



Back to School

CZ: Publishing photos of thieves on the internet is illegal

SK: Support for waste management

EU: Possibility to issue invoices in a foreign language

The summer holidays have flown by and those of us blessed with school-age children now once again find ourselves at the mercy of school bells, assignments, school trips, timetables, classes, workshops, parent-teacher meetings and the like. I look back wistfully at the time when the holidays seemed endless and when, by the time the end of August rolled around, I eagerly looked forward to school. Now, even though we've pre-planned every summer weekend in May, it's clear to me that we won't have time to do everything, and that goes both for me and my family. But in the end we managed to do quite a lot anyway – and even to relax a little. The last quarter is traditionally the busiest, so I hope that you and all our readers have had a chance to recharge your batteries over the summer and that you will get through it smoothly and in good health.

Veronika Odrobinová

CZ: Restrictions on store opening hours during holidays

The new act on retail and wholesale sales, which forbids stores with a sales area exceeding 200 m² from opening on selected public holidays, will come into effect on 1 October 2016. (TJ)

CZ: No limitation of the refund rights of consumers

According to the Czech Supreme Court, the limit of indemnity agreed in an insurance contract between a travel agency and an insurance company cannot restrict the right of consumers who have concluded a contract with a travel agency for a trip to be refunded the full amount by the insurance company. (DV)

SK: Acquisition of property in good faith

According to the finding of the Slovak Constitutional Court of Slovakia, protection of property rights should be provided to the acquirer in good faith even if the property was transferred by a non-owner, because it is not able to determine how it acquired the property. (KL)

CZ: New obligation of internet service providers

From 15 June 2017, ISPs will be obliged to restrict access to websites with illegal online gaming sites, within 15 days of publication in the relevant list. (JV)

CZ: New regulation of administrative infractions promulgated in the Collection of Laws

A new Administrative Infractions Act and Administrative Infractions Code of Procedure were published in the Collection of Laws. Both regulations will become effective on 1 July 2017 and will replace the current Administrative Infractions Act. (MR)

CZ: Publishing photos of thieves on the internet is illegal

According to a recent decision of the Supreme Administrative Court, thieves also have a right to privacy.

Posting photos on social networks (in this case Facebook) taken from a recording of a security camera capturing a person suspected of theft can lead to a fine for violating the law on protection of personal data. In the case of the use of photos of the theft of electric bikes from a store, the Czech Supreme Administrative Court stated that the purpose of CCTV systems to protect property is not to make recordings for future publication, but only for transmission to the relevant authorities. The footage can be provided to the police, but cannot be used to search for the perpetrators on one's own (even if this leads to the offender being found). The Supreme Administrative Court concluded that such disclosure is necessary to protect the rights of the administrator within the meaning of the Act on the Protection of Personal Data, and any other use of personal data collected in this way without the consent of the affected subjects cannot be justified.

Petra Konečná

EU: New obligations when sending employees on business trips

The prepared amendment implementing directive 96/71/ES will introduce a new filing obligation for employers and the obligation to comply with the working conditions of the host country or country of origin, whichever are most advantageous for employees. (JStr)

SK: Prescription of claim for damages caused by the breach of another law

The Constitutional Court of Slovakia (ref. no. II. ÚS 637/2015) confirmed that if there was no breach of the obligations imposed by the Commercial Code, liability for damage caused by the breach shall be assessed by general law and liability for damages under the Civil Code. (SL)

EU: Shield to protect personal data

The USA is again regarded as a country that provides adequate protection of personal data. From 12 July 2016, transfer of personal data is easier. The shield is a set of rules that protect individuals with regard to the transfer of their personal data to the USA. (JS)

CZ: Remission of fine for failure to submit audit report

Upon the effectiveness of the amendment to the VAT Act from 29 July 2016 tax authorities are entitled to remit fines for failure to submit an audit report for VAT. (TM)

CZ: Draft amendment to the Act on Capital Markets

The amendment implements the new European regulations. In response to technological progress it introduces a new trading platform and regulates high-frequency trading. The regulation of information duties and rules of conduct towards customers increases investor protection. (LZ)

CZ: Exercise caution when making amendments to contracts for work

When changing a work it is necessary to also remember to change the deadline. Otherwise, according to the Czech Supreme Court, the customer may validly demand a contractual penalty from the contractor for a delay in the performance of the work, even if the customer hesitated to change the contract. (VF)

SK: New payment orders from 1 July 2017

The Ministry of Justice promises that the draft bill on dunning (current at the end of the circulation of the draft bill for comments) will lead to faster and more efficient issuance of payment orders. (PSM)

EU: Possibility to issue invoices in a foreign language

The European Court of Justice ruled that states may not require the issuance of cross-border invoices exclusively in one particular language (Decision C-15/15). (TP)

CZ: Amendment to the Act on Public Registers

A law that would introduce a record of the actual owners of legal entities registered in the public register is being discussed. The record will be a non-public list maintained by the court registration. Access would be granted to banks, courts, the criminal justice authorities and some other institutions. (MABB)

Personal

Tomáš Richter Urban | Attorney | Bratislava

From 5 September 2016, the Bratislava team of our law firm will be strengthened by Tomáš Richter Urban. Tomáš specialises in private equity, banking & finance, business contracts and M&A transactions.

Most recently he worked as an attorney in the law firm of Čechová & Partners. Before that he worked at Clifford Chance and Balcar Polanský Eversheds. He was also seconded to Tyco International Concern as regional counsel for Eastern Europe.



Mark your diary

Mazars and the law firm Dvořák Hager & Partners would like to cordially invite you to a specialized seminar:

Notice of termination – from proper HR procedures to a case won

- Date:** 20 October 2016, 9 am
Place: Hotel Alwyn conference centre, Vítkova 26, Prague 8
Lecturers: Tomáš Jelínek and Tomáš Procházka, Dvořák Hager & Partners, Gabriela Ivanco, Mazars
Registration: petra.vyskocilova@dhplegal.com
Participation fee: CZK 750 per person (without VAT)

Dvořák Hager & Partners joins the Czech Compliance Association

Our law firm became a member of the Czech Compliance Association (CCA) in June 2016. The association brings together experts and others working in the area of regulation and compliance. Its members are corporate institutions as well as individuals with similar areas of expertise. Regulation and compliance advisory is an important part of our practice. Dvořák Hager & Partners is represented in the CCA by Zlata Kunešová, a member of the association's executive board. She took part in the foundation of the CCA and its further development.

CZ: Opinion of the Office for Personal Data Protection on recording of visitors

According to the new opinion of the Office for Personal Data Protection, for the purposes of identification and registration it is permissible to require from visitors to buildings that are normally in-accessible to the public only the first name and surname and to record only the type of ID and its number. Making copies of such documents is not permissible. (RM)

SK: Support for waste management

The Ministry of Environment has announced a new program to support waste management between 2014 and 2020. The program will support sorting, recycling, re-use and disposal of hazardous waste. (BH)

CZ: Draft bill on the origin of assets

The Chamber of Deputies approved a bill concerning the origin of assets. The tax administrator may require proof of adequate income from a taxpayer corresponding to their assets or consumption. It can then determine the requisite tax on the unproven difference and apply penalties. (SD)

CZ: The new Consumer Credit Act in force from 1 December 2016

Non-bank providers of consumer loans, including so-called "micro loans", must adhere to strict new regulations. Providers who want to continue this activity must ask for permission from the Czech National Bank, as the new regulator, by 1 March 2017. (KJ)

CZ: Public contracts and book-entry shares

According to the law on public procurement, the contracting authority may exclude a participant from the tender who does not exclusively have book-entry shares. It is recommended that participants in procurement procedures convert their shares into book-entry form by 1 October 2016. (JM)

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SK: Activation of electronic mailboxes for legal persons postponed to 1 January 2017

By 1 January 2017 at the latest, authorities will start sending documents to businesses via their electronic mailboxes. Delivery in this form will have the same legal effect as documents delivered in writing. (MAB)

CZ: Translations of evidence in judicial proceedings

The Czech Supreme Court ruled that foreign-language documents whose content is not in doubt (e.g. a bank statement) do not need to be automatically translated into Czech. However, a translation must be provided if requested by a party to the proceedings. (ER)

CZ: Municipalities cannot restrict road access by public notice

According to the decision of the Czech Constitutional Court ref. no. Pl. ÚS 18/16, public access to tertiary roads cannot be modified or restricted in the form of generally binding public notices, even when the road is owned by the municipality. (KD)

CZ: New Customs Act from 29 July 2016

The aim of the Act is to harmonise the Czech legislation with the EU Customs Code, including the introduction of modern tools and technology in customs procedures. One of the new features is the option to request the re-use of precautions to secure customs duties instead of releasing them. (LL)

CZ: Electronic records of sales and gratuities

To distinguish whether a gratuity is subject to electronic records of sales, it is crucial whether it pertains to the employee as income received in connection with their employment or the employer as income from the operation of the business. In both cases the income is taxed, but only the latter is subject to a filing obligation. (LKU)

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