

EU Consumer Law Acquis Compendium

Legislation

Slovakia (SK) Nr. 16 EN



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Full name and/or number of the statute (in original language):

Zákon c. 634/1992 Zb. o ochrane spotrebitela v znení neskorších predpisov

Translation of the name:

Act No. 634/1992 Coll. on Consumer Protection as amended

Reference in Official Journal (if appropriate):

Collection of Laws No. 130/1992 page 3811

Last amendment No.616/2004 Coll. - date of coming into force: 25. 11. 2004

Date of coming into force:

16. 12. 1992

Subsequent amendments:

Amended by: 217/1993 Coll.

Amended by: 40/1995 Coll.

Amended by: 104/1995 Coll.

Amended by: 110/1997 Coll.

Amended by: 356/1999 Coll.

Amended by: 64/2000 Coll.

Amended by: 145/2000 Coll.

Amended by: 64/2000 Coll. (part), 258/2000 Coll.

Amended by: 102/2001 Coll.

Amended by: 477/2001 Coll.

Amended by: 452/2001 Coll.

Amended by: 151/2002 Coll., 320/2002 Coll.

Amended by: 227/2003 Coll.

Text:

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



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PART ONE

INTRODUCTORY PROVISIONS

Section 1 Subject and Scope of the Act

- (1) This Act provides certain conditions for business activities¹ which are important for protection of consumers, 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.
- (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 sale of products and provision of services in cases where performance is effected in the territory of the Czech Republic. It applies to other cases only if performance is related to business activities carried out in the territory of the Czech Republic.

Section 2

DEFINITION OF TERMS

- (1) For the purposes of this Act:
 - a) a consumer means an individual or a legal entity that purchases products or uses services for purposes other than conducting business with such products or services,
 - b) a seller means an entrepreneur⁴ who sells products or provides services to a consumer,
 - c) a producer is an entrepreneur who produces a product or its part, who provides services, who extracts or processes a raw material, or who designates himself as such,
 - d) an importer means an entrepreneur who imports goods from the third countries,

¹ Section 2, paragraph 1 of the Commercial Code, Act No. 513/1991 Coll.

² Act on Assembly of Citizens, No. 83/1990 Coll.

³ Such as the State Testing Act, No. 30/1968 Coll., as amended; the People's Healthcare Act, No. 20/1966 Coll., as amended; the Fire Protection Act, Czech National Council Act No. 133/1985 Coll., as amended; the Fire Protection Act, Slovak National Council Act No. 126/1985 Coll., as amended; the Livestock Breeding Act, Czech National Council Act No. 240/1991; the Livestock Breeding Act, Slovak National Council Act No. 110/1991, as amended; the Vegetation Production Act, No. 61/1964 Coll., as amended; the Veterinary Care Act, No. 87/1987 Coll., as amended, the Railways Act, No. 51/1964, as amended; the Weapons and Ammunitions Act, No. 147/1983 Coll., as amended; the Postal Act, No. 222/1946 Coll., as amended; the Telecommunications Act, No. 110/1964 Coll., as amended, the Act on Prices, No. 526/1990 Coll.; and the Act on Protection of Economic Competition, No. 63/1991 Coll.

⁴ Section 2, paragraph 2 of the Commercial Code, Act No. 513/1991 Coll.



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- e) a supplier means any entrepreneur who, either directly or through other entrepreneurs, supplies products to a seller,
- f) a product is any thing that is made, extracted, or otherwise acquired, irrespective of the degree of processing or manufacture, and that is intended to be offered to consumers,
- g) a textile product means a textile fibrous raw material, narrow textile items sold by length, fabrics, individual textile products, clothing products, at any stage of its production, and textile products containing a textile element:
 - 1. products whose total weight consists of at least 80% of textile fibers,
 - 2. coverings of upholstered furniture, umbrellas and parasols, provided that their textile content amounts to at least 80% of their total weight,
 - 3. textile content of multi-layer floor coverings, mattresses, camping products, and thermal lining in gloves and footwear, provided that such textile content or lining constitutes at least 80% of the total weight of the product,
 - 4. the textile content of other products where its composition is specified, provided that it constitutes an integral part of such products,
- h) a textile fiber means an object whose characteristic flexibility, fineness, and a high ratio of length to cross-section makes it suitable for textile processing, including production of flexible belts or tubing with a maximum width of five millimeters,
- i) repealed
- j) a service is any business activity intended to be offered to consumers, with the exception of activities regulated by special laws^{4a}, where the responsibility for monitoring consumer protection is entrusted to professional associations or government authorities other than those specified in Section 23,
- k) a product dangerous due to being possibly mistaken for foods product means a product, excluding foods, whose shape, aroma, color, appearance, packaging, marking, volume or dimensions may cause consumers, especially children, to mistake it for foods and for that reason ingest, suck, or swallow it, which may be dangerous to human health, particularly by causing suffocation, poisoning, or perforation or blocking of digestion system,
- l) footwear means a product designed for the protection or covering of feet, whose sole is attached, including the main parts of such footwear, even if such parts are sold separately;

the sock and lining, consisting of an assembly of the sock and lining of the top, forming the shoe's inner part,
outsole, forming the shoe's bottom part, affixed to the top; it is exposed to abrasion by using the shoe

- m) three shoe's main components which have to be marked:
 - 1. the upper part, consisting of an assembly of the outer part of the top, affixed to the outsole or middlesole,
 - 2. the sock and lining, consisting of an assembly of the sock and lining of the top, forming the shoe's inner part,
 - 3. outsole, forming the shoe's bottom part, affixed to the top; it is exposed to abrasion by using the shoe;

^{4a} Such as the Act on Law Practice, No 128/1990 Coll.; Act on Commercial Lawyers and Legal Assistance Provided by Them, Czech National Council Act No 209/1990 Coll.; the Act on Tax Consultancy and the Chamber of Tax Consultants of the Czech Republic, Czech National Council Act No 523/1992 Coll.; Act on Certain Conditions for Production, Distribution, and Storage of Audio-visual Products, and on Amendment to Certain Acts and Some Other Regulations, No 273/1993 Coll.



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- n) processed leather means processed leather whose fibrous structure is preserved and whose final surface layer's thickness is inferior or equal to 0.15 millimeter;
 - o) 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 millimeter,
 - p) crystal glass is glass that contains lead oxide, barium oxide, zinc oxide, and potassium oxide separately or in combination in the amount stipulated by the applicable implementing regulation; the implementing regulation also stipulates other technical details,
 - r) products or goods violating some intellectual property rights means:
 - 1. fake products or goods, including their packaging, which without the consent of the trademark holder bear a designation which is the same as or can be mistaken for a trademark, violate the rights of a trademark holder pursuant to a special law^{4b}, all objects bearing such a designation (signs, logos, labels, stickers, brochures, user's manuals, warranty documentation, etc.), even in cases when they are supplied separately, and separate packaging which bears such a designation,
 - 2. prohibited imitations, i.e. products or goods which are copies or comprise copies made without the consent of the holder of copyrights or related rights or without the consent of the holder of industrial model rights, provided that production of such an imitation violates such right in accordance with special laws^{4c},
 - 3. products or goods which violate the rights of holders of a patent^{4d} or a utility model^{4e} or the rights of holders of supplementary protection certificate for pharmaceuticals and vegetation-protection substances in accordance with a special law^{4d}.
 - 4. products or goods violating the rights of a person, availing the protection of registered designation of origin or geographic description^{4f}.
- (2) For the purposes of this Act, a seller is also an individual who sells vegetable and animal products to a consumer from his own small-scale agricultural or breeding activity or who sells forest produce.

PART TWO DUTIES RELATED TO SALE OF PRODUCTS AND PROVISION OF SERVICES

Section 3 Honesty in Sale of Products and Provision of Services

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

^{4c} Act on Literary, Scientific, and Artistic Works (Copyright Act), No. 35/1965 Coll., as amended

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

^{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 Consumer Protection Act



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Sellers are obliged:

- a) to sell products with the proper weight, measure, or quantity and to enable the consumer to check the correctness of the same;
- 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 regulations⁶ and to charge correct prices when selling products or providing services.

Section 4 Repealed

Section 5 Repealed

Section 6 Prohibition of Discrimination against Consumers

No seller may behave contrary to good manners when selling products or providing services, in particular no seller may discriminate against any consumer in any way.

Section 7 Repealed

Section 7a Prohibition to Produce, Import, Export, Offer, Sell, and Give Away Products Dangerous Due to Being Possibly Mistaken for Foods

No one may produce, import, export, offer, sell or give away products that are dangerous due to being possibly mistaken for foods.

Section 8 Prohibition to Deceive Consumers

- (1) No one may deceive consumers, particularly by providing untruthful, unsubstantiated, incomplete, inaccurate, unclear, ambiguous or exaggerated information, or by concealing information about the real properties of products or services or the quality of purchasing conditions.

⁶ Act No. 526/1990 Coll.



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- (2) Considering as deceiving a consumer is also offer or sale of goods or products violating certain intellectual property rights as well as storage of such goods or products with the purpose of offering or selling the same.
- (3) One cannot be released from the liability for deceiving consumers by claiming that the necessary or correct information was not provided by the manufacturer, importer or supplier.
- (4) The terms "guarantee" or "guaranteed" as well as other terms with a similar meaning may be used only when the content and conditions of the guarantee are specified at the same time.
- (5) The provisions of the preceding paragraphs shall have no affect on the general provisions on unfair competition⁹.
- (6) For the purposes of this Act, storage of goods or products violating intellectual property rights means the placement of such goods or products in storage facilities, means of transportation, offices or other non-residential areas as well as points of sale, including outdoor stands.

Section 8a

- (1) Holders and co-holders of a patent, holders of a copyright certificate, holders of trademarks, holders of copyrights or other rights protected under the Copyright Act, and holders of rights for a registered industrial design or utility model or their representatives (hereinafter "holders of intellectual property rights") must upon request submit to the supervisory authority documentation necessary for assessment of goods or products within 15 business days of receiving such a request. Holders of intellectual property rights are responsible for ensuring that such documentation is truthful, accurate, complete and effective. They must inform the supervisory authority of any changes which may be material for the accuracy of an assessment of goods or products. If the supervisory authority has doubts about the acceptability and objective correctness of submitted documentation, the authority shall inform in writing the holder of intellectual property rights about this fact. The holder of intellectual property rights shall provide a written statement concerning the ascertained deficiencies in the documentation with 15 days of receiving such a notice.
- (2) If the supervisory authority conducts an investigation based on a complaint of a holder of intellectual property rights or another party that demonstrates legal interest in the matter, such parties must pay an adequate deposit (hereinafter "deposit") for the purpose of covering 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 another party that demonstrates 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

⁹ Chapter V, Part One of the Commercial Code, Act No. 513/1991 Coll.



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paid by the applicable deadline, the supervisory authority shall be under no obligation to investigate the complaint.

- (3) 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 intellectual property rights or another party that demonstrates 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 another party that demonstrates legal interest in the matter shall pay the difference within ten days of receiving a notice to this effect.
- (4) In the event that a holder of intellectual property rights submits to the supervisory authority 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) Sellers shall duly inform consumers about the properties of products to be sold, the nature of services to be provided, the manner of use and maintenance of particular products, any risks related to the improper use or maintenance thereof, and about any risks concerning services that are to be provided. If necessary due to the nature of a product, the manner of its use, and the period of its use, the seller shall ensure that the relevant information is contained in enclosed operating instructions and that such information is comprehensible.
- (2) A seller may not be released from the duties set forth in paragraph (1) on the grounds that the required or correct information was not provided to him by the manufacturer, importer or supplier. However, such duty does not apply in cases of obvious or generally known facts.

Section 10

- (1) Sellers shall ensure that products to be sold by them are visibly and intelligibly marked:
 - a) with the name of the product, the designation of the manufacturer, importer or supplier, the 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 composition of the material in the case of textile products, with the exception of products that under a special regulation are not subject to the duty of being identified this way,

EU Consumer Law Acquis Compendium

Legislation

Slovakia (SK) Nr. 16 EN



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- c) with information about the minimum durability of foods or the expiration date in the case of perishable products, as specified in a special law^{9a},
 - d) with information about the materials used in the main parts of footwear, with the exception of products that according to the relevant implementing regulation are not subject to the duty of being identified 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 paragraph 1 in another suitable manner. When it is not possible or expedient to mark products to be sold due 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) Special regulations may define a different manner of marking products.
 - (5) No seller may remove or change product markings and 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 whose usefulness is otherwise limited, sellers must advise consumers clearly of these 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.
 - (8) In the case of sale of a product marked with symbols, sellers must inform consumers about the significance of such symbols in an appropriate manner.
 - (9) Repealed

Section 10a

Manufacturer or his Authorised Representative^{9b} is responsible for marking materials used in shoe's main components, in accordance with statutory instrument, and for accuracy of information contained therein. 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 shoes on the European Community's market.

^{9a} Act on Foods and Tobacco Products and on Amendment to Some Related Acts, No. 110/1997 Coll.

^{9b} Section 2, letter f) of the Act No. 22/1997 Coll., on Technical Requirements on Products, as amended



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Section 11

If the information referred to in Sections 9 and 10 is provided in writing, it must be in the Czech language. Information in the Czech language concerning foods must conform to a special act^{9a}. Physical quantities must be expressed in measuring units stipulated by a special act¹⁰.

Section 12

- (1) In accordance with price regulations¹¹, 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.
- (2) Information about the price, or the fact that information about the price is incomplete or missing, may not make it appear that:
 - a) the price is lower than the actual price,
 - b) the setting of the price depends on circumstances on which it in fact does not depend,
 - c) the price includes delivery, performance, work, or services, that in fact is to be paid for separately,
 - d) the price has been or will be increased or reduced or will remain unchanged, if this is not the case,
 - e) the price and usefulness of an offered product or service is comparable to the price and usefulness of a similar product or service if this is not the case.
- (3) The provisions of paragraph 2 shall apply commensurately to information about methods of setting prices.

Section 13

Sellers shall duly inform consumers about the extent, conditions, and manner of making claims concerning defects in products and services (hereafter "claims") and advise them as to where they can claim a defect and obtain warranty service.

Section 14

When a retail outlet is to be closed down, the seller shall inform the applicable Trade Licensing Authority^{11a} about where claims can be settled.

¹⁰ Section 2 of the Metrology Act, No 505/1990 Coll.

¹¹ Section 13, paragraph 2 of Act No. 526/1990 Coll.

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} Act on Trade Licensing Authorities, Czech National Council Act No. 570/1991 Coll.



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Other Duties Related to Sale of Products and Provision of Services

Section 15

- (1) If the nature of a product so permits, the seller shall demonstrate the product to consumers upon request.
- (2) In the cases stipulated by law¹², the seller shall duly issue a warranty certificate.

Section 16

- (1) At the request of a consumer, a 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 provided, unless otherwise stipulated in a special law^{12a}.
- (2) Receipts of purchase for products that are to be delivered at a later date must state the place and date of delivery.
- (3) Receipt of purchase for used or modified products, products with a defect, or products whose usefulness is otherwise limited must clearly indicate this fact.

Section 17

If the nature of products so requires, particularly in respect of the hygienic 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 time of sale; in the case of self-service sale, the seller shall provide the consumer with a suitable packaging material.

Section 18

- (1) Sellers must inform consumers about the monetary deposit paid for returnable packagings and post this information in a visible place.
- (2) Sellers must inform consumers about a change in the sum of the deposit paid for returnable packagings or the termination of refund of the deposit for returnable packagings at least 30 days before the change or termination is to take place. During this period refund of the deposit for such returnable packagings may not be stopped.

¹² Section 620, paragraphs 2 and 3 and Section 621 of the Civil Code

^{12a} Section 31, paragraph 12 of the Act on Trades, No. 455/1991 Coll., as amended by Act No. 356/1999 Coll.



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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 such implementing legal regulation; the foregoing applies also to the 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 19

- (1) Except when another person is designated to perform repairs¹³, a seller must accept a claim in respect of a product that he sold in any of his outlets, if this is possible taking into account the assortment of goods sold or services provided, at his registered office, or at his place of business.
- (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) A seller, or an employee authorized by him, shall decide about a claim immediately, in complicated cases within three business days. This period shall not include an adequate time required for 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 making of the claim, unless a longer period is agreed between the seller and the consumer. After the elapsing of such a period, the consumer shall have the same rights as if the defect were non-rectifiable.
- (4) In the case of sale or provision of services outside a registered retail outlet, the seller must upon request add to the information specified in Section 13 the seller's name and the address where the consumer may file a claim after such sale or provision of services is terminated.

Section 20 Repealed

PART THREE

Tasks of Public Administration

¹³ Section 625, second sentence of the Civil Code



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Section 21 Protection against Products Dangerous due to Being Possibly 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, market introduction, and subsequent distribution of products dangerous due to being possibly mistaken for foods. The abovementioned authorities must inform consumers about products dangerous due to being possibly 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 Inspection¹⁶ with the exception of the supervision specified in paragraph 4 and Section 8a, in the case of the foods and tobacco products specified in Section 3, letter b), Sections 7, 8, and 9, Section 10, paragraph 1, letter c), and Section 17.
- (2) The supervisory authorities specified in Section 8a are the authorities referred to in paragraphs 1, 3, and 6.
- (3) Compliance with the duties stipulated in Section 3, letter b), Sections 7, 8, and 9, Section 10, paragraph 1, letter c), Section 10, paragraph 4, and Section 17 of this Act concerning agricultural products, foods, cosmetics, detergents, and tobacco products is also supervised by the Czech Agricultural and Food Inspection¹⁷.
- (4) Compliance with the duties stipulated in Section 3, letter b), Section 7, Section 8, paragraph 1, Section 9, Section 10, paragraphs 1 and 3, and Section 17 of this Act concerning protection of human health, especially from the viewpoint of the effect of products and services on human health, is also supervised by public health protection authorities¹⁸.
- (5) Compliance with the duties stipulated in Section 3, paragraph b), Section 7, Section 8, paragraphs 1 and 4, Section 9, Section 10, paragraph 1, letter c), and Section 17 of this Act is supervised in the area of veterinary care by veterinary care authorities¹⁹, especially from the following viewpoints:

¹⁶ Czech Trade Inspection Act, Czech National Council Act No. 64/1986 Coll., as amended

¹⁷ Czech Agricultural and Food Inspection Act, Czech National Council Act No. 63/1986 Coll., as amended

¹⁸ Act on Protection of Public Health and on Amendment to Some Related Laws, No. 258/2000 Coll.

¹⁹ Act on the Responsibilities of Veterinary Care Authorities of the Czech Socialist Republic, Czech National Council Act No. 108/1987 Coll., as amended by Czech National Council Presidium Measure No. 25/1991 Coll., Czech National Council Act No. 437/1991 Coll., Czech National Council Presidium Measure No. 348/1992 Coll., and Act No. 112/1994 Coll.

EU Consumer Law Acquis Compendium

Legislation

Slovakia (SK) Nr. 16 EN



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- a) the fitness and biological value of foods of animal origin when they are sold at outdoor and indoor markets and foods of animal which are conditionally edible,
 - b) the fitness and dietary quality of fodder,
 - c) ensuring that only veterinary pharmaceuticals and preparations approved in accordance with a special law¹⁸ are distributed,
 - d) ensuring that live animals are sold in accordance with the provisions of special laws¹⁹.
- (6) Supervision of compliance with the duties stipulated in Sections 8, 9 to 11, and 14 of this Act concerning sale of goods and services²¹⁾ shall be carried out by the municipal trades licensing authority^{11a)} in whose jurisdiction an outlet is located.
- (7) Customs authorities which supervise imports to the market under special laws^{21a} and ascertain products or goods which violate provisions of Section 8, paragraph 2, provided that it is demonstrated that the goods or products are not under customs supervision, are entitled to seize such products or goods. The matter and the seized products or goods shall be transferred to the applicable supervisory authority^{21b} for further investigation.
- (8) An inspector of the Czech Trade Inspection or the Czech Agricultural and Food Inspection who supervises the market in accordance with this Act and ascertains products or goods which violate Section 8, paragraph 2, provided that it is demonstrated that the goods or products are not under customs supervision^{21c}, is entitled to seize such products or goods. The matter and the seized products or goods shall be transferred to the applicable customs authority^{21a, 21d} for customs proceedings and further investigation.

Section 23a

- (1) The authorities specified in Section 23 are entitled to issue binding instructions for the purpose of rectifying ascertained deficiencies. In cases of imminent danger to life, health or property, they may stop sale of products and provision of services or close an outlet; if the urgency of the situation so requires, such a decision can be announced verbally and a written confirmation be delivered without delay.
- (2) An appeal may be lodged against a decision made under paragraph 1, second sentence, within three days of the receipt of such a decision in writing. An appeal shall not have a postponing effect and the appeal authority shall deliver a ruling concerning an appeal without delay.

^{21a} Sections 1 and 9 of the Act on Measures concerning Import, Export, and Re-export of Goods Violating Some Intellectual Property Rights and on Amendment to Some Other Laws, No. 191/1999 Coll.

^{21b} Act No. 63/1986 Coll., as amended

Act No. 64/1986 Coll., as amended

^{21c} Section 47 of the Customs Act, No. 13/1993 Coll.

^{21d} Section 11 of Act No. 13/1993 Coll., as amended by Act No. 113/1997 Coll.



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- (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 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 authorities specified in Section 23 may decide to order a producer, an importer, a supplier or a seller to withdraw from the market a product dangerous due to being possibly mistaken for foods. In cases of imminent danger to life, if required by the urgency of the situation, such decision can be communicated verbally and its written confirmation delivered without delay.
- (5) A seller must notify a producer, an importer or a supplier of the fact that a product is to be withdrawn from market due to a decision of the supervisory authority and to ensure immediately in cooperation with them the manner of withdrawing the product dangerous due to being possibly mistaken for foods. A supplier shall, based on a seller's notification or a supervisory authority's decision, to withdraw a product from the market and to ensure immediately in cooperation with the producer the manner of withdrawing a product dangerous due to being possibly mistaken for foods. A producer or a supplier shall, based on a supervisory authority's decision to withdraw a product from the market or based on a notice from the supplier or the seller of withdrawing the product from the market, ensure in cooperation with them the manner of taking back the product dangerous due to being possibly mistaken for foods. The parties making and accepting delivery of such products to be withdrawn from the market shall ensure the withdrawing of such a product by the deadline set by the supervisory authority or, if no deadline is set, without undue delay and notify the supervisory authority.
- (6) If the returning or taking back of products described in paragraph 4 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 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 24

Fines

- (1) The authorities specified in Section 23 shall impose a fine of up to CZK 1,000,000 for a breach of the duties stipulated in Sections 3, 6 and 7a, Section 8, paragraphs 1, 2, 3, and 4, Section 8a, paragraph 1, and Sections 9 to 19 of this Act; when imposing such a fine, the nature of the unlawful conduct and the scope of its consequences shall be taken into consideration. A fine of up to CZK 2,000,000 may be imposed for repeated violations of these duties within a single year.
- (2) Where a breach of a duty stipulated in Section 3, letters a) and c), Section 6, Section 10, paragraph 1, letters a) and b), and Sections 11 and 12 is not involved, paragraph (1) shall not apply to foods and tobacco products.
- (3) In cases of breach of the duties stipulated in Section 23a, paragraphs 4 and 5, the authority specified in Section 23 shall impose a fine of up to CZK 1,000,000.



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- (4) On their own initiative or at the request of a consumers' association or another legal entity established for the purpose of protecting consumers, the authorities specified in Section 23 shall impose on a seller, a producer, an importer or a supplier who sells, produces, imports or supplies a defective product that causes harm to life or health a fine of up to CZK 10,000,000; such a fine shall also be imposed on the persons specified in Section 27 who sell, produce, import or supply a defective product whose defect causes harm to life or health. The same fine shall be imposed on a person who causes such harm by the provision of a faulty service. A fine cannot be imposed on a person who proves that harm could not have been prevented even if all due care had been taken.
- (5) A fine pursuant to paragraph 1 of up to CZK 5,000 can be imposed on the spot, provided that a breach of duty is reliably established and the person who breached the duty is willing to pay an on-the-spot fine. The imposition of an on-the-spot fine is subject to the applicable provisions of a special act²² commensurately.
- (6) A fine pursuant to paragraph 1 cannot be imposed if a fine under a special law is imposed, or if a fine under paragraph 2 can be imposed.
- (7) In cases which are under the jurisdiction of several of the authorities stipulated in Section 23, a fine shall be imposed by the authority that first initiated administrative proceedings. These authorities shall inform each other about initiating proceedings on the imposition of a fine.
- (8) Fines imposed under paragraphs 1 to 4 shall be revenues of the state budget of the Czech Republic.
- (9) A fine pursuant to paragraph 1 can be imposed within three years and a fine pursuant to paragraph 2 within ten years of the day on which the duty was breached.
- (10) The imposition of a fine shall not affect the duty to pay compensation for damages.
- (11) A fine shall be paid within 30 days of the day when the decision on imposing of such fine enters into effect.
- (12) A fine shall be payable to the relevant authority specified in Section 23 and collected by the applicable local financial authority^{22a} in accordance with a special law^{22b}.

PART FOUR

Consumer Associations and Other Legal Entities Established for Consumer Protection

²² Sections 84 and 85 of the Act on Transgressions, Czech National Council Act No. 200/1990 Coll., as amended

^{22a} Act on Territorial Financial Authorities, No. 531/1990 Coll., as amended

^{22b} Act on Administration of Taxes and Fees, No. 337/1992 Coll., as amended



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Section 25 Legal Status

- (1) The legal status of consumer associations and other legal entities established to protect the consumer (hereafter "associations") shall be governed by special laws¹⁵.
- (2) A motion to begin court proceedings aimed at preventing an illicit action in a matter concerning protection of consumer rights may be filed by and a participant in such proceedings may be an association whose statutes stipulate such a purpose.

Section 26 Rights in respect of Government Authorities

Associations shall have the right to file motions with government authorities in connection with the fulfillment of the tasks of such authorities in accordance with Part Three of this Act. Government authorities with which such motions are filed shall inform associations about the results of the applicable proceedings without undue delay, no later than two months of the filing of a motion.

PART FIVE

Joint and Final Provisions

Section 27 Consumer Protection and Unauthorized Business Activity

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

Section 28 Relation to the Administrative Procedure Code

Proceedings undertaken in accordance with Sections 23c and 24 of this Act shall be subject to the general provisions concerning administrative proceedings²³ unless this Act stipulates otherwise.

Section 28a

The Ministry of Industry and Trade shall specify in a decree:
a) the method of determining the content of individual kinds of fibers in textile products,

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

²³ Administrative Procedure Code, No. 71/1967 Coll.

Act on Administration of Taxes and Fees, Czech National Council Act No. 337/1992 Coll., as amended



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- b) details about the manner of marking textile products with information on the composition of the fabric,
- c) a list of textile products which are exempt from the requirement of being marked with information on the composition of the fabric,
- d) details about the manner of marking footwear with information about the materials used in their main parts,
- e) a list of the kinds of footwear which are exempt from the requirement of being marked with information about the materials used in their main parts,
- f) 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 of marking products made from crystal glass, including a definition of products made from crystal glass which are subject to marking.

Section 29 Effectiveness

This Act shall enter into effect on the day of promulgation.

Stránský, in own hand
Kováč, in own hand