

Regulation

for the recognition of professional qualification of a settled person, or for the verification of professional qualification of a visiting person

CZECH CHAMBER OF CHARTERED ENGINEERS AND TECHNICIANS ENGAGED IN CONSTRUCTION

PART ONE

Regulation for the recognition of professional qualification of a settled person, or for the verification of professional qualification of a visiting person

Section 1

The Regulation for the recognition of professional qualification of a settled person, or for the verification of professional qualification of a visiting person determines the procedure of the Czech Chamber of Chartered Engineers and Technicians Engaged in Construction (hereinafter referred to as the "Chamber") for citizens of a member state of the European Union, another contractual state of the European Economic Area Agreement or Swiss Confederation (hereinafter referred to as the "member state") or their dependants, or citizens of other states different from member states (under fulfilment of the conditions of Section 7 par.1 letter b), par. 1-5 of Act 360/1992 Coll., as amended by Act 189/2008 Coll., intending to exercise a profession in the specialisations as specified in Section 5 par. 3 of the Authorisation Act (hereinafter referred to as the "exercise of a profession") in the Czech Republic, excluding the cases that the applicants intend to get the authorisation for the exercise of a profession in the respective specialisation.

Section 2

For the exercise of a profession in the Czech Republic, it is necessary to apply for the registration with the Chamber (settled person, Section 30a par. 3 of the Act), or to file a notice of the exercise of a profession (visiting person, Section 30a par. 4 of the Act).

Section 3

Application for the registration of a settled person

1. An application for the registration should be filed in the prescribed form via the Chamber's Office. It must contain the following data:
 - a. Name, surname and family name, or other name changes,
 - b. Date of birth,
 - c. Birth No. or other personal identification data,
 - d. Citizenship,
 - e. Achieved professional education,
 - f. Academic degree, postgraduate or pedagogical degree,
 - g. Permanent residence,
 - h. Address for service in the Czech Republic, including telephone, fax, e-mail,
 - i. Professional activities which the applicant intends to execute in the Czech Republic,
 - j. Intended form of the execution of a regulated activity (entrepreneur, freelance, employee),
 - k. Registered office of the company or organisation in the Czech Republic.
2. Mandatory annexes to the application are:
 - a. Certificate proving his/her citizenship,
 - b. Certificate of the achieved qualification, awarded in the European Union, another contractual state of the European Economic Area Agreement or Swiss Confederation or another state different from a member state, proving the fulfilment of the requirements of a legal regulation of the member state of origin by which the condition of professional qualification for the execution of a professional activity is determined. The certificate shall be attached with a certificate of the member state issuing the certificate of the achieved qualification proving that the applicant was authorised to execute selected activities within its territory under the corresponding professional designation and that the applicant really executed such activity at least for three consecutive years during five years before the issuance of such a certificate.
 - c. Certificate of no criminal records according to Section 30k par. 1 of the Act, not older than 3 months,
 - d. Certificate proving the conclusion of an insurance policy, covering the liability for damage caused during the execution of the activity in the Czech Republic,
 - e. Certificate proving a change of surname, if the surname differs from the surname indicated in the submitted documents.
 - f. Receipt confirming payment of the fee for filing of the application for the recognition of professional qualification, amounting to CZK 2,000
3. The documents as per par. 2 should be originals or attested copies. The documents as per par. 2 letters b) to e) must be translated into Czech by a translator registered on the list of experts and translators.
4. Hard copies or electronic copies of the documents as per par. 2 letter c) must not be disclosed.

Section 4

1. A notice of a person intending to exercise a profession in the Czech Republic as a visiting person must contain the data as per Section 3 par. 1 letters a) to i), including the planned beginning and end of the exercise of such a profession.
2. Apart from the documents as per Section 3 par. 2, the notice must be attached with the following annexes:
 - a. Certificate proving that the authorisation to execute the activity in the state of origin was not withdrawn from the applicant, nor suspended temporarily,
 - b. If the activity is not regulated in the state of origin, a certificate proving that s/he executed the activity in the state of origin at least for 2 years during the past 10 years, or a certificate of regulated education preparing him/her for the execution of the activity.

Section 5

1. The Chamber's Office shall check the completeness of the application for the registration (the notice of the execution of a selected activity) without undue delay. If any of the prescribed documents is missing, or if the documents are incomplete or inconclusive in view of the requirements of the Act and this Regulation, or are not in Czech, or are not attached with certified translations, the applicant shall be advised to complete the application. The advice must specify which documents or notices should be submitted.
2. The applicant shall be notified in the advice that according to Section 30k par.2, a 60-day period determined for the registration in the list of registered persons commences on the day that the application for the registration (the notice of the execution of a selected activity) is complete, and that the registration in the list of registered persons is subject to the fee of CZK 2,000.

Section 6

1. On the basis of a complete application, the Chamber shall examine whether the applicant's knowledge and skills as proved by the documents of the achieved qualification are comparable with the knowledge and skills required for the execution of a specialised activity in the Czech Republic.
2. If the Chamber establishes any major difference between the applicant's knowledge and skills as proved by the documents of the professional qualification and the knowledge and skills required for the execution of a specialised activity in the Czech Republic, it shall issue a decision notifying the applicant of the scope of knowledge and skills which the applicant is missing. Simultaneously compensation measures shall be advised (an adaptation period or examination) as required for the execution of professional activities in the Czech Republic, of which the applicant may choose their scope and length. It is at the applicant's discretion to choose either the adaptation period or examination.

Section 7

1. The Chamber shall decide on an application for the registration without undue delay (not later than within 60 days) of the day that a complete application, including all documents required for the assessment of the application, is filed.
2. After the decision becomes effective, the recognition authority shall return the documents as per Section 3 par. 2 letters a) to b) to the applicant.
3. If an application for the registration is not complete, or if the Chamber establishes that requirements as stipulated by law and this Regulation for the registration are not fulfilled, or the applicant does not accept the proposed compensation measures, the Chamber shall issue a decision on the refusal of an application for the registration in the list of registered persons.

Section 8

1. Further, with a visiting person, it is examined whether the service as provided in the notice corresponds in its nature to the requirement of Section 30a par. 4 of the Act. If it is established that a visiting person does not fulfil the qualification requirements as stipulated by law, or that the intended activity of a visiting person cannot be considered as temporary or occasional, the Chamber shall issue a decision without undue delay that the applicant is not authorised to execute a regulated activity in the Czech Republic.
2. The right to execute a selected activity in construction shall arise to a visiting person on the day that the Chamber issues a decision on the verification of professional qualification to the applicant.

Section 9

Records of meetings and decisions

1. Records shall be taken of all meetings related to an application for the registration and taken decisions. They shall include the date and place of the meeting, attendance sheet with signatures of present members of the Chamber.
2. The decision on an application must contain the award, substantiation and instruction for appeal. It must indicate whether an application was granted or refused. If an application is granted, the scope of selected and professional activities to which the registration refers shall be given in the award.

Section 10

Promise of a settled person

1. The promise of a registered settled person shall be made either orally in the presence of the chairman of the Chamber or an authorised member of the Board representing the chairman or; if the prescribed form of the promise cannot be used by citizens of other member states of the European Union, or citizens of other countries, the Chamber as the recognition authority shall determine the corresponding and adequate manner in which the legal act is to be performed in the decision on the registration of a settled person, taking into account the circumstances.
2. A record shall be taken of the promise made, containing the date and place that the promise was made, name and signature of the person making the promise and the name and signature of the present member of the Chamber Board whom the promise was made to.
3. A record of the prescribed promise made in another form than in the oral form shall contain a document of the form of the promise, date and place that the promise was made, name and signature of the promising person and name and signature of the responsible member of the Chamber Board whom the promise was delivered.

Section 11 Certificate of registration

1. After the registration and promise of a settled person, a stamp with the national emblem of the Czech Republic shall be issued, containing the name of the settled person, number of his/her registration on the list of registered persons as kept by the Chamber, branch or specialisation, and a registration certificate containing:
 - a. Name and surname of the registered person,
 - b. Birth No. or other personal identification data,
 - c. Registration branch or specialisation,
 - d. Authorisation to use the professional designation "authorised engineer", "authorised technician" in connection with the branch for which s/he was registered,
 - e. Authorisation to present his/her registration certificate and stamp,
 - f. Certificate of the fact that the selected activity in construction is a regulated activity according to Act 189/2008 Coll.
 - g. Registration No. allocated by the Chamber,
 - h. Registration date,
 - i. Signature of the Chamber Board or a person authorised by him,
 - j. Instruction that if a natural person commits an offence by any intentional use of the professional designation against Act 360/1992 Coll., or by carrying on a regulated gainful activity temporarily or occasionally against Act 360/1992 Coll., and Act 189/2008 Coll., prohibition to execute such activity may be imposed for up to 1 year.
2. The registration of visiting persons shall contain data as per paragraph 1 (except for the stamp), period of validity (max. 12 months) and identification data of the work for which the registration was carried out.

Section 12 Documents proving the registration

1. The documents proving the registration of a settled person shall include:
 - a. Record of the course and result of the recognition examination, if it is part of the registration procedure,
 - b. Record of the decision according to Section 9 par. 2,
 - c. Record of making the prescribed promise,
 - d. Copy of the registration certificate, including the designation of the authorisation type,
 - e. Certificate of the concluded insurance policy, covering the liability for damage caused by the execution of the activity in the Czech Republic,
 - f. Copy of a record proving that documents were returned to the registered person,
 - g. Written instruction for the entry in list in the list of registered settled persons.
2. The documents proving the registration of a visiting person shall include:
 - a. Notice of the exercise of a profession with the application for the registration and attached prescribed documents,
 - b. Record of the course and result of the recognition examination if it is part of the registration procedure,
 - c. Record of the decision according to Section 9 par. 2,
 - d. Copy of the registration certificate, including the designation of the authorisation type according to Section 4 and period for which the registered visiting person is to exercise the profession in the Czech Republic,
 - e. Certificate of the concluded insurance policy, covering the liability for damage caused by the execution of the activity in the Czech Republic,
 - f. Copy of a record proving that documents as referred to in Section 7 par. 2 were returned to the registered person,
 - g. Written instruction for the entry in list in the list of registered visiting persons.

Section 13 Particulars of the record proving the handover of documents for the registration

The record proving the handover of documents for the registration shall contain the date and place of the handover, subject-matter of the handover, name and signature of the authorised person handing them over and name and signature of the registered person.

PART TWO
TEMPORARY AND CONCLUDING PROVISIONS
Section 14

Applications for the authorisation filed before the effectiveness of this Regulation will be processed according to the Authorisation Rules valid at the time that the application was filed.

Approved at the meeting of the Board of the Czech Chamber of Chartered Engineers and Technicians Engaged in Construction on 12 June 2008.
The regulation will come into effect on 1 July 2008.