

**273/1996 Coll.**

**ACT**

of 11 October 1996

**on the Scope of Competence of the Office for the Protection of Competition**

Amendment: 187/1999 Coll.

Amendment: 359/2004 Coll.

Amendment: 626/2004 Coll.

Amendment: 264/2006 Coll.

Amendment: 417/2009 Coll.

Amendment: 250/2014 Coll.

Amendment: 226/2023 Coll.

Amendment: 464/2023 Coll.

The Parliament has enacted the following Act of the Czech Republic:

Article 1

- (1) The Office for the Protection of Competition (hereinafter referred to as “the Office”) is a central administrative body, its purpose is to promote and protect competition against its prohibited restriction. The Office acts independently and impartially in the exercise of its powers and does not accept any directives from public authorities or other persons.
- (2) The Office is based in Brno.
- (3) The Office is headed by a Chairperson, who is appointed and dismissed by the President of the Republic upon the Government’s proposal. No one may be appointed to the position of the Chairperson of the Office more than twice. The Chairperson of the Office shall be considered as an appointing authority pursuant to the [Act on Civil Service](#).
- (4) The office of the President of the Republic, member of the Government, President, Vice President or member of the Supreme Audit Office, member of the Board of the Czech National Bank, member of Parliament, senator, member of the European Parliament, judge, public prosecutor and any other public office or membership in a political party or political movement is incompatible with the position of the Chairperson of the Office.

- (5) Chairperson of the Office may not hold any other paid position or engage in any profitable activity, except for the management of his/her own property and for scientific, pedagogical, literary, journalistic and artistic activities, provided that such activities do not undermine the dignity of the Office or jeopardise confidence in its independence and impartiality.
- (6) A person may be appointed Chairperson of the Office with such knowledge, experience and moral qualities as prerequisites for a due execution of the duties of the position and who:
- a. is a citizen of the Czech Republic,
  - b. is fully autonomous,
  - c. is impeccable,
  - d. has completed a university degree obtained by studying in a master's degree programme,
  - e. has at least 10 years of legal or economic professional experience and
  - f. has reached the age of 40.
- (7) For the purposes of this Act, a person shall not be deemed to be impeccable, unless the person is regarded as not having been convicted, if the person has been finally convicted of
- a. a criminal offence committed intentionally, or
  - b. a criminal offence committed negligently in connection with the exercise of public administration.
- (8) The term of the office of the Chairperson is 6 years.
- (9) The term of the Chairperson of the Office shall cease
- a. on the day immediately following the date of delivery of the written decision to remove him or her from the position, or on the date of the written resignation, or on a date stated in the notice of removal from the position or in the written resignation,
  - b. on the expiry the term of office,
  - c. by death or by being declared dead,
  - d. on the date on which the person ceases to fulfil any of the conditions for appointment referred to in Article 1 point 6(a) to (d), or
  - e. on the date on which the person undertakes a function incompatible with the exercise of the position of the Chairperson of the Office.
- (10) Chairperson of the Office may be removed from the position only

- a. if the Chairperson has not conducted his or her duties for more than 6 months, or
  - b. if the Chairperson seriously undermines the dignity of the position or impairs the independence and impartiality of the Office.
- (11) Chairperson of the Office shall be entitled to a salary, reimbursement of expenses, compensation in kind and, if the person does not remain an employee of the Office, to severance pay as President of the Supreme Audit Office.
- (12) Chairperson of the Office is empowered to instruct civil servants to perform civil service pursuant to the [Act on Civil Service](#).
- (13) A person that has held the position of the Chairperson of the Office may not be a member of the body of a legal person engaged in the operation of railway infrastructure or railway transport nor be in an employment or similar legal relationship with it or carry out a business activity in this area for a period of 1 year from the date of the termination of the office.

#### Article 1a

- (1) Chairperson of the Office shall be deputized by 3 Vice-Chairs, appointed and removed by the Chairperson of the Office who specifies the order of their substitution. Vice-Chairs shall perform tasks pursuant to the decisions of the Chairperson of the Office.
- (2) Vice-Chair shall be entitled to a salary, reimbursement of expenses, compensation in kind and, if the person does not remain an employee of the Office, to a severance pay as the Vice President of the Supreme Audit Office.
- (3) Article 1 point 4 and 5 shall apply to the incompatibility of the position of the Vice-Chair.
- (4) A person may be appointed Vice-Chair if the person fulfils the conditions referred to in Article 1 point 6(a) to (d) and if the person
- a. has at least 7 years of legal or economic professional experience and
  - b. has reached the age of 35.
- (5) The term of office of the Vice-Chair is 6 years.
- (6) Provisions of this Act on the termination of the position of the Chairperson of the Office shall apply equally to the termination of the office of the Vice-Chair.
- (7) Vice-Chair may be removed from the office if the person

- a. gravely undermines the dignity of the Office or impairs the independence and impartiality of the Office; or
  - b. has breached a duty arising from the position in a particularly egregious manner.
- (8) Vice-Chair is empowered to instruct civil servants to perform the civil service pursuant to the [Act on Civile Service](#).
- (9) Article 1 point 13 shall apply equally to a person who has served as the Vice-Chair of the Office.

## Article 2

### (1) The Office

- a. creates conditions for the promotion and protection of competition,
  - b. supervises the public procurement award procedure,
  - c. exercises other powers provided for by specific laws and is the National Competition Authority pursuant to directly applicable provisions of the European Union.
- (2) The Office shall cooperate with the competent authorities of other States to exchange information and to assist in the exercise of its competence.
- (3) The Office shall issue an annual report on its activities, inform the Government and Parliament thereof and publish it on its website. The annual report shall include, in particular, information on the number of administrative proceedings initiated and concluded, appointments and dismissals of the Chairperson and Vice-Chairs, and the amount of revenue of the Office, including changes from the previous period.

## Article 3

This Act shall enter into force on the date of its declaration.

Zeman m. p.

Havel m. p.

Klaus m. p.