so as to avoid jeopardizing public safety, human health, consumers and recipients of services. An entrepreneur may appoint a

responsible representative that does comply with the professional competence requirement. Apart from the entrepreneur himself, some level of professional competence is thus required also from all natural persons that directly carry on the abovementioned activity. Furthermore, good character is required both from the entrepreneur and from the persons that exercise the activity of protection of property and persons on his behalf and in a position depending on him.

With regard to the fact that the abovementioned permitted trade consists of activities consisting in provision of services as guarding and protecting immovable and movable property, valuables or other property, cash-in-transit security and cash processing security, protection of persons, securing order in places of public gatherings, celebrations, sport events or folk festivals according to the client's instructions, evaluation of security risks and operation of alarm response centers, the regulation is essential.

- Evaluation of the conclusions made

Deregulation would make control more difficult and thus would lead to significant weakening of protection of the abovementioned aspects of public interest. Furthermore, refraining from regulation laid down in the Trade Licensing Act with no substitution could lead to entrance of persons completely unfamiliar with the given matter into business, which would subsequently not be able to meet requirements on exercise of the activity.

Legal regulation of the activity in question stipulated by the Trade Licensing Act has already been reassessed and amended several times, as well as professional competence requirements were adapted to reflect modifications made in other legislation. At the same time, an option of exempting this trade from the Trade Licensing Act regime in relation to the processing of separate legislation that would comprehensively address the issue of security activities has been considered several times in the past.

The current regulation is being reviewed.

- Proposed measure(s)

With regard to security risks associated with exercise of activities in question, the Ministry of Interior has prepared a draft Act on Private Security Activity that reviews the current regulation. The security activities, which mean protection of people and property, activities of private detectives, transport of cash, valuables and other valuable items with a value exceeding 5 million CZK, technical services for protection of property and persons and security consultancy, should be subject to a license issued by the Ministry of Interior. The professional competence requirements have to be complied with not only by entrepreneurs, natural persons, or alternatively by responsible representatives of legal persons, but also by employees.

- Framework process for implementation of measures

The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other

departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The Ministry of Interior, as a competent body, had prepared a draft that was discussed in comment procedure in course of 2011 and subsequently by the Government Legislative Council. The Government submitted the bill to the Chamber of Deputies of the Parliament of the Czech Republic on 27 May 2015. If the bill is adopted by the Czech Parliament, the act is expected to become effective on the first day of the 13th month following the date of publication in the Collection of Acts, ie. not until the first half of 2017. If adopted, the act shall change the competent authority which will be the Ministry of the Interior of the Czech Republic.

- Status of reform implementation (if already under way)

No comment.

- New regulatory framework (if a reform was adopted recently)

No comment.

3. Sector: 80.2 – Security systems service activities

Profession: (167709 CZ) Poskytování technických služeb k ochraně majetku a osob

(Provision of technical services for protection of property and persons)

3.1. Intents

- Objective(s)

The objective is to regulate under a common framework activities consisting in private security activities and private security services (the current professions “Ostraha majetku a osob” (Protection of property and persons), “Služby soukromých detektivů” (Services of private detectives) and “Poskytování technických služeb k ochraně majetku a osob” (Provision of technical services for protection of property and persons) and professional consultancy in these fields by separate legal regulation, which would regulate doing business within activities in question. At the same time, there is an effort to integrate the business operation in abovementioned activities under the regime of licenses issued by the Ministry of Interior. As regards regulatory requirements consisting in professional competence requirements of the entrepreneur, significant tightening, if compared with the current legal regulation, is not being considered.

- Indicator(s)

There are risks associated with exercise of these activities, consisting not only in threat to life, health and property rights of recipients of the services, but also in security risks, since personally, materially and technically equipped personal security services may become an instrument of unfair competition of business, political and other entities.

3.2. Measures

(Measures may be taken either on a sector level or on a specific occupation level)

- Summary of the existing regulatory framework

The regulation stipulated by the Trade Licensing Act consist in a restriction according to which only professionally competent persons are allowed to do business within activities falling into the scope of the permitted trade “Ostraha majetku a osob” (Protection of property and persons) that have sufficient expertise to ensure exercise of the activity in a way respecting all requirements, so as to avoid jeopardizing public safety, human health, consumers and recipients of services. An entrepreneur may appoint a responsible representative that does comply with the professional competence requirement. The entrepreneur is responsible for the professional exercise of activities. With regard to the risks associated with exercise of the activity, not only the entrepreneur, but also his employees are required to comply with a condition of good character.

With regard to the fact that the abovementioned permitted trade consists of activities consisting in designing, installation, inspection, maintenance and repair of electronic alarm systems designed to protect persons and property from unauthorized interference, and the installation, repair, maintenance, revision and maintenance of mechanical barrier system, additionally enhancing the effectiveness of ordinary standards of persons and property protection, the regulation is essential.

No other legislation specifically regulates conditions for doing business in this field.

- Evaluation of the conclusions made

Deregulation would make control more difficult and thus would lead to significant weakening of protection of the abovementioned aspects of public interest. Furthermore, refraining from the regulation stipulated by the Trade Licensing Act with no substitution could lead to entry of persons completely unfamiliar with the matter in question into business, which would not be able to meet requirements on operation of the activity.

Legal regulation of the activity in question stipulated by the Trade Licensing Act has already been reassessed and amended several times, as well as professional competence requirements were modified. Also, the scope of activities being subject to regulation requiring a concession has been reconsidered. At the same time, an option of exempting this trade from the Trade Licensing Act regime, in relation to processing of separate legislation that would comprehensively address the issue of security activities, has been reviewed several times in the past.

The current regulation is being reviewed.

- Proposed measure(s)

With regard to security risks associated with exercise of activities in question, the Ministry of Interior has prepared a draft Act on Private Security Activity that reviews the current regulation. The security activities, which mean protection of people and property, activities of private detectives, transport of cash, valuables and other valuable items with a value exceeding 5 million CZK, technical services for protection of property and persons and security consultancy, should be subject to a license issued by the Ministry of Interior. Professional competence requirements have to be complied with not

only by entrepreneurs, natural persons, or alternatively by responsible representatives of legal persons, but also by employees.

At the same time, the scope of activities subject to the licensing regime is reconsidered. According to the proposed legal regulation, the scope of activities subject to license should be narrowed and defined in more detail by the proposed act.

- Proposed measure(s)

The change can be realized by means of introduction of a new Act on Private Security Activity and an amendment to the Trade Licensing Act. The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

- The Ministry of Interior, as a competent body, had prepared a draft that was discussed in comment procedure in course of 2011 and subsequently by the Government Legislative Council. The Government submitted the bill to the Chamber of Deputies of the Parliament of the Czech Republic on 27 May 2015. If the bill is adopted by the Czech Parliament, the act is expected to become effective on the first day of the 13th month following the date of publication in the Collection of Acts, ie. not until the first half of 2017. If adopted, the act shall change the competent authority which will be the Ministry of the Interior of the Czech Republic. Status of reform implementation (if already under way)

No comment.

- New regulatory framework (if a reform was adopted recently)

No comment.

4. Sector: 80.3 - Investigation activities

Profession: (14658 CZ) Služby soukromých detektivů (Services of private detectives)

4.1. Intents

- Objective(s)

The objective is to regulate under a common framework the activities consisting in private security activities and private security services (the current professions “Služby soukromých detektivů” (Services of private detectives), “Ostraha majetku a osob” (Protection of property and persons) and “Poskytování technických služeb k ochraně majetku a osob” (Provision of technical services for protection of property and persons) and professional consultancy in these fields by separate legal regulation, which would regulate doing business within activities in question. At the same time, there is an effort to integrate the business operation in the above mentioned activities into the regime of licenses issued by the Ministry of Interior. As regards regulatory requirements consisting

in requirements on professional competence of the entrepreneur or employees, significant tightening, if compared to the current legal regulation, is not being considered.

- Indicator(s)

There are risks associated with exercise of these activities, consisting not only in threat to life, health and property rights of recipients of the services, but also in security risks, since personally, materially and technically equipped personal security services may become an instrument of unfair competition of business, political and other entities.

4.2. Measures

(Measures may be taken either on a sector level or on a specific occupation level)

- Summary of the existing regulatory framework

Regulation in the Trade Licensing Act consist in a restriction according to which only professionally competent persons are allowed to do business within activities falling into the scope of the permitted trade “Služby soukromých detektivů” (Services of private detectives) that have sufficient expertise to be able to ensure that the activity is exercised in a way respecting all requirements, so as to avoid jeopardizing public safety, human health, consumers and recipients of services. An entrepreneur may appoint a responsible representative that does comply with the professional competence requirement. Apart from the entrepreneur himself, some level of professional competence is thus required also from all natural persons that directly carry on the abovementioned activity. Furthermore, good character is required both from the entrepreneur and from the persons that exercise the activity of protection of property and persons on his behalf and in a position depending on him.

With regard to the fact that the abovementioned permitted trade consists of activities consisting in provision of services associated with services related to the search of persons and property, identifying the facts that might serve as evidence, obtaining information relating to natural or legal persons or their property relations, obtaining information in connection with the collection of receivables, searching for illegal activities affecting trade secrets, and the related data collection and evaluation, the regulation is essential.

- Evaluation of the conclusions made

Deregulation would make control more difficult and thus would lead to significant weakening of protection of the abovementioned aspects of public interest. Furthermore, refraining from the regulation laid down in the Trade Licensing Act with no substitution could lead to entry of persons completely unfamiliar with the matter in question into business, which would not be able to meet requirements on the operation of the activity.

Legal regulation of the activity in question laid down in the Trade Licensing Act has already been reassessed and amended several times, as well as were professional competence requirements adapted to reflect modifications made in other legislation. At the same time, an option of exempting this trade from the Trade Licensing Act regime in relation to the processing of separate legislation that would comprehensively address the issue of security activities has been considered several times in the past.

The current regulation is being reviewed.

- Proposed measure(s)

With regard to security risks associated with exercise of activities in question, the Ministry of Interior has prepared a draft Act on Private Security Activity that reviews the current regulation. The security activities, which mean protection of people and property, activities of private detectives, transport of cash, valuables and other valuable items with a value exceeding 5 million CZK, technical services for protection of property and persons and security consultancy, should be subject to a license issued by the Ministry of Interior. The professional competence requirements have to be complied with not only by entrepreneurs, natural persons, or alternatively by responsible representatives of legal persons, but also by employees.

- Framework process for implementation of measures

The change can be realized by means of introduction of a new Act on Private Security Activity and an amendment to the Trade Licensing Act. The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

- The Ministry of Interior, as a competent body, had prepared a draft that was discussed in comment procedure in course of 2011 and subsequently by the Government Legislative Council. The Government submitted the bill to the Chamber of Deputies of the Parliament of the Czech Republic on 27 May 2015. If the bill is adopted by the Czech Parliament, the act is expected to become effective on the first day of the 13th month following the date of publication in the Collection of Acts, ie. not until the first half of 2017. If adopted, the act shall change the competent authority which will be the Ministry of the Interior of the Czech Republic.
- Status of reform implementation (if already under way)

No comment.

- New regulatory framework (if a reform was adopted recently)

No comment.

5. Sector: 20.51 - Manufacture of explosives

Profession: (20645 CZ) Výzkum, vývoj, výroba, ničení, zneškodňování, zpracování, nákup a prodej výbušnin (Research, Development, Production, Destruction, Disposal, Processing, Purchase and Sale of Explosives)

5.1. Intents

- Objective(s)

The objective is to regulate systematically handling of explosives, munitions, pyrotechnics, weapons and ammunition so as to ensure safe exercise of business activities in that area.

- Indicator(s)

In the light of the problems that have recently arisen with storage of munitions and other explosive materials, a revision of the existing regulatory system for handling of explosives, munitions, weapons, and ammunition was started. Following directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles, consistent separation of authorisation to handle explosives and to handle pyrotechnic articles is newly under consideration.

5.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

Entering the business is regulated in the Trades Act. The regulation consists in that only professionally qualified persons with adequate expertise to be able to ensure pursuit of the activities with regard to assurance of all requirements so as to avoid endangering public safety, human health, consumers and recipients of services, and the environment may conduct business in activities covered by the licensed trade „Research, development, production, destruction, disposal, processing, purchase and sale of explosives“. The entrepreneur or his/her appointed responsible representative must meet the professional competence. Handling of explosives is specifically regulated in Act No. 61/1988 Coll., on mining activities, explosives, and state mining administration, that regulates, inter alia, also professional competence requirements for persons performing and managing professional work with explosives.

- Evaluation of the conclusions made

Deregulation would mean hindering of control and so also significant decrease in the level of protection of the above public interest aspects. Dispensing with regulation in the Trades Act without replacement could moreover lead to persons completely ignorant of the given issues, who would subsequently be unable to comply with the requirements applied to carrying out the above activities by other regulations, entering business in that area.

The existing regulatory framework regulates „Research, development, production, destruction, disposal, processing, purchase and sale of explosives“ as a separate licensed

trade and „Blasting and fireworks“ as a separate trade. Thus, it merges within the latter trade handling of explosives when carrying out blasting and handling of pyrotechnic articles when performing fireworks. Classification of handling of munitions, which is regulated in another licensed trade together with weapons and ammunition while „handling of munitions“ in some cases includes processing of explosives, is also problematic.

- Proposed measure(s)

The existing regulation is currently subject to on-going revision, the aim of which is both to separate consistently handling of pyrotechnic articles from handling of explosives, and to rationalise more fundamentally regulation concerning handling of munitions, including ensuring stricter and more efficient control in that area.

Following directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles, a draft law on pyrotechnic articles and their handling, containing - inter alia - also an amendment of the Trades Act, has been drawn up. It proposes to merge activities consisting in research, development, production, destruction, disposal, processing, purchase and sale of explosives, and blasting in one licensed trade. The professional competence required under the new regulation corresponds in principle to the requirements pursuant to the existing regulation.

It is further considered to include also handling of munitions in the above licensed trade. Such regulation would follow up on the regulation in the Act on weapons and ammunition, in which it is considered to regulate handling of munitions specifically so as to eliminate safety risks arising in relation to its storage.

- Framework process for implementation of measures

The change can be implemented by an amendment of the Trades Act in connection to enactment of a new Act on pyrotechnic articles. Alternatively, further amendment of the Trades Act is considered in connection to an amendment of Act No. 119/2002 Coll. on firearms and ammunition.

The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft amendment of the Act on weapons and ammunition and the connected amendment of the Trades Act are currently in stage of consideration and draft preparation at the competent Ministry of the Interior.

The draft amendment was approved by the Government on 7 December 2015 and if adopted by the Parliament, it is expected to become effective on the first day of the 13th month following the date of publication in the Collection of Acts.

- Status of reform implementation (if already under way)

The Act on Pyrotechnics is valid and effective. The act was published in the Collection of Acts on 20 August 2015 as Act no. 206/2015 Coll. and became effective as of 4 September 2015.

- New regulatory framework (if a reform was adopted recently)

The Act on Pyrotechnics consolidates activities of "Research, Development, Production, Destruction, Disposal, Processing, Purchase and Sale of Explosives" as well as "blasting activities" into one regulated concession trade. The competences required under the new legislation are in line with the requirements provided for in the previous legislation. The regulation of the handling of explosives activities is thus separated from the regulation of activities consisting in the handling of pyrotechnic articles. The concession trade "Blasting and Fireworks" was abolished. The handling of pyrotechnic articles of higher hazard categories is newly regulated separately under the newly introduced professional trade "Purchase, Sale, Destruction and Disposal of Category P2, T2 and F4 Pyrotechnic Articles and Work with Fireworks".

6. Sector: 20.51 Manufacture of explosives

Profession: (16711 CZ) Provádění pyrotechnického průzkumu (Pyrotechnical research)

6.1. Intents

- Objective(s)

The objective is to regulate systematically handling of explosives, munitions, pyrotechnics, weapons and ammunition so as to ensure safe exercise of business activities in that area.

- Indicator(s)

In the light of the problems that have recently arisen in relation to storage of munitions and other explosive materials, a revision of the existing regulatory system for handling of explosives, munitions, weapons and ammunition was started. Following that, modification of the requirements for pyrotechnical research is also under consideration.

6.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

Entering the business is regulated in the Trades Act. The regulation consists in that only professionally qualified persons with adequate expertise to be able to ensure pursuit of the activities with regard to assurance of all requirements so as to avoid endangering public safety, human health, consumers and recipients of services, and the environment may conduct business in activities covered by the licensed trade „Pyrotechnical research“. In view of the fact that the above licensed trade includes activities consisting

in searching for munitions or explosives by means of detection equipment and their identification using a prescribed procedure and - if required - their collection, or supervision over earthworks during which finding of munitions or explosives is expected, regulation is necessary. Pyrotechnical research is specifically regulated in Act No. 119/2002 Coll. on firearms and ammunition (the Act on Weapons) that regulates, inter alia, also professional competence requirements for all persons performing and managing professional work.

- Evaluation of the conclusions made

Deregulation would mean hindering of control and so also significant decrease in the level of protection of the above public interest aspects. Dispensing with regulation in the Trades Act without replacement could moreover lead to persons completely ignorant of the given issues, who would subsequently be unable to comply with the requirements applied to carrying out the above activities by other regulations, entering business in that area.

- Proposed measure(s)

The existing regulation is currently subject to on-going revision, the aim of which is to specify clearly the requirements for handling of munitions so as to better protect the public interest. Specifying new requirements for persons performing pyrotechnical research following the regulation in the Act on weapons and ammunition is under consideration.

- Framework process for implementation of measures

The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft amendment of the Act on weapons and ammunition and the connected amendment of the Trades Act was approved by the Government on 7 December 2015. If adopted by the Czech Parliament, the act is expected to become effective on the first day of the 13th month following the date of publication in the Collection of Acts, ie. not until the first half of 2017.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

7. Sector: 25.4 - Manufacture of weapons and ammunition

Profession: (14668 CZ) Vývoj, výroba, opravy, úpravy, přeprava, nákup, prodej, půjčování, uschovávání, znehodnocování a ničení zbraní a střeliva (Development,

manufacture, repair, modification, transportation, purchase, sale, rental, storage, disabling and destruction of arms and ammunition)

7.1. Intents

• Objective(s)

The objective is to regulate systematically handling of weapons, ammunition, and munitions so as to ensure safe exercise of business activities in that area.

• Indicator(s)

In the light of the problems that have recently arisen in relation to storage of munitions and other explosive materials, a revision of the existing regulatory system for handling of explosives, munitions, weapons and ammunition was started.

7.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

• Summary of the existing regulatory framework

Entering the business is regulated in the Trades Act. The regulation consists in that only professionally qualified persons with adequate expertise to be able to ensure pursuit of the activities with regard to assurance of all requirements so as to avoid endangering public safety, human health, consumers and recipients of services, and the environment may conduct business in activities covered by the licensed trade „Development, manufacture, repair, modification, transportation, purchase, sale, rental, storage, disabling and destruction of arms and ammunition“. In view of the fact that the above licensed trade includes activities consisting in development, manufacture, repair, modification, transportation, purchase, sale, rental, storage, disabling and destruction of arms and ammunition, regulation is necessary. Pursuant to the existing regulation, the ammunition category includes also munitions. Handling of weapons and ammunition, including munitions, is specifically regulated in Act No. 119/2002 Coll. on firearms and ammunition.

• Evaluation of the conclusions made

Deregulation would mean hindering of control and so also significant decrease in the level of protection of the above public interest aspects. Dispensing with regulation in the Trades Act without replacement could moreover lead to persons completely ignorant of the given issues, who would subsequently be unable to comply with the requirements applied to carrying out the above activities by other regulations, entering business in that area.

Classification of handling of munitions, which is regulated in licensed trade together with weapons and ammunition while „handling of munitions“ in some cases includes processing of explosives, seems problematic.

• Proposed measure(s)

The existing regulation is currently subject to on-going revision, the aim of which is to specify regulation of handling of munitions in particular by amendment of Act No. 119/2002 Coll. on firearms and ammunition. The regulation aims at closer and separate definition of requirements for handling of munitions. In this context, reduction in the scale of activities falling under the concession regulating handling of weapons and ammunition so that handling of munitions is no longer the subject of the given

concession but regulated together with handling of explosives is also under consideration.

Removing handling of munitions from the above licensed trade, while preserving the professional competence requirements for handling of weapons and ammunition, is being considered.

Such regulation would follow up on the regulation in the Act on weapons and ammunition, in which it is considered to regulate handling of munitions specifically so as to eliminate safety risks arising in relation to its storage.

- Framework process for implementation of measures

The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft amendment of the Act on weapons and ammunition and the connected amendment of the Trades Act was approved by the Government on 7 December 2015. If adopted by the Czech Parliament, the act is expected to become effective on the first day of the 13th month following the date of publication in the Collection of Acts, ie. not until the first half of 2017.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

8. Sector: 50 Water Transport

Profession: (16718 CZ) Vodní záchranářská služba (Water rescue service)

8.1. Intents

- Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

8.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, a requirement of professional qualification that can presently be proven by education in the field, which is a retraining or other specialist course for the concerned occupational activity accredited by the Ministry of Education, Youth and Sports, must be met. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Education, Youth and Sports. At the same time, the above trade also falls within trades for which, besides the entrepreneur him/herself or his/her appointed responsible representative, some professional qualification requirements are also placed on all persons performing the given activity for the entrepreneur, e.g. on his/her employees.

- Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities are being gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trade in question also in this way must be added in the Trades Act.

- Proposed measure(s)

It is proposed to add the possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET in the Trades Act.

- Framework process for implementation of measures

The standard process of a law amendment, consisting in the competent department preparing a draft and submitting it to comment procedure, is modified to accelerate the change deployment within the meaning that the draft will be submitted to the government together with a draft amendment of Act No. 18/2004 Coll. on recognition of professional qualification that is being amended following transposition of directive 2013/55/EU. After the government approval, the draft is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft is currently discussed within inter-ministerial comment procedure.

On the prerequisite of the draft approval by the government and by the Parliament of the Czech Republic, the entry into force of the Act is expected in 2016.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

Cluster 2

1. Sector: 85.51 Sports and recreation education

Profession: (14646 CZ) Poskytování tělovýchovných a sportovních služeb v oblasti příslušného sportovního odvětví (Provision of physical education and sport services in relevant sport)

1.1. Intents

- Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

1.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, a requirement of professional qualification that can presently be proven either by formal education in the field (higher (tertiary) or tertiary professional education focused on physical culture, physical training, and sport), or by completion of a retraining or other specialist course for the concerned sport branch accredited by the Ministry of Education, Youth and Sports, or pursuant to specific legislation, must be met. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Education, Youth and Sports. At the same time, the above trade also falls within trades for which, besides the entrepreneur him/herself or his/her appointed responsible representative, some professional qualification requirements are also placed on all persons performing the given activity for the entrepreneur, e.g. on his/her employees.

- Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities are being gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification

system, the possibility to prove professional competence for the trade in question also in this way must be added in the Trades Act.

- Proposed measure(s)

It is proposed to add the possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET in the Trades Act.

- Framework process for implementation of measures

The standard process of a law amendment, consisting in the competent department preparing a draft and submitting it to comment procedure, is modified to accelerate the change deployment within the meaning that the draft will be submitted to the government together with a draft amendment of Act No. 18/2004 Coll. on recognition of professional qualification that is being amended following transposition of directive 2013/55/EU. After the government approval, the draft is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft is currently discussed within inter-ministerial comment procedure.

On the prerequisite of the draft approval by the government and by the Parliament of the Czech Republic, the entry into force of the Act is expected in 2016.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

2. Sector: 96.02 Hairdressing and other beauty treatment

**Profession: (14592 CZ) Kosmetické služby (Cosmetic services),
(14607 CZ) Pedikúra, manikúra (Pedicure, manicure)**

2.1. Intents

- Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

2.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

The activities are regulated by the Trades Act and fall within the craft trades. For their conduct, a requirement of professional qualification that can presently be proven either by formal education in the field or by completion of a retraining or other specialist course for the concerned activity accredited by the Ministry of Education, Youth and Sports, or pursuant to specific legislation, or by providing evidence of the necessary years of experience, must be met. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Health. At the same time, the above trade also falls within trades for which, besides the entrepreneur him/herself or his/her appointed responsible representative, some professional qualification requirements are also placed on all persons performing the given activity for the entrepreneur, e.g. on his/her employees.

- Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities are being gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trade in question also in this way must be added in the Trades Act.

- Proposed measure(s)

It is proposed to add the possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET in the Trades Act.

- Framework process for implementation of measures

The standard process of a law amendment, consisting in the competent department preparing a draft and submitting it to comment procedure, is modified to accelerate the change deployment within the meaning that the draft will be submitted to the government together with a draft amendment of Act No. 18/2004 Coll. on recognition of professional qualification that is being amended following transposition of directive 2013/55/EU. After the government approval, the draft is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft is currently discussed within inter-ministerial comment procedure.

On the prerequisite of the draft approval by the government and by the Parliament of the Czech Republic, the entry into force of the Act is expected in 2016.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

3. Sector: 96.04 Physical well-being activities

Profession: (19406 CZ) Provozování solárií (Operation of solariums)

3.1. Intents

- Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

3.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, a requirement of professional qualification that can presently be proven either by formal education for medical doctors or for other paramedical health professionals, or by education focused on physical culture, physical training, and sport together with completion of a retraining course for health professionals or completion of a longer retraining course for persons other than health professionals. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Health. At the same time, the above trade also falls within trades for which, besides the entrepreneur him/herself or his/her appointed responsible representative, some professional qualification requirements are also placed on all persons performing the given activity for the entrepreneur, e.g. on his/her employees.

- Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities are being gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trade in question also in this way must be added in the Trades Act.

- Proposed measure(s)

It is proposed to add the possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET in the Trades Act.

- Framework process for implementation of measures

The standard process of a law amendment, consisting in the competent department preparing a draft and submitting it to comment procedure, is modified to accelerate the change deployment within the meaning that the draft will be submitted to the government together with a draft amendment of Act No. 18/2004 Coll. on recognition of professional qualification that is being amended following transposition of directive 2013/55/EU. After the government approval, the draft is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft is currently discussed within inter-ministerial comment procedure.

On the prerequisite of the draft approval by the government and by the Parliament of the Czech Republic, the entry into force of the Act is expected in 2016.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

4. Sector: 96.09 Other personal service activities n.e.c.

Profession: (20625 CZ) Činnosti, při kterých je porušována integrita lidské kůže (Activities disturbing the integrity of human skin)

4.1. Intents

- Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

4.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, a requirement of professional qualification that can presently be proven either by formal education for medical doctors or for other paramedical health professionals, or by secondary education in the beautician specialisation and by a certificate of retraining for activities disturbing the integrity of human skin; the secondary education can be

substituted by a certificate of retraining for activities of a beautician. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Health. At the same time, the above trade also falls within trades for which, besides the entrepreneur him/herself or his/her appointed responsible representative, some professional qualification requirements are also placed on all persons performing the given activity for the entrepreneur, e.g. on his/her employees.

- Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities are being gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trade in question also in this way must be added in the Trades Act.

- Proposed measure(s)

It is proposed to add the possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET in the Trades Act.

- Framework process for implementation of measures

The standard process of a law amendment, consisting in the competent department preparing a draft and submitting it to comment procedure, is modified to accelerate the change deployment within the meaning that the draft will be submitted to the government together with a draft amendment of Act No. 18/2004 Coll. on recognition of professional qualification that is being amended following transposition of directive 2013/55/EU. After the government approval, the draft is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The draft is currently discussed within inter-ministerial comment procedure.

On the prerequisite of the draft approval by the government and by the Parliament of the Czech Republic, the entry into force of the Act is expected in 2016.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

5. Sector: 96.03 Funeral and related activities

Profession:(14652 CZ) Provozování pohřební služby (Operation of funeral establishment)

(16712 CZ) Provozování krematoria (Operation of crematoriums)

(17512 CZ) Provádění balzamace a konzervace (Embalming and conserving)

5.1. Intents

· Objective(s)

Allow proving professional competence by acquiring professional qualification.

· Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports. Allowing access to the profession to a wider range of persons

5.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

· Summary of the existing regulatory framework

The activities are regulated by the Trades Act and fall within the licensed trades. The entrepreneur or his/her appointed responsible representative must meet the professional qualification requirements. When entering the business, those persons must meet a professional qualification requirement consisting currently in completion of education and specialised training that are laid down by the Act on undertaking and its implementing regulation. At present, a review of the regulation laid down by the Act on undertaking and its implementing regulation is under consideration. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activities, it is expected that it will be newly possible to prove the professional qualification also by passing a qualifying examination held by a person authorised by the Ministry of Regional Development. This option is however not yet implemented in the Trades Act.

· Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities are being gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trades in question also in this way must be added in the Trades Act.

· Proposed measure(s)

Amending the Act on undertaking and in this connection also the Trades Act is under consideration. The objective is to allow entering the business in that area to qualified experts who would have the opportunity to prove professional competence for the

activities in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET.

- Framework process for implementation of measures

The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

The competent Ministry of Regional Development has currently drawn up the basic principles of the proposed amendments and a working group for preparation of draft amendment of the Act on undertaking is being established. At present, it is not possible to determine more precisely whether and in what form the draft will be drawn up, nor the expected time frame. According to the up-to-date information from the competent Ministry of Regional Development, the effective date of the amendment of the Act can be expected on 1. 1. 2017.

- Status of reform implementation (if already under way)

No comment

- New regulatory framework (if a reform was adopted recently)

No comment

c) Professions where the reform has recently taken place or it is undergoing:

1. Sector: 93.29 - Other amusement and recreation activities

Profession: (19289 CZ) Provádění trhavých a ohňostrojných prací (Blasting and Fireworks)

1.1. Intents

- Objective(s)

The objective is to regulate handling of pyrotechnic articles in the Trades Act separately and to separate this activity from blasting, in which explosives are used. The amendment is done following directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles. It is newly under consideration to regulate handling of pyrotechnic articles and their treatment in a separate act. Such amendment would be accompanied also by change of the requirements for entering the business in that area, which is regulated in the Trades Act.

- Indicator(s)

In connection to problems linked to inappropriate handling of higher category pyrotechnic articles and to the intent to separate consistently handling of explosives and handling of pyrotechnic articles, regulating professional competence for acquiring trade permit for purchase, sale, destruction, and disposal of pyrotechnic article

categories P2, T2, and F4, and performance of fireworks separately in a regulated trade is under consideration.

1.2. Measures

(Measures may be taken either on a sector level or on a specific profession level)

- Summary of the existing regulatory framework

Entering the business is regulated in the Trades Act. The regulation consists in that only professionally qualified persons with adequate expertise to be able to ensure pursuit of the activities with regard to assurance of all requirements so as to avoid endangering public safety, human health, consumers and recipients of services, and the environment may conduct business in activities covered by the licensed trade „Blasting and Fireworks“. In view of the fact that the above licensed trade includes activities consisting in blasting and fireworks, regulation is necessary. Separate purchase and sale of pyrotechnic articles is not regulated by the professional competence requirement in the Trades Act. Blasting is further specifically regulated by Act No. 61/1988 Coll. on mining activities, explosives, and state mining administration. Handling of pyrotechnic articles is regulated by Decree of the Czech Mining Authority laying down requirements for ensuring safety and health at work and safety of operation in production and processing of explosives, and on professional competence of workers for such activities, Decree on use of explosives, Act on verification of firearms, ammunition and pyrotechnics, and on handling of certain pyrotechnic articles, and Decree on safety and technical requirements for handling of pyrotechnic articles.

- Evaluation of the conclusions made

The existing regulation in the Trades Act regulates both blasting and fireworks within one licensed trade. Blasting and fireworks should be systematically separated.

The newly proposed Act on pyrotechnic articles and their handling and amending certain acts (the Act on pyrotechnics) should also regulate professional competence for handling higher category pyrotechnic articles. The draft is prepared in connection to transposition of directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles. This regulation is to be followed by an amendment of the Trades Act that regulates the requirements for entering the business. The draft counts with introduction of a new regulated trade „Purchase, sale, destruction, and disposal of pyrotechnic article categories P2, T2, and F4, and performance of fireworks“.

- Proposed measure(s)

It is proposed to cancel the existing licensed trade „Blasting and Fireworks“ and to regulate blasting in one trade together with other activities related to handling of explosives. For fireworks, it is further proposed to change the current regime of licensed trade to a less restrictive regime of notified regulated trade. Following directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles, it is proposed to regulate handling of pyrotechnic articles itself in a separate Act on pyrotechnic articles and their handling, and amending certain acts (the Act on

pyrotechnics). This regulation is to be followed by newly conceived regulation of the requirements for entering the business in the Trades Act. The new regulation should specify condition of professional competence for entering the business of purchase, sale, destruction, and disposal of category P2 pyrotechnic articles, consisting in submission of a certificate of professional competence for handling of category P2 pyrotechnic articles, and condition of professional competence for purchase, sale, destruction, and disposal of category T2, and F4 pyrotechnic articles, and performance of fireworks, consisting in submission of a certificate of professional competence for handling of category T2 or F4 pyrotechnic articles or a firework detonator's authorisation/certificate issued by the district mining authority or by Czech Mining Authority.

- Framework process for implementation of measures

Following directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles, a draft Act on pyrotechnic articles and their handling, containing - inter alia - also an amendment of the Trades Act, has been drawn up. The change can be implemented by enactment of a new Act on pyrotechnic articles and an amendment of the Trades Act.

The standard process of a law amendment consists in the competent department preparing a draft and submitting it to comment procedure, in which both other departments and concerned stakeholders comment on the draft. After the comment procedure, the draft is presented to the government and, after its approval, it is discussed in the Parliament of the Czech Republic, first in the Chamber of Deputies and then in the Senate. After signature by the President of the Republic, the Act is published in the Collection of Laws.

- Timetable for adoption and implementation of measures

No comment

- Status of reform implementation (if already under way)

The Act on Pyrotechnics is valid and effective. The act was published in the Collection of Acts on 20 August 2015 as Act no. 206/2015 Coll. and became effective as of 4 September 2015.

- New regulatory framework (if a reform was adopted recently)

The concession trade "Blasting and Fireworks" was abolished by the Act on Pyrotechnics. Furthermore, carrying out of Blasting were consolidated with the activities of "Research, Development, Production, Destruction, Disposal, Processing, Purchase and Sale of Explosives". The regulation of the handling of explosives activities is thus separated from the regulation of activities consisting in the handling of pyrotechnic articles. The handling of pyrotechnic articles of higher hazard categories is newly regulated separately under the newly introduced professional trade "Purchase, Sale, Destruction and Disposal of Category P2, T2 and F4 Pyrotechnic Articles and Work with Fireworks".

The new regulation specifies condition of professional competence for entering the business of purchase, sale, destruction, and disposal of category P2 pyrotechnic articles, consisting in submission of a certificate of professional competence for handling of category P2 pyrotechnic articles, and condition of professional competence for purchase, sale, destruction, and disposal of category T2, and F4 pyrotechnic articles, and performance of fireworks, consisting in submission of a certificate of professional competence for handling of category T2 or F4 pyrotechnic articles or a firework detonator's authorisation/certificate issued by the district mining authority or by Czech Mining Authority.

2. Sector: 81.29 Other cleaning activities

Profession: (16715 CZ) Speciální ochranná dezinfekce, dezinsekce a deratizace (Special protective disinfection, disinsectization and disinfestation)

2.1. Intents

- Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

2.2. Measures

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, a requirement of professional qualification that can presently be proven by completion of a specialist course regulated by Act No. 258/2000 Coll. on protection of public health and its implementing regulation must be met. When entering the business, professional qualification of the entrepreneur or of his/her appointed responsible representative is required. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Agriculture.

- Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities were gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trade in question also in this way was added in the Trade Licensing Act.

- Proposed measure(s)

The possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET was added in the Trades Act.

- Framework process for implementation of measures

Act No. 140/2014 Coll. amending Act No. 455/1991 Coll. concerning trades (the Trades Act), as amended, was approved on 18. 6. 2014, published in the Collection of Laws on 22. 7. 2014, and has been effective since 1. 1. 2015.

- Timetable for adoption and implementation of measures

No comment

- Status of reform implementation (if already under way)

The Act is currently valid and effective.

- New regulatory framework (if a reform was adopted recently)

The adopted amendment of the Act has extended the existing possibilities of providing evidence of professional competence that - in the past - could be proven only by a certificate of completion of a specialist course regulated by Act No. 258/2000 Coll. on protection of public health and its implementing regulation on proving professional qualification for the relevant occupational activity.

3. Sector: 19.2 - Manufacture of refined petroleum products

Profession: (14665 CZ) Výroba a zpracování paliv a maziv a distribuce pohonných hmot (Production and processing of fuel and lubricants, distribution of fuel)

3.1. Intents

- Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

3.2. Measures

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the licensed trades. For its conduct, a requirement of professional qualification that can presently be proven either by education in the field and experience, or by a certificate of retraining and proving experience. The duration of experience depends on the education level. For distribution of fuel, it is not required that the completed education is education in the field of chemistry; completion of the education level is sufficient. When entering the business, professional qualification of the entrepreneur or of his/her appointed responsible representative is required. In accordance with implementation of the Act on recognition

of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Trade and Industry.

· Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education, but also by informal learning the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities were gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trade in question also in this way was added in the Trades Act.

• Proposed measure(s)

The possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET was added in the Trades Act.

· Framework process for implementation of measures

Act No. 140/2014 Coll. amending Act No. 455/1991 Coll. concerning trades (the Trades Act), as amended, was approved on 18. 6. 2014, published in the Collection of Laws on 22. 7. 2014, and has been effective since 1. 1. 2015.

· Timetable for adoption and implementation of measures

No comment

· Status of reform implementation (if already under way)

The Act is currently valid and effective.

· New regulatory framework (if a reform was adopted recently)

The adopted amendment of the Act has extended the existing possibilities of providing evidence of professional competence consisting in higher (tertiary) education in the field together with 1 year of experience in the field, tertiary professional education or secondary education with „maturita“ examination in the field together with 3 years of experience in the field, or obtaining certification of retraining for the activity in question together with 4 years of experience in the field, or proving professional qualification for the occupational activity in question together with 4 years of experience in the field.

4. Sector: 20.5 Manufacture of other chemical product

Profession: (14666 CZ) Výroba nebezpečných chemických látek a chemických směsí a prodej chemických látek a chemických směsí klasifikovaných jako vysoce toxické a toxické (Manufacture of dangerous chemicals and dangerous chemical mixtures and sale of chemicals and chemical mixtures classified as very toxic and toxic)

4.1. Intents

· Objective(s)

To extend the possibility to prove professional competence by a professional qualification examination as another option of informal education in that area

- Indicator(s)

Approval of qualification and evaluation standards for the given activity and inclusion of professional qualification examination in the national education system managed by the Ministry of Education, Youth and Sports

4.2. Measures

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, a requirement of professional qualification that can presently be proven either by education in the field and experience, or by a certificate of retraining and proving experience. The duration of experience depends on the education level. When entering the business, professional qualification of the entrepreneur or of his/her appointed responsible representative is required. In accordance with implementation of the Act on recognition of the outcomes of CVET (Act No. 179/2006 Coll.) and after approval of qualification and evaluation standards for the given activity, the professional qualification can newly be proven also by passing a qualifying examination held by a person authorised by the Ministry of Trade and Industry.

- Evaluation of the conclusions made

The Act on recognition of the outcomes of CVET allows acquiring professional qualification not only by completion of formal education but also by informal learning, the outcomes of which are verified by a qualifying examination and lead to obtaining professional qualification for the given activity. Qualification and evaluation standards for the individual activities were gradually approved. After approval of those standards and inclusion of professional qualification examination in the national qualification system, the possibility to prove professional competence for the trade in question also in this way was added in the Trades Act.

- Proposed measure(s)

The possibility to prove professional competence for the activity in question also by providing evidence of acquiring professional qualification according to the Act on recognition of the outcomes of CVET was added in the Trades Act.

- Framework process for implementation of measures

Act No. 140/2014 Coll. amending Act No. 455/1991 Coll. concerning trades (the Trades Act), as amended, was approved on 18. 6. 2014, published in the Collection of Laws on 22. 7. 2014, and has been effective since 1. 1. 2015.

- Timetable for adoption and implementation of measures

No comment

- Status of reform implementation (if already under way)

The Act is currently valid and effective.

- New regulatory framework (if a reform was adopted recently)

The adopted amendment of the Act has extended the existing possibilities of providing evidence of professional competence consisting in higher (tertiary) education in the field together with 1 year of experience in the field, tertiary professional education or secondary education with „maturita“ examination in the field together with 3 years of experience in the field, or obtaining certification of retraining for the activity in question together with 4 years of experience in the field, or proving professional qualification for the occupational activity in question together with 4 years of experience in the field.

5. Sector: 47.78 Other retail sale of new goods in specialised stores

Profession: (14602 CZ) Oční optika (Optician)

5.1. Intents

- Objective(s)

The objective was to ensure conduct of highly skilled activities covered by the „Optician“ trade by qualified experts, while dispensing with regulation in cases when pursuit of the activities does not directly require expertise.

- Indicator(s)

The preceding regulation required a proof of professional competence of the entrepreneur or of his/her appointed responsible representative. With expansion of entrepreneurship in the optician area when entrepreneurs establish more places of business, problems in ensuring professional conduct of the activity to avoid endangering public interest consisting in protection of human health have been encountered. At the same time, it was indicated that optician establishments do not perform only highly skilled activities but that they pursue also mere sale of corrective ophthalmic aids that are series produced.

5.2. Measures

- Summary of the existing regulatory framework

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, the entrepreneur or his/her responsible representative must prove professional qualification consisting in professional competence for conduct of the profession of optometrist, optician, or ophthalmic technician. It is newly prescribed that professional competence must be met also by persons performing skilled activities for the entrepreneur. Besides the above possibilities of proving professional competence, those persons may also prove professional competence by providing evidence of professional qualification for optician activity or by a proof of 3 year experience in the field.

Regulation consisting in requirements for professional competence is applicable to individual construction, dispensing, and repairs of corrective ophthalmic aids, determining the position of the pupils, inclination of the spectacle centre deflection, and other parameters needed for construction of a corrective aid designed for long distance, reading, or other working distance. Since 1. 1. 2014, it was dispensed with regulation of sale and construction of corrective ophthalmic aids produced in series.

- Evaluation of the conclusions made

For operating an optician establishment, proving professional competence of all persons performing skilled activities within the establishment is required to protect human health that may be endangered by using incorrect corrective ophthalmic aids. Consumers expect that individually constructed or repaired corrective ophthalmic aids meet high standard and will not cause damage to sight. In view of the development of entrepreneur activities in the optician trade, the regulation that targeted only the entrepreneur or his/her appointed responsible representative has proven insufficient and experts from the entrepreneur circles pointed to the fact that, in some establishments, even highly skilled activities are performed by persons without the necessary professional qualification. At the same time, the necessity of regulation in relation to the content of the regulated activity was reviewed and it was found that optician establishments do not perform only highly skilled activities but that they pursue also mere sale of corrective ophthalmic aids that are series produced. For such activity, regulation by professional competence requirement is then not necessary.

- Proposed measure(s)

The activity of optician is regulated only in the Trades Act and no other legislation regulates it. In the Trades Act, the range of persons to whom the professional competence requirement applies was extended. Besides the entrepreneur or his/her appointed responsible representative, who must prove their professional competence at entering the business, the entrepreneur must ensure that professional competence is met also by persons who perform skilled activities for him/her in a dependent capacity. Professional competence of those persons is also laid down in the Trades Act.

Government Regulation No. 278/2008 Coll. on contents of the individual trades that constitutes an implementing regulation to the Trades Act has been amended within the meaning of reduction in the scale of activities falling under the „Optician“ trade for which professional competence is required. However, the possibility for the „Optician“ trade entrepreneurs to continue selling corrective ophthalmic aids produced in series and simultaneously produce such aids has been maintained.

- Framework process for implementation of measures

Act No. 140/2014 Coll. amending Act No. 455/1991 Coll. concerning trades (the Trades Act), as amended, was approved on 18. 6. 2014, published in the Collection of Laws on 22. 7. 2014, and has been effective since 1. 1. 2015.

Government Regulation No. 365/2013 Coll. amending Government Regulation No. 278/2008 Coll. on contents of the individual trades was approved on 30. 10. 2013, published in the Collection of Laws on 20. 11. 2013, and has been effective since 1. 1. 2014.

- Timetable for adoption and implementation of measures

No comment

- Status of reform implementation (if already under way)

Both the Act and the Government Regulation are currently valid and effective.

· New regulatory framework (if a reform was adopted recently)

The activity is regulated by the Trades Act and falls within the regulated trades. For its conduct, the entrepreneur or his/her responsible representative must prove professional qualification consisting in professional competence for conduct of the profession of optometrist, optician, or ophthalmic technician. Professional competence must newly be met also by persons performing skilled activities within the the „Optician“ trade for the entrepreneur. Besides the above possibilities of proving professional competence, those persons may also prove professional competence by providing evidence of professional qualification for optician activity or by a proof of 3 year experience in the field. The entrepreneur is responsible for compliance with the condition of professional competence of persons in a dependent capacity.

The scope of activities that the entrepreneur may engage in within the „Optician“ trade is laid down in Government Regulation No. 278/2008 Coll. on contents of the individual trades. This regulation specifies that the „Optician“ trade includes activities consisting in individual construction, dispensing, and repairs of corrective ophthalmic aids, determining the position of the pupils, inclination of the spectacle centre deflection, and other parameters needed for construction of a corrective aids designed for long distance, reading, or other working distance. Since 1. 1. 2014, it is stipulated that sale and construction of corrective ophthalmic aids produced in series can also be performed within the above trade, however, authorisation for free trade (i.e. without professional competence requirement) is sufficient for such activity.

LEGAL ACTIVITIES

Competent authority:
Ministry of Justice

Introduction:

Both insolvency practitioner and registered mediator are professions that are closely connected to the functioning of the judicial system and to some genuine general interest goals such as the sound administration of justice and protection of consumers. The conception of these professions as regulated professions is indispensable.

a) Professions with conclusion to „maintain current system“:

- Insolvenční správce (Insolvency practitioner)
- Zapsaný mediátor (Registered mediator)

Competent authority:
Czech Bar Association

Introduction:

Advokát (Lawyer) is a profession providing legal service and legal aid. The provision of legal services shall be understood as representing clients in proceedings before courts and other bodies, acting as a defense lawyer in criminal cases, giving legal advice, preparing

documents, legal analyses and other forms of legal aid. Legal aid is the provision of assistance to people otherwise unable to afford legal representation and access to the court system. Legal aid is regarded as a central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial.

a) Professions with conclusion to „maintain current system“:

- Advokát (Lawyer)

Advokát (Lawyer) shall be a person who has been admitted to the Bar having his name recorded in the Register of Lawyers maintained by the Czech Bar Association. The Bar shall admit to the Bar by entering his name in the Register of Lawyers, upon a written application, any person who is fully legally competent, has obtained a university degree in law, has participated in professional training as a legal trainee for a minimum of three years, has no record of criminal convictions, has passed the Bar examination.

Advokát (Lawyer) shall provide legal services in all matters and cases. He/she shall be independent in the provision of legal services; he shall be bound by the law and, according to the law, by his client's orders. Advokát (Lawyer) shall practise the legal profession as a sole lawyer, or jointly with other lawyers as a member of a Consortium, or a member of a Company or the member of a Foreign Company, or within his employment.

The profession was examined whether the requirements under the Czech national legal system are directly or indirectly discriminatory on the basis of nationality or residence/The requirements of the profession under the Czech national legal system were examined for direct or indirect discrimination based on nationality or residence. The conclusion is that all requirements under the Czech legal system based on nationality or residence are non-discriminatory due to the Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

The overriding reason relating to the general interest that justifies the current measures is specifically protection of consumers and recipients of services. The profession of lawyer takes up a unique position among the professions in Europe. Firstly, lawyers have an important function in the administration of justice and in safeguarding the rule of law. Secondly, lawyers play a vital role in the economies of Member States and the functioning of the internal market of the European Union. Thirdly, the profession of lawyer is specifically targeted to and based on the national legal systems in which prospective lawyers train and fully qualified lawyers practise. In general, that means that lawyers are trained and, therefore, are experts in their own respective legal systems, but do not necessarily have the knowledge of other legal systems.

Professional services have an important role to play to improve the competitiveness of the European economy. Moreover, professional services are important inputs for the economy and business, so their quality and competitiveness have spill over effects across the whole economy. Thus greater variety in prices and quality, as well as greater innovation in professional services could go a long way in improving the competitiveness of European enterprises and fostering GDP growth in the EU.

Comparison to other EU Member States

According the data from Regulated Professions Database provided by other EU Member States, the profession of Lawyer (Advokát) is regulated in a much similar way. Educational

requirements for a Lawyer (qualification level) consist of diploma of post-secondary level (3 or 4 years) in all EU Member States. Mandatory traineeship is required in all EU Member States (2 - 5 years) and taking a State exam to access the profession is a condition in most EU Member States, as well as mandatory registration in professional bodies and requirement for professional indemnity insurance.

Conclusion

To fulfil the above mentioned role it must be secured by the national legal system that legal services (including legal aid) are provided by regulated professionals (Lawyers). This conclusion is aligned with conclusions of other EU Member States.

Competent authority:

Czech Chambers of Patent Attorneys

a) Professions with conclusion to „maintain current system“:

- Patentový zástupce zahraniční usazený (Patent attorney foreign settled)

Following the assessment within the transparency exercise for regulated profession of patent attorney, the conclusion has been made that the regulation and qualification requirements of patent attorneys are non-discriminatory and proportional. Their main purposes are protection of consumers and recipients of services, prevention of fraud and safeguarding the sound administration of justice. In order to protect the interests of clients – recipients of service- patent attorneys are bound by ethical regulations including obligation of confidentiality, which are subject to disciplinary enforcement by the Chamber of Patent Attorneys.

Therefore, it is appropriate to maintain the current system.

AUDITING ACTIVITIES; TAX CONSULTANCY

Competent authority:

Czech Chamber of Tax Advisers

Introduction:

Following the internal assessment of the regulation of the profession of tax adviser, it was concluded to maintain the current system.

a) Professions with conclusion to „maintain current system“:

- Daňový poradce (Tax Adviser)

In accordance with Article 14 Paragraph 3. of Directive 2005/36/EC Nationals of other Member states wishing to take up the profession of a tax adviser in the Czech Republic are required to take an aptitude test. The reasons justifying application of this compensation measure were specified during the proportionality assessment. For more detail on the reasons justifying all imposed regulatory measures please refer to the proportionality information. Other considerations taken into account when making the decision to maintain

the current system of regulation of the profession include the results of the public consultation on regulated professions conducted by the Czech Ministry of Education, Youth and Sports, and the comparison of the domestic regulation with other Member states' systems of regulation of the profession.

The public consultation on regulated professions conducted by the Czech Ministry of Education, Youth and Sports indicates that the Czech public does not wish to change the regulatory framework of the profession. During the public consultation in spring 2014, 286 subjects submitted replies to a questionnaire on regulation of professions. The consultation shows that most subjects (51%) do not mind the regulation of professions. In fact, many of the subjects (31%) stated that they use the qualification requirements stipulated by the regulation to select a suitable job candidate. Also, 53% of the subjects do not approve of a further limitation of the qualification requirements, the main concern being the lowering of quality of products and services. Please note that the protection of consumers and recipients of services was identified as one of the overriding reasons justifying the regulation of the profession of tax adviser in the proportionality form.

8 subjects to the public consultation answered that the current statutory requirements concerning the profession of an accountant or a tax adviser could be replaced by a voluntary certification scheme. Nevertheless, in the course of the proportionality assessment, this option proved unacceptable. The examination of the cumulative effects of the regulation of the profession led to the conclusion that a voluntary certification scheme would not allow for a sufficient supervision over the activities of tax advisers. Furthermore, the scheme would not guarantee adequate protection of privacy of the clients of tax advisers. This is due to the nature of tax advisory services – in the Czech Republic these are considered provision of legal advice in the area of tax law, similarly to the services of attorneys at law or other legal assistance.

Receiving an effective legal advice is only possible provided there is an efficient protection of privacy of the clients of tax advisers ensured by professional privilege. The professional privilege must protect the confidential communication between a tax adviser and their client against disclosure to another party including the tax authorities, courts and enforcement authorities, just as the professional privilege of lawyers. Under the Czech law, the professional privilege can only be conferred or overridden by a statute. Corresponding measures to ensure that tax advisers respect confidentiality, and measures to prevent the abuse of professional privilege, must also be an integral part of the regulation of the profession. Following these considerations, the Czech system of regulation of the profession of a tax adviser is modelled on the system of regulation of lawyers. Both systems make use of mandatory membership in a professional organization with disciplinary jurisdiction to guarantee the necessary professional supervision over the provision of legal advice.

The regulation of the profession of a tax advisor is relatively widespread in EU. The screening information shows that some sort of regulation of tax advisory services has been adopted in at least 12 European countries (Great Britain, Slovakia, Poland, Portugal, Italy, Ireland, Hungary, Germany, Croatia, Belgium, the Czech Republic and Austria). The European systems of regulation of the profession often use similar regulatory measures such as mandatory membership in a professional organization or compulsory professional liability insurance.

Competent authority:

Chamber of Auditors of the Czech Republic

a) Professions with conclusion to „maintain current system“:

- Auditor (Auditor)

The profession "auditor" is regulated by the Act on Auditors, Collection of Laws No. 93/2009, on auditors, and amending certain other legislation (the Auditors' Act). The law is designed in accordance with the Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC. The audit profession is regulated in the European Union. FEE doesn't find deregulation of profession "auditor" is necessary.

FEE (Fédération des Experts-comptables Européens – Federation of European Accountants) is an international non-profit organisation based in Brussels that represents 47 institutes of professional accountants and auditors from 36 European countries, including all of the 28 EU Member States. FEE's objectives include analysing and contributing to professional, regulatory and public policy developments of relevance to the profession, ensuring Member Bodies' timely information and offering leadership in representing the profession.

In representing the European accountancy profession, FEE recognises the public interest. FEE is also a Regional Organisation of IFAC, the International Federation of Accountants.

ARCHITECTURAL ACTIVITIES

Competent authority:

Czech Chamber of Architects

a) Professions with conclusion to „maintain current system“:

- Architekt (Architect)

The sense and purpose of implementing regulation for professional practice of architects is above all establishing conditions for an extra high level of personal responsibility for possible damage caused in relation to performance of the profession. These are particularly risk of personal injury and death, risk of damage to property including possible damage to cultural heritage, risk of environmental damage.

The next followed purpose is consistent protection of consumers and namely of those whose knowledge of designing and/or planning is insufficient and who do not have a chance, by their own reasonable effort, to find out and verify conditions for proper performance of the profession and particularly professional performance standards and standards for professional documentation a professional must provide.

The scope of professional practice of architects contains a rather heterogeneous and broad range of knowledge, proficiency and professional skills – from liberal to natural and technical knowledge to artistic knowledge and skills unavailable to most of users on this level of complexity and variability. Also considering this circumstance, requirements on education and professional practice are very extensive and regulation of the profession is – in our opinion – justified.

We examined repeatedly whether the requirements under our national legal system are directly or indirectly discriminatory on the basis of nationality or residence. It was repeatedly stated that conditions for certification of professional qualification were not discriminating and perfectly comply with requirements of free market movement and provision of services.

The interest is to preserve the existing system with some minor modifications referring particularly to conditions of public commissioning and more explicit manner of fee calculation. All this in order to reflect the scope of professional responsibility to a client as best as possible, and effectively protect his/her justified interests while respecting professional responsibilities and possibility to bear this personal professional responsibility.

ENGINEERING ACTIVITIES

Competent authority:

Czech Chamber of Chartered Engineers and Technicians

a) Professions with conclusion to „maintain current system“:

- Autorizovaný inženýr (Chartered Engineer)
- Autorizovaný technik (Chartered Technician)

We have examined carefully the regulatory framework of the professions under our competence, participated in the mutual evaluation meeting in Brussels and we concluded that the current system is non-discriminatory and proportionate. Kindly follow the related proportionality analysis in the database.

LAND SURVEYOR

Competent authority:

Czech Office for Land Surveying, Mapping and Cadastre

Introduction:

Following the internal assessment of the regulation of the profession of verification of results of land surveying activities, it was concluded the need to maintain the current system.

a) Professions with conclusion to „maintain current system“:

Ověřování výsledků zeměměřických činností (Verification of results of land surveying activities)

Results of land surveying activities which are used for administration of the cadastre of real estate and state map series so as for construction have to be verified to be in coincidence with the legal rules regarding their requirements and accuracy. The profession of verification of results of land surveying activities is regulated in the article § 14 of the Act Nr.200/1994 Coll., on Land Surveying (further only LS Act). According to this article the results of land surveying activities can be verified solely by nature persons with official authorization for verification of results of land surveying activities granted them by the Czech office for land surveying, mapping and cadastre. The requirements for getting the official authorization for verification of results of land surveying activities are stipulated in part 2 § 14 of the LS Act and are the necessary condition for it. Except for legal capacity following conditions must be fulfilled: University degree at least magisterial study programme, land surveying specialization, 5 years practice in the Czech Republic after graduation and successful passing the exam of the professional qualification. In accordance with Directive 2005/36/EC the professional qualification should be recognised as well.

The reasons for regulation of the profession verification of results of land surveying activities are based on following requests: to ensure high quality of land surveying results and independent supervision of the most important land surveying activities so that all subjects and objects surveyed for the purpose of state map series so as for state defence are in accordance with the effective legislation. Further safety in construction surveying in the frame of engineering surveying so as public safety and health of the inhabitants are ensured and last but not least interest in correct registration of rights to real estate into the cadastre together with ownership property rights protection (consumer protection) is reflected.

Verification of results of land surveying activities is more demanding and responsible than mere performance of land surveying activities. Natural persons with official authorization guarantee that the by-them-verified results of land surveying activities, which are used for administration of the cadastre of real estate, for state map series and results in construction are in accordance with effective legislation. Verification of results of land surveying activities is thus the quality guarantee of the results which are taken over by the state institutions. In consideration of large impacts of the verification of inaccurate and incorrect results of land surveying activities is the requirement that the results of land surveying activities can be verified solely by persons with official authorization necessary and proportionate. The aim pursued cannot be achieved by less restrictive measures.

The regulation of the profession “land surveying activities” is relatively widespread in EU. The research results show that some sort of regulation of land surveying activities has been established in at least 19 European countries (Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Great Britain, Greece, Ireland, Italy, Lichtenstein, Portugal, Romania, Slovakia, Slovenia, Switzerland). In some other European countries (Northern Europe, Bavaria – Germany) are land surveying activities even at present entrusted solely to civil service.

The verification of the results of land surveying activities is in the context of cross-border provision of services insignificant in terms of economic benefits of free movement of services. Even in the case of citizens of the Slovak Republic, who have very similar legal regulation as Czech Republic and where no language barrier exists, only two citizens of the Slovak Republic asked for recognition of the professional qualification for verification of the results of land surveying activities. Cross-border supply of services for verifying of the results of land surveying activities has not been asked by any Slovak citizen yet.

AGRICULTURAL ACTIVITIES

Competent authority:

Ministry of Agriculture

Introduction:

After evaluation of the regulatory profession has expressed a requirement to maintain current system.

a) Professions with conclusion to „maintain current system“:

The consultations with specialist departments of the Ministry of Agriculture of the regulated professions within the competence the Ministry of Agriculture implied a requirement for maintaining the range below the regulated professions. Regulated professions and activities are set so as to maintain the quality of products and services. Please note that setting qualifications for regulated professions are necessary for the protection of consumers and recipients of services, animals and the environment.

- **Provádění technicko bezpečnostního dohledu nad vodními díly**
Technical and safety supervision of waterworks

- Odborná způsobilost pro nakládání s přípravky na ochranu rostlin
Competence for the management of plant protection products
- Zkoušení osiva a sadby
Testing of seeds for sowing and seedlings
- Osoba odborně způsobilá pro testování a posuzování hospodářských zvířat
Competent person for farm animals testing and assesment
- Provádění pokusů na zvířatech, péče o pokusná zvířata a usmrcování pokusných zvířat
Performing experiments on animals, care of experimental animals and killing of experimental animals
- Dodavatel, který vyrábí nebo dováží rozmnožovací materiál
Supplier manufacturing or importing reproductive (breeding) materials
- Porážení jatečných zvířat na jatkách
Slaughter of animals raised for meat in slaughterhouses
- Rybářský hospodář a jeho zástupce
Fish farmer and deputy fish farmer
- Osoba oprávněna podepisovat zemědělské skladní listy
Person authorized to sign agricultural warehouse certificates
- Navrhování pokusů a projektů pokusů a provádění pokusů na zvířatech
Management and inspections of animal experiments
- Rostlinolékař
Phytopatologists
- Myslivecký hospodář
Gamekeeping manager
- Technický auditor vodovodů a kanalizací
Technical auditor of water piping and sewage systems
- Klasifikace jatečně upravených těl skotu a prasat (SEUROP)
Classification of the carcasses of animals raised for meat (SEUROP system)
- Osoba provádějící kontrolu žadatele, ekologického podnikatele, výrobce nebo dodavatele ekologických krmiv nebo dodavatele ekologického rozmnožovacího materiálu
Inspections of the applicant, organic farmer, producer or supplier of organic feed or supplier of organic planting material
- Osoba provádějící kontrolu výrobce biopotravin a osoby, která uvádí bioprodukty nebo biopotraviny do oběhu
Inspections of organic food producers and persons placing organic products or organic foods into circulation
- Dovoz a uvádění do oběhu premixů nebo určitých proteinových krmiv nebo zrnin nebo olejnin získaných prostřednictvím geneticky modifikovaných organismů nebo obsahujících geneticky modifikované organismy
Import and putting into circulation of premixes or certain protein feedstuffs or grain plants or oil plants acquired via genetically modified organisms or containing genetically modified organisms
- Výroba krmiv s použitím doplňkových látek nebo premixů
Production of feedstuffs using supplementary substances or premixes and the processing of certain protein feedstuffs

- Výrobu premixů nebo kompletních a doplňkových krmiv s použitím doplňkových látek nebo s použitím premixů
Production of premixes or complete and supplementary feedstuffs using supplementary substances or using premixes, or for the production and processing of certain protein feedstuffs or for the processing of feedstuffs with an excessive content of undesirable substances
- Výroba, dovoz a uvádění do oběhu doplňkových látek
Production, import, and putting into circulation of supplementary substances
- Uvádění reprodukčního materiálu lesních dřevin do oběhu
Management of seeds and seedlings of forest wood species
- Projektování pozemkových úprav
Land adjustment planning
- Zpracování lesního hospodářského plánu a lesních hospodářských osnov
Production of the forest management plan and forest management programmes
- Odborný zástupce provozovatele vodovodů nebo kanalizací
Responsible representative of a water piping and sewage system operator
- Osoba odborně způsobilá k péči o kuřata chovaná na maso
Competent person to care for chickens reared for meat
- Osoba odborně způsobilá pro činnost chovatelského podniku prasat
Competent person for activities of a pigs breeder company
- Osoba odborně způsobilá pro činnost uznaného chovatelského sdružení
Competent person for activities of accredited breeder association
- Osoba odborně způsobilá pro provádění inseminace a vpravování embryí inseminační technikou
Competent person for insemination and embryos insert by insemination technique
- Osoba odpovědná za péči o handicapovaná zvířata
Person responsible for care of handicapped animals
- Osoba přepravující zvířata
Person transporting animals
- Odborný lesní hospodář
Forestry manager
- Činnosti související s porážením zvířat na jatkách
Activities related to the slaughtering of animals in slaughterhouses
- Poradce v ochraně rostlin
Plant Protection Adviser
- Uvádění premixů do oběhu
Premixes putting into circulation

Regulated professions and activities resulting from EU legislation:

- Competent person for insemination and embryos insert by insemination technique
- Fish farmer and deputy fish farmer
- Phytopatologists
- Competence for the management of plant protection products
- Management of seeds and seedlings of forest wood species
- Forestry manager
- Production of the forest management plan and forest management programmes

- Person authorized to sign agricultural warehouse certificates
- Land adjustment planning
- Inspections of organic food producers and persons placing organic products or organic foods into circulation
- Inspections of organic entrepreneurs and persons classified in the transition period
- Technical and safety supervision of waterworks
- Supplier manufacturing or importing reproductive (breeding) materials
- Testing of seeds for sowing and seedlings
- Performing experiments on animals, care of experimental animals and killing of experimental animals
- Plant Protection Adviser
- Management and inspections of animal experiments
- Person transporting animals
- Import and putting into circulation of premixes or certain protein feedstuffs or grain plants or oil plants acquired via genetically modified organisms or containing genetically modified organisms
- Production of premixes or complete and supplementary feedstuffs using supplementary substances or using premixes, or for the production and processing of certain protein feedstuffs or for the processing of feedstuffs with an excessive content of undesirable substances
- Production of feedstuffs using supplementary substances or premixes and the processing of certain protein feedstuffs
- Production, import, and putting into circulation of supplementary substances
- Premixes putting into circulation
- Competent person to care for chickens reared for meat
- Gamekeeping manager
- Responsible representative of a water piping and sewage system operator
- Technical auditor of water piping and sewage systems
- Classification of the carcasses of animals raised for meat (SEUROP system)
- Activities related to the slaughtering of animals in slaughterhouses
- Slaughter of animals raised for meat in slaughterhouses
- Competent person for farm animals testing and assessment

In the list of regulated professions are placed two new regulated professions and activities - Plant Protection Adviser and Premixes putting into circulation, which were found in a transparent exercise.

The reason for their inclusion is the implementation of EU legislation into national legislation.

VETERINARY ACTIVITIES

Competent authority:

Chamber of Veterinary surgeons of the Czech Republic

Introduction:

We have examined carefully the regulatory framework of the professions under our competence and we concluded that the current system is non-discriminatory and proportionate. Kindly follow the related proportionality analysis in the database.

a) Professions with conclusion to „maintain current system“:

- Veterinární lékař (Veterinary surgeon)
- Veterinární technik (Veterinary technician)
- Laboratorní a jiná veterinární diagnostická činnost, provozování asanačního podniku (Laboratory and other veterinary diagnostic activity, operation of a decontamination enterprise)
- Provozování jiné veterinární asanační činnosti (Operation other veterinary decontamination activities)

SECTOR: REAL ESTATE/ TOURISM

Competent authority:

Ministry of Regional Development

b) Professions with conclusion to „reform current system“ or „review still underway“:

1. Realitní zprostředkovatel (Real Estate Agent)

1.1. Objectives

- Target(s)

The current system is going to be reformed. The profession needs to be regulated especially because of consumer protection. In contrast to many EU member states, there is no regulation of this profession in the Czech Republic. It leads to unprofessionalism and unfair activities which harm consumers as well as those real estate agents who are fair and competent. For more information on the proposed change and alternatives, kindly follow the National report in English published within the European database of regulated professions and detailed analysis in Czech on <http://www.mmr.cz/getmedia/58941994-c8c0-43f0-9e4e-a0fe9d7ac224/Analyza-realitni-cinnosti.pdf>.

- Indicator(s)

This phenomenon is commonly known, the situation is generally criticised in media, by real estate agents and their associations and consumer protection organizations. There have been many both civil and criminal trials in this field. According to a survey, 81 % consumers and 76 % real estate agents think that it is necessary to set up rules for performing the real estate activities. You can find more details on surveys on http://www.mmr.cz/getmedia/7c11e951-115e-4740-b158-86d1043be0a9/Dotaznik_spotrebiteel.pdf and http://www.mmr.cz/getmedia/85646139-eff8-4062-9d94-356941f34ac4/Dotaznik_RK.pdf (only in Czech). The press statement regarding the survey is on <http://www.mmr.cz/cs/Podpora-regionu-a-cestovni-ruch/Verejne-drazby-a-realitni-cinnost/Realitni-zakon/Zverejneni-vysledku-dotaznikove-akce>.

1.2. Measures

(The measures may take place at the level of the sector or be specific to a profession)

- Overview current regulatory framework

The profession does not have any special regulation. According to Annex No 4 to the Trade Licensing Act, it is included in the category of unqualified trades. Under section 25 of this act, unqualified trades are trades for the carrying-on of which this Act requires no proof of professional or other competence. In order to acquire a trade authorization for an unqualified trade, general conditions must be fulfilled. The general conditions to be met by natural persons in order to carry on a trade shall be full legal capacity, which may be replaced by judicial approval of the consent of the minor's legal guardian to the independent operation of business activities, and good character.

- Conclusions assessment made

Such a low degree of regulation is inadequate because it does not protect consumers from unprofessionalism and unfair and even criminal activities, and contributes to atmosphere of distrust of real estate agents. This opinion also corresponds to results of a survey, according to which both consumers and real estate agents themselves ask for regulation of this profession.

- Measure(s) proposed

A brand new act dealing with real estate agents and this profession is being prepared. As the legislative process is on its beginning, there are in principle three acceptable options proposed:

1. The profession will remain in the category of unqualified trades and specific conditions for the provision of services (incl. qualification) will be stipulated in the special act.
2. The profession will become a professional trade, which requires certain professional qualification set forth in the Trade Licence Act. Upon submission of documents on qualification the Ministry of Regional Development will issue a certificate of qualification.
3. The profession will become a permitted trade where the competent authority decides in administrative proceedings whether the applicant complied with all requirements.

In all cases the special act will specify conditions for pursuing the profession of real estate agent - mandatory liability insurance, an obligation to keep consumers financial means on a separate bank account, information obligations etc. In all cases real estate agent will have to prove acquiring a certain level of qualification (completion of secondary education + 3 years of field experience), National system of qualification (an alternative to prove the adequacy of qualification). These conditions are considered to prevent frauds, however, the CR would prefer such a new act that does not imply additional administrative burden.

It is important that in options 1. and 2., there is an intention to create a publically accessible electronic database of all – natural persons who proved to the Ministry to have the required

qualification. This way will consumers always have the opportunity to check whether they are entering into a contact with a qualified person or not.

- Indicative process to have the measure(s) implemented

There is a special act being prepared which newly deals with the field of real estate business. If the option of moving this trade to the “professional trades” category is chosen, the Trade Licensing Act will have to be changed.

- Timetable for the adoption and implementation of the measure(s)

The document describing in detail the targets of the intended act is currently being consulted. The draft bill shall be submitted to the Government of the Czech Republic in December of 2016.

- State of implementation of reform (if ongoing)
- New regulatory framework (if reform recently adopted)

2. Turistický průvodce

Introduction:

In 2008 the profession of Tourist Guide was fully deregulated. The previous regulation required the professional and linguistic skills. Now the profession is fully deregulated. To obtain the trade licence for tourist guide, the applicant only needs to meet general business conditions – no criminal record, legal capacity, 18 years of age, tax clearance.

This deregulation lead to a number of complaints received by professional association from travellers who objected poor quality services being provided by persons who indicated to be tourist guides. Often a receipt on the provision of service is refused to be given to the consumer. From the perspective of competent state supervision authorities it is very difficult to track unlawful service providers as there can be thousands of trade licence holders. It is even harder to proceed with consumer’s complains and control the quality of services of those persons who come from abroad and provide their service on the territory of the Czech Republic.

The deregulation had negative impact on the following matters:

- the number of issued trade licences for Tourist Guides decreased by more than 45%
- the access of young specialised graduates to labour market aggravated
- the service quality and competitiveness of tourist guides declined
- illegal business in the provision of tourist guide services increased

Ministry of Regional Development is an owner of the Czech Service Quality System – voluntary and innovative system, which systematically helps to improve the quality of services organizations in the tourism sector and contributes to increasing the competitiveness of the tourism as a whole. Ministry cooperates with the selected professional associations in tourism. One of them since December 2015 is Czech Tourist Guide Association.

System helps gaining skills and knowledge in the field of quality control services, and other professional skills that participating organizations can use to build their business. Successful

organizations will receive the prestigious, internationally comparable brand that represents a customer proven service quality.

Czech Tourist Guide Association is a voluntary, non-political, non-governmental, non-profit professional organization of qualified guides in tourism.

2.1. Objectives

- Target(s)

- increase the number of qualified guides on the market
- facilitate the access of young specialized graduates in tourist guide services to the labour market
- improve service quality and competitiveness of tourist guides
- reduce illegal business in the provision of tourist guide services

- Indicator(s)

- growing number of qualified tourist guides
- growing number of young specialized graduates founding the employment in tourism up to 12 month after the graduation
- number of issued quality certificates (Czech Service Quality System)
- outputs of control authorities (trade licence offices, tax offices)

2.2. Measures

(The measures may take place at the level of the sector or be specific to a profession)

- Overview current regulatory framework

Unregulated trade – since 2008 due to the Amendment to Act No. 455/1991 Coll., Trades Act was profession of Tourist Guide transferred to unregulated trade.

- Conclusions assessment made

Reform current system

- Measure(s) proposed

Define and regulate on a non-mandatory basis the profession of Tourist Guide in specialized Act. No. 159/1999 Coll., on Certain Conditions of Business Activities in the Field of Tourism. The intention is to provide a clear definition of Tourist Guide services, sets required qualifications, the identification of qualified service providers, and allows the effective control of service providers (through a publically available database of natural persons who proved to have a certain qualification). The measure secondarily improves the access of young qualified graduates to the labour market.

Establish a voluntary system of quality certification.

- Indicative process to have the measure(s) implemented

Amendment to the Act No. 159/1999 Coll., on Certain Conditions of Business Activities in the Field of Tourism.

The inclusion of tourist guides to the Czech Service Quality System.

- Timetable for the adoption and implementation of the measure(s)

By the end of 2016 – submission of the draft act to the Government

December 2015 – voluntary certification within The Czech Service Quality System

- State of implementation of reform (if ongoing)

Amendment in the legislative process.

Service quality system introduced.

- New regulatory framework (if reform recently adopted)

SECTOR: TRANSPORT

Competent authority:

Ministry of Transport of the Czech Republic

Introduction:

A special approach should be taken with respect to professions in the area of transport. Their characteristic feature is a large degree of unification or harmonisation by means of EU law and also international law. As the Commission correctly stated itself, in the sector of civil aviation for instance EU regulations exhaustingly set out directly applicable qualification requirements regarding approximately 50 professions, which have been subject to no transparency exercise by the Commission whatsoever. A number of seafarers' professions are also exhaustingly regulated by EU law and their regime of recognition is not covered by Directive 2005/36/EC (but by Directive 2005/45/EC). Only the Commission is again competent to initiate a deregulation of these professions on the basis of a possible separate transparency exercise.

There are currently 15 professions (see below) where the Ministry of Transport is the competent authority and which are not exhaustingly regulated by acts of EU law. However, even in many cases of these professions, EU law

- either generally, directly or indirectly, requires the Member States to ensure that these professions are carried out by qualified specialists - for instance in the case of persons providing training to road safety auditors (see Directive 2008/96/EC), inspection technicians carrying out vehicle testing (see Directive 2009/40/EC and 2014/45/EU), or providers of handling services at public airports (see Directive 96/67/EC), or
- lays down certain general qualification requirements, which are however not exhaustive or leave limited margin of discretion to the Member States for precise and concrete national regulation - for instance in the case of road safety auditors (see Directive 2008/96/EC),

inspection technicians of the "ADR" type (see the ADR Agreement and Directive 2008/68/EC), or driving test examiners (see Directive 2006/126/EC).

The majority of the above mentioned professions regulated in the transport sector require both - formal education and special training or practice. These professions are highly responsible, challenging and the current requirements are necessary and justified by overriding reasons of public interest (usually road safety or public security). None of the requirements regulating the access to these professions are discriminatory. All EU nationals enjoy equal access to the professions.

a) Professions with conclusion to „maintain current system“:

- Kapitán lodě pro námořní plavbu (Master)
- Učitel autoškoly (Driving school instructor)
- Zkušební komisař provádějící zkoušky žadatelů o řidičská oprávnění (Driving test examiner)
- Kontrolní technik typu ADR (Inspection technician of the "ADR" type)
- Kontrolní technik typu K (Inspection technician of the "K" type)
- Auditor bezpečnosti pozemních komunikací (Road safety auditor)
- Osoba poskytující školení auditorů bezpečnosti pozemních komunikací (Person providing training to road safety auditors)
- Osoba oprávněná koordinovat opatření k zajištění bezpečného provozu tunelu nad 500 m (Safety officer authorised to coordinate measures ensuring the safe operation of a tunnel over 500 m)
- Kontrolní technik provádějící technické prohlídky vozidel (Inspection technician carrying out vehicle testing)
- Mechanik provádějící měření emisí vozidel (Mechanic carrying out emission tests of vehicles)
- Psycholog provádějící dopravně psychologické vyšetření (Psychologist carrying out examination of mental fitness for driving)
- Osoba zajišťující zdravotnickou přípravu žadatelů o řidičské oprávnění (Person providing medical training to driving entitlement applicants)
- Provozovatel letiště (Airport operator)
- Poskytovatel služeb při odbavovacím procesu na veřejném letišti (Provider of handling services at public airports)
- Osoba provádějící vývoj, projektování, výrobu, zkoušky, instalaci, údržbu, opravy, modifikace a konstrukční změny vybraných výrobků, letadlových částí a zařízení a leteckých pozemních zařízení (Person carrying out development, design, manufacture, testing, installation, maintenance, repairs, modification and construction changes to certain products, aircraft parts and appliances or ground facilities)

WATER TRANSPORT

Competent authority:

National Navigation Authority of the Czech Republic

Introduction:

The Czech Republic has entirely harmonised its legislation on the Regulated Professions with the current EU law governing recognition of professional qualifications, in particular with the existing requirements of the CCNR. The final Czech regulation provides adequate and non-discrimination provisions to take the full advantage of the current EU harmonisation mechanism. In the light of this fact, the competent national authorities will not propose any revisions.

a) Professions with conclusion to „maintain current system“:

- Lodník (Deck hand)
- Kormidelník (Helmsman)
- Stroj mistr (Machine minder)
- Převozník (Ferryman)
- Vůdce malého plavidla (Small Craft Operator)
- Inspektor určených technických zařízení (Specific Equipment Inspector)
- Provozování vodní dopravy pro cizí potřeby (Water transport Services for Hire or Reward)

SERVICE ACTIVITIES INCIDENTAL TO LAND TRANSPORTATION

Competent authority:

Rail Authority

Introduction:

We have examined carefully the regulatory framework of the professions under our competence and we concluded that the current system is non-discriminatory and proportionate. Kindly follow the related proportionality analysis in the database.

a) Professions with conclusion to „maintain current system“:

- 5112 - Osoba provádějící školení osob řídících drážní vozidlo (Vocational training of rail vehicle drivers)
- 5113 - Fyzická osoba provádějící revize, prohlídky a zkoušky určených technických zařízení v provozu na dráhách (Person providing the examination and tests of specified technological equipment for the rail system operation or rail transport operation (rail inspection technician))
- 5114 - Provozovatel drážní dopravy (Rail system operator)
- 5115 - Provozovatel dráhy (Railway undertaking)
- 5128 - Osoba řídící drážní vozidlo na dráze tramvajové, trolejbusové, speciální, lanové a vlečce (Rail vehicle driver)

MINING SERVICE ACTIVITIES

Competent authority:

Czech Mining Authority

Introduction:

The sense and purpose of implementing regulation for professional practice of mining professions is above all establishing conditions for an extra high level of personal responsibility for possible damage caused in relation to performance of the profession. These are particularly risk of personal injury and death, risk of damage to property including possible damage to mining equipment heritage, risk of environmental damage.

The scope of professional practice of mining professions contains a rather heterogeneous and broad range of knowledge, proficiency and professional skills – from liberal to natural and technical knowledge to artistic knowledge and skills unavailable to most of users on this level of complexity and variability. Also considering this circumstance, requirements on education and professional practice are very extensive and regulation of the profession is – in our opinion – justified.

We examined repeatedly whether the requirements under our national legal system are directly or indirectly discriminatory on the basis of nationality or residence. It was repeatedly stated that conditions for certification of professional qualification were not discriminating and perfectly comply with requirements of free market movement and provision of services. The interest is to preserve the existing system. All this in order to reflect the scope of professional responsibility to a client as best as possible, and effectively protect his/her justified interests while respecting professional responsibilities and possibility to bear this personal professional responsibility.

a) Professions with conclusion to „maintain current system“:

- Báňská záchranná služba
- Báňský projektant
- Bezpečnostní technik
- Důlní měřič
- Geomechanik
- Hlavní důlní měřič
- Hodnotitel rizik ukládání odpadů
- Montáž, opravy, revize a zkoušky elektrických zařízení
- Montáž, opravy, revize a zkoušky plynových zařízení a plnění nádob plyny
- Montáž, opravy, revize a zkoušky tlakových zařízení a nádob na plyny
- Montáž, opravy, revize a zkoušky zdvihacích zařízení
- Odborný pracovník pro řízení údržby
- Pracovník pro řízení montáže, provozu a elektroúdržby zařízení
- Projektant instalace elektrických zařízení
- Projektant instalací strojního zařízení
- Provádění trhacích a ohňostrojných prací, odpalovač ohňostrojů
- Pyrotechnik
- Strojník těžního stroje
- Střelmistr
- Technický dozor pro vedení důlních a pozemních děl
- Technický vedoucí odstřelů
- Technik pověřený dozorem nad elektrickou částí těžního zařízení
- Technik pověřený dozorem nad strojní částí těžního zařízení
- Technik pověřený dozorem nad udržováním jámy

- Vedoucí důlní degazace
- Vedoucí větrání
- Závodní
- Závodní dolu
- Závodní lomu

CULTURAL ACTIVITIES

Competent authority:
Ministry of Culture

b) Professions with conclusion to „reform current system“ or „review still underway“:

2. Restaurování kulturních památek, které jsou díly výtvarných umění nebo uměleckořemeslnými pracemi (Restoration of cultural monuments)

The restoration of cultural monuments is regulated by a national law: Act No. 20/1987 Coll., on the State Care of Monuments, as amended. The conditions under which restoration work can be carried out by other EU member state nationals are stipulated in Act No. 18/2004 Coll., on the recognition of professional qualifications and other competencies of nationals of EU Member States and some third country nationals, also amending other acts (Act on the Recognition of Professional Qualifications), as amended.

The restoration of cultural monuments may only be carried out by an individual on the basis of a valid licence issued by the Ministry of Culture, since the regulatory framework applies to works of fine arts and artistic crafts whose probe survey as well as restoration per se require a high level of expertise. Restorers of cultural monuments must prove that they have completed the required education or (where appropriate) years of practice in the field; they must also prove they possess the skills and abilities necessary for the performance of restoration work. The education requirements differ depending on the type of works restored and the kind of work carried out on them by the licence holder. A lack of certain academic qualifications can, to some extent, be compensated for by previous restoration practice. This applies especially in cases where it is impossible to find an educational institution offering the required type of education and training. A restorer's abilities and skills are verified by examining his or her previous work on restoring similar objects; however, these must not be cultural monuments under state protection. The law also enables the relevant authorities to check on the quality of a restorer's work: to impose penalties or, where appropriate, withdraw the licence to restore cultural monuments if there are serious deficiencies in the restorer's work.

The above-mentioned basic requirements should be retained in the future regulatory framework; however, the new legislation being drafted will also require the applicants to pass an examination to prove that they are familiar with the heritage protection laws and regulations to the extent necessary to carry out restoration work on cultural monuments.

3. Provádění archeologických výzkumů (Conducting archaeological field research)

Archaeological field research is regulated by a national law: Act No 20/1987 Coll., on the State Care of Monuments, as amended. The conditions under which archaeological field research can be carried out by other EU member state nationals are stipulated in Act No. 18/2004 Coll., on the recognition of professional qualifications and other competencies of nationals of EU Member States and some third country nationals, also amending other laws (Act on the Recognition of Professional Qualifications), as amended.

Where appropriate, the Ministry of Culture can, on request and after consultation with the Czech Academy of Sciences, grant the permission to carry out archaeological field research to higher education institutions that carry it out as part of their academic or pedagogical tasks, to museums or other organizations, and also to individuals, provided that the applicants meet the necessary requirements. Where the applicant is an individual, this applies to his or her professional qualifications; where the applicant is an institution or some other entity, the required professional qualifications are those of its employees or other persons in a similar relationship to the applicant, who provide the required level of archaeological expertise. Both individual and institutional applicants must also possess the laboratory equipment and premises needed to gather scientific knowledge, document archaeological finds and ensure temporary storage of movable archaeological finds. The required professional qualifications include completing an accredited master's programme in social sciences with a focus on archaeology, and 2 years of practice in the profession.

These basic requirements should be retained in the future regulatory framework; however, the new legislation will extend the required length of practice to 3 years and the applicants will also have to submit at least 3 relevant find reports from archaeological field surveys in which they demonstrably participated, as well as a list of their publications on archaeological research for the last 5 years. They will also have to pass an examination to prove that they are familiar with the heritage protection laws and regulations to the extent necessary to carry out archaeological field research.

4. Provádění stavebně – historických průzkumů (Carrying out constructional and historical surveys of buildings)

3.1. Objectives:

- **Targets:** Carrying out constructional and historical surveys is a specialized professional activity whose basic purpose is to find out, gather, document, classify and process a maximum of information about a particular building, a group of buildings, a complex or a historical site as a whole. The outcomes of this work serve both to inform administrative decisions in heritage conservation matters and to enrich or extend general knowledge through scientific research in the field of heritage conservation. In the latter case they significantly enhance the existing knowledge of particular historical buildings and structures.
- **Indicator/Indicators** To obtain information about a given building or other structure, its physical fabric is examined using knowledge of art history, historical constructions, typology, technologies etc. A constructional and historical survey includes as its integral part also the study of relevant written sources for the whole period of the building's existence. An important part is played by the auxiliary sciences of history and a number of other disciplines related to various types of structures.

3.2. Measures

- **Overview of the existing regulatory framework**– not yet regulated

- **Evaluation of conclusions** – This new profession should be introduced by the heritage conservation law that is currently being drafted. The law limits the special regulation of constructional and historical survey to those cases in which the survey report serves as a mandatory source of information and evidence in administrative proceedings under the law's provisions. The other requirements an application must meet also relate only to this specific type of constructional and historical survey. In those cases where the survey report does not serve as mandatory evidence in administrative proceedings, the survey is not subject to any regulation and the person conducting it is only bound to respect ownership and usage rights to the property in question and avoid causing damage to cultural monuments. The draft law therefore does not prevent anyone from carrying out constructional and historical survey outside its regulations and, in such cases, the author of the survey report will not be required to provide evidence of his or her professional qualifications; however, such a survey report cannot be used as mandatory evidence in administrative proceedings under the new law. This is not to say that such survey reports cannot be used at all: in proceedings before a heritage conservation authority, they can be submitted as any other kind of evidence, but will not carry the same procedural and material weight as is granted by the law to constructional and historical survey reports compiled in accordance with its provisions.

- **Proposed measure/Proposed measure** – License applicants must meet the general requirements, i.e. personal integrity as defined by law, full capacity to perform legal acts (applies to individual applicants), and knowledge of legal regulations. In addition, they must also have the required professional qualifications: a master's degree in social sciences with a focus on cultural history or building and architecture. To prove their qualifications, the applicants must submit a university diploma and three constructional and historical survey reports on buildings older than 50 years. The survey reports written by the applicant must prove his or her knowledge of methodology and ability to draw the correct conclusions from constructional and historical survey. The applicants will also have to pass an examination to prove that they are familiar with the heritage protection laws and regulations to the extent necessary to carry out constructional and historical surveys.

- **Framework procedure for the implementation of measures**

- **Timetable for the adoption and implementation of measures** – The law should take effect on 1 January 2018.

SECTOR: NETWORK SERVICES/ HEALTH AND SOCIAL SERVICES /BUSINESS SERVICES

Competent authority:

Ministry of the Environment of the Czech Republic

Introduction:

All those regulated professions are regulated to secure better and safer environment. Ministry of the Environment of the Czech Republic oversees all those professions because as

the central state administrative authority and supreme inspection authority in environmental affairs has to protect the environment of the Czech Republic.

a) Professions with conclusion to „maintain current system“:

- Biologické hodnocení (Biological Assessment)
- Dohled nad tepelným zpracováním odpadu (Supervision of thermal waste treatment)
- Jednorázové měření emisí a měření úrovně znečištění (Disposable measurement of emissions and measurement of pollution level)
- Kontrola těsnosti chladicích a klimatizačních zařízení obsahujících regulované látky nebo fluorované skleníkové plyny (Leakage checking of refrigeration and air conditioning equipment containing regulated substances or fluorinated greenhouse gases)
- Kontrola těsnosti systému požární ochrany obsahujících regulované látky nebo fluorované skleníkové plyny (Check tightness of the fire protection system containing controlled substances or fluorinated greenhouse gases)
- Ověřování zprávy o emisích a certifikaci systému kvality (Verifying of emission reports and quality system certification)
- Poskytování odborných vyjádření podle § 11 zákona o integrované prevenci (Providing Expert Opinion pursuant to Section 11 of Act on IPPC)
- Posouzení vlivů záměrů a koncepcí na území evropsky významné lokality nebo ptačí oblasti (Assessment of impacts of plans and projects on sites of community importance or bird area)
- Provádění zkoušky těsnosti potrubí nebo nádrží určených pro skladování a prostředků pro dopravu zvláště nebezpečných látek a nebezpečných látek (Testing for leaks or tanks used for storing and the means of transportation of especially hazardous substances and hazardous substances)
- Řízení a odpovědnost za výkon geologických prací (odpovědný řešitel geologických prací) (Management of Geological Work (Authorised Person to Carry out Geological Work))
- Údržba nebo servis zařízení obsahujícího regulované látky nebo fluorované skleníkové plyny (Maintenance or servicing of applications containing regulated substances or fluorinated greenhouse gases)
- Zneškodňování regulovaných látek (Disposal of controlled substances)
- Znovuzískávání regulovaných látek a jejich následné zneškodnění, regenerace nebo recyklace (Recovery of controlled substances and their destruction, regeneration or reclamation)
- Znovuzískávání regulovaných látek při recyklaci výrobku a znovuzískávání fluorovaných skleníkových plynů (Recovery of regulated substances in product recycling and recovery of fluorinated greenhouse gases)
- Zpracování hodnocení rizika (Preparation of Risk Evaluation)
- Zpracování odborného posudku a zpracování rozptylové studie (Preparation of expert statements and dispersion studies)
- Zpracování dokumentace a posudku (Preparation of Documentation and Expert Reports)

b) Professions with conclusion to „reform current system“ or „review still underway“:

1. Zajištění odborného nakládání s odpady (odpadový hospodář) (waste manager)

1.1. Objectives

- Target(s)
 - To repeal the unnecessary regulation of the waste manager.
- Indicator(s)
 - No data

1.2. Measures

(The measures may take place at the level of the sector or be specific to a profession)

- Overview current regulatory framework
 - Art. 15 of act no. 185/2001 Coll., on waste and on amendments of other acts
 - Current regulatory framework requires
 - University degree and at least 3 years of practice in waste management within last 10 years
 - Secondary education and at least 5 years of practice in waste management within last 10 years
- Conclusions assessment made
 - Analysis of the situation revealed, that the regulation of waste manager is unnecessary.
- Measure(s) proposed
 - The current regulation of the profession "waste manager" will be removed without replacement in the draft of the new waste act.
- Indicative process to have the measure(s) implemented
 - the draft of the new waste act is currently passing through the process of the inter-ministerial consultations
 - the draft of the new waste act will be sent to a process of review by governmental legislative making council

- the draft of the new waste act will be sent to the governmental legislative making council in amended version
- the draft of the new waste act will be approved by the government
- the draft of the new waste act will be sent to the Parliament to be adopted
- the draft of the new waste act will be sent to the President for signature
- the adopted waste act will be published in the Collection of Laws
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new waste act is currently passing through the process of the inter-ministerial consultations – the end of November 2015

2. Pověření k hodnocení nebezpečných vlastností odpadů (Assessment of Hazardous Properties of Waste)

2.1. Objectives

- Target(s)
 - Current regulatory framework is sufficient with only minor shortages.
 - To prevent persons whose authorisation has been cancelled from pursuing this profession (assessment hazardous properties of waste)
 - To prevent unqualified personnel from pursuing this profession
- Indicator(s)
 - No data

2.2. Measures

(The measures may take place at the level of the sector or be specific to a profession)

- Overview current regulatory framework
 - Art. 7 of act no. 185/2001 Coll., on waste and on amendments of other acts

- For assessment of Hazardous Properties of Waste from HP 1 to HP 3, HP 12, HP 14 and HP 15
 - university education with technical or natural sciences specialization;
 - in the course of the last 6 months, the applicant has completed an accredited course on Assessment of Hazardous Properties authorized by the Ministry of Environment;
 - 10 years of professional experience in the field.
- For assessment of Hazardous Properties of Other Waste
 - university education in medicine, veterinary medicine or pharmacy; postgraduate studies in toxicology and industrial specialization; special training courses where the subject is toxicology; for HP9 - university studies in medicine or veterinary medicine;
 - in the last 6 months before applying training for evaluation of the hazardous properties of waste, approved by the Ministry of Health;
 - 10 years of professional experience in the field.
- Decree no. 376/2001 Coll., on classification of hazardous waste properties, as amended
- Conclusions assessment made
 - Analysis of the situation revealed, that the overall regulation was sufficient with only minor shortages.
 - Prevent a person whose authorisation to Assess Hazardous Properties of Waste was annulled to become a representative responsible for Assessment of Hazardous Properties of Waste and vice versa.
- Measure(s) proposed
 - Set a period of 5 years when a person whose authorisation to Assess Hazardous Properties of Waste has been annulled cannot continue pursuing this profession (Assessment Hazardous Properties of Waste)
- Indicative process to have the measure(s) implemented

- the draft of the new waste act is currently passing through the process of the inter-ministerial consultations
- the draft of the new waste act will be sent to a process of review by governmental legislative making council
- the draft of the new waste act will be sent to the governmental legislative making council in amended version
- the draft of the new waste act will be approved by the government
- the draft of the new waste act will be sent to the Parliament to be adopted
- the draft of the new waste act will be sent to the President for signature
- the adopted waste act will be published in the Collection of Laws
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new waste act is currently passing through the process of the inter-ministerial consultations – the end of November 2015

c) Professions where the reform has recently taken place or it is undergoing:

1. Ověřování množství emisí skleníkových plynů (Verifying the volume of greenhouse gas emissions)

1.1. Objectives

- Target(s)

Protection of the environment and the urban environment, including town and country planning.

Equal requirements for Czechs and professionals from other MS

- Indicator(s)

1.2. Measures

(The measures may take place at the level of the sector or be specific to a profession)

- Overview current regulatory framework

The COMMISSION REGULATION (EU) No 600/2012 of 21 June 2012 on the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council requires that only that the professional verifying the volume of greenhouse gas emissions must possess an accreditation by a national accreditation body. The accreditation is recognised in all member states. Czech Republic additionally required Czech nationals and residents to possess an authorisation by the Ministry of Environment, which was (considered to be) discriminatory against Czech professionals.

- Measure(s) proposed

This additional requirement of authorization was removed with effect from 1. 1. 2015.

- Timetable for the adoption and implementation of the measure(s)

Act no. 257/2014 is in effect since 1. 1. 2015.

- New regulatory framework (if reform recently adopted)

Czech Republic no longer requires Czechs and professionals from other MS to possess an authorization granted by the Ministry of Environment with effect from 1/2015

SECTOR: NETWORK SERVICES

Competent authority:
Energetic Regulation Office

Introduction:

According to § 5 of the Energy act, a foreign person may work as an entrepreneur in the energy sector under the same conditions and to the same extent as a Czech citizen. For this reason this activity meets the conditions of non-discrimination, proportionality and is consistent with the public interest.

a) Professions with conclusion to „maintain current system“:

- Odpovědný zástupce za licencovanou činnost (Responsible Representative)
- Podnikatel v energetických odvětvích - fyzická osoba (Enterpriser in the energy sector - natural person)

Competent authority:
State Office for Nuclear Safety

Introduction:

The regulation of peaceful utilization of the nuclear energy and ionizing radiation in the Czech Republic is based on the Treaty establishing European atomic energy community and instruments of secondary *acquis communautaire* adopted within a framework of Euratom. Most of the regulated activities, included professions mentioned in this action plan, are explicitly enacted in Euratom legislation, though not in exact terms. Regarding this fact the regulation of the below mentioned professions could be considered as harmonised in general manner (scope and content; not in matter of particular requirements on education, experience or system of their evaluation).

The Czech Republic (the State Office For Nuclear Safety) is currently working on deep reform of nuclear legislation. The act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts, and its secondary legislation, including decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, shall be replaced with a new set of legislation, reflecting new requirements of EU legislation, international recommendations (IAEA, WENRA, ICRP, OECD) and good practice. Although recent features of the regulatory system should be retained, new approach shall be implemented in many fields of the area of peaceful utilization of nuclear energy and ionizing radiation.

Among others, requirements on qualification of personnel are planned to be adjusted to actual needs of regulation of the potentially dangerous activities. With respects to interests of public health, public safety and protection of environment and based on results of analyses of existing practice and recommendations of EC, the current regulation should be alleviated. Many current requirements should be transformed into lower level of complexity (e.g. requirements on education). All relevant plans are described in detail below.

Reform of the act no. 18/1997 Coll. is currently undergoing (draft was presented to other ministries and to stakeholders). Reform of supplementary regulations has been commenced recently and on the basis of the initial analyses (and regulatory impact assessment) the particular drafts are under preparation. For these reasons the information on the reform were not published sooner.

In the area of chemical weapons prohibition (regulated by the act no. 19/1997 Coll., on some measures concerning chemical weapons prohibition and on amendments and additions to related acts) and area of biological weapons prohibition (regulated by the act no. 281/2002 Coll., on some measures related to prohibition of bacteriological (biological) and toxin weapons and on amendments to trades licensing act) the regulatory system efficiently covers all safety and security aspects. From the qualification requirements perspective the regulatory system does not bring any excessive burden or unjustified conditions. Professions in these areas shall remained unchanged (more detailed information see below).

a) Professions with conclusion to „maintain current system“:

- **Handling with the highly hazardous chemicals related to those which could be abused for breaking of a prohibition of chemical weapons (Nakládání s vysoce nebezpečnými látkami zneužitelnými k porušování zákazu chemických zbraní)**

- **Handling with the highly hazardous biological agents and toxins which could be abused for breaking of a prohibition of bacteriological (biological) and toxin weapons (Nakládání s vysoce rizikovými biologickými agens a toxiny zneužitelnými k porušování zákazu bakteriologických (biologických) a toxinových zbraní)**

Justification:

Number of professions with qualification requirements related to a prohibition of the

- chemical weapons and
- biological and toxin weapons,

is limited to one in each area. Both these activities (professions) are connected with only basic requirements, related to the education (university degree) and practice/experience (3 years). These minimal requirements are necessary to assure a safe handling with potentially dangerous substances, which could be misused to mass destruction weapons production or usage.

From the factual point of view, compliance with these requirements (i.e. relevant university degree) is needed even for any handling with these substances. Such basic requirements do not represent any obstacle for free movement of workers since they correspond with requirements in other EU member states. Moreover, number of issued/valid licences (allowed professions performances) is limited to hundreds in case of the handling with the highly hazardous chemicals and to tens in case of the handling with the highly hazardous biological agents and toxins. In past 10 years (of effectiveness of the system of professional recognition) only single cases of movement of professionals between the Czech Republic and other EU countries in these areas were registered. It can be said that relevant qualification requirements do not represent any obstacle to free movement of workers (persons) within EU.

Therefore no changes to the current system are proposed.

- **International transport of radioactive waste to the extent and in the manner established in an implementing regulation (Mezinárodní přeprava radioaktivních odpadů v rozsahu a způsoby stanovenými prováděcím právním předpisem)**
- **Transport of nuclear materials and radioactive substances laid down in an implementing legal regulation (Přeprava jaderných materiálů a radioaktivních látek stanovených prováděcím předpisem)**
- **Siting of a nuclear installation or radioactive waste repository (Umístění jaderného zařízení nebo úložiště radioaktivních odpadů)**
- **Re-import of radioactive waste originated in the processing of materials exported from the Czech Republic (Zpětný dovoz radioaktivních odpadů vzniklých při zpracování materiálů vyvezených z České republiky)**
- **Radioactive waste management to the extent and in the manner established in an implementing legal regulation (Nakládání s radioaktivními odpady v rozsahu a způsoby stanovenými prováděcím právním předpisem)**

Justification:

Although the Czech Republic (State Office For Nuclear Safety) is preparing a new system of nuclear legislation (new atomic act and all secondary legislation), initial analysis revealed that above mentioned professions (activities) are potentially dangerous (with possible serious impacts on human health and life, private property and environment in case of nuclear or radiation accident or misuse of nuclear material for nuclear weapon construction)

and request high level of technical knowledge and experience not only for proper performance, but also for proper management of related activities.

Persons lacking the knowledge and experience could seriously threat a general public with possible consequences for public health, public safety and environment. Therefore the qualification requirements and required scope of on-job training on above mentioned professions will remain unchanged in the new nuclear legislation.

- **Control physicist (Kontrolní fyzik)**
- **Control physicist at startup testing research reactor (Kontrolní fyzik při testování spouštění výzkumného jaderného reaktoru)**
- **Operator of the primary part of the reactor unit (Operátor primární části reaktorového bloku)**
- **Operator of secondary part of the reactor unit (Operátor sekundární části reaktorového bloku)**
- **Research reactor operator (Operátor výzkumného reaktoru)**
- **Direct control of implementation of individual steps within tests of a nuclear power plant physical and power start-up in the reactor unit's main control room (operational physicist) (Přímé řízení provádění jednotlivých kroků testů fyzikálního a energetického spouštění na blokové dozorně reaktorového bloku jaderné elektrárny (provozní fyzik))**
- **Shift engineer in the management and operation of the entire nuclear power plant (Směnový inženýr při řízení a provozu celé jaderné elektrárny)**
- **Reactor unit supervisor (Vedoucí reaktorového bloku)**
- **Shift supervisor of the research reactor (Vedoucí směny výzkumného reaktoru)**
- **Start-up scientific supervisor of research reactor (Vědecký vedoucí spouštění výzkumného reaktoru)**

Justification:

With regard to the above mentioned reform of the Czech nuclear law system, also these professions, or their regulation, should stay in the recent state. All these professions directly affect operation of the nuclear facility (nuclear power plant or research facility) and its level of nuclear safety. Unqualified performance of the activities could lead to severe consequences in a form of radiation or nuclear accident with possible serious impacts on human health and life, private property and environment.

Persons lacking the knowledge and experience could seriously threat a general public. Therefore the qualification requirements, required scope of professional training and system of examinations on above mentioned professions will remain unchanged in the new nuclear legislation.

In fact, above mentioned professions are represented by tens of workers. A limited scope of nuclear activities in the Czech Republic even does not allow to access the market to more persons (only limited numbers of professionals are required to operate a nuclear facility and more persons practically cannot be involved). See actual numbers of workers in the professions in the Czech Republic below:

NPP Dukovany

<i>Shift engineer</i>	18
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<i>Reactor unit supervisor</i>	37
<i>Reactor operator</i>	38
<i>Turbine operator</i>	50
<i>Operational physicist</i>	12
<i>Control physicist</i>	12

NPP Temelin

<i>Shift engineer</i>	9
<i>Reactor unit supervisor / CR supervisor</i>	31
<i>Reactor operator</i>	18
<i>Turbine operator</i>	35
<i>Operational physicist</i>	16
<i>Control physicist</i>	18

Nuclear Research Facilities

<i>Shift supervisor / Reactor operator</i>	25
<i>Start-up scientific supervisor / Control physicist</i>	4
<i>Reactor operator</i>	7
<i>Control physicist</i>	5

About 60 new certificates to perform these professions are granted yearly (while almost the same amount end at the same time). Only single cases of recognition of other EU countries experts per year are done since there is almost no movement of workers in the area (due to the significantly different technology, lack of experts in the area/high value of domestic experts and dangerous and strategic nature of the activities). Therefore a seriousness of the impact of the qualification requirements as an obstacle for the free movement is relatively low.

Within the reform of the nuclear legislation system the new atomic act will contain two articles dedicated exclusively to the regulated professions and two new decrees implementing more detailed requirements will be adopted by the State Office For Nuclear Safety and Ministry Of Education.

b) Professions with conclusion to „reform current system“ or „review still underway“:

Introduction:

Within the reform of the nuclear legislation system the new atomic act will contain two articles dedicated exclusively to the regulated professions and two new decrees implementing more detailed requirements will be adopted by the State Office For Nuclear Safety and Ministry Of Education.

Professions of particular relevance to radiation protection, i. e.:

- evaluation of properties of ionizing radiation sources performed through control of tests to the extent and in the manner established in an implementing regulation,
- performance of continuing supervision of compliance with radiation protection at workplaces III. and IV. category,
- performance of continuing supervision of compliance with radiation protection concerning medical exposure in the workplace II. and higher category,
- performing systematic supervision with direct responsibility for radiation protection in the performance of radiation protection,
- control of services in the field of measuring and evaluation of natural radionuclides concentration in building materials, drinking water for public supply and bottled water,
- control of services in the field of measuring and evaluation of radon and its decay products concentration in buildings and determination of radon-related index of a site,
- control of services in the field of monitoring workplaces of III. and IV. category according to relevant regulations,
- control of services in the field of personal dosimetry,

will be subject to important simplification (as described below) with general goal to decrease the administrative and regulatory burden for affected professionals.

These professions are based on regulation contained in the Treaty establishing European atomic energy community and Euratom directive 2013/59/EURATOM laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom. Although not regulated explicitly under the same terms, all of them are foreseen in so called basic safety standard for protection against ionising radiation (see “radiation protection expert” and “radiation protection officer”). Due to this fact these professions could be considered as fully harmonised within the EU and Euratom legal framework and not being any obstacle to free movement. Moreover, the 2013/59/Euratom directive contains even the principle of mutual recognition of the relevant professionals. As such, any further requests for simplification or abolishing of this regulation seem to be redundant.

The reform is currently undergoing. The decrees are in pre-production phase, prepared on the basis of the regulatory impact assessment and factual analysis of the situation. Their drafts will be sent for inter-ministerial comments in next 6 months.

1. Profession: Evaluation of properties of ionizing radiation sources performed through control of tests to the extent and in the manner established in a special regulation (Hodnocení vlastností zdrojů ionizujícího záření řízením a vykonáváním zkoušek v rozsahu a způsobu stanovenými zvláštním právním předpisem)

1.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services
 - Level of radiation protection
 - Sustainability of safe performance and management of activity
 - To decrease expenses of the workers and employers (licensees)
 - To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 289
 - Number of certificates granted in 2014 – 0
 - Number of certificates granted yearly (approx.) – single units
 - Number of experts coming from other EU countries in 2014 (application for recognition) – 0
 - Number of experts coming from other EU countries yearly (application for recognition) – less than 1
 - Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries

1.2. Measures

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
- Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training
 - One or two years of practice
 - The other professional training
 - Examination
 - If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training
 - In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate
 - Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case
- Measure(s) proposed
 - The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued

- Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
- Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
- Most of the general and detailed requirements will be kept in current state
- On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)
 - requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
 - Radiological physicist will be exempted from the initial training
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government

- the draft of the new atomic act will be sent to the Parliament to be adopted
- the draft of the new atomic act will be sent to the President for signature
- the adopted atomic act will be published in the Collection of Laws
- the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - adjusted to the results of it
 - commented by the governmental legislative making committees
 - approved by the head of the State Office For Nuclear Safety an Minister of Education
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
 - the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - commented by the governmental legislative making committees in the beginning of 2016
 - approved by the head of the State Office For Nuclear Safety an Minister of Education in February 2016
 - published in the Collection of Laws in March 2016
 - entry into force in January 2017

- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)

2. **Profession: Performance of continuing supervision of compliance with radiation protection at workplaces III. and IV. category (Vykonávání soustavného dohledu na dodržování radiační ochrany na pracovištích III. a IV. kategorie)**

2.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services
 - Level of radiation protection
 - Sustainability of safe performance and management of activity
 - To decrease expenses of the workers and employers (licensees)
 - To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 2900
 - Number of certificates granted in 2014 – 260
 - Number of certificates granted yearly (approx.) – 200
 - Number of experts coming from other EU countries in 2014 (application for recognition) – 2
 - Number of experts coming from other EU countries yearly (application for recognition) – less than 2
 - Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there

is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries.

2.2. Measures

(The measures may take place at the level of the sector or be specific to a profession)

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
 - Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training
 - One or two years of practice
 - The other professional training
 - Examination
 - If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training
 - In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate
 - Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case

- Measure(s) proposed
 - The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued
 - Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
 - Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
 - Most of the general and detailed requirements will be kept in current state
 - On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)
 - requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
 - the profession will be allowed to perform without any limits (above mentioned requirements) at workplace with simple ionizing radiation sources (dentists, veterinarians, industrial workplaces)
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of

- review by governmental legislative making council
- the draft of the new atomic act will be sent to the governmental legislative making council in amended version
- the draft of the new atomic act will be approved by the government
- the draft of the new atomic act will be sent to the Parliament to be adopted
- the draft of the new atomic act will be sent to the President for signature
- the adopted atomic act will be published in the Collection of Laws
- the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - adjusted to the results of it
 - commented by the governmental legislative making committees
 - approved by the head of the State Office For Nuclear Safety an Minister of Education
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
 - the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - commented by the governmental legislative making committees in the beginning of 2016

- approved by the head of the State Office For Nuclear Safety and Minister of Education in February 2016
- published in the Collection of Laws in March 2016
- entry into force in January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

3. Profession: Performance of continuing supervision of compliance with radiation protection concerning medical exposure in the workplace II. and higher category (Vykonávání soustavného dohledu na dodržování radiační ochrany při lékařském ozáření na pracovištích II. a vyšší kategorie)

3.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services
 - Level of radiation protection
 - Sustainability of safe performance and management of activity
 - To decrease expenses of the workers and employers (licensees)
 - To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 2900
 - Number of certificates granted in 2014 – 260
 - Number of certificates granted yearly (approx.) – 200

- Number of experts coming from other EU countries in 2014 (application for recognition) – 3
- Number of experts coming from other EU countries yearly (application for recognition) – less than 2
- Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries.

3.2. Measures

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
 - Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training
 - One or two years of practice
 - The other professional training
 - Examination
 - If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training

- In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate
 - Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case
- Measure(s) proposed
 - The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued
 - Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
 - Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
 - Most of the general and detailed requirements will be kept in current state
 - On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)
 - requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
 - the profession will be allowed to perform without any limits (above mentioned requirements) at workplace with simple ionizing radiation sources (dentists, veterinarians, industrial workplaces)

- the profession will be merged with profession “Performing systematic supervision with direct responsibility for radiation protection in the performance of radiation protection” into one common (regulated) profession (“Performing systematic supervision by person with direct responsibility for radiation protection at workplaces of category II. or higher”)
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
 - the draft of the new atomic act will be sent to the Parliament to be adopted
 - the draft of the new atomic act will be sent to the President for signature
 - the adopted atomic act will be published in the Collection of Laws
 - the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - adjusted to the results of it
 - commented by the governmental legislative making committees
 - approved by the head of the State Office For Nuclear Safety and Minister of Education
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015

- the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
- the draft of the new atomic act will be sent to the President for signature – January 2016
- the adopted atomic act will be published in the Collection of Laws – February 2016
- entry into force – January 2017
- the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - commented by the governmental legislative making committees in the beginning of 2016
 - approved by the head of the State Office For Nuclear Safety and Minister of Education in February 2016
 - published in the Collection of Laws in March 2016
 - entry into force in January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

4. Profession: Performing systematic supervision with direct responsibility for radiation protection in the performance of radiation protection (Vykonávání soustavného dohledu s přímou zodpovědností za zajištění radiační ochrany při vykonávání radiačních činností)

4.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services

- Level of radiation protection
- Sustainability of safe performance and management of activity
- To decrease expenses of the workers and employers (licensees)
- To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 2900
 - Number of certificates granted in 2014 – 260
 - Number of certificates granted yearly (approx.) – 200
 - Number of experts coming from other EU countries in 2014 (application for recognition) – 3
 - Number of experts coming from other EU countries yearly (application for recognition) – less than 2
 - Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries.

4.2. Measures

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
 - Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training

- One or two years of practice
 - The other professional training
 - Examination
- If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training
 - In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate
 - Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case
- Measure(s) proposed
 - The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued
 - Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
 - Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
 - Most of the general and detailed requirements will be kept in current state
 - On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)

- requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
 - the profession will be allowed to perform without any limits (above mentioned requirements) at workplace with simple ionizing radiation sources (dentists, veterinarians, industrial workplaces)
 - the profession will be merged with profession “Performance of continuing supervision of compliance with radiation protection concerning medical exposure in the workplace II. and higher” into one common (regulated) profession (“Performing systematic supervision by person with direct responsibility for radiation protection at workplaces of category II. or higher”)
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
 - the draft of the new atomic act will be sent to the Parliament to be adopted
 - the draft of the new atomic act will be sent to the President for signature
 - the adopted atomic act will be published in the Collection of Laws
 - the decrees will be

- sent for inter-ministerial consultations in the second half of 2015
 - adjusted to the results of it
 - commented by the governmental legislative making committees
 - approved by the head of the State Office For Nuclear Safety and Minister of Education
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
 - the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - commented by the governmental legislative making committees in the beginning of 2016
 - approved by the head of the State Office For Nuclear Safety and Minister of Education in February 2016
 - published in the Collection of Laws in March 2016
 - entry into force in January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council

- the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

5. Profession: Control of services in the field of measuring and evaluation of natural radionuclides concentration in building materials, drinking water for public supply and bottled water (Řízení služeb měření a hodnocení obsahu přírodních radionuklidů ve stavebních materiálech, ve vodě určené k veřejnému zásobování pitnou vodou a v balené vodě)

5.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services
 - Level of radiation protection
 - Sustainability of safe performance and management of activity
 - To decrease expenses of the workers and employers (licensees)
 - To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 54
 - Number of certificates granted in 2014 – 6
 - Number of certificates granted yearly (approx.) – 5
 - Number of experts coming from other EU countries in 2014 (application for recognition) – 0
 - Number of experts coming from other EU countries yearly (application for recognition) – less than 1
 - Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries.

5.2. Measures

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
 - Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training
 - One or two years of practice
 - The other professional training
 - Examination
 - If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training
 - In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate
 - Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case
- Measure(s) proposed

- The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued
- Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
- Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
- Most of the general and detailed requirements will be kept in current state
- On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)
 - requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version

- the draft of the new atomic act will be approved by the government
- the draft of the new atomic act will be sent to the Parliament to be adopted
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- the adopted atomic act will be published in the Collection of Laws
- the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - adjusted to the results of it
 - commented by the governmental legislative making committees
 - approved by the head of the State Office For Nuclear Safety an Minister of Education
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
 - the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - commented by the governmental legislative making committees in the beginning of 2016
 - approved by the head of the State Office For Nuclear Safety an Minister of Education in February 2016
 - published in the Collection of Laws in March 2016

- entry into force in January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

6. Profession: Control of services in the field of measuring and evaluation of radon and its decay products concentration in buildings and determination of radon-related index of a site (Řízení služeb měření a hodnocení výskytu radonu a produktů přeměny radonu ve stavbách a stanovení radonového indexu pozemku)

6.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services
 - Level of radiation protection
 - Sustainability of safe performance and management of activity
 - To decrease expenses of the workers and employers (licensees)
 - To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 142
 - Number of certificates granted in 2014 – 20
 - Number of certificates granted yearly (approx.) – 10
 - Number of experts coming from other EU countries in 2014 (application for recognition) – 0
 - Number of experts coming from other EU countries yearly (application for recognition) – less than 1

- Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries.

6.2. Measures

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
 - Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training
 - One or two years of practice
 - The other professional training
 - Examination
 - If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training
 - In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate

- Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case
- Measure(s) proposed
 - The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued
 - Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
 - Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
 - Most of the general and detailed requirements will be kept in current state
 - On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)
 - requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of

- review by governmental legislative making council
- the draft of the new atomic act will be sent to the governmental legislative making council in amended version
- the draft of the new atomic act will be approved by the government
- the draft of the new atomic act will be sent to the Parliament to be adopted
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- the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
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 - commented by the governmental legislative making committees
 - approved by the head of the State Office For Nuclear Safety and Minister of Education
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
 - the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - commented by the governmental legislative making committees in the beginning of 2016

- approved by the head of the State Office For Nuclear Safety and Minister of Education in February 2016
- published in the Collection of Laws in March 2016
- entry into force in January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

7. Profession: Control of services in the field of monitoring workplaces of III. and IV. category according to relevant regulations (Řízení služeb monitorování na pracovištích III. a IV. kategorie podle příslušných předpisů)

7.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services
 - Level of radiation protection
 - Sustainability of safe performance and management of activity
 - To decrease expenses of the workers and employers (licensees)
 - To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 30
 - Number of certificates granted in 2014 – 1
 - Number of certificates granted yearly (approx.) – less than 1

- Number of experts coming from other EU countries in 2014 (application for recognition) – 0
- Number of experts coming from other EU countries yearly (application for recognition) – less than 1
- Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries.

7.2. Measures

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
 - Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training
 - One or two years of practice
 - The other professional training
 - Examination
 - If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training

- In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate
 - Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case
- Measure(s) proposed
 - The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued
 - Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
 - Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
 - Most of the general and detailed requirements will be kept in current state
 - On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)
 - requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of

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- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
 - the decrees will be

- sent for inter-ministerial consultations in the second half of 2015
- commented by the governmental legislative making committees in the beginning of 2016
- approved by the head of the State Office For Nuclear Safety and Minister of Education in February 2016
- published in the Collection of Laws in March 2016
- entry into force in January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

8. **Profession: Control of services in the field of personal dosimetry (Řízení služeb osobní dozimetrie)**

8.1. Objectives

- Target(s)
 - To decrease level of requirements set for professionals performing the profession, with preserving:
 - Quality of provided services
 - Level of radiation protection
 - Sustainability of safe performance and management of activity
 - To decrease expenses of the workers and employers (licensees)
 - To decrease administrative burden of the licensees
- Indicator(s)
 - Number of certificate holders – 34
 - Number of certificates granted in 2014 – 0

- Number of certificates granted yearly (approx.) – less than 1
- Number of experts coming from other EU countries in 2014 (application for recognition) – 0
- Number of experts coming from other EU countries yearly (application for recognition) – less than 1
- Number of professionals providing this service is stable. Due to a limited scope of market (needs to be covered; resulting from very complex and technical nature of the activity and relatively small and stable number of addresses of the service) there is only a little interest to provide the service, very little growth of service providers and almost no movement among EU countries.

8.2. Measures

- Overview current regulatory framework
 - § 18/2 – 7 of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - Decree no. 146/1997 Coll., specifying activities directly affecting nuclear safety and activities especially important from radiation protection viewpoint, requirements on qualification and professional training, on method to be used for verification of special professional competency and for issue authorisations to selected personnel and the form of documentation to be approved for the licensing of expert training of selected personnel, as amended - § 3/2, § 4/4, § 6, § 7, § 9, § 11
 - Current regulatory framework requires
 - A set qualification (university degree or secondary education)
 - Initial training
 - One or two years of practice
 - The other professional training
 - Examination
 - If all requirements are met – State Office For Nuclear Safety issues professional certificate with limited validity (10 years)
- Conclusions assessment made
 - Analysis of the situation revealed, that similar level of radiation safety and quality of profession performance can be reached by less strict measures
 - In scope of initial training

- In duration of initial training
 - More efficient way to ensure a stable level of knowledge and experience of the workers can be regular courses of professional training than time limitation of the professional certificate
 - Some professionals obtain necessary knowledge even in the course of their university studies – therefore initial training is redundant in their case
- Measure(s) proposed
 - The new atomic act will be adopted and on its base a new decree on qualification of selected personnel will be prepared and issued
 - Basic requirements will be included in the atomic act (features of the system – request to be educated, to have on-job training/experience, to pass the initial training, to pass the regular training, to pass the exam, issuance of the certificate to perform the profession validity of the certificate, withdrawal of the certificate)
 - Detailed requirements will be included in the decree (level of education, length on on-job training/experience, scope and duration of the initial training, scope and duration of the regular training, scope of the exam)
 - Most of the general and detailed requirements will be kept in current state
 - On the basis of the analysis of current legal framework and practical aspects of the profession performance following simplifications will be implemented:
 - validity of certificate for the profession will not be limited (currently for 10 years)
 - requirement to pass the exam periodically (once per 10 years) will be replaced with requirement to pass other professional training in duration of 1 day once per 5 years
 - initial training will consist of courses with more focused programme, less provided information and will last for 3 days (instead of 4 days; based on the recommendation of the European Commission “Guidelines On Radiation Protection Education And Training Of Medical Professionals In The European Union”)
 - required duration of on-job training/practice is 1 year (currently 2 years)
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of

- inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
 - the draft of the new atomic act will be sent to the Parliament to be adopted
 - the draft of the new atomic act will be sent to the President for signature
 - the adopted atomic act will be published in the Collection of Laws
 - the decrees will be
 - sent for inter-ministerial consultations in the second half of 2015
 - adjusted to the results of it
 - commented by the governmental legislative making committees
 - approved by the head of the State Office For Nuclear Safety an Minister of Education
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
 - the decrees will be

- sent for inter-ministerial consultations in the second half of 2015
 - commented by the governmental legislative making committees in the beginning of 2016
 - approved by the head of the State Office For Nuclear Safety and Minister of Education in February 2016
 - published in the Collection of Laws in March 2016
 - entry into force in January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
 - New regulatory framework (if reform recently adopted)

9. **Profession: Importation or exportation of nuclear items or transit of nuclear materials and selected items (Dovoz nebo vývoz jaderných položek nebo průvoz jaderných materiálů a vybraných položek)**

9.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education
 - To decrease related burden (expenses, time) for licensees performing the activity
 - To enable access to the profession to a broader group of applicants
- Indicator(s)

9.2. Measures

- *(The measures may take place at the level of the sector or be specific to a profession)*
- Overview current regulatory framework
 - § 9/1/k, § 10/1 and § 12/1/a of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires - a duly completed university degree in the respective field of specialisation

- Conclusions assessment made
 - proper (safe and in conformity with legal requirements) handling of nuclear items is feasible even with less complex knowledge (technology and administration are more automatic, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
 - recent changes in the national educational system lead to a state, that information necessary for proper handling of nuclear items is provided at lower level of the system
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - new requirements - management of a nuclear items (including “Importation or exportation of nuclear items or transit of nuclear materials and selected items”) will require
 - secondary education completed by the ‘maturitní zkouška’ exam or
 - secondary vocational education completed with an apprenticeship certificate
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
 - the draft of the new atomic act will be sent to the Parliament to be adopted
 - the draft of the new atomic act will be sent to the President for signature
 - the adopted atomic act will be published in the Collection of Laws

- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

10. Profession: Professional training of selected personnel (Odborná příprava vybraných pracovníků)

10.1. Objectives

- Target(s)
 - To eliminate any requirement related to education or on-job experience
 - To decrease related burden (expenses, time) for licensees performing the activity
 - To enable access to the profession to a broader group of applicants

• Indicator(s)

10.2. Measures

- *(The measures may take place at the level of the sector or be specific to a profession)*
- Overview current regulatory framework

- § 9/1/n, § 10/1 and § 12/1/c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
- current regulatory framework requires:
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - licensee must ensure proper management of professional training of selected personnel not professional training itself (the training should be provided by experts able to provide required information)
 - management of professional training of selected personnel does not require specific knowledge or professional quality,
 - the activity is performed by very limited number of subject and quality of the practice (and its results) may be ensured by other regulatory tools
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - no specific qualification or on-job experience will be required
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
 - the draft of the new atomic act will be sent to the Parliament to be adopted

- the draft of the new atomic act will be sent to the President for signature
- the adopted atomic act will be published in the Collection of Laws
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

11. Profession: Performance of particular stages of decommissioning of a nuclear installation or category III or IV workplace to the extent and in the manner established in an implementing regulation (Vyřazování z provozu jaderného zařízení nebo pracoviště III. nebo IV. kategorie v jednotlivých etapách a v rozsahu a způsoby stanovenými prováděcím předpisem)

11.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education in case of category III or IV workplace decommissioning
 - To decrease related burden (expenses, time) for licensees performing the category III or IV workplace decommissioning

- Indicator(s)

11.2. Measures

- Overview current regulatory framework
 - § 9/1/g, § 10/1 and § 12/1/a and c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires
 - in case of decommissioning of nuclear facilities
 - a duly completed university degree in the respective field of specialisation and three years of on-job experience in the field
 - in case of decommissioning of category III or IV workplace
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - factual conditions for both activities (i.e. decommissioning of nuclear facilities X decommissioning of category III or IV workplace) are significantly different (from the safety point of view), therefore the regulation should be divided into two independent licensing modes:
 - licence for decommissioning of nuclear facilities
 - licence for decommissioning of category III or IV workplace
 - each new licensed activity requires different approach regarding the qualification – decommissioning of category III or IV workplace is less complex and less dangerous
 - proper (safe and in conformity with legal requirements) decommissioning of of category III or IV workplace is feasible even with less complex knowledge (technology and administration are less complex, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,

- recent changes in the national educational system lead to a state, that information necessary for proper decommissioning of category III or IV workplace is provided at lower level of the system
- shorter period of on-job-training should provide sufficient experience to perform decommissioning of category III or IV workplace in safe manner
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - one licensed activity will be replaced with two, fully independent:
 - decommissioning of nuclear facilities
 - decommissioning of category III or IV workplace
 - each new licensed activity will be connected with another qualification requirements
 - requirements for decommissioning of nuclear facilities shall remain untouched (this activity is considerably more complicated and requires even sound management and decision making based on comprehensive technical knowledge)
 - new requirements for decommissioning of category III or IV workplace:
 - secondary education completed by the 'maturitní zkouška' exam or
 - secondary vocational education completed with an apprenticeship certificate and
 - experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government

- the draft of the new atomic act will be sent to the Parliament to be adopted
- the draft of the new atomic act will be sent to the President for signature
- the adopted atomic act will be published in the Collection of Laws
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

12. Profession: Performance of a construction of a nuclear installation or category IV workplace (Výstavba jaderného zařízení nebo pracoviště IV. kategorie)

12.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education in case of category IV workplace construction
 - To decrease related burden (expenses, time) for licensees performing the category IV workplace construction
- Indicator(s)

12.2. Measures

- Overview current regulatory framework
 - § 9/1/b, § 10/1 and § 12/1/a and c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires
 - in case of construction of nuclear facilities
 - a duly completed university degree in the respective field of specialisation and three years of on-job experience in the field
 - in case of construction of category IV workplace
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - factual conditions for both activities (i.e. construction of nuclear facilities X construction of category IV workplace) are significantly different (from the safety point of view), therefore the regulation should be divided into two independent licensing modes:
 - licence for construction of nuclear facilities
 - licence for construction of a category IV workplace, except workplaces with a nuclear installation (workplaces with a nuclear installation should be excluded to prevent dual licensing)
 - each new licensed activity requires different approach regarding the qualification – construction of category IV workplace is less complex and less dangerous
 - proper (safe and in conformity with legal requirements) construction of category IV workplace is feasible even with less complex knowledge (technology and administration are less complex, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,

- recent changes in the national educational system lead to a state, that information necessary for proper construction of category IV workplace is provided at lower level of the system
- shorter period of on-job-training should provide sufficient experience to perform construction of category IV workplace in safe manner
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - one licensed activity will be replaced with two, fully independent:
 - construction of nuclear facilities
 - construction of a category IV workplace, except workplaces with a nuclear installation
 - each new licensed activity will be connected with another qualification requirements
 - requirements for construction of nuclear facilities shall remain untouched (this activity is considerably more complicated and requires even sound management and decision making based on comprehensive technical knowledge)
 - new requirements for construction of a category IV workplace, except workplaces with a nuclear installation:
 - secondary education completed by the 'maturitní zkouška' exam or
 - secondary vocational education completed with an apprenticeship certificate and
 - experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version

- the draft of the new atomic act will be approved by the government
- the draft of the new atomic act will be sent to the Parliament to be adopted
- the draft of the new atomic act will be sent to the President for signature
- the adopted atomic act will be published in the Collection of Laws
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

13. Profession: Operation of a nuclear installation or category III or IV workplace (Provoz jaderného zařízení nebo pracoviště III. a IV. kategorie)

13.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education in case of category IV workplace operation
 - To decrease related burden (expenses, time) for licensees performing the category III or IV workplace operation

- Indicator(s)

13.2. Measures

- Overview current regulatory framework
 - § 9/1/d, § 10/1 and § 12/1/a and c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires
 - in case of operation of nuclear facilities
 - a duly completed university degree in the respective field of specialisation and three years of on-job experience in the field
 - in case of operation of category III or IV workplace
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - factual conditions for both activities (i.e. operation of nuclear facilities X operation of category III or IV workplace) are significantly different (from the safety point of view), therefore the regulation should be divided into two independent licensing modes:
 - licence for operation of nuclear facilities
 - licence for operation of category III workplace or category IV workplace
 - each new licensed activity requires different approach regarding the qualification – operation of category III workplace or category IV workplace is less complex and less dangerous, with less serious consequences and risks
 - proper (safe and in conformity with legal requirements) operation of category III workplace or category IV workplace is feasible even with less complex knowledge (technology and administration are less complex, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
 - recent changes in the national educational system lead to a state, that information necessary for proper operation of category III workplace or category IV workplace is provided at lower level of the system

- shorter period of on-job-training should provide sufficient experience to operate the category III workplace or category IV workplace in safe manner
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - one licensed activity will be replaced with two, fully independent:
 - operation of nuclear facilities
 - operation of category III workplace or category IV workplace
 - each new licensed activity will be connected with another qualification requirements
 - requirements for operation of nuclear facilities shall remain untouched (this activity is considerably more complicated and requires even sound management and decision making based on comprehensive technical knowledge)
 - new requirements for operation of category III workplace or category IV workplace:
 - secondary education completed by the 'maturitní zkouška' exam or
 - secondary vocational education completed with an apprenticeship certificate and
 - experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
 - the draft of the new atomic act will be sent to the Parliament to be adopted
 - the draft of the new atomic act will be sent to the President for signature

- the adopted atomic act will be published in the Collection of Laws
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

14. Profession: Performance of personal dosimetry and other activities in the field of radiation protection (Provádění osobní dozimetrie a dalších činností v oblasti radiační ochrany)

14.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education
 - To decrease related burden (expenses, time) for licensees performing the activity
 - To enable access to the profession to a broader group of applicants

● Indicator(s)

14.2. Measures

- Overview current regulatory framework

- § 9/1/r, § 10/1 and § 12/1/c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
- current regulatory framework requires
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - qualification requirements are imposed on licensees – who are managing the activity but not necessarily performing it themselves; they use a qualified personnel to perform the particular activity and this workers are obliged to comply with other (and more specific) qualification requirements (e.g. under “Performing systematic supervision with direct responsibility for radiation protection in the performance of radiation practice”)
 - proper (safe and in conformity with legal requirements) management of dosimetry services is feasible even with less complex knowledge (technology and administration are more automatic, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
 - recent changes in the national educational system lead to a state, that information necessary for proper dosimetry and other activities providing is obtained at lower level of the system,
 - shorter period of on-job-training should provide sufficient experience to perform personal dosimetry and other services
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - new requirements - performance of services relevant to radiation protection (including personal dosimetry – new name for category will be implemented) will require
 - secondary education completed by the ‘maturitní zkouška’ exam or
 - secondary vocational education completed with an apprenticeship certificate and

- experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
 - the draft of the new atomic act will be sent to the Parliament to be adopted
 - the draft of the new atomic act will be sent to the President for signature
 - the adopted atomic act will be published in the Collection of Laws
- Timetable for the adoption and implementation of the measure(s)
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version – in 30 days
 - the draft of the new atomic act will be approved by the government – May 2015
 - the draft of the new atomic act will be sent to the Parliament to be adopted – June 2015
 - the draft of the new atomic act will be sent to the President for signature – January 2016
 - the adopted atomic act will be published in the Collection of Laws – February 2016
 - entry into force – January 2017
- State of implementation of reform (if ongoing)
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council

- the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

15. Profession: Nuclear materials management (Nakládání s jadernými materiály)

15.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education
 - To decrease related burden (expenses, time) for licensees performing the activity
 - To enable access to the profession to a broader group of applicants
- Indicator(s)

15.2. Measures

- Overview current regulatory framework
 - § 9/1/l, § 10/1 and § 12/1/a of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires - a duly completed university degree in the respective field of specialisation
- Conclusions assessment made
 - proper (safe and in conformity with legal requirements) handling of nuclear items (including nuclear materials) is feasible even with less complex knowledge (technology and administration are more automatic, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
 - recent changes in the national educational system lead to a state, that information necessary for proper handling of nuclear items is provided at lower level of the system
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act

- new requirements - management of a nuclear items (including nuclear material) will require
 - secondary education completed by the 'maturitní zkouška' exam or
 - secondary vocational education completed with an apprenticeship certificate
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
 - the draft of the new atomic act will be sent to the governmental legislative making council in amended version
 - the draft of the new atomic act will be approved by the government
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- the draft of the new atomic act is currently passing through process of
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- New regulatory framework (if reform recently adopted)

16. Profession: Restart of a nuclear reactor to criticality following a nuclear fuel re-load (Opětovné uvedení jaderného reaktoru do kritického stavu po výměně jaderného paliva)

16.1. Objectives

- Target(s)
 - To eliminate any requirement related to education or on-job experience
 - To decrease related burden (expenses, time) for licensees performing the activity

● Indicator(s)

16.2. Measures

- Overview current regulatory framework
 - § 9/1/e, § 10/1 and § 12/1/a of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires:
 - a duly completed university degree in the respective field of specialisation and three years of on-job experience in the field
- Conclusions assessment made
 - the activity is a part of the operation of the nuclear facility, performed after regular nuclear fuel re-loading
 - as such it can be effectively regulated (i.e. nuclear safety can be assured) by less strict and more flexible tools than a licence (conditions for restart of nuclear reactor could be possibly set directly by a law)
 - the activity is performed by very limited number of subject (i.e. 1 operator and 2 research facilities) and quality of the practice (and its results) may be ensured by other regulatory tools

- there is no need for specific qualification requirements – management and performance of the activities could be covered by general qualification requirements as requested for “operation of the nuclear facility”
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - the licence related to this activity will be abandoned
 - no specific qualification or on-job experience will be required for this activity
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
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- New regulatory framework (if reform recently adopted)

17. Profession: Reconstruction or other changes affecting nuclear safety, radiation protection, physical protection and emergency preparedness of a nuclear installation or category III or IV workplace (Provedení rekonstrukce nebo jiných změn ovlivňujících jadernou bezpečnost, radiační ochranu, fyzickou ochranu a havarijní připravenost jaderného zařízení nebo pracoviště III. nebo IV. kategorie)

17.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education in case of category II and IV workplace
 - To decrease related burden (expenses, time) for licensees performing the category III or IV workplace reconstruction or other change
- Indicator(s)

17.2. Measures

- Overview current regulatory framework
 - § 9/1/f, § 10/1 and § 12/1/a and c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires
 - in case of reconstruction of nuclear facilities
 - a duly completed university degree in the respective field of specialisation and three years of on-job experience in the field
 - in case of reconstruction of category III or IV workplace

- a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - factual conditions for both activities (i.e. reconstruction of nuclear facilities X reconstruction of category III or IV workplace) are significantly different (from the safety point of view), therefore the regulation should be divided into two independent licensing modes:
 - licence for reconstruction of nuclear facilities
 - licence for reconstruction of category III workplace or category IV workplace
 - each new licensed activity requires different approach regarding the qualification – reconstruction of category III workplace or category IV workplace is less complex and less dangerous, with less serious consequences and risks
 - proper (safe and in conformity with legal requirements) management of reconstruction of category III workplace or category IV workplace is feasible even with less complex knowledge (technology and administration are less complex, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
 - recent changes in the national educational system lead to a state, that information necessary for proper operation of category III workplace or category IV workplace is provided at lower level of the system
 - shorter period of on-job-training should provide sufficient experience to do reconstruction of the category III workplace or category IV workplace in safe manner
 - Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - one licensed activity will be replaced with two, fully independent:
 - the carrying out of modifications affecting nuclear safety, technical safety and physical protection of a nuclear installation

- the carrying out of reconstruction or other modifications affecting radiation protection, radiation situation monitoring and radiological emergency management in a category III workplace or category IV workplace
 - each new licensed activity will be connected with another qualification requirements
 - requirements for reconstruction of nuclear facilities shall remain untouched (this activity is considerably more complicated and requires even sound management and decision making based on comprehensive technical knowledge)
 - new requirements for reconstruction of category III workplace or category IV workplace:
 - secondary education completed by the 'maturitní zkouška' exam or
 - secondary vocational education completed with an apprenticeship certificate and
 - experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
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- New regulatory framework (if reform recently adopted)

18. Profession: Putting into operation (commissioning) of nuclear facilities (Uvádění jaderného zařízení do provozu)

18.1. Objectives

- Target(s)
 - to set legal requirements for different phases and subtypes of the activity
 - to adjust legal requirements to particular practical safety needs
 - to eliminate too demanding or general requirements in case of less serious (dangerous) phases and subtypes of the activity
- Indicator(s)

18.2. Measures

- Overview current regulatory framework
 - § 9/1/c, § 10/1 and § 12/1/a of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires

- a duly completed university degree in the respective field of specialisation and three years of on-job experience in the field
- Conclusions assessment made
 - past application of the act no. 18/1997 Coll. revealed necessity of differentiation the activity into licencing regimes reflecting different nature of the nuclear facilities:
 - commissioning of nuclear installation with a nuclear reactor
 - commissioning of nuclear installations without a nuclear reactor
 - each type of nuclear installation requires different regulatory approach – obligations of the licensees to assure and demonstrate proper level of nuclear safety are more strict in case of installation with nuclear reactor (absence of nuclear reactor prevents fission chain reaction and therefore the installation without a nuclear reactor is significantly less dangerous)
 - commissioning of nuclear installation with a nuclear reactor consists factually of two phases; during each phase different activities with different safety implications are performed, therefore the licensing regime should be divided into two parts (independent licences/licensed activities):
 - the first physical start-up of a nuclear installation with a nuclear reactor
 - the first power-generation start-up of a nuclear installation with a nuclear reactor
 - since the change in regulatory system (division of licensing regime into three separated licensing modes) is formal (legislative-technical) and no new substantive rules are established, also qualification requirements remain unchanged
 - all licensed activities originating in “Putting into operation (commissioning) of nuclear facilities” have identical nature and regulatory content
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - one licensed activity will be replaced with three, identical with (composing together) the original one:
 - commissioning of nuclear installations without a nuclear reactor
 - the first physical start-up of a nuclear installation with a nuclear reactor

- the first power-generation start-up of a nuclear installation with a nuclear reactor
 - all new licensed activities will be connected with same qualification requirements as the original licensed activity
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
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- State of implementation of reform (if ongoing)

- the draft of the new atomic act is currently passing through process of
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- the draft of the new atomic act will be sent to the governmental legislative making council in amended version (in accordance with the previously obtained comments of the legislative making council)
- New regulatory framework (if reform recently adopted)

19. Profession: Ionising radiation sources management to the extent and in the manner established in an implementing regulation (Nakládání se zdroji ionizujícího záření v rozsahu a způsobu stanovenými prováděcím právním předpisem)

19.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education
 - To decrease related burden (expenses, time) for licensees performing the activity
 - To enable access to the profession to a broader group of applicants
- Indicator(s)

19.2. Measures

- Overview current regulatory framework
 - § 9/1/i, § 10/1 and § 12/1/c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - qualification requirements are imposed on licensees – who are managing the activity but not necessarily performing it themselves; they use a qualified personnel to perform the particular activity and this workers are obliged to comply with other (and more specific) qualification requirements (e.g. under “Performing systematic supervision with direct responsibility for radiation protection in the performance of radiation practice”)

- proper (safe and in conformity with legal requirements) management of ionizing radiation sources is feasible even with less complex knowledge (technology and administration are more automatic, less demanding),
- current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
- recent changes in the national educational system lead to a state, that information necessary for proper dosimetry and other activities providing is obtained at lower level of the system,
- shorter period of on-job-training should provide sufficient experience to perform personal dosimetry and other services
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - new requirements - the management of a source of ionising radiation will require
 - secondary education completed by the 'maturitní zkouška' exam or
 - secondary vocational education completed with an apprenticeship certificate and
 - experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
 - inter-ministerial consultations (2 rounds with significant changes)
 - notification to the EC and other EU countries
 - the draft of the new atomic act is currently passing through process of
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 - the draft of the new atomic act is currently passing through process of
 - review by governmental legislative making council
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- New regulatory framework (if reform recently adopted)

20. Profession: Adding of radioactive substances into consumer products during their manufacturing or preparation or import or export of such products (Přidávání radioaktivních látek do spotřebních výrobků při jejich výrobě nebo přípravě nebo k dovozu či vývozu takových výrobků)

20.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education
 - To decrease related burden (expenses, time) for licensees performing the activity
 - To enable access to the profession to a broader group of applicants

- Indicator(s)

20.2. Measures

- Overview current regulatory framework
 - § 9/1/s, § 10/1 and § 12/1/c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - qualification requirements are imposed on licensees – who are managing the activity but not necessarily performing it themselves; they use a qualified personnel to perform the particular activity and this workers are obliged to comply with other (and more specific) qualification requirements (e.g. under “Performing systematic supervision with direct responsibility for radiation protection in the performance of radiation practice”)
 - proper (safe and in conformity with legal requirements) management of adding of radioactive substances into consumer products is feasible even with less complex knowledge (technology and administration are more automatic, less demanding),
 - current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
 - recent changes in the national educational system lead to a state, that information necessary for proper dosimetry and other activities providing is obtained at lower level of the system,
 - shorter period of on-job-training should provide sufficient experience to perform personal dosimetry and other services
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - new requirements - adding of radioactive substances into consumer products will require
 - secondary education completed by the ‘maturitní zkouška’ exam or

- secondary vocational education completed with an apprenticeship certificate and
- experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
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- New regulatory framework (if reform recently adopted)

21. Profession: Discharge of radionuclides into the environment to the extent and in the manner established in an implementing regulation (Uvádění radionuklidů do životního prostředí v rozsahu a způsoby stanovenými prováděcím předpisem)

21.1. Objectives

- Target(s)
 - To simplify (decrease) a required level of education
 - To decrease related burden (expenses, time) for licensees performing the activity
- Indicator(s)

21.2. Measures

- Overview current regulatory framework
 - § 9/1/h, § 10/1 and § 12/1/c of act no. 18/1997 Coll., on peaceful utilization of nuclear energy and ionizing radiation (atomic act) and on amendments of other acts
 - current regulatory framework requires
 - a duly completed university degree in the respective field of specialisation and three years on-job experience in the field, or
 - graduate from a relevant secondary technical school having GCE and six years of on-job experience in the field
- Conclusions assessment made
 - qualification requirements are imposed on licensees – who are managing the activity but not necessarily performing it themselves; they use a qualified personnel to perform the particular activity and this workers are obliged to comply with other (and more specific) qualification requirements (e.g. under “Performing systematic supervision with direct responsibility for radiation protection in the performance of radiation practice”)
 - proper (safe and in conformity with legal requirements) management of discharge of radionuclides into the environment is feasible even with less complex knowledge (technology and administration are more automatic, less demanding),

- current educational system of the Czech Republic become close to the systems of other EU countries, i.e. differences were removed, and many other countries apply the simplification,
- recent changes in the national educational system lead to a state, that information necessary for proper dosimetry and other activities providing is obtained at lower level of the system,
- shorter period of on-job-training should provide sufficient experience to perform personal dosimetry and other services
- Measure(s) proposed
 - Act no. 18/1997 Coll. will be fully replaced by a new atomic act
 - new requirements - the discharge of a radioactive substance from a workplace (new name will be implemented as well) will require
 - secondary education completed by the 'maturitní zkouška' exam or
 - secondary vocational education completed with an apprenticeship certificate and
 - experience in the field of at least three years
- Indicative process to have the measure(s) implemented
 - the draft of the new atomic act passed through process of
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- New regulatory framework (if reform recently adopted)

SECTOR: PUBLIC SERVICES AND EDUCATION

Competent authority:

Ministry of the interior

Introduction:

There are currently seven regulated professions in the database, for which the Ministry of the interior is the competent authority. As regards firefighters, there is no intention to deregulate (even in the future) these professions, shortly because of the nature of this kind of activity. Specific requirements for performance of these activities are clearly and comprehensibly determined and there is no discrimination based on the nationality to perform these activities in the Czech Republic.

As for examination commissioner, the situation is more or less the same. Deregulation is not possible due to the fact, that state must preserve a high level of knowledge and practical skills of the owners of weapons.

a) Professions with conclusion to „maintain current system“:

Where you find it appropriate, please give a brief comment in order to explain your conclusion. Where it is not, it is enough to simply list the names of the professions.

- Požární ochrana (Fire protection)
- Velitel jednotky HZS podniku (Commander in company professional fire unit)
- Strojník jednotky HZS podniku (Machinist in company professional fire unit)
- Technik speciálních služeb jednotky HZS podniku (Technician of special services in company professional fire unit)
- Osoba vykonávající službu v jednotce SDH obce jako své zaměstnání (Paid firefighter in municipal (company) voluntary fire unit)
- Zaměstnanec jednotky HZS podniku (mimo výše uvedené) (Firefighter in company professional fire unit (except above mentioned))
- Zkušební komisař pro zkoušky odborné způsobilosti žadatelů o vydání zbrojního průkazu (Examination commissioner for exams for achieving the competence for holding and carrying weapons)

Competent authority:

Ministry of Education, Youth and Sports

a) Professions with conclusion to „maintain current system“:

This year we received one announcement of temporary pursuit of profession and 45 requests for the recognition of professional qualifications. The number of requests is higher by about one fourth compared to last year.

Regulatory framework stays the same for religion teachers, an infrequent profession to which access is restricted by qualification requirements and the need for Church approval. The same for the profession of coach because the coach must prove his/her skills in the field of sports and knowledge of anatomy and occupational health. Coach must also get a special certificate proving his/her ability in a given sport.

The majority of requests are from Slovakia, Poland and the United Kingdom. In case of Polish applicants, often in accordance with directive 2005/36/EC it is required to recognize qualification one level lower (Bc), which leads to discrimination against the graduates of Czech universities. Similarly, substituting professional qualification for guided work experience in the case of foreign university graduates we regard as not fitting into our framework - lowering educational standards and discriminating against Czech teachers.

- Učitel mateřské školy (Kindergarten teacher)
- Učitel prvního stupně základní školy (Teacher at the first level of primary School)
- Učitel druhého stupně základní školy (Teacher of the second level of primary School)
- Učitel střední školy (Secondary school teacher)
- Učitel vyšší odborné školy (Higher vocational school teacher)
- Učitel náboženství (Religion teacher)
- Speciální pedagog (Special pedagogue)

- Učitel jazykové školy s právem státní jazykové zkoušky (Teacher of language school authorised for state language exam)
- Učitel uměleckých předmětů základní umělecké školy, střední školy a konzervatoře (Teacher of arts at primary school of arts, secondary school and conservatory)
- Asistent pedagoga (Teacher's assistant)
- Pedagog volného času (Leisure-time instructor)
- Vychovatel (Educator)
- Trenér (Coach)

b) Professions with conclusion to „reform current system“ or „review still underway“:

No change being considered at present time.

c) Professions where the reform has recently taken place or it is undergoing:

22. Učitel jazykové školy s právem státní jazykové zkoušky (Teacher of language school authorised for state language exam)

22.1. Objectives

- Target(s) Improvement of foreign languages teaching
- Indicator(s)

Teacher of language school authorised for state language exam can teach at any level of the educational system, international language certificates at level C1 (according to CEFR) are accepted. There is also a special position of „native speaker“ who can teach a foreign language if he/she is graduated in any master programme.

22.2. Measures

(The measures may take place at the level of the sector or be specific to a profession)

- Original framework: master study programme in the field of teaching of foreign language. The international language certificate weren't accepted.
- End summary: broader access to profession is needed to improve the quality of teaching.
- Timetable : In effect since September 1, 2014.
- Current framework: International language certificates are accepted, the position of „native speaker“ was formed.
- The measure was used last school year.

SECTOR: FINANCIAL SERVICES

Competent authority:
Czech National Bank

Introduction:

Czech National Bank regulates activities of natural persons who provide services on financial markets. They typically sell financial (investment, insurance) products and/or provide some kind of individual advice or recommendation related to these products. They can act both as employees of financial institutions and as entrepreneurs (intermediaries). That is why intermediaries should not be treated as professions as such.

a) Professions with conclusion to „maintain current system“:

1. 28575 Pojišťovací zprostředkovatel (Insurance intermediary)

The profession is regulated by the EU Directive (2002/92/EU), which is currently subject of recasting that is to extend range of persons included in its scope to all distributors of insurance products so that there is regulatory level-playing-field reached in this market. Distributors are (and still are to be) subjects of professional requirement including appropriate level of knowledge and skills. The primary aim of these requirements is to ensure adequate consumer protection. Act. No. 38/2004 Coll. on Insurance Intermediaries and on Independent Loss Adjusters implements the Directive to the Czech national law. It distinguishes 5 categories of insurance intermediaries who are subjects of different level of competency requirements.

2. 19265 Investiční zprostředkovatel (Investment intermediary)

Regulated by the EU Directive (2014/65/EU), which sets professional requirements on persons who act on behalf of investment firm (both investment firms' employees and intermediaries), including appropriate level of knowledge and skills. The primary aim of these requirements is to ensure adequate investor protection. Act. No. 256/2004 Coll., Capital Market Undertakings Act, implements the Directive to the Czech national law. It distinguishes 2 categories of intermediaries – tied agents and (non-tied) investment intermediaries. The competency requirements are differentiated according to services these distributors (want to) provide.

SECTOR: HEALTH AND SOCIAL SERVICES

Competent authority:
Ministry of Health

Introduction:

The basic conditions for performing the medical professions of physician, dentist and pharmacist are regulated by Act no. 95/2004 Coll. concerning the conditions for receiving and recognition of basic qualification and specialist qualification for performing the medical profession of physician, dentist and pharmacist as amended. These basic conditions regulated by Act no. 95/2004 Coll. include conditions for achieving the basic medical

qualification as well as conditions for specialized medical training of physicians, dentists and pharmacists. Gained specialization allows the physicians to perform their profession independently. Besides all previously mentioned Act no. 95/2004 Coll. also regulates the lifelong learning system of the physicians, dentists and pharmacists.

Recently, in the Czech Republic appear more and more critical opinions on Act no. 95/2004 Coll. from professional circles. The reason of the criticism is insufficient and non-effective achieving of its goals. Another problem is that Act no. 95/2004 Coll. does not sufficiently react on the actual changes and needs of education system of physicians, dentists and pharmacists which changes dramatically. Due to this reasons Ministry of Health has decided to make the amendment to the Act.

b) Professions with conclusion to „reform current system“ or „review still underway“:

- Lékař (Physician)
 - including all specializations listed in Annex V point 5.1.3 of Directive 2005/36/EC:
 - Anesteziologie a intenzivní medicína (Anaesthetics)
 - Chirurgie (General surgery)
 - Neurochirurgie (Neurosurgery)
 - Gynekologie a porodnictví (Obstetrics and gynaecology)
 - Vnitřní lékařství (General – Internal medicine)
 - Oftalmologie (Ophthalmology)
 - Otorinolaryngologie (Otolaryngology)
 - Dětské lékařství (Pediatrics)
 - Pneumologie a ftizeologie (Respiratory medicine)
 - Urologie (Urology)
 - Ortopedie (Trauma and Orthopaedic surgery)
 - Patologie (Histopathology)
 - Neurologie (Neurology)
 - Psychiatrie (General psychiatry)
 - Radiologie a zobrazovací metody (Clinical radiology)
 - Radiační onkologie (Clinical oncology)
 - Plastická chirurgie (Plastic surgery)
 - Lékařská mikrobiologie (Medical microbiology and virology)
 - Klinická biochemie (Chemical pathology)

 - Hrudní chirurgie (Cardio-thoracic surgery)
 - Dětská chirurgie (Pediatric surgery)
 - Cévní chirurgie (Vascular surgery)
 - Kardiologie (Cardiology)
 - Gastroenterologie (Gastro-enterology)
 - Revmatologie (Rheumatology)
 - Hematologie a transfúzní lékařství (Haematology)

- Diabetologie a endokrinologie
(Endocrinology and diabetes mellitus)
- Rehabilitační a fyzikální medicína (Rehabilitation and physical medicine)
- Dermatovenerologie (dermatology)
- Dětská a dorostová psychiatrie
(Child and adolescent psychiatry)
- Geriatrie (Geriatric medicine)
- Nefrologie (Renal medicine)
- Infekční lékařství (Infectious diseases)
- Hygiena a epidemiologie (Public health medicine)
- Klinická farmakologie
(Clinical pharmacology and therapeutics)
- Pracovní lékařství (Occupational medicine)
- Alergologie a klinická imunologie (Immunology)
- Nukleární medicína (Nuclear medicine)
- Maxilofaciální chirurgie (Maxillofacial surgery)
- Traumatologie / Urgentní medicína
(Emergency medicine)
- Klinická onkologie (Medical oncology)
- Lékařská genetika (Clinical genetics)
- Annex V point 5.1.4 of Directive 2005/36/EC
 - Všeobecné praktické lékařství (General practice)
- Zubní lékař (Dentist)
including all specializations listed in Annex V point 5.3.3 of Directive 2005/36/EC:
 - Ortodoncie (Orthodontics)
 - Orální a maxilofaciální chirurgie (Oral surgery)
- Farmaceut (Pharmacist)

There are also 5 specializations of physicians which are not included in Annex V point 5.1.3 of Directive 2005/36/EC and these qualifications are subject to the “General system” of recognition. These specializations are: angiologie (angiology), dětská neurologie (child neurology), praktické lékařství pro děti a dorost (practice for children and adolescents), soudní lékařství (forensic medicine), kardiouchirurgie (cardiosurgery) – in this case we have expressed the support to include this specialization in Annex V point 5.1.3 of Directive 2005/36/EC.

1.1. Objectives

- Targets

Generally, the aim of The Ministry of Health is to specify and actualize the Act no. 95/2004 Coll. according to the latest needs of the health care. Moreover it is important to simplify the Act to make it clearer and to be better accessible for professional circles. These steps would contribute to more efficient usage of Act no. 95/2004 Coll.

Avoid the lack of physicians in the future.

- Indicators

According to the statistics there is a threat of lack of physicians in almost all fields of medicine in next decades in the Czech Republic. The main target area of the amendment to the Act no. 95/2004 Coll. is the process of specialized study and the range of specializations of physicians. As mentioned above, in the Czech Republic exist in summary 96 different fields of specialization (including the extended studies) which is one of the largest number in the world.

1.2. Measures

- Overview current regulatory framework

There are 96 different fields of specialization (including the extended studies) in the Czech Republic which is one of the largest number in the world.

In the Czech Republic, the system of postgraduate (specialized) medical training is divided into two levels. The first level is represented by the “basic fields of specialization” (see the specializations listed in the table above plus 5 additional specializations mentioned in the previous paragraph). Successful completion of the “basic fields of specialization” is a condition for the independent practice of a physician in the particular specialization. Apart from these “basic fields of specialization”, doctors may continually deepen their knowledge in the second level of postgraduate medical training in so-called extended studies. Successful completion of such special courses authorizes doctors to perform very specific field of medicine. Except Cardio-thoracic surgery, Clinical pharmacology and therapeutics and Maxillofacial surgery, these special courses are not listed in Annex V, point 5.1.3 of Directive 2005/36 / EC and these qualifications are subject to the “General system” of recognition. In the Czech Republic there exist 50 such special courses

- Conclusions assessment made

There is a threat of lack of physicians in almost all fields of medicine in next decades in the Czech Republic.

The regulatory frame is complicated and not clear, there are too many specializations and “basic fields of specialization”

- Measure(s) proposed

The amendment to the Act no. 95/2004 should rationalize large number of specializations. The result should be the decrease of the number of “basic fields of specialization” from current 46 to 33. This reduction will be done by the merge of separate fields (the merge of some pediatric fields, for example pediatrics with practice for children and adolescents) or by shifting to another level of education (the extended studies).

The amendment also concentrates on better permeability between each field of medicine (for example between general - internal medicine and general practice).

Moreover we intend to shorten the length of specialized study in many fields, nevertheless we will certainly maintain the minimal length of study as listed in Annex V point 5.1.3 of the Directive 2005/36/EC. We suppose that due to these steps it will be possible to avoid the

lack of physicians as they would be able to start to perform their profession individually sooner than today.

The basis of the regulatory system (the obligatory education, the appropriate health condition and the good standing) will maintain without changes in all medical professions. The changes which will be made are about to be marginal, most of all they will affect the structure and contents of the education system.

- Indicative process to have the measure(s) implemented

The amendment to the Act no. 95/2004 has not yet passed through the all parts of prescribed legislative process in the Czech Republic which means that it is likely to undergo further changes. Due to these changes we cannot predict the final shape of the new Act and it is not possible to explain all modifications of the education system of medical training yet.

- Timetable for the adoption and implementation of the measure(s)

Preliminary estimation for adoption of amendment to the Act no. 95/2004 was set to March 2016. Nevertheless, it might get postponed since the Amendment is in the beginning of legislation process.

- State of implementation of reform (if ongoing)

At the moment, the Amendment is in Legislative Council of the Government.

- New regulatory framework (if reform recently adopted)

No comment

Competent Authority:

Ministry of Health, The Department of Nursing and Paramedical Professions

Introduction:

As a result of Directive 2013/55/EU being substituted for Directive 2005/36/EC “On the recognition of professional qualifications”, the Member States will take all the necessary measures to make sure they comply with their obligations pursuant to Article 59 (i.e. the need for transparency and for peer review of all the nationally regulated professions). In its Communication (COM (2013) 676 final) the Commission invited the Member States to set up National Action Plans.

The paramedical professions, which are regulated in the Czech Republic, were included in the first cluster and are as follows: biotechnický asistent (biotech assistant), ortotik-protetik (orthotist-prosthetist), ortoticko-protetický technik (orthotic and prosthetic technician) and dezinfektor (disinfector). All the other paramedical professions that are regulated in the Czech Republic and listed below were included in the second cluster.

The Ministry of Health of the Czech Republic has now presented an action plan that has been drawn up for all the regulated paramedical professions included in the first and the second clusters.

Currently the following 42 paramedical professions are regulated in the Czech Republic: všeobecná sestra (general nurse), porodní asistentka (midwife), ergoterapeut (ergotherapist), radiologický asistent (radiology assistant), zdravotní laborant (medical laboratory technician), zdravotně-sociální pracovník (medical social worker), optometrista (optometrist), ortoptista (orthoptist), asistent ochrany a podpory veřejného zdraví (protecting and promoting public health assistant), ortotik-protetik (orthotist-prosthetist),

nutriční terapeut (dietician), zubní technik (dental technician), dentální hygienistka (dental hygienist), zdravotnický záchranář (paramedic), farmaceutický asistent (pharmacy assistant), biomedicínský technik (biomedical technician), biotechnický asistent (biotech assistant), radiologický technik (radiology technician), adiktolog (addictologist) psycholog ve zdravotnictví (health care psychologist), klinický psycholog (clinical psychologist), klinický logoped (clinical speech therapist), zrakový terapeut (sight therapist), fyzioterapeut (physiotherapist), radiologický fyzik (radiological physicist), odborný pracovník v laboratorních metodách a v přípravě léčivých přípravků (laboratory methods and preparing medicines specialist), biomedicínský inženýr (biomedical engineer), odborný pracovník v ochraně a podpoře veřejného zdraví (protecting and promoting public health specialist), zdravotnický asistent (medical assistant), laboratorní asistent (laboratory assistant), ortoticko-protetický technik (orthotic-prosthetic technician), nutriční asistent (nutrition assistant), asistent zubního technika (dental technician assistant), dezinfektor (disinfectant), řidič vozidla zdravotnické záchranné služby, nemocných a raněných (emergency medical services vehicle, the sick and/or the wounded transport driver) , ošetřovatel (caregiver), masér a nevidomý a slabozraký masér (masseur and blind and visually impaired masseur), laboratorní pracovník (laboratory employee), zubní instrumentářka (dental nurse), autoptický laborant (autopsy technician), sanitář (orderly) and jiný odborný pracovník (other professional employees - psycholog (psychologist), logoped (speech therapist), oftalmoped (ophthalmologist), sociální pracovník (social worker), arteterapeut (art therapist), pracovní terapeut (occupational therapist)).

a) Professions with conclusion to „maintain current system“:

Of the original 42 regulated paramedical professions, the Ministry of Health of the Czech Republic intends to retain the existing regulatory principles for 29 professions.

There will be no changes either in the regulations or in the occupation title, for the following 23 professions:

- porodní asistentka (midwife),
- ergoterapeut (ergotherapist),
- zdravotní laborant (medical laboratory technician),
- zdravotně-sociální pracovník (medical social worker),
- optometrista (optometrist),
- ortoptista (orthoptist),
- ortotik-protetik (orthotist-prosthetist),
- nutriční terapeut (dietician),
- zubní technik (dental technician),
- dentální hygienistka (dental hygienist),
- zdravotnický záchranář (paramedic),
- biomedicínský technik (biomedical technician),
- radiologický technik (radiology technician),
- klinický psycholog (clinical psychologist),
- klinický logoped (clinical speech therapist),
- zrakový terapeut (sight therapist),
- fyzioterapeut (physiotherapist),
- zdravotnický asistent (medical assistant),
- ošetřovatel (caregiver),

- zubní instrumentářka (dental nurse),
- autoptický laborant (autopsy technician),
- sanitář (orderly).

No change is planned the following 7 professions other than their titles:

- previously všeobecná sestra (general nurse) – now zdravotní sestra (general nurse),
- previously radiologický asistent (radiology assistant) - now radiologický laborant (radiology technician),
- previously asistent ochrany a podpory veřejného zdraví (protecting and promoting public health assistant) - now worker protecting and promoting public health,
- previously farmaceutický asistent (pharmacy assistant) - now farmaceutický laborant (pharmacy technician),
- previously adiktolog (addictologist) - now adiktolog ve zdravotnictví (health care addictologist),
- previously odborný pracovník v laboratorních metodách a v přípravě léčivých přípravků (laboratory methods and preparing medicines specialist) - now bioanalytik (bioanalyst),
- previously masér a nevidomý a slabozraký masér (masseur or blind and visually impaired masseur) - now masér ve zdravotnictví (health care masseur).

Under the current regulation only professionally qualified people with sufficient professional knowledge can provide health services. For the very same reason, those carrying out highly professional work have to meet the professional qualification requirements. The reason for the regulation is to limit unqualified people carrying out the profession. This is to prevent the patient's interests being violated and damage to people's (the patient's) health. The risk of damage to people's (the patient's) health as a result of unprofessional services will thus be eliminated.

In our opinion the main reasons for keeping the existing regulation framework are specifically: public security, public health and also protecting consumers and those receiving health services.

The regulations have been established in accordance with Act No. 96/2004 Coll., on the paramedical professions and its implementing regulations, particularly Decree No. 39/2005 Coll., laying down the minimum requirements for degree programmes to acquire professional competence to carry out a paramedical profession and Decree No. 55/2011 Coll., on the activities of health workers and other professionals.

The proposed change in the number of regulated paramedical professions referred to above is included in the legislation that will soon amend Act No. 96/2004 Coll. This amendment is currently being prepared and it is planned to come into effect at the beginning of 2017.

Act No. 96/2004 Coll., inter alia, determines the type of education needed to obtain the requisite proficiency for the paramedical professions and also who will be permitted to use the relevant professional title.

The main reason for becoming a participant in a regulated paramedical profession is to protect the health of patients (in the public interest), as defined by Act No. 96/2004 Coll. and also by Act No. 372/2011 Coll., on health services and the terms of providing them (Health Services Act) together with its implementing regulations.

This Act regulates: health services and the conditions for providing them and the related state administration, the different types and forms of health care, the rights and also the obligations of patients and of those who are close to them, such as health care providers, health care workers, other professionals and other people connected with providing health

services, the conditions for evaluating the quality and safety of provided health services and any other activities related to providing health services.

Health care providers can only undertake a medical profession in accordance with this law. The provider can either be a natural person or a legal entity. Providing health services is understood as health care. With regard to the public interest, specifically protecting the health and safety of patients, the law imposes the obligation that only those trained in a medical profession can provide health care.

The staffing of health services must be compatible with the areas, the type and the manner of the provided health care. The requirements for the minimum staffing of health services, with regard to the professional or special competences of the healthcare professionals and their number, are determined in accordance with the implementing legislation.

Medical facilities must be both technically and materially equipped to provide the requisite health services. The technical and material equipment of health care facilities must be compatible with the areas, the type and the manner of the provided health care. The requirements for the essential technical and material equipment of health facilities are determined in accordance with the implementing legislation.

A social services provider must notify the local Regional Authority where the social services will be provided about commencing to provide health services in social service facilities.

With regard to the health and safety of patients Act No. 96/2004 Coll. determines the obligation of all medical professionals to continue their lifelong learning (or the ongoing renewal, increase, upgrading and broadening of their knowledge and skills, consistent with developing the medical industry and with the most up-to-date scientific findings).

The 30 regulated paramedical professions referred to above are regulated in most of the Member States (this information is based on checking the database).

b) Professions that “change - cancel the regulatory framework” or are still “under review”:

As mentioned above, in the Czech Republic regulation is established in accordance with Act No. 96/2004 Coll., on the paramedical professions and its implementing regulations. Currently intensive work is in progress on the bill to amend Act No. 96/2004 Coll. This amendment is in the preparation stage and it is planned that it will come into effect by the beginning of 2017. The changes that are currently being considered and discussed within the professional community, inter alia, include a change in the number of regulated paramedical professions.

From 42 originally regulated paramedical professions, the Ministry of Health of the Czech Republic intends to change the regulatory framework for 13 occupations. These are the following paramedical professions:

- biotechnický asistent (biotech assistant),
- psycholog ve zdravotnictví (health care psychologist),
- radiologický fyzik (radiological physicist),
- biomedicínský inženýr (biomedical engineer),
- odborný pracovník v ochraně a podpoře veřejného zdraví (protecting and promoting public health specialist),
- laboratorní asistent (laboratory assistant),
- ortoticko-protetický technik (orthotic-prosthetic technician),
- nutriční asistent (nutrition assistant),

- asistent zubního technika (dental technician assistant),
- dezinfektor (disinfector),
- laboratorní pracovník (laboratory employee),
- Řidič ZZS; dopravy nemocných a raněných (Driver of ambulance, transport of sick and wounded)
- Jiný odborný pracovník (other professionals) - psycholog (psychologist), logoped (speech therapist), oftalmoped (ophthalmologist), sociální pracovník (social worker), arteterapeut (art therapist), pracovní terapeut (occupational therapist).

These proposed changes will be carried out on the basis of a monitoring process, inspection activities by the Ministry, the relevant statistical data and also after numerous discussions with the representatives of the medical facilities involved (who are usually the employers of these workers) and with representatives of the relevant occupations (i.e. members of professional societies and professional organisations who support these workers and defend their interests). Based on a multi-annual process, 12 occupations were defined as not requiring regulation. The occupation of Driver of ambulance, transport of sick and wounded will probably be made less stringent and regulatory framework will stay only for Driver of ambulance.

Some of these professions are already well-established in the Czech Republic and their duplication is not required in regard to health care (e.g. the profession of disinfector).

Some professions have been involved with activities in almost identical fields (e.g. biotechnický asistent (biotech assistant), biomedicínský technik (biomedical technician), biomedicínský inženýr (biomedical engineer) and often also radiologický fyzik (radiological physicist) and radiologický technik (radiology technician) have all participated in activities with diagnostic, therapeutic and curative medical devices, while activities to protect and promote public health have been undertaken by asistent ochrany a podpory veřejného zdraví (protecting and promoting public health assistant) and also by odborný pracovník v ochraně a podpoře veřejného zdraví (protecting and promoting public health specialist)).

Activities in medical laboratories were carried out by zdravotní laborant (medical laboratory technician), odborný pracovník v laboratorních metodách a v přípravě léčivých přípravků (laboratory methods and preparing medicines specialist), laboratorní asistent (laboratory assistant), laboratorní pracovník (laboratory worker), autoptický laborant (autopsy technician) and some also by sanitář (orderly).

It also became clear that the separate regulated paramedical professions of asistent zubního technika (dental technician assistant), nutriční asistent (nutritional assistant), psycholog ve zdravotnictví (health care psychologist), ortoticko-protetický technik (orthotic-prosthetic technician) and radiologický fyzik (radiological physicist) were not needed as zubní technik (dental technician), nutriční terapeut (nutritional therapist), klinický psycholog (clinical psychologist), ortotik-protetik (orthotist-prosthetist) and radiologický technik (radiology technician) seem to be enough.

Competent Authority:

Ministry of Labour and Social Affairs

Introduction:

Ministry of Labour and Social Affairs is just working on an systematically anchored umbrella act for social workers across all sectors (professional Social Workers Act). The key factors for

overall quality in the area of social policy are increasing the level of skills of social workers and a quality performance of their profession.

The aims of Social Workers Act:

- Accurate / stricter definition of qualifying conditions for social workers
- The professional title and its protection
- Better conditions for professional growth
- Formation of professional association of social workers

a) Professions with conclusion to „maintain current system“:

Introduction:

We have examined carefully the regulatory framework of the professions under our competence and we concluded that the current system is non-discriminatory and proportionate. Kindly follow the related proportionality analysis in the database.

- Zprostředkovatel práce (Employment agent)
- Koordinátor BOZP na staveništi (Coordinator for safety and health matters on the construction site)
- Montáž, opravy, revize a zkoušky elektrických zařízení (Installation, repair, inspection and testing of electrical equipment)
- Montáž, opravy, revize a zkoušky plynových zařízení a plnění nádob plyny (Installation, repair, inspection and testing of gas equipment and filling of vessels with gas)
- Montáž, opravy, revize a zkoušky tlakových zařízení a nádob na plyny (Installation, repair, inspection and testing of pressure equipment and gas vessels)
- Montáž, opravy, revize a zkoušky zdvihacích zařízení (Installation, repair, inspection and testing of lifting equipment)
- Zajišťování úkolů v prevenci rizik v oblasti BOZP (Activities related to the protection and prevention of occupational risks)

b) Professions with conclusion to „reform current system“ or „review still underway“:

Sociální pracovník (Social worker)

1. Objectives

- Target(s)
To narrow the prerequisites and conditions for the exercise of social work in analogy to the regulation of social work in other states.
- Indicator(s)
The change of the legislative framework for social work.

2. Measures

- Overview current regulatory framework
Act no. 108/2006 Coll., on social services, as amended
- Conclusions assessment made
Based on the long-term evaluation of existing regulation (see test of proportionality), and in the context of the issues of human dignity and rights in social work the adoption of new legislation is required.
- Measure(s) proposed

- Social Workers Act, this time in the stage of legislative intent
- Indicative process to have the measure(s) implemented
 - A) The legislative process leading to the approval of the legislative intention
 - B) Processing the draft law
 - Timetable for the adoption and implementation of the measure(s)
 - Statement of intent - submission to the Government 6/2015
 - The draft law - submission to the Government 6/2016
 - The Act - 1/2017
 - State of implementation of reform (if ongoing)
 - The legislative process started