

**Act No. 634/1992 Coll.
of 16 December 1992**

Consumer Protection Act

As amended by the Act No. 217/1993 Coll., Act No. 40/1995 Coll., Act No. 104/1995 Coll., Act No. 110/1997 Coll., Act No. 356/1999 Coll., Act No. 64/2000 Coll., Act No. 145/2000 Coll., Act No. 258/2000 Coll., Act No. 102/2001 Coll., Act No. 452/2001 Coll., Act No. 477/2001 Coll., Act No. 151/2002 Coll., Act No. 320/2002 Coll., Act No. 227/2003 Coll., Act No. 277/2003 Coll., Act No. 439/2003 Coll., Act No. 119/2004 Coll., Act No. 186/2004 Coll., Act No. 217/2004 Coll., Act No. 444/2005 Coll., Act No. 229/2006 Coll., Act No. 36/2008 Coll., Act No. 227/2009 Coll., Act No. 281/2009 Coll., Act No. 285/2009 Coll., Act No. 293/2009 Coll., Act No. 298/2009 Coll., Act No. 301/2009 Coll., Act No. 155/2010 Coll., Act No. 28/2011 Coll., Act No. 139/2011 Coll., Act No. 211/2011 Coll., Act No. 219/2011 Coll., Act No. 468/2011 Coll., Act No. 221/2012 Coll., Act No. 238/2012 Coll., Act No. 221/2012 Coll., Act No. 303/2013 Coll., Act No. 476/2013 Coll., Act No. 356/2014 Coll., Act No. 378/2015 Coll. and the Act No. 378/2015 Coll. (part).

The Federal Assembly of the Czech and Slovak Federative Republic has resolved on this Act:

**PART ONE
INTRODUCTORY PROVISIONS**

**Section 1
Subject and scope of the Act**

- (1) This Act incorporates the relevant regulation of the European Union¹, follows the directly applicable European Union regulation^{31,32,36}, and defines certain conditions for business activities^{1a} which are important for consumer protection, the tasks of government authorities in the area of consumer protection, and the rights of consumers, associations of consumers², and other legal entities established with the purpose of protecting consumers, and also extrajudicial solving of consumer disputes.
- (2) The provisions of other acts³ concerning the conditions of production, import, sale, and marking of products and provision of services are not subject to this Act.
- (3) This Act applies to offering and sale of products and offering and provision of services in cases where performance is executed within the territory of the Czech Republic. It applies to other cases only if performance is related to business activities carried out within the territory of the Czech Republic.

**Section 2
Definition of some terms**

- (1) For the purposes of this Act:
 - a) a consumer means a natural person who is not acting in the course of its business or in the course of individual performance of its profession,
 - b) a seller means an entrepreneur⁴ who sells products or provides services to a consumer,
 - c) a producer is an entrepreneur who has produced a product or part of a product, who has extracted or further processed a raw material, or who has designated itself as such,
 - d) an importer means an entrepreneur who has put goods from a state other than from a member state of the EU on market,

- e) a supplier means any other entrepreneur who, either directly or through other entrepreneurs, has supplied products to a seller,
- f) a product is a thing that is intended to be offered to consumers including rights and obligations connected with such thing,
- g) a service is any business activity intended to be offered to consumers including rights and obligations connected with such activity,
- h) a product which is dangerous due to the risk of being mistaken for food means a product, which is not food, however its shape, aroma, colour, appearance, packaging, marking, volume or dimensions may cause that consumers, especially children, can mistake it for food and which for that reason can be ingested, sucked or swallowed, which may be dangerous to human health, particularly due to the risk of suffocation, poisoning or perforation or blocking of the digestion system,
- i) footwear means a product designed for the protection or covering of feet, which sole is attached, including the main parts of such footwear, even if such parts are sold separately;
- j) the main parts of the footwear or components used in the manufacture of shoes are consisted of:
 1. the upper part of footwear consisting of the outer part of the top, which is attached to the outsole or midsole,
 2. the insole and lining consisting of the insole and lining of the top forms the inner part of the footwear,
 3. the outsole, forming the bottom part of the shoe, affixed to the top; it is exposed to abrasion when the shoe is used,
- k) processed leather means processed leather of which fibrous structure has been preserved and of which thickness of final surface treatment is less or equal to 0.15 millimetres,
- l) layered processed leather means processed leather with a layer that is thinner than one third of the total thickness of the processed leather, but thicker than 0.15 millimetres,
- m) crystal glass is glass that contains lead monoxide, barium oxide, zinc oxide and potassium oxide separately or in a combination in the amount defined by the applicable implementing regulation. The implementing regulation will define even other technical details,
- n) products or goods violating some intellectual property rights mean:
 1. fake product, which is a product including its packaging, which without the consent of particular trademark holder bears a designation which is the same as or which can be mistaken for the trademark, violating rights of the trademark holder pursuant to the implementing law^{4b}, and further all things bearing such designations (brands, logos, labels, stickers, brochures, user manuals, warranty documentation, etc.), even in cases when they are presented separately, and separate packages which bear such designation,
 2. unauthorized imitation, which is a product, which is a copy or includes any copy made without the consent of the holder of copyrights or related rights or without the consent of the holder of industrial model rights, if such production of a copy violates those rights in accordance with implementing laws^{4c},
 3. product, which violates rights of the owner of a patent^{4d} or a utility model^{4e} or rights of owners of the supplementary protection certificate for pharmaceuticals and vegetation-protection substances in accordance with implementing laws^{4d},
 4. product violating rights of a person entitled to protection of the designation of origin or geographical indication^{4f}.
- o) trade practice means seller's manner of behaviour, which means acting, omission, statement, business communication including commercials and launch on the market connected with propagation, sales or delivery of a product or service to the consumer,
- p) due care is the standard of special skill and care, which can be reasonably expected from an entrepreneur in relation to a consumer and which is in compliance with honest trade practices or general principles of good faith in that entrepreneur's field of activity.
- q) offer to buy means a business communication, which states information about product or service and its price in a way which is appropriate for used type of such business communication and which allows consumer to make a purchase,

- r) decision about a purchase means consumer's decision if, how and under which conditions it will purchase particular product or service and if it will pay for it in total or partially, if it will or will not keep it and if it will execute its right arising from a contract in relation to such product or service, regardless of the fact if such consumer will decide to act or to refrain from acting,
 - s) substantial breach of consumer's economic behaviour means use of the trade practice, which is significantly worsening consumer's ability to make an informed decision resulting in the situation that such consumer will make a decision about purchase, which it would normally have not made,
 - t) inappropriate influencing means use of seller's stronger position in relation to the consumer in a way, which is significantly limiting its ability to make an informed decision without any use of physical strength or threat of using it,
 - u) international dispute means dispute arising from any purchase contract or contract on provision of services if the consumer has its residence in other member state of the European Union or in any other state forming the European Economic Area than the seller at the time when such consumer is ordering product or service,
 - v) consumer competition means competition, survey or other event for prizes organized for consumers in direct relation to propagation, offer or sales of seller's product or services during which the seller or person authorized by it binds itself to disburse pecuniary or non-pecuniary prizes to participants determined by a random selection and if condition for participation is any purchase of particular product or service and prove of such purchase to the seller or conclusion of a contractual relation with the seller, or consumer's participation in seller's marketing event and even indirectly through other person.
- (2) For the purposes of this Act the seller is also an individual who sells vegetable and animal products to the consumer from his own small-scale agricultural or breeding activity or who sells forest produce.

PART TWO

DUTIES RELATED TO THE SALE OF PRODUCTS AND PROVISION OF SERVICES

Section 3

Honesty during the sale of products and provision of services

(1) Seller is obliged:

- a) to sell products with the proper weight, measure or quantity and to enable consumers to check that weights, measures or quantities are correct;
- b) to sell products and to provide services of the prescribed or approved quality, if such quality is determined in a binding manner or ensues from special regulations or of the quality described by the seller; if the quality is not prescribed, approved or stated, products and services are to be of the usual quality,
- c) to sell products and to provide services for prices agreed in compliance with pricing regulation⁶ and to charge correct prices when selling products or providing services. Upon the final billing of products sold and services provided in cash, the total amount shall be rounded up to the nearest valid nominal value of the legal currency^{6a)}

(2) In connection with the used payment method, the seller may not request a fee from the consumer that would exceed the costs that arise for the seller in connection with this payment method.

Section 3a

Use of a telephone number with a price higher than usual

The seller who in connection with the concluded agreement uses a public communication service for the communication with the consumer, may not use such service use of which would mean charging higher prices from the consumer than those usual for a phone call^{1a)}.

Section 3b

The provisions of Section 3 paragraph 2 and Section 3a will not apply to the agreements stated in Section 1840 letter a) to g), i) and j) and in Section 1852 of the Civil Code.

Section 4 Unfair trade practices

(1) The trade practice is unfair if it is in conflict with requirements of the due care and if it substantially disrupts or is capable of substantial disruption of the economic behaviour of the consumer that it is intended for or that is exposed to its influence in relation to a product or a service. If the trade practice is focused on a certain group of consumers, it is assessed according to the average member of this group.

(2) A business practice that may substantially disrupt the economic behaviour of a certain unambiguously definable group of consumers who are particularly vulnerable due to mental or physical infirmity, age or gullibility to this practice or this product or service, in a manner that that the seller may reasonably expect shall be assessed with respect to the average member of that group; this does not affect the usual and rightful advertising practices of exaggerated statements or statements that are not meant to be taken literally .

(3) An unfair business practice constitutes especially deceptive activity in accordance with Section [5](#) or deceptive omission in accordance with Section [5a](#) and aggressive business practice in accordance with Section [5b](#). The business practices that are considered to be unfair in all circumstances, are listed in appendix no. 1 and 2 of this Act.

(4) Use of an unfair trade practice prior to the decision concerning the purchase, in the course of decision-making and after the decision is made is forbidden.

Section 5 Deceptive trade practices

(1) The trade practice is considered to be deceptive, if it contains a factually incorrect information and is untrue, which leads or which may lead consumer to the decision concerning the purchase that they would not have made otherwise.

(2) A business practice that contains true information is considered to be deceptive as well, if it leads or may lead the consumer to the decision concerning the purchase that they would not have made otherwise, if in any way it misleads or is capable of misleading the consumer concerning

- a) the existence and the essence of a product or service,
- b) the main attributes of the product or the service, such as information on their availability, advantages, risks, design, composition, accessories, after-sale service and handling of claims and complaints, production process and the date of production or the delivery, the method of delivery, suitability for the purpose of use, the possibilities of use, the amount, specification, geographical or business origin, expected results of their use or results and executed exams and inspections,
- c) the extent of the obligation of the seller, the motivation for the business practice and the essence of the sales procedure, a statement or a symbol related to the direct or indirect sponsorship or acceptance of the seller or the product or the service,

d) the price or the manner in which the price is calculated or the existence of a specific advantage in the price,

e) the necessity of service, a spare part, an exchange or a repair,

f) the essence, characteristic attributes and the rights of the seller or their representative, for instance, their identification and propriety, capacity, status, acceptance, affiliation or relations, the rights of industrial, business or intellectual ownership or their appraisal and commendations, or

g) the rights of the consumer, including the right to a substitute delivery or to the reimbursement of the purchasing price resulting from the rights from a faulty performance or a risk that they may be subjected to.

(3) A business practice is also considered to be deceptive, if in the factual relations, taking into account all their attributes and circumstances leads or may lead to the consumer making a decision concerning a purchase that they would not have made otherwise and if it includes

a) any launch of a product or a service on the market, including comparative advertising, which leads to mistaking with a different product or service,

b) any introduction of a product or a service into the market, including comparative advertising, which leads to a confusion with a trade mark, business company or other distinguishing marks of other seller, or

c) failing to abide with the unambiguous obligation included in a code of conduct to which observance the seller provably bound themselves.

Section 5a Deceptive omissions

(1) The trade practice is considered to be deceptive, if in its factual connections and with respect to all its attributes, circumstance and restrictions of the means of communication it fails to state substantial information that is needed by the consumer in the given connection for the decision concerning the purchase, thereby causing or is able to cause that the consumer makes a decision concerning this purchase that they would not have made otherwise.

(2) It is also considered to be a deceptive omission, if the seller withholds the substantial information stated in paragraph 1 or they provide them in an unclear, incomprehensible or ambiguous manner, or untimely with respect to the circumstances described in paragraph 1 or they do not state the business intention of the business practice, unless it is evident from the connection and if, in both cases, this leads or may lead the consumer to the decision concerning the purchase that they would not have made otherwise.

(3) Unless they are evident from the connections, as substantial information in case of an offer for purchase are considered

a) the main attributes of the product or the service in the extent corresponding to the given means of communication, as well as the product or the service,

b) the address and the identity of the seller or the person that acts on their behalf or on their account,

c) the price including taxes, fees and other similar monetary performances, or if it arises from the character of the product or of the service that the price may not be reasonably established beforehand,

of the manner of its calculation and possibly even all the other payments for transportation or delivery, or if these payments may not be reasonably stated beforehand, the fact that other such payments may be charged to the price,

d) the agreements on payment conditions, deliveries, performances and handling of claims and complaints, if they vary from the requirements of professional care,

e) the right to withdrawal from an agreement or to the termination of an obligation, if such rights exist, and the conditions of their application.

(4) Information with obligatory release in accordance with the legal regulations that are implementing the law of the European Union^{6b)} that concerns business messages, including advertising or introduction into the market, are considered to be substantial in the extent established by the law of the European Union.

(5) If means of communication through which the business practice is spreading lays restrictions on time and space, it is necessary to, during the decision making on whether any omission of information occurred, to take into account these restrictions and all the measures that the seller accepted to secure the access of consumers to the information by other means.

Section 5b **Aggressive trade practices**

(1) The trade practice is considered to be aggressive, if, in its factual connections and with respect to all their attributes and circumstances, it significantly worsens or may significantly worsen the freedom of choice or the behaviour of the consumer in relation to a product or a service, by harassment or coercion, including the use of force or undue influence, thereby causing or having the possibility to cause that the consumer makes a decision concerning the purchase that they would not have made otherwise.

(2) When judging whether or not a trade practice is aggressive, this shall be considered:

a) timing, place, character and duration of the trade practice,

b) manner of conduct and its threatening or insulting nature,

c) deliberate use of consumer's adverse situation, that leads to the worsening of the judgement of the consumer, to the influencing of their decision in relation to the product or service,

d) disproportionate extrajudicial obstruction imposed by the seller for the execution of consumer's rights including the exercise of the rights to the termination of an agreement or an exchange of the product or a service or a change of the seller, or

e) threat by legally unacceptable act.

(2) Practices specified in the Appendix No. 2 to this Act are always considered to be aggressive trade practices.

Section 5c **Proving of statements**

(1) The supervising body has the right to require from the seller that they prove in administrative proceedings the correctness of factual statements in connection with a business practice

if such requirement with respect to the rightful interests of the seller and any participant of the proceedings seems to be adequate with regard to the circumstances of the given case.

(2) If the seller does not present the required proofs according to paragraph 1 or if the supervising body considers the proofs presented in accordance with paragraph 1 to be insufficient, such factual statements are deemed to be incorrect.

Section 6
Prohibition of discrimination against consumers

No seller may discriminate any consumer in any way during sales of products or provision of services.

Section 7
Repealed

Section 7a
Prohibition on the production, import, export, offering, sale and donation of products dangerous due to the risk of being mistaken for foods

It is prohibited to produce, import, export, offer, sell or give away products that are dangerous due to the risk of being mistaken for foods.

Section 7b
Prohibition on the offering, sale and export of products or goods intended for humanitarian purposes

It is prohibited to offer for sale, sale and export outside the Czech Republic products intended for humanitarian purposes according to special legislation.⁷

Section 8
Prohibition of offering, selling and storing of products that violate some of the rights of intellectual property

To offer for the purpose of sale, to sell and store products that violate some of the rights of intellectual property or unauthorized use of labelling protected in accordance with a special legal regulation^{4b}, is forbidden.

Section 8a

(1) If the supervisory authority conducts an investigation based on a complaint filed by the holder of intellectual property rights or another party that demonstrates a legal interest in the matter, that parties have to pay an adequate deposit (hereinafter only as the "deposit") to cover the expenses of the supervisory authority in the event that the results of the investigation show that the complaint was unsubstantiated. The amount of the deposit shall be set by the director of the supervisory authority. The deposit shall be calculated based on the average cost of work performed by one inspector per day during the preceding year. The deposit shall be paid by the holder of intellectual property rights or other party that demonstrates a legal interest in the matter to the account of the supervisory authority within 15 days of the filing of a complaint. If the deposit is not paid by the applicable deadline, the supervisory authority shall be under no obligation to investigate the complaint.

(2) If the results of an investigation show that a complaint was substantiated, the supervisory authority shall refund the deposit within ten days of the completion of investigation. If the complaint is found to be unsubstantiated, the supervisory authority shall calculate the actual cost of the conducted investigation. If the sum of actual costs is lower than the deposit, the supervisory authority shall refund the difference to the holder of the intellectual property rights or other party that demonstrates a legal interest in the matter within ten days. If the sum of actual costs is higher than the deposit, the holder of intellectual property rights or other party that demonstrates legal interest in the matter shall pay the difference within ten days of receiving notification to this effect.

(3) In the event that a holder of intellectual property rights provides the supervisory authority with untrue, incorrect, incomplete or ineffective documentation, the holder of intellectual property rights shall be liable for any damages incurred in connection therewith by the supervisory authority or the investigated entity.

Information Duty

Section 9

- (1) Seller shall duly inform consumers about the properties of products to be sold, the nature of services to be provided, the manner in which particular products are to be used and maintained, any risks related to the improper use or maintenance thereof and any risks concerning services that are to be provided. If necessary due to the nature of a product, the manner in which it is to be used and the period for which it is to be used, the seller shall ensure that the relevant information is contained in enclosed operating instructions and that such information is comprehensible.
- (2) Seller may not be released from its duties set forth in the Paragraph 1 on the grounds that the required or correct information was not provided to him by the manufacturer, importer or supplier. However, this duty does not apply in cases of obvious or generally known facts.

Section 10

- (1) Seller shall ensure that products to be sold by them are visibly and intelligibly marked:
 - a) with the designation of the manufacturer, importer or supplier and, if the nature of the sale so requires, also the name of product, weight, quantity, size or dimensions, and any further information that based on the nature of the product is necessary for its identification or use,
 - b) with information about the materials used in the main parts, in the case of footwear, with the exception of products that according to the relevant implementing regulation are not required to be identified in this way.
- (2) If special rules are to be observed when using a certain object, especially if instructions for use are to be followed, sellers shall inform consumers accordingly, unless such rules are generally known.
- (3) When products to be sold cannot be marked directly, sellers must mark them clearly and intelligibly with the information described in the Paragraph 1 in another suitable manner. When it is not possible or expedient to mark products to be sold due to their nature, sellers shall provide such information truthfully, on request, to any consumer or authorities monitoring compliance with the provisions of this Act, and if necessary sellers must substantiate such information.
- (4) Implementing regulation may define a different manner of marking products.

- (5) No seller may remove or change product markings or other information provided by the producer, importer or supplier.
- (6) In the case of sale of used or modified products, products with a defect or products of which usefulness is otherwise limited, sellers must notify consumers clearly about such facts in advance. Such products must be sold separately from other products.
- (7) The provisions of Paragraphs 1 to 3 shall apply to the sale of used goods only where applicable.

Section 10a

The manufacturer or his authorised representative^{9b} is responsible for marking materials used in the main components of footwear, in accordance with the implementing regulation, and for the accuracy of information contained therein. The manufacturer or his authorised representative is obliged to provide such data to both the distributor and the retailer. If neither the manufacturer nor his authorised representative has a registered office in a member state of the European Union, this obligation is transferred to the person responsible for launching the footwear onto the European Community market.

Section 11

- (1) The seller must ensure that the information specified in Sections 9, 10, 12, 13, Section 16 paragraph 1 and 3 and Section 19, if provided in writing, is provided in the Czech language.
- (2) The information specified in Sections 9 and 10 may be provided in the form of symbols (pictograms), which must be clear, legible and complete. If products are sold which are labelled with symbols (pictograms), the seller is obliged to properly explain or provide access to an explanation of their significance to the consumer upon request.
- (3) Physical quantities must be expressed in units of measurement specified by implementing legislation¹⁰.

Section 11a

On sale of products or provision of services using electronic means via an internet website, the seller is obligated to inform the consumer beforehand, in a clear manner, on whether any restrictions for the delivery of the products or for the provision of the service apply and what payment methods are accepted.

Section 12

- (1) In accordance with price regulation¹¹ and directly a applicable European Communities regulation^{11a}, sellers shall clearly inform consumers about the price of products to be sold or services to be provided by clearly marking the price on every product or providing information about the price of products or services in another suitable manner.

Section 13

Sellers shall duly inform consumers about the extent, conditions, and manner of executing their right from a faulty performance (hereinafter only as the “warranty claim”), together with information where warranty claims can be made.

Section 14

Information duty on extrajudicial resolution of consumer disputes

(1) The seller informs the consumer in a clear, comprehensible and easily accessible manner on the subject of out of court resolution of consumer disputes that materially corresponds to the given type of the offered, sold, provided or mediated product or service. The information has to include also the internet address of this subject. If the seller operates a website, they include this information even on this website. If an agreement concluded between the seller and the consumer refers to the terms and conditions, they include this information in accordance with the first and second sentence in these terms and conditions as well.

(2) V case of a dispute between the consumer and the seller that wasn't successfully resolved directly between the parties, the seller provides information stated in paragraph 1 to the consumer in a paper form or on a different permanent data carrier.

Section 14a **Duties of an operator of a market or a market-hall**

Operators of a market place (market hall)^{11d}, including municipalities renting out parts of public land for occasional stall sales, are required to keep records of sellers, such records to include information to the extent defined by a special legal regulation^{11e}, and shall present the records to the supervisory authority or a body of the Customs Administration of the Czech Republic upon request. Operators shall store the records for one year as from the date of a record entry.

Other duties related to the sale of products and provision of services

Section 15

- (1) If the nature of a product and the form of sale enables it, the seller shall check or demonstrate the product to consumers upon request.
- (2) The seller is obligated to issue a written confirmation to the consumer at their request on the obligations from a faulty performance in the extent prescribed by the law¹²⁾.
- (3) Where a service is not provided instantly, the seller is obliged to issue written confirmation of the accepted order to the consumer. Such confirmation shall include designation of the subject of the service, its scope, quality, price of the service and the deadline for its performance.

Section 16

- (1) At the request of the consumer, the seller shall issue a receipt confirming purchase of a product or provision of a service, stating the date of sale of the product or provision of the service, the type of product or service and the price for which such product was sold or service was provided, together with details identifying the seller, i.e. the first name and surname or designation or business name, unless otherwise stipulated by any implementing law.
- (2) Receipts for purchases of products that are to be delivered at a later date must state the place and date of delivery.
- (3) Receipts for purchases of used or modified products, products with a defect, or products of which usefulness is otherwise limited must clearly indicate this fact.
- (4) In the case of purchases of used products or products without proof of acquisition, when products are pledged as collateral or in cases of the mediation and receipt in pledge of products, the seller shall submit identification data according to the implementing legal regulation^{12b)} at the request of the surveillance authorities or the Police within the scope of their competence.

Section 17

If the nature of the products so requires, particularly in respect of the hygiene conditions in which they are sold and the manner in which they are used, the seller shall sell products in hygienic packaging or wrap them in such packaging materials at the point of sale; in the case of self-service sale, the seller shall provide the consumer with suitable packaging material.

Section 18

- (1) Sellers shall inform consumers about the monetary deposit paid for returnable packaging and post this information in a visible place.
- (2) Sellers must inform consumers about any change in the amount of deposit paid for returnable packaging or the termination of refunds of deposits for returnable packaging at least 30 days before such change or termination is to come into effect. During this period refunds of deposit for such returnable packaging may not be stopped.

Section 18a

Manufacturers, importers and sellers may not use the names of individual types of crystal glass and symbols assigned thereto which are defined in the implementing regulation, in the case of products that are not specified in detail by that implementing legal regulation; the foregoing applies also to advertising for such products. When a glass product bears a company or production designation or a brand or business name or a name including the words "crystal" or "made of crystal" or words derived therefrom, the producer or importer and the seller must add to such designation a detailed specification in accordance with the implementing regulation.

Section 18b

Unauthorised use of an ecolabel is prohibited^{12c}.

Section 19

- (1) With the exception of cases when another person is designated to perform repairs¹³, the seller must accept claims in respect of products sold in any of his outlets, if this is possible taking into account the assortment of products sold or services provided, at his registered office, or at his place of business. The seller is obliged to issue written confirmation to the consumer, stating when the consumer exercised the right to file the claim, the content of the claim and procedure for handling the claim as requested by the consumer; also, confirmation showing the date and manner in which the claim was handled, including confirmation of the repair and time spent on it, or a written justification if the claim is rejected. The foregoing obligation shall also apply to any other persons appointed to carry out the repair.
- (2) An employee authorized to handle claims concerning sold products must be present at a retail outlet during the entire course of business hours.
- (3) The seller, or an employee authorized by the seller, shall decide on claims immediately, in complicated cases within three business days. This period shall not include an adequate time required for the expert assessment of a defect in a product or service. A claim concerning a defect in a product sold or service provided must be settled and the defect rectified without delay, at the latest within 30 days of the filing of the claim, unless a longer period is agreed between the seller and the consumer. Elapsing of such a period is considered to be a substantial breach of the agreement.

- (4) In the case of services sold or provided outside a registered retail outlet, the seller must add to the information specified in the Section 13, in writing, the seller's name and the address to which the consumer may file a claim after the sale or provision of such services is terminated.

Duties connected to the holding of organised events

Section 20

(1) The seller who within the scope of an organized event intends to sell products or provide services or to promote them or offer them, is obligated to notify the Czech Trade Inspection Authority of information in accordance with paragraph 4.

(2) As organized event in accordance with paragraph 1 is considered an event that is intended for a limited number of consumers who were directly or non-directly invited to attend it and in which course occurs the sale of products, the provision of services or their promotion or their offering, while it is not crucial, whether the event includes also transportation of the persons that are taking part in this event.

(3) Notification in accordance with paragraph 1 must be made within 10 working days prior to the holding of an organized event at the latest.

(4) The notification must, apart from the general essentials prescribed by the administrative regulations³⁷, further include:

- a) the address of the place where the sale of the products, the provision of services, their promotion or their offering takes place,
- b) the date when the organized event is held including its presumed schedule,
- c) the identification of the product or the service that will be promoted, offered or provided within the scope of the organized event, with listed price for which these products or services will be offered to the consumers at the organized event without taking into account possible discounts individually negotiated with the consumer at the organized event,
- d) copy of the invitation to participate in such organized event.

Section 20a

(1) The seller, who is clearly listed in Section 20 paragraph 1, is always obligated to provably, clearly, legibly and comprehensibly state in every invitation to take part in an organized event in accordance with Section 20:

- a) the address of the place where the organized event is held, alternatively another precise identification of the place for the holding of the organized event,
- b) the date when the organized event. is held including its presumed schedule,
- c) the identification of the product or the service that will be promoted, offered, sold or provided within the scope of the organized event with listed price for which these products or services will be really offered to the consumers at the organized event without taking into account possible discounts individually negotiated with the consumer at the organized event, did not apply
- d) the name and residence and the identification number of the person who is holding the organized event if they are a natural person carrying out a business, or the business company, residence and

identification number of the person if they are a legal person, and the identification information of their representative if they were established,

e) if the person selling is different than the person organising the organized event then also their name, residence and identification number, if they are a natural person carrying out a business, or a business company, the residence and the identification number, if they are a legal person, and identification information of their representative if they were established.

(2) In case that the organized event is held by a different entrepreneur than the seller, they have the duty to state the information in accordance with paragraph 1 in this invitation to take part in the organized event as well.

Section 20b

(1) The seller who within the scope of an organized event in accordance with Section 20 paragraph 2 sells products or provides services, must not request nor accept the performance corresponding to the purchasing price of the offered product or service or their part during this event or prior to the lapse of seven days since the conclusion of the agreement. The prohibition stated in the first sentence applies also to the advance payment for the payment of the price or any other fee. By this provision, the provisions on withdrawal in accordance with another legal regulation are not affected⁴⁴).

(2) A violation of the duty in accordance with paragraph 1 is considered a grave manner of violation of the conditions prescribed by a special legal regulation in the sense of the Trade Act⁴⁵).

Section 20c

(1) The provisions Sections 20 and 20a will not apply to the holding of public auctions in accordance with the special Act³⁵).

(2) In case of an event held exclusively for the purpose of degustation, consummation and sale of degusted products the provisions of Sections 20 and 20a will not apply. This is not effective if such event involves also the promotion, offer or sale of other products or the provision of other services.

(3) In the case of an event held exclusively for the purpose of an individual negotiation of an insurance agreement, pension insurance, investment service or business on the market with investment tools the provisions Sections 20 and 20a will not apply.

PART THREE

Extrajudicial resolution of consumer disputes

Section 20d

The consumer has the right in accordance with this Act to an out of court resolution of a consumer dispute from a sales agreement or from a service agreement (hereinafter only as “consumer dispute”) except for the agreements concluded

a) in the area of medical services provided to the patients by medical workers for the purpose of health care provision³⁸), including prescribing, issuing and provision of medical products and medical instruments,

b) in the area of services of general interest of a non-commercial nature,

c) with public providers of further or university education.

Section 20e

Subjects of out of court resolution of consumer disputes

A subject of an out of court resolution of consumer disputes in the sense of this Act is

a) in the area of financial services, the financial arbiter in the extent of their activities established by the legal regulation governing the financial arbiter³⁹), did not apply

b) in the area of electronic communications and post services, the Czech Telecommunication Authority in the extent of activities established by the legal regulation governing the electronic communications and post services⁴⁰),

c) in the area of electro-energetics, gas industry and heat industry the Energy Regulatory Office in the extent of activities established by a legal regulation governing the electro-energetics, gas industry and heat industry⁴¹),

d) in cases where no activities of the bodies stated in letters a) to c) are given, The Czech Trade Inspection Authority or a different subject authorized by the Ministry of Trade and Industry; if the authorized subject is a professional chamber with obligatory membership, it carries out activities in the area established by a different Act.

Section 20f

(1) The Ministry of Trade and Industry will authorize that person for out of court resolution of consumer disputes who will request it in writing and who will document the fulfilment of the conditions prescribed in the third and fourth part of this Act. The authorization will be decided by The Ministry of Trade and Industry within 2 months since the submission of the request at the latest.

(2) The authorized subject may be a person who

a) is a legal person founded or established for the protection of the consumer or a professional chamber with an obligatory membership,

b) has a budget purposefully assigned for out of court resolution of consumer disputes, which is separate from the budget of this person,

c) will prove that the natural person intended for an out of court resolution of consumer disputes is fully legally competent, has expert knowledge, is independent and impartial; the natural person is considered to be expertly qualified, independent and impartial if they meet at least the requirements listed in Sections 20g and 20h,

d) will secure that the out of court resolution of the dispute is free of charge for the consumer,

e) fulfils the conditions prescribed by the legal regulations on the protection of personal information.

(3) The Ministry of Trade and Industry checks whether the authorized subject fulfils the conditions for out of court resolution of consumer disputes in accordance with this Act. If they find out that the authorized subject does not fulfil any of these conditions, they will call them to immediate remedy. If the remedy does not take place within three months at the latest, the Ministry of Trade and Industry will remove the authorization from the affected subject and they will cross them from the list. It will inform the European Commission on the relevant change. A repeated awarding of the authorization is possible only after three years since the expungement from the list.

(4) If it concerns a professional chamber with obligatory membership, the supervision is carried out in accordance with paragraph 3 by a body of the professional chamber in accordance with a different Act; paragraph 3 second sentence will apply similarly. If no remedy takes place in the time limit stated in paragraph 3, the supervision body will notify the Ministry of Trade and Industry that will remove the authorization from the affected subject and it will cross them off the list.

(5) The Ministry of Trade and Industry will cross the subject of out of court consumer disputes resolution off the list in case of its abolishment.

(6) The Ministry of Trade and Industry administers the list of the subjects of out of court resolution of consumer disputes. The list contains the following information:

- a) the name, contact information and the internet address,
- b) the fees, if they are specified,
- c) the languages or the languages in which a proposition for the start of an out of court resolution of consumer disputes may be presented and in which an out of court resolution of consumer disputes may be conducted,
- d) the types of disputes for which it is possible to use out of court resolution of consumer disputes,
- e) the branches and the categories of the disputes that the subject of out of court resolution of consumer disputes deals with,
- f) information on whether physical presence of the parties is necessary and whether an out of court resolution of consumer disputes is or may be conducted in an oral or a written form,
- g) the character of the result of out of court resolution of consumer disputes,
- h) the reasons based on which the subject of out of court resolution of consumer disputes may deny the resolution of the dispute.

(7) The Ministry of Trade and Industry will send the list in accordance with paragraph 8 to the European Commission and they will publicize it on their internet website along with a link to the relevant internet website of the European Commission. The list has to also be available on a permanent data carrier.

(8) The Ministry of Trade and Industry updates the list without any unnecessary delay and it announces the relevant information to the European Commission.

Section 20g Specialization

The natural person intended for the execution of out of court resolution of consumer disputes has sufficient expert knowledge if they acquired university education in the subject field of law and if they have the necessary skills in the area of court or out of court resolution of disputes.

Section 20h Independence and Impartiality

(1) The tenure of a natural person intended for the execution of out of court resolution of consumer disputes makes up at least 3 years. The person must not be deprived of their function

without a reason and they have to be remunerated in a way that is not bound by the result of an out of court dispute resolution.

(2) The natural person intended for the execution of out of court resolution of consumer disputes must not accept instructions from the parties of the dispute or their representatives.

(3) If the natural person intended for the execution of out of court resolution of consumer disputes should at any time in its course find out any circumstance that could influence their independence or impartiality or that could cause a conflict of interests with a party of this dispute, they will report this reality without any unnecessary delay to the authorized subject.

(4) In case of reporting of a reality in accordance with paragraph 3, the authorized subject is obligated to authorize a different natural person for the execution of the out of court resolution of consumer dispute or to suggest an assignment of the dispute to another relevant subject to the parties in accordance with Section 20e. Otherwise, the natural person may continue with the out of court resolution of the dispute only in the case, if the parties to the resolution were informed on the reality stated in paragraph 3 and they did not raise any objections.

Duties of subjects of extrajudicial resolution of consumer disputes

Section 20i

Subject of extrajudicial resolution of consumer disputes shall publish clear and comprehensible information about following matters on its websites or by other appropriate manner and it shall provide such information on a permanent media on request:

- a) its contact information including postal and e-mail address,
- b) about the fact that it is on a list kept by the European Committee,
- c) persons designated to perform extrajudicial resolution of consumer disputes and if they are appointed then also about the method of their appointment and duration of their mandate,
- d) its possible membership in the network of subjects of extrajudicial resolution of consumer disputes facilitating resolutions of international disputes,
- e) disputes for which resolving it is authorized,
- f) procedural rules of the extrajudicial resolution of consumer disputes including the possibility of parties of a dispute to terminate their participation and about reasons based on which it can deny hearing about any given dispute,
- g) languages in which the motion for initiation of the extrajudicial resolution of consumer dispute can be submitted and in which such dispute is resolved,
- h) rules, which shall be used as the base for factual resolution of disputes (e.g. laws, principles, codes of conducts),
- i) requirements, which shall be met by parties before the extrajudicial resolution of consumer dispute is commenced and about the fact if parties can terminate their participation in proceedings,
- j) expenses, which can result from the extrajudicial resolution of consumer dispute and which shall be paid by parties including rules for possible payment of expenses at the end of dispute,
- k) average duration of the extrajudicial resolution of consumer dispute,

l) legal effect of the result of extrajudicial resolution of consumer dispute including possible sanctions if particular decision will not be followed, if it is binding for parties,

m) possible enforceability of the decision executed by the subject of the extrajudicial resolution of consumer disputes.

Section 20j

Subject of the extrajudicial resolution of consumer disputes:

a) operates update websites, which contain easily available information about the extrajudicial resolution of consumer disputes and which enable submitting of a motion to initiate dispute on-line including relevant documents, it shall publish link to websites of the European Commission related to the extrajudicial resolution of consumer disputes and it shall provide the list of subjects of the extrajudicial resolution of consumer disputes notified by member states of the European Commission on a permanent media in its place of business if it is possible,

b) provides to parties information included in the letter a) on a permanent media on their request,

c) enables exchange of information between parties and even by electronic means,

d) resolves domestic and international disputes,

e) cooperates with subjects of the extrajudicial resolution of consumer disputes from member states of the European Union and countries forming the European Economic Area and especially during resolutions of international disputes and it shall participate in regular exchange of time-proven methods related to domestic and international disputes,

f) cooperates with domestic supervising authorities authorized to enforce laws for consumer protection especially in the area of mutual exchange of information about practice in fields of business about which consumers are repeatedly complaining and in the area of provision of technical opinions and information, if they are necessary for the resolution of individual disputes and if they are already available.

Section 20k

Notification obligation of subjects of the extrajudicial resolution of consumer disputes

(1) Subject of the extrajudicial resolution of consumer disputes shall notify the Ministry of Industry and Trade of the Czech Republic about:

a) name, contract information and internet address,

b) information about structure and financing including information about persons designated to execute the extrajudicial resolution of consumer disputes, their remuneration and duration of their mandate,

c) procedural rules, which are binding for the resolution of consumer dispute including reasons for which the motion can be denied,

d) fees, if there are any,

e) average duration of the extrajudicial resolution of consumer dispute,

f) language or languages in which the motion for initiation of the extrajudicial resolution of consumer disputes can be submitted and in which such proceedings can be governed,

(2) Authorized subject shall notify the Ministry of Industry and Trade of the Czech Republic information included in the paragraph 1 and also information about:

- a) the type of disputes, which it is authorized to resolve,
- b) statement about the capability and fulfilment of requirements defined by the law.

(3) Subject of the extrajudicial resolution of consumer disputes shall notify the Ministry of Industry and Trade of the Czech Republic about any change connected with information included in the paragraph 1 without undue delay.

(4) Subject of the extrajudicial resolution of consumer disputes shall present to the Ministry of Industry and Trade of the Czech Republic once per two year information about:

- a) number of disputes, which have been presented to it and types of initiatives with which they have been connected,
- b) percentage share of the extrajudicial resolution of consumer disputes, which have been ceased or denied without any result and percentage share of reasons for cessations or denials, if they are known,
- c) average time necessary to resolve dispute,
- d) rate of observance of results of the extrajudicial resolution of consumer disputes, if it is known,
- e) system or serious problems, which occur often and which lead to disputes between consumers and sellers,
- f) possible cooperation of subject within the network of subjects of the extrajudicial resolution of consumer disputes facilitating resolution of international disputes and assessment of the efficiency of such cooperation, if it exists,
- g) professional training of natural persons appointed to execute the extrajudicial resolution of consumer disputes,
- h) assessment of the efficiency of the extrajudicial resolution of consumer disputes and its possible improvement.

(5) Information included in the paragraph 4 shall be included in the annual report, which shall be published by the subject of the extrajudicial resolution of consumer dispute on its websites or by other appropriate manner and which shall be provided on a permanent media on request.

Section 20I

Help in the case of international disputes

(1) In the case of international disputes the European Consumer Centre helps consumers with access to the relevant subject of the extrajudicial resolution of consumer disputes.

(2) European Consumer Centre Czech Republic is the contact place according to directly applicable regulation of the European Union³⁶⁾.

Section 20m

Duties included in the provisions of Sections 20i, 20j and Section 20k par. 5 of this Act do not apply to the Financial Arbitrator.

PART FOUR

PROCEDURE OF THE CZECH TRADE INSPECTION AUTHORITY AND AUTHORIZED SUBJECT DURING THE EXTRAJUDICIAL RESOLUTION OF CONSUMER DISPUTES

Motion for the initiation of the extrajudicial resolution of consumer dispute

Section 20n

(1) The extrajudicial resolution of consumer dispute is initiated by consumer's motion.

(2) Motion according to the paragraph 1 shall include:

- a) identification information about parties,
- b) complete and comprehensible description of decisive facts,
- c) what the plaintiff is requesting,
- d) date when the plaintiff executed its right, which is the subject of its motion, in relation to the seller for the first time,
- e) statement that particular dispute has not been resolved by any court, that there is not any arbitration award and that parties have not concluded any agreement within the extrajudicial resolution of consumer dispute and that there is not any proceedings initiated in front of any court, any arbitration proceedings or extrajudicial resolution of consumer dispute according to this Act,
- f) date and plaintiff's signature.

(3) Document about the fact that the plaintiff was not able to solve particular dispute directly with other party and other documents proving claimed facts shall be attached to the motion, if they are available. If the plaintiff is represented based on the power of attorney, then is shall be also attached to the motion.

(4) Motion can be submitted in a written form, orally or electronically through the on-line form, which can be found on websites of the Czech Trade Inspection Authority, signed by authorized electronic signature or send through data mail of the person, who is submitting such motion. If the motion is confirmed within 10 days or completed by one method mentioned in first sentence, then it can be submitted using other technical means, especially using fax or public data network without using authorized electronic signature. Motion can be submitted to the authorized subject in a written form or electronically through the on-line form, which can be found on its websites.

Section 20o

Conclusion of the agreement on extrajudicial resolution between a creditor and its debtor about the right or circumstance, which establishes such right, according to the Civil Code⁴²⁾ is considered to be the initiation of the extrajudicial resolution of consumer dispute.

Section 20p

The plaintiff can submit the motion in the Czech Trade Inspection Authority or authorized subject within 1 year since the day, when it executed its right, which is the subject of particular dispute, in relation to the seller for the first time.

Section 20q

Denial of the motion

(1) If the motion does not contain requisites according to the Section 20n par. 2 or if documents according to the Section 20n par. 3 are not attached, then the Czech Trade Inspection Authority or authorized subject shall invite the plaintiff to complete it within 15 days. After the expiration of this term the Czech Trade Inspection Authority or the authorized subject shall deny such motion.

(2) The Czech Trade Inspection Authority or authorized subject shall deny the motion also, if it will find out from the motion or attached documents or otherwise, that:

- a) dispute is not within their material scope of authority,
- b) the dispute has been already resolved by any court. the arbitration award has been issued or if the judicial proceedings or arbitration proceedings has been initiated or if the extrajudicial resolution of consumer disputes has been already initiated or terminated in the same matter in front of other subject mentioned in the Section 20e of this Act,
- c) the plaintiff has submitted the motion after the expiration of the term defined in the Section 20p, or
- d) motion is obviously unjustified.

(3) Motion is obviously unjustified especially when:

- a) it is the motion submitted repeatedly and the plaintiff will not prove, that it has met conditions defined within the previous extrajudicial resolution of consumer dispute, or
- b) the plaintiff is obviously pursuing abuse of its rights to the detriment of second party by its motion.

(4) The Czech Trade Inspection Authority or authorized subject informs parties about the denial of particular motion together with its reasons within 15 days since its receipt, unless facts forming the reason for denial will be found out later. In such case it will inform parties about the denial without unreasonable delay after the moment, when it has found out reason for the denial of particular motion.

Section 20r

Intimation of the extrajudicial resolution of consumer dispute

Extrajudicial resolution of consumer dispute is initiated on the day, when the Czech Trade Inspection Authority or authorized subject has received the motion in compliance with the Section 20n. If the Czech Trade Inspection Authority or authorized subject will not deny the motion in compliance with the Section 20q, then it will inform both parties that such extrajudicial resolution of consumer dispute has been initiated and it will inform them, that:

- a) they do not have to be represented by the lawyer⁴³⁾,
- b) they can use independent consulting or representation or help from a third person,

c) consumer can terminate its participation in the extrajudicial resolution of consumer dispute during any phase,

d) they have right to express their opinions about given matter,

e) they can read the documentation connected with particular dispute, they can make copies or transcriptions of statements, proofs, documents and circumstances presented by the other party and express their opinion about them,

f) in cases mentioned in the Section 20u par. 2 they will be informed in a written form or on other permanent media about the termination of the extrajudicial resolution of consumer dispute and about circumstances, which have led to such termination of the extrajudicial resolution of consumer dispute,

g) the right of parties to demand protection of their rights and rightful interest in front of a court is not affected by the initiation of the extrajudicial resolution of consumer dispute.

§ 20s

Cooperation with the Czech Trade Inspection Authority and authorized subject

(1) The Seller shall provide its statement about facts included in the motion to the Czech Trade Inspection Authority or authorized subject within 15 working days since it has been informed in compliance with the Section 20r.

(2) The Seller shall closely cooperate with the Czech Trade Inspection Authority or authorized subject and provide it with necessary cooperation for the efficient progress of the extrajudicial resolution of consumer dispute.

Conclusion of the extrajudicial resolution of consumer dispute

Section 20t

(1) Extrajudicial resolution of consumer dispute shall be concluded within 90 days since it has been initiated.

(2) If there is a difficult case, then the term defined in the paragraph 1 can be prolonged, however not for more than 90 days. Without unreasonable delay parties shall be informed about such prolongation of this term and overall duration during which it is expected, that the extrajudicial resolution of consumer dispute will be concluded.

Section 20u

(1) Extrajudicial resolution of consumer dispute is terminated by:

a) agreement of parties,

b) unilateral statement of the consumer, that it will no longer participate in the dispute notified to the Czech Trade Inspection Authority or authorized subject,

c) death, declaration of dead, declaration of missing person or ceasing of one party without any legal successor,

d) expiration of the term in compliance with the Section 20t,

e) denial of the motion in compliance with the Section § 20r.

(2) The Czech Trade Inspection Authority or authorized subject shall notify the other party about the termination of the extrajudicial resolution of consumer dispute according to the paragraph 1 letter b) or c) without unreasonable delay. If the extrajudicial resolution of consumer dispute will be terminated according to the paragraph 1 letter d), then it shall notify both parties without unreasonable delay.

(3) Agreement according to the paragraph 1 letter a) shall be in a written form.

**§ 20v
Delivering**

Duty of the Czech Trade Inspection Authority or authorized subject to deliver document according to this part of the Act to parties is fulfilled, if it is delivered through the public data network to recipient's data box, to the address stated in the motion to initiate the extrajudicial resolution of consumer dispute or to the address (even electronic) about which the Czech Trade Inspection Authority or authorized subject has been informed for delivering. Document is considered to be delivered even in the case, when the recipient has not found out about its delivery because of the reason on its side.

Section 20w

Expenses of the extrajudicial resolution of consumer dispute

(1) Extrajudicial resolution of consumer dispute is free of charge.

(2) Expenses connected with the extrajudicial resolution of consumer dispute shall be paid by parties.

Section 20x

The Czech Trade Inspection Authority or authorized subject shall define rules for the extrajudicial resolution of consumer disputes, which shall further describe procedure of the extrajudicial resolution of consumer disputes, so they will be in compliance with rules according to this part of the Act.

Section 20y

This part governs the procedure of the extrajudicial resolutions of consumer disputes in front of the Czech Trade Inspection Authority or authorized subject.

PART FIVE

INFORMATION DATABASE ABOUT CONSUMER'S SOLVENCY AND TRUSTWORTHINESS

Section 20z

(1) For the purpose of protection of rights and interests protected by the law of sellers and consumers, which consists in assessment of ability and willingness of consumers to fulfil their obligations, sellers, who have receivables in relation to consumers arising from loans or other receivables for long-term or repeated fulfilments, can use information database (hereinafter only as the "register") in order to mutually inform themselves about consumer's identification information and even about matters, which gives evidence about solvency, payment discipline and trustworthiness of

consumers and even in the case, when they have the duty of confidentiality according to other act⁴⁶. At least 10 sellers, which are banks according to the other act governing activities of banks, shall be involved in the register, which are providing consumer loans according to the other act governing payments or providers of small scale payment services according to the other act governing payments. Such register can be operated by a legal person, which is not the seller and its main purpose is not business (hereinafter only as the “operator”) under conditions defined by this Act. Consumer’s consent is not required for such mutual informing and processing of personal information in the register.

(2) Information obtained according to the paragraph 1 can be used by the seller only for the prevention of fraudulent conduct and to judge consumer’s ability and willingness to fulfil its contractual obligations (assess solvency, payment discipline and trustworthiness). Sellers and operators shall keep obtained information in secret and protect it from misuse as if it was information about consumers with which they are in contractual relations. Creation of models, which are evaluating probability of fraudulent conduct or consumer’s ability or willingness to fulfil its contractual relations by the seller or the consumer is considered to be processing of information allowed by this paragraph.

(3) Seller, who is providing consumer’s information to the register, shall notify the consumer in advance, that its data will be or may be mentioned in the register and in case, if such information includes information about consumer’s overdue debt, then it shall inform the consumer about the existence of such debt and request its payment.

(4) Following information can be included in the register:

- a) consumer’s identification information,
- b) information about consumer’s financial obligation from contract between the consumer and seller using the register including information about consumer’s potential financial obligations from contracts about which the consumer has negotiated with the seller, but contract has not been concluded,
- c) definition of the time period to which information relates,
- d) information about the seller, who has executed entry in the register.

(5) During providing of information from the register to sellers the information according to the paragraph 4 letter d) will not be provided. Operator who is operating the register has the right to further restrict scale of processed and provided personal information. If information about consumer’s overdue debts is provided from the register, then information, if such consumer’s debt was fulfilled and when, has to be always enclosed to such information. During exchange of information and during processing of information sellers and operators have the right to use consumer’s birth certificate number, if the seller has obtained it legally.

(6) Seller has the right to request information from the register in direct context with particular business case and, if it is the register, which registers records about consumer’s obligations, which have not been overdue, and about consumer’s potential obligations only with consumer’s consent.

(7) Context with particular business case according to the paragraph 6 means:

- a) context with decision about the provision of service or sale of product, which leads (even potentially) to establishment of seller’s receivable against the consumer, unless all seller’s receivables against the consumer will be fulfilled together with the conclusion of particular contact or immediately after it, or

b) context with already concluded contract or existing receivable of the seller against the consumer, unless all seller's receivable against the consumer arising from such contract have been already fulfilled.

(8) Condition of the context with particular business case according to the paragraph 6 requires, that the request will be about:

a) consumer requesting the provision of service or purchase of product leading to the establishment of receivable or consumer against which the seller has obligation,

b) person who intends to provide security for consumer's debt, or

c) person, which is economically connected to the person according to the letter a) or b), if assessment of its solvency has the importance for the assessment of ability and willingness to fulfil contractual obligations of the person according to the letter a) or b); such person is especially consumer's legal representative.

(9) Consumer has the right against the operator, who operates the register, to express its dissent (in a written form) about the processing of information about such consumer in the register, which registers information about consumer's obligations, which have not been overdue, and about potential consumer's obligations. In such case the operator shall immediately delete all information related to the customer from the register and it will implement necessary arrangements, so it will not be possible to record other information about such consumer.

(10) Operator, who operates the register, shall conclude a written contract with the seller, who will provide information to the register and obtain information from the register, in which it will bind itself to act in compliance with duties according to paragraphs 3 to 8 and which will include provision about organizational-technical arrangements to the security of information. Operator will deny conclusion of such contract, if it is obvious from all circumstances known to it, that particular seller is not providing necessary guarantees that it will act in compliance with duties according to paragraphs 3 to 8, or it will withdraw from such contract or it will suspend its fulfilment, if such information will come out subsequently. However, it is obliged to define same conditions for the access of sellers with their registered office or place of business in other member state of the European Union and for sellers with their registered office or place of business in the Czech Republic. Conditions for the conclusion of a contract shall be published by the method enabling remote access. Seller, who has access to the register, shall proof the legitimacy of its request for the provision of information from the register according to paragraphs 6 to 8 to the seller or operator operating the register on request.

(11) Information about consumer's obligation in the register can be processed during the time period, when such obligation is valid and for 3 years after such obligation was paid. If any obligation was terminated because of other reasons than payment or if it is statute-barred obligation or obligation from which fulfilment the debtor was liberated according to the other law⁴⁷ⁿ⁾, then information about such obligation can be processed in the register for 3 years since termination of such obligation, since its limitation or since the moment, when the debtor was liberated according to the other law. If a contract was not concluded, then information can be processed in the register for 3 months. Even after the expiration of terms included in this paragraph the seller or the operator, who operates the register, has the right to keep anonymized information for statistical purposes and to keep documents, which it has obtained in connection with information in the register, if they are necessary for the protection of its rights and legally protected interests.

(12) Creation of the register shall be notified to the Office for Personal Data Protection in compliance with other act governing the personal data protection by the seller or by the operator, who operates such register.

(13) Against the payment of justified expenses the consumer has the right for the list of information, which is recorded about such consumer in the register. Further, consumer has the right to demand correction of inaccurate or untrue information, which is recorded about such consumer in the register, from the seller or from the operator, who operates the register.

(14) The seller or the operator, who operates the register, shall correct all inaccurate or untrue information in the register, if it has found out that such information is incorrect or untrue. If consumer's request for the correction of inaccurate or incorrect information recorded about it in the register is not solved immediately, then the seller or the operator, who operates the register, shall block all information connected with such request, until consumer's request is solved. It shall block such information in a way, so it will be temporarily impossible to provide information connected with such consumer's request from the register. Instead of such information the seller or the operator, who operates the register, shall provide information, that information is blocked.

(15) If information recorded in the register is subject of a dispute between particular seller and consumer and such dispute is being resolved in judicial, administrative or arbitral proceedings and legally effective resolution or the extrajudicial resolution of consumer dispute according to this Act has not been executed yet, then the seller or the operator, who operates the register, shall note such information in the register, if consumer requests it to do so.

Section 20za

Provision of this part shall be applied also on relations connected with consumer's business activity or other self-employment activity.

PART SIX

Tasks of public administration

Section 21

Protection against products dangerous due to the risk of being mistaken for foods

Government authorities, self-governing territorial authorities and other public administration authorities shall, within their competences, take all steps necessary to prevent the import, export, marketing and subsequent distribution of products that dangerous due to the risk of being mistaken for foods. The above-mentioned authorities must inform consumers about products dangerous due to the risk of being mistaken for foods by all available means, especially through the use of mass media.

Section 22

Repealed

Section 23

Supervision of consumer protection

- (1) Compliance with the duties stipulated by this Act shall be monitored by the Czech Trade Inspection Authority¹⁶, with the exception of supervision according to the paragraphs 2, 3, 4, 7 to 12 and 15 to 17.
- (2) Compliance with the duties stipulated in Section 3 par. 1 letter b), Sections 4 to 5b, Section 8, Section 9, Section 14a and Section 17 concerning agricultural products, foods, and tobacco products is supervised also by the State Agricultural and Food Inspection Authority¹⁷.
- (3) Compliance with the duties stipulated in Section 3 par. 1 letter b), Sections 4 to 5b, Section 9, Section 10 par. 1 and 3, Sections 14a and 17, as regards the sale of products and provision of

services that are regulated by the Public Health Act, is the responsibility of regional hygiene stations¹⁸.

- (4) Compliance with the duties stipulated in Section 3 par. 1 letter b), Sections 4 to 5b, Sections 8, 9, 14a and 17 is supervised in the area of veterinary care by the State Veterinary Administration, regional veterinary care authorities and the Municipal Veterinary Administration in Prague.¹⁹
- (5) Compliance with the duties stipulated in Sections 9 to 13, Section 14a to 16 and Section 18 of this Act with respect to trade and services²¹ is also supervised by the municipal trades licensing authorities in whose jurisdiction an outlet is located. If the local jurisdiction of the outlet cannot be determined, compliance is supervised by the local municipal trade licensing authorities.
- (6) An inspector of the Czech Trade Inspection Authority or the State Agricultural and Food Inspection who supervises the market in accordance with this Act and ascertains, which violate the provisions of Section 8, provided that it is demonstrated that products are under customs supervision according to the directly applicable regulation of the European Union, then it is entitled to seize such products or goods. The matter and the seized products or goods shall be transferred to the applicable customs authority.
- (7) Supervision of compliance with the duties stipulated in Sections 4 to 5b, Section 8, Section 9, Section 10 paragraph 1 letter a) and paragraphs 5 to 7, Sections 11, 12 and 14a of this Act concerning weapons, munitions and pyrotechnic products shall be carried out by the Czech Proof House for Arms and Ammunition.²⁵
- (8) Supervision of compliance with the obligations set out in Sections 4 to 5b, Sections 6, 12 and 14 is performed by the Czech National Bank in the case of persons subject to its supervision under the law regulating the status and competence of the Czech National Bank in the exercise of activities performed by such entities on the basis of an authorisation, license or registration of the Czech National Bank.
- (9) Supervision of compliance with the obligations set out in Sections 4 to 5b and Section 8 in the area of pharmaceuticals is performed by the State Institute for Drug Control.²⁷
- (10) Supervision of the regulation of advertising, which is an unfair business practice under this Act, shall be governed by the Act on Regulation of Advertising.²⁸
- (11) Supervision of compliance with the obligations set out in Sections 4 to 6, Section 12 and Section 14 in the area of business in the energy sector is performed by the Energy Regulatory Office.
- (12) The Czech Trade Inspection Authority supervises compliance with the obligations or requirements of the directly applicable Community legislation banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur.²⁹
- (13) The Czech Trade Inspection Authority supervises compliance with the obligations or requirements of a directly applicable regulation of the European Union which governs the names of textile fibres and related labelling of the fibre composition of textile products.³¹ The supervision procedure is also governed by a directly applicable EU regulation laying down the requirements for market surveillance relating to the marketing of products³²
- (14) The Czech Trade Inspection Authority supervises compliance with the obligations arising from the provisions of the Civil Code³⁰ governing consumer contracts in which there is arranged temporal use of accommodation facility and other recreation services for fee³⁰.

(15) Supervision of compliance with the obligations set out in Sections 3 to 5b, Section 6, Section 8, Section 9, Sections 11 to 14, Sections 15 to 16 and Section 19 in the field of electronic communications and postal services is performed by the Czech Telecommunication Office.

(16) Supervision of compliance with the obligation set in this Act for professions performed by a member of professional chamber with mandatory membership performs relevant with the exception of professions in the field of financial market, because in this case the Czech National Bank has the authority.

(17) Supervision of compliance during the processing of personal information defined in the Part Five of this Act is performed by the Office for Personal Data Protection.

(18) The Czech Trade Inspection Authority performs supervision of compliance with duties defined in the Article 14 of the Regulation (EU) No. 524/2013 of the European Parliament and the Council on on-line dispute resolution for consumer disputes and amending Regulation (EC) No. 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR).

Section 23a

- (1) The authorities specified in the Section 23 par. 1 to 15 are entitled to issue binding instructions for the purpose of rectifying any shortcomings ascertained. In cases of imminent danger to life, health or property, they may stop the sale of products and the provision of services or close an outlet; if the urgency of the situation so requires, such a decision may be announced verbally and written confirmation be delivered without delay.
- (2) An appeal may be lodged against a decision made under the paragraph 1, second sentence, within three days of the receipt of such a decision in writing. Such an appeal shall not have a dilatory effect and the appeal authority shall deliver a ruling concerning an appeal without delay.
- (3) The sale of products, provision of services or the re-opening of an outlet is possible only after the same has been restored to a suitable condition, and only with the written approval of the authority that decided to stop the sale of products or the provision of services or to close the outlet.
- (4) The Czech Trade Inspectorate Authority is authorized to confiscate cat and dog fur and products containing such fur, except for raw cat and dog fur, and order their destruction at the expense of those who violated the ban stipulated by the directly applicable European Communities regulation.²⁹
- (5) The authorities specified in the Section 23 par. 1 to 15 may decide to order a producer, an importer, a supplier or a seller to withdraw from the market a product which is dangerous due to the risk being mistaken for foods. In cases of imminent danger to life, if required by the urgency of the situation, such a decision may be announced verbally and written confirmation be delivered without delay.
- (6) A seller must notify a producer, an importer or a supplier of the fact that a product is to be withdrawn from the market due to a decision issued by the supervisory authority and must immediately cooperate with them to determine the manner in which the product which is dangerous due to the risk of being mistaken for foods should be withdrawn. A supplier shall, if notified by a seller or on the basis of a decision issued by the supervisory authority, withdraw such a product from the market and must immediately cooperate with them to determine the manner in which the product which is dangerous due to the risk of being mistaken for foods should be withdrawn. A producer or a supplier shall, based on a decision issued by the supervisory authority to withdraw a product from the market or based on a notice from the supplier or the seller requesting the withdrawal of the product from the market, immediately

Z komentářem [A1]: Zde pravděpodobně v originále chybí slovo.

cooperate with them to determine the manner in which the product which is dangerous due to the risk of being mistaken for foods should be withdrawn. The parties making and accepting delivery of such products to be withdrawn from the market shall ensure that the products are withdrawn by the deadline set by the supervisory authority or, if no deadline is set, without undue delay, and must notify the supervisory authority.

- (7) If the returning or taking back of products described in the paragraph 5 does not take place in accordance with the applicable decision of the supervisory authority or without undue delay, the supervisory authority shall be entitled, in addition to its right to impose a fine, to order the destruction of the product at the expense of the person or the entity that breached the duty to return or take back such products in cases of danger to life, health or property.

Section 23b

Repealed

Section 23c

Repealed

Administrative Offences

Section 24

Heading omitted

1) Manufacturers, importers, exporters, suppliers, vendors or other contractors are committing an administrative offence, if:

- a) they violate the ban on unfair trade practices,
- b) they manufacture, import, export, offer, sell or donate products, which are dangerous due to the risk of being mistaken for foods,
- c) they violate the ban under the directly applicable European Communities regulation prohibiting the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur,²⁹
- d) they manufacture, import, market, sell or offer textile products not marked in accordance with a directly applicable EU regulation governing the textile fibre names and related labelling of the fibre composition of textile products³¹, or textile products, which are not accompanied by business documentation pursuant to a directly applicable regulation of the European Union³³, or
- e) they make improper use of an ecolabel.

(2) A manufacturer or entrepreneur as the person responsible for first placing footwear on the market of the European Community is committing an administrative offence if, contrary to the Section 10a, fails to label the materials used in the main components of footwear or fails to provide such data to the supplier or seller.

(3) A manufacturer, importer or seller is committing an administrative offence by, contrary to the Section 18a, using the names of different types of crystal glass and their associated symbols or failure to add the company or product label or brand or trade name or designation containing the words "crystal" or derivations thereof which provide a detailed specification.

(4) A manufacturer, seller or exporter is committing an administrative offence by offering, selling or exporting products designated for humanitarian purposes and labelled "humanitarian" under

a special law.⁷

(5) A manufacturer or importer is committing an administrative offence if, based on a decision issued by the supervisory authority to withdraw a product from the market or based on a notice from the supplier or the seller requesting the withdrawal of the product from the market, they fail to immediately cooperate to determine the manner in which the product which is dangerous due to the risk of being mistaken for foods should be withdrawn or if they fail to inform the supervisory authority of such a withdrawal.

(6) A supplier is committing an administrative offence if, after being notified by a seller or based on a decision issued by the supervisory authority to withdraw a product from the market, they fail to return a product which is dangerous due to the risk of being mistaken for foods or fail to inform the supervisory authority of the return of such a product withdrawn from the market.

(7) A seller is committing an administrative offence by:

- a) failing to comply with the duty of honesty in the sale products or services pursuant to the Section 3,
- b) its use of the phone number with higher than common price in conflict with the Section 3a.
- c) violating the ban on discrimination pursuant to the Section 6 when selling products or providing services,
- d) violating the ban to offer, sell and store products violating intellectual property rights or illegal use of marking according to the implementing regulation^{4b)},
- e) failing to comply with the information obligation pursuant to the Section 9 and the Section 10 par. 2,
- f) failing to assure that products sold are labelled pursuant to the Section 10 par. 1, 3 and 4,
- g) removing or changing the product labelling or other information provided by the manufacturer, importer or supplier,
- h) when selling used or modified products, products with a defect or products whose utility is otherwise limited, failing to inform the consumer of these facts in advance or selling such products together with other products, or places objects that are not used for sale in the premises in a place reserved for the sale of such products,
- i) providing information in conflict with the Section 11,
- j) failing to inform the consumer according to the Section 11a,
- k) providing price information in conflict with the Section 12,
- l) failing to inform the consumer pursuant to the Section 13,
- m) failing to provide information according to the Section 14 or Article 14 of the Regulation of the European Parliament and the Council (EU) No. 524/2013,
- n) failing to demonstrate the product to the consumer pursuant to the Section 15 par. 1,
- o) failing to issue the receipt to the consumer according to the Section 15 par. 2,
- p) failing to provide the consumer with written confirmation of the receipt of an order pursuant to the

Section 15 par. 3,

- q) failing to provide a duly filled out receipt for a product or service at the consumer's request containing the details specified in the Section 16 par. 1,
- r) failing to mark the destination and date of delivery on a receipt for a product which is sold and then delivered later,
- s) when selling used or modified products, products with a defect or products whose utility is otherwise limited, failing to indicate such facts on the product receipt,
- t) failing to comply with the duty to sell products in hygienic packaging pursuant to the Section 17,
- u) failing to inform the consumer about monetary deposit paid for returnable packaging pursuant to the Section 18 par. 1, or contrary to the Section 18 par. 2, failing to inform the consumer about any change in the amount of deposit paid for returnable packaging or the termination of refunds of deposits for returnable packaging, or stopping the payment of deposits for returnable packaging,
- v) in conflict with the Section 19 par. 1 failing to accept a claim or fails to issue the consumer with written confirmation of a claim containing the prescribed details,
- w) failing to assure that there is a worker in charge of handling complaints on the premises at all times during working hours,
- x) failing to decide on or settle a claim pursuant to the Section 19 par. 3,
- y) failing to provide the information pursuant to the Section 19 par. 4 when selling or providing services outside a registered retail outlet, or
- z) failing to fulfil any duty in compliance with the Section 20s.

(8) Seller is committing an administrative offence, if it will not notify immediately or within the term defined by the supervising authority the manufacturer, importer or supplier, that particular product is being withdrawn from the market according to the decision of the supervising authority, or if will not immediately ensure method of returning of a product, which is dangerous because it can be mistaken for food, or if it will not notify the supervising authority about return or withdrawal of a product from the market.

(9) Seller mentioned in the Section § 20 par. 1 is committing an administrative offence, if:

- a) it will not provide information to the Czech Trade Inspection Authority in compliance with the Section 20 par. 1,
- b) it will not notify the Czech Trade Inspection Authority within the term in compliance with the Section § 20 par. 3, or
- c) in the notification to the Czech Trade Inspection Authority according to the Section 20 par. 1 it will include untrue or incomplete information.

(10) Seller included in the Section 20 par. 1 or legal person or entrepreneur (natural person) included in the Section 20a par. 2 is committing an administrative offence, if it will not include information according to the Section 20a par. 1 in the invitation to participate in organized event, or if such information is untrue or incomplete.

(11) Seller mentioned in the Section 20b par. 1 is committing an administrative offence, if it

will request or if it will accept fulfilment in the amount of the purchase price of offered product or service, its part or any prepayment or other fee from the consumer during any organized event or during seven days since a contract was concluded.

(12) Seller, who is a person, which is in connection with offering or concluding of a contract in which it is concluding temporal use of accommodating facility or other recreational services according to the Section 1852 of the Civil Code for payment, is committing an administrative offence, if:

a) it will not provide information in compliance with the Section 1854 par. 2 of the Civil Code in scale and in a way defined in this section,

b) in the invitation to offering or selling event it will not clearly define purpose and nature of such event and it will not ensure information according to the Section 1854 par. 2 of the Civil Code to be available for consumers during duration of such event,

c) it will not explicitly warn consumer in sufficient advance before a contract is concluded or before the consumer is bound by its suggestion to conclude a contract about its right to withdraw from a contract or about the duration of term during which the consumer has the right to withdraw and also about the ban on payments of prepayments or other fulfilments or their security during such term for withdrawal,

d) it will not inform the consumer about information according to the Section 1854 par. 2 in the language according to the Section 1854 par. 3 of the Civil Code or it will not conclude a contract with the consumer in the language required by the Section 1860 of the Civil Code or it will not give the consumer the certified translation of particular contract to the language defined in the Section 1860 of the Civil Code,

e) it will not include information in compliance with the Section 1856 par. 1 of the Civil Code in a contract,

f) it will not give the consumer duly filled form for the withdrawal from a contract,

g) it will not provide the consumer with written information in compliance with the Section 1854 par. 2 of the Civil Code or it will not notify the consumer about its modification,

h) it will not ensure that the consumer will separately sign each provision about the withdrawal from a contract, about the term for withdrawal and about the ban on payments and other fulfilments or their security during the term for withdrawal,

i) it will not execute at least one counterpart of a contract for the consumer immediately after it is concluded,

j) in a contract based on which the right for advantage connected with accommodation, transport or other services is obtained against the payment, it will not divide payments into annual payments in the same amount or with respect to the development of prices, if it is agreed, or it will not notify the consumer about its duty to pay at least 14 days before the due date in writing,

k) in conflict with the Section 1864 of the Civil Code it requires or accepts prepayment or other fulfilments or their security from the consumer, or

l) it launches onto market or is selling accommodating facility with overnight accommodation for more than 1 time period or advantage connected with accommodation, potentially including transport or other services, as the investment.

(13) The operator of a marketplace (market hall) is committing an administrative offence contrary to Section 14a by failing to record or present records of sellers.

(14) An administrative offence shall result in a fine of up to

- a) 1 000 000 CZK, in the case of an administrative offence pursuant to the paragraph 7 letters b), e), m) to s), u), w), y), z),
- b) 2 000 000 CZK, in the case of an administrative offence pursuant to the paragraphs 11 and 12,
- c) 3 000 000 CZK, in the case of an administrative offence pursuant to the paragraph 1 letters c) to e), paragraphs 2 and 3 and the paragraph 7 letters c), f), h), i), j), l), t), v) and x).
- d) 5 000 000 CZK, in the case of an administrative offence pursuant to the paragraph 1 letters a) and b), paragraph 4, paragraph 7 letters a), d), g), k) and paragraphs 9, 10 and 13.
- e) 50 000 000 CZK, in the case of an administrative offence pursuant to the paragraphs 5 and 6 and the paragraph 8).

(11) A fine of up to 5 000 CZK may be ordered on the spot for an administrative offence.

Section 24a

(1) A natural person who sells consumers plant and animal products from its own small breeding activities or forest crops, shall commit an offense by

- a) failing to comply with the duty of honesty pursuant to the Section 3 when selling products or providing services,
- b) failing to comply with the ban on discrimination against the consumer pursuant to the Section 6 when selling products or providing services,
- c) breaching the the ban under the directly applicable European Communities regulation prohibiting the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur²⁹,
- d) provides information about prices in conflict with the Section 12,
- e) fails to provide the consumer, at the consumer's request, with a proper receipt confirming the purchase of a product or the provision of a service containing the details stipulated in the Section 16 par. 1, or
- f) makes improper use of an ecolabel.

(2) A fine of up to 100 000 CZK may be imposed for offences under the paragraph 1. A fine of up to 5 000 CZK may be imposed in block proceedings.

Joint provisions for administrative offences

Section 24b

(1) A legal person is not liable for an administrative offence, if it can prove that it made every effort required to prevent a breach of a legal obligation.

(2) When determining the level of a fine, the gravity of the administrative offense, particularly

the manner in which it was committed and its consequences and the circumstances under which it was committed are taken into account.

(3) A legal entity's liability for an administrative offence ceases to apply if the administrative authority fails to initiate proceedings on that offence within 2 years of the date on which the offence came to its attention, although no later than within 5 years of the date on which the offence was committed.

(4) Liability for conduct that occurred during or in direct connection with the business of a natural person is covered by the provisions of this Act relating to liability and sanctions for legal entities.

(5) Administrative offences pursuant to this Act are dealt with by the administrative authority which, in accordance with the Section 23, supervises compliance with the obligations breached by the administrative offence in question. If there is more than one administrative authority competent to hear the case of the administrative offence, the offence will be heard by the authority that first initiated administrative proceedings; if no administrative proceedings have been initiated, the case will be heard by the authority that first discovered the breach of obligations. As soon as an administrative authority discovers a breach of obligations, it must immediately inform the administrative authority that supervises compliance with those particular obligations from another viewpoint or within its competence in other areas.

(6) Fines are collected by the administrative authority that imposed them. Income from fines constitutes income for the budget from which the authority that imposed them is funded. Fines are payable within 30 days of the date on which the ruling on the administrative offence comes into force.

PART SEVEN

Consumer associations and other legal entities established for consumer protection

Section 25 Legal Status

- (1) The legal status of consumer associations and other legal entities established to protect the consumer (hereafter only as the "associations") shall be governed by implementing laws¹⁵.
- (2) A motion to initiate court proceedings for injunctions matters concerning protection of consumer rights may be filed by:
 - a) an association or professional organisation which has a legitimate interest in protecting consumers, or
 - b) an entity set out in the list of persons qualified to bring an action for an injunction with respect to the protection of consumer rights (hereinafter only as the "list of the qualified entities"), while the right of the court to re-examine if the motion to initiate the court proceedings has been filed by a qualified entity shall remain unaffected.
- (3) The list of the qualified entities is maintained by the Commission of the European Communities and published in the Official Journal of the European Union.²⁰
- (4) An association may be proposed by the Czech Republic for inclusion in the list of the qualified entities, providing
 - a) it has been incorporated in compliance with the laws of the Czech Republic¹⁵,

- b) it has been active in the field of consumer protection for a minimum of two years,
 - c) it is independent and not-for-profit, and
 - d) it has duly settled all its financial liabilities to the Czech Republic.
- (5) An applicant association shall file its application for inclusion in the list of the qualified entities with the Ministry of Industry and Trade of the Czech Republic, accompanied with the documents supporting compliance with the requirements under the paragraph 4. If the association meets the requirements, the Ministry of Industry and Trade of the Czech Republic shall propose its inclusion in the list of the qualified entities to the Commission of the European Communities.

Section 26
Rights in relation to government authorities

Associations or professional organisations which have a legitimate interest in protecting consumers shall have the right to file motions with government authorities in connection with their supervision over the protection of consumer interests. Government authorities with which such motions are filed shall inform such associations or professional organisations about the results of the applicable proceedings without undue delay, no later than within two months after the receipt of a motion.

PART EIGHT

Joint and final provisions

Section 27
Consumer protection during unlicensed business activity

The duties of sellers, producers, importers, or suppliers shall also apply to persons carrying out the activities stipulated in the Section 2 par. 1 letter b) to e) without the necessary license.

Section 28
Repealed

Section 28a

The Ministry of Industry and Trade of the Czech republic shall specify in a decree:

- a) details about methods used to mark footwear with information about the materials used in their main parts,
- b) a list of the kinds of footwear which are exempt from the requirement to be marked with information about the materials used in their main parts,
- c) conditions for defining individual kinds of crystal glass, including their names, properties, symbols assigned thereto, methods used to determine their chemical and physical properties, as well as methods used to mark products made from crystal glass, including a definition of products made from crystal glass which are subject to marking.

Section 29
Effectiveness

This Act comes into effect on publication.

Stránský, in own hand
Kováč, in own hand

Appendix 1

Deceptive trade practices

Trade practices are always considered deceptive, if the seller:

- a) declares its commitment to observe certain rules of conduct (Code of Conduct), or that this Code of Conduct has been approved by a certain entity, if this is not the case,
- b) makes unlawful use of a quality mark or other similar designation,
- c) declares that it or a product or service it provides has been approved, endorsed or authorised, although this is not the case, or such declaration is not in accordance with the terms of the approval, endorsement or authorisation,
- d) offers for sale products or services at a specified price without publishing reasons on the basis of which it may be assumed that the entrepreneur himself or through any other business will not be able to supply the specified or equivalent products or services at the price applicable for the given period and in reasonable quantities with regard to the nature of the product or service, the scope of advertising and the price for which the product or service is offered (bait advertising),
- e) while intending to promote another product or service offers for purchase a product or service for a particular price and then refuses to show it to the consumer or refuses to accept an order for or refuses to deliver that product or service within a reasonable period of time, or demonstrates a defective product,
- f) falsely states that a product or service will be offered for a limited time only, or that it will be offered for a limited time only under certain conditions in order to force consumers to make an immediate decision without providing a reasonable amount of time necessary to make an informed decision,
- g) promises to provide post-purchase service to consumers with whom, before concluding the contract, he dealt with in a language other than the official language of the member state in which the seller is located, and subsequently provides service only in another language, without clearly informing the consumer of such before the conclusion of the contract,
- h) claims or creates the impression that the selling of a product or the provision of service is permitted, even though this is not the case,
- i) describes rights granted to the consumer directly by the law as advantages of the product or service,
- j) is using editorial space in mass media for paid propagation of its product or service and the consumer cannot from its content, pictures or sound unequivocally distinguish, that it is a commercial,
- k) provides incorrect information about the nature and extent of the risk to the personal safety of the

consumer or his family, if it does not buy or use the product or service being offered,

l) promotes a product in a manner which could give the consumer the impression that the product has been produced by a certain manufacturer, even though this is not the case,

m) creates, operates or promotes a pyramid program in which the consumer pays for the possibility to earn reward, which depends on their attracting other consumers into the scheme rather than the sale or consumption of the product (pyramid scheme),

n) falsely states that it intends to terminate its activity or move its business premises,

o) declares that the products or services it offers or sells facilitate winning in games of chance,

p) falsely states that a product or service it offers may cure an illness, medical disorder or disability,

q) provides inaccurate information on market conditions or on the possibility of finding the product or service to force consumers to buy the product or service being offered under conditions less favourable than normal market conditions,

r) offers products or services through a competition for prizes, without such prizes being awarded or without such prizes corresponding to the original offer or without providing commensurate compensation,

s) states the words "gratis", "free", "free of charge" or words of a similar meaning in relation to a product or service in cases where the consumer must pay some kind of costs for that product or service, with the exception of the necessary costs associated with responding to the trade practice, acceptance or the delivery of a thing,

t) attaches payment requests with promotional materials, which will give the consumer the impression that the product or service offered has already been ordered, even though this is not the case,

u) gives the impression or falsely states that it is not acting as part of its business activities or presents itself as a consumer, or

v) gives the impression or falsely states that post-purchase service on a product is provided in a member state other than that in which the product is sold.

Appendix 2

Aggressive trade practices

Trade practices are always considered aggressive, if the seller:

a) creates the impression that the consumer cannot leave the premises or place where a product is sold or a service is provided without first signing a contract,

b) personally visits the consumer's home, ignoring the consumer's requests to leave his home and not return, with the exception of cases where the entrepreneur intends to recover due contractual liabilities in a manner that is in accordance with the relevant legislation,

c) repeatedly makes unwanted solicitations to consumers by telephone, fax, electronic mail or other remote media with the exception of cases where the entrepreneur intends to recover due contractual liabilities in a manner that is in accordance with the relevant legislation; this does not affect the provisions of the Section 2 par. 1 letter e) of the Act No. 40/1995 Coll., as amended, and the relevant provisions of the Act No. 480/2004 Coll., and the Act No. 101/2000 Coll.,

d) requires that the consumer, when exercising his right granted by an insurance contract, presents documents which cannot be deemed justifiable when judging the legitimacy of a claim or fails to respond to correspondence in order to dissuade the consumer from exercising his contractual rights,

e) use advertising to directly encourage children purchase a product or service or to persuade an adult to purchase them,

f) requires that the consumer make immediate or deferred payment for goods or services supplied by the entrepreneur, even though the consumer did not order such goods or services, or requests that unsolicited products be returned or placed into storage, unless this is a substitute delivery under a contract concluded beforehand,

g) declares that by not purchasing a product or service the consumer is putting his business, job or life at risk, or

h) creates the false impression that the consumer has won or is winning, or that it will win a prize or other winning, by acting in a certain way, when in fact no such prize or no such benefit exists, or the consumer must pay money or there will be other expenses for customer in order to obtain the prize or other similar winnings or benefits.

Selected provisions of amendments

Article III of the Act No. 217/2004 Coll.

Proceedings about imposing of penalties initiated before the effectiveness of this Act shall be concluded in compliance with current laws.

Article II of the Act No. 36/2008 Coll.

Temporal provision

Proceedings initiated before the effectiveness of this Act shall be concluded according to the Act No. 634/1992 Coll., on consumer protection, as amended before the effectiveness of this Act.

Article II of the Act No. 356/2014 Coll.

Temporal provisions

1. Proceedings according to the Act No. 634/1992 Coll., as amended before the effectiveness of this Act, which were initiated with bodies of the Customs Administration of the Czech Republic before the effectiveness of this Act, shall be concluded according to the Act No. 634/1992 Coll., as amended before the effectiveness of this Act.

2. If any body of the Customs Administration of the Czech Republic decided that sale of any products or provision of any services shall be suspended, or that any business premises shall be closed according to the Act No. 634/1992 Coll., as amended before the effectiveness of this Act, then bodies of the Customs Administration of the Czech Republic shall proceed during the granting of a written consent for renewal of the sale of products or provisions of service or opening the business premises according to the Act No. 634/1992 Coll., as amended before the effectiveness of this Act.

Article II of the Act No. 378/2015 Coll.

Temporal provisions

1. Sellers shall modify their terms and conditions according to the Section 14 within 3 months since this Act came into force.

2. Administration proceeding initiated before the effectiveness of this Act and related rights and duties shall be assessed according to the Act No. 634/1992 Coll., as amended before the effectiveness of this Act.

3. In information databases containing information about consumers and other subjects about matters, which can demonstrate their solvency or trustworthiness, if particular processing of personal information was registered with the Office for Personal Data Protection before the effectiveness of this Act, then information can be processed within the scope defined by this Act after this Act came into effect without their consent. Operator of such information database, who wants to process information about consumers and other subjects without their consent, shall modify such database according to this Act within 6 months since this Act came into force.

¹ European Parliament and Council Directive 2005/29/EC on unfair trade practices in the internal market and amending Council Directive 84/450/EEC, European Parliament and Council Directives 97/7/EC, 98/27/EC and 2002/65/EC and European Parliament and Council Regulation (EC) No 2006/2004 (Unfair Trade Practices Directive).

Council Directive 69/493/EEC on the approximation of member states regulations relating to crystal glass.

Directive of the European Parliament and Council 94/11/EC on the approximation of laws, regulations and administrative provisions of member states relating to the labelling of materials used in the main components of footwear sold to consumers.

Council Directive 87/357/EEC on the approximation member states regulations relating to products whose true nature is not recognizable and which therefore endanger the health or safety of consumers.

European Parliament and Council Directive 2008/122/EC on the protection of consumers in relation to certain aspects of timeshares, long-term recreational products, resale and exchange.

European Parliament and the Council Directive 2011/83/EU of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.

European Parliament and the Council Directive 2013/11/EU of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC.

³¹

³²

^{1a} Ordinance No. 117/2007 Coll., on numbered plans of networks and services of electronic communications, as amended.

² Section 214 and following of the Civil Code.

³ For example, Act No. 22/1997 Coll., on technical requirements for products and on modification and addition of several laws, as amended, Act No. 372/2011 Coll., on medical services and conditions of their providing (Act on medical services), as amended, Act of the Czech National Council No. 133/1985 Coll., on fire protection, as amended, Act No. 154/2000 Coll., on selecting, breeding and evidence of farm animals and on modification of several connected acts (Breeding act), as amended, Act No. 156/1998 Coll., on fertilizers, auxiliary soil substances, auxiliary plant agents and substrates and on agrochemical testing of farming soils (Act on fertilizers), as amended, Act No. 166/1999 Coll. on veterinary care and on modification of several related acts (Veterinary act), as amended, Act No. 266/1994 Coll., on railroads, as amended, Act No. 119/2002 Coll., on firearms and ammunition (Act on firearms), as amended, Act No. 29/2000 Coll., on postal services and on modification of several acts (Act on postal services), as amended, Act No. 526/1990 Coll., on prices, as amended, Act No. 143/2001 Coll., on the protection of competition and on modification of several acts (Act on the protection of competition), as amended.

⁴ Section 420 of the Civil Code.

^{4b} Act on Trademarks, No. 137/1995 Coll., as amended.

^{4c} Act No. 121/2000 Coll., on copyright and on rights related to the copyright and on amendment of several acts (Copyright act), as amended, Act No. 527/1990 Coll., on inventions, registered designs and improvement proposals, as amended.

^{4d} Act No. 527/1990 Coll., as amended.

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- ^{4e} Act on Utility Models, No. 478/1992 Coll., as amended by Act No. 116/2000 Coll.
- ^{4f} Act No. 452/2001 Coll. on the Protection of Origin Designation and Geographic Description Amending the Consumer Protection Act.
- ⁶ Act No. 526/1990 Coll.
- ^{6a)} Act No. 6/1993 Coll., on the Czech National Bank, as amended.
- ^{6b)} E.g. Act No. 89/2012 Coll., Civil Code, Act No. 145/2010 Coll., on consumer loan and on modification of several acts, as amended by the Act No. 43/2013 Coll., Act No. 159/1999 Coll., on several conditions of business activity in tourism, as amended, Act No. 526/1990 Coll., on prices, as amended, Act No. 79/1997 Coll., on pharmaceuticals and on amendment of several related acts, as amended, Act No. 40/1995 Coll., on the regulation of advertisements and on amendment of the Act No. 468/1991 Coll., on the operation of radio and television broadcast, as amended, Act No. 37/2004 Coll., on the insurance contract and on modification of related acts (Act on the insurance contract), as amended.
- ⁷ Section 7b of Act 64/1986 Coll., as amended.
- ^{9b} Section 2 f) of Act No. 22/1997 Coll., on Technical Requirements for Products, as amended.
- ¹⁰ Section 2 of Act No. 505/1990 Coll., on metrology, as amended.
- ¹¹ Section 13 of the Act No. 526/1990 Coll., on prices, as amended.
- Section 5, Paragraphs 2 and 3 of Regulation No. 580/1990 Coll., which enacts the Act on Prices, No. 526/1990 Coll., as amended by Regulation No. 580/1992 Coll.
- ^{11a} European Parliament and Council Regulation (EC) No 1008/2008 of 24 September 2008 on common rules for the operation of air services in the Community (recast).
- ^{11d} Section 132 d) of Act No. 353/2003 Coll., on Excise Tax, as amended by Act No. 217/2005 Coll.
- ^{11e} Section 17 Paragraph 7 of Act No. 455/1991 Coll., on Trade Licensing (Trade Licensing Act), as amended.
- 12) Section 2166 of the Civil Code.
- ^{12b)} Section 31 Paragraphs 4 to 7 of the Act on Trades, No. 455/1991 Coll., as amended by Act No. 356/1999 Coll.
- ^{12c)} Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme.
- ¹³ Section 2172 of the Civil Code.
- 15) Especially the Act No. 83/1990 Coll. or the Civil Code.
- ¹⁶ Czech Trade Inspection Act, Czech National Council Act No. 64/1986 Coll., as amended.
- ¹⁷ Act No. 146/2002 Coll., on the State Agriculture and Food Inspection Authority and amending certain related laws, as amended.
- ¹⁸ Act No. 258/2000 Coll., the Public Health Act and on the amendment to some related laws.
- ¹⁹ Act No. 166/1999 Coll., on veterinary care and amending certain related laws (Veterinary Act), as amended.
- 21 Section 43 of the Act No. 455/1991 Coll., on trade business (Trade act), as amended.
- 21a E.g. section 11a of the Act No. 22/1997 Coll., on technical requirements for products and on modification of several acts, as amended by the Act No. 71/2000 Coll., Act No. 36/1967 Coll., on experts and translators.
- 23) Act No. 71/1967 Sb., on administration proceedings (Administrative Code). Act of the Czech National Council No. 337/1992 Sb., on the administration of taxes and charges, as amended.
- ²⁵ Act No. 156/2000 Coll., on the verification of firearms, ammunition and pyrotechnics and amending Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act), as amended by Act No. 13/1998 Coll., and Act No. 368/1992 Coll., on administrative fees, as amended.
- ²⁷ Act No. 378/2007 Coll., on pharmaceuticals and amending some related acts (Act on pharmaceuticals), as amended.
- ²⁸ Act No. 40/1995 Coll., on the regulation of advertising and amending and supplementing Act No. 468/1991 Coll., on radio and television broadcasting, as amended.
- ²⁹ Regulation (EC) No 1523/2007 of the European Parliament and of the Council banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur.
- 30) Sections 1852 to 1867 of the Civil Code.
- ³¹ Regulation of the European Parliament and of the Council (EU) No. 1007/2011 of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products as repealed and replaced by Council Directive 73/44/EEC and Directives of the European Parliament and Council No. 96/73/EC and 2008/121/EC on textile names.
- ³² Regulation of the European Parliament and Council (EC) No. 765/2008 of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No. 339/93.
- ³⁰ Sections 58 and following of Act No. 40/1964 Coll., as amended.

³³ Article 14 Paragraph 3 of European Parliament and Council (EU) Regulation No 1007/2011 of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and European Parliament and Council Directives 96/73/EC and 2008/121/EC.

¹⁵ Act No. 83/1990 Coll. or the Civil Code.

²⁰ European Parliament and Council Directive 98/27/EC on injunctions for the protection of consumers' interests.

35) Act No. 26/2000 Coll., on public auctions, as amended.

36) Regulation (EU) No. 524/2013 of 21 May 2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)

37) Section 37 par. 2 of the Administration Code.

38) Act No. 372/2011 Coll., on medical services and conditions of their providing (Act on medical services), as amended.

39) Act No. 229/2002 Coll., on financial arbitrator, as amended.

40) Act No. 127/2005 Coll., on electronic communications and on modification of several related acts (Act on electronic communications), as amended, Act No. 29/2000 Coll., on postal services and on modification of several acts (Act on postal services), as amended.

41) Act No. 458/2000 Coll., on conditions of the entrepreneurship and on the execution of public administration in energy sector and on modification of several acts (Energy act), as amended.

42) Section 647 of the Civil Code.

43) Act No. 85/1996 Coll., on advocacy, as amended.

44) Section 1829 and following of the Act No. 89/2012 Coll., Civil Code.

45) Act No. 455/1991 Coll., on trade business (Trade act), as amended.

46) E.g. Section 38 of the Act No. 21/1992 Coll., on banks, as amended, Section 11 par. 1 letter g) of the Act No. 458/2000 Coll., on conditions of the entrepreneurship and on the execution of public administration in energy sector and on modification of several acts (Energy act), as amended, Section 127 of the Act No. 277/2009 Coll., on insurance.

47) Section 414 of the Act No. 182/2006 Coll., on bankruptcy and methods of its solving (Insolvency act), as amended.