

**119**  
**A C T**

of 8 March 2002

**on firearms and ammunition and on the amendment to Act No. 156/2000 Coll. on proving of firearms, ammunition and pyrotechnic items and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on administrative fees and charges, as amended, and Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), as amended, (the Act on Firearms)**

as results from amendments implemented by Act No. 320/2002 Coll., Act No. 227/2003 Coll., Act No. 228/2003 Coll., Act No. 537/2004 Coll., Act No. 359/2005 Coll., Act No. 444/2005 Coll., Act No. 310/2006 Coll., Act No. 170/2007 Coll., Act No. 124/2008 Coll., Act No. 189/2008 Coll., Act No. 274/2008 Coll., and Act No. 484/2008 Coll.

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

**P A R T O N E**  
**FIREARMS AND AMMUNITION**

**T I T L E I**  
**INTRODUCTORY PROVISIONS**

Section 1

**Scope of Application**

(1) This Act shall regulate categories of firearms (hereinafter referred to as ‘firearms’) and ammunition, conditions for the acquisition, possession, carrying and use of firearms and ammunition, the rights and obligations of holders of firearms and ammunition, conditions for the export, import and transit of firearms and ammunition and for operating shooting ranges, activities in the field of unexploded ordnance, operating information systems pertaining to the area of firearms and ammunition and to executing state administration in the field of firearms and ammunition, operating shooting ranges, and operating and carrying out activities in the field of unexploded ordnance.

(2) Unless otherwise stipulated hereunder, the Act shall not apply to

- (a) firearms and ammunition which are acquired or possessed as part of the military equipment of armed forces of the Czech Republic<sup>1)</sup>, of the security forces<sup>1(a)</sup>, of the Military Intelligence Service<sup>1(b)</sup> or of armed forces or troops of other countries staying in the Czech Republic, crossing the national border of the Czech Republic and transiting through the Czech Republic, or flying over the territory of the Czech Republic under a special legal regulation<sup>2)</sup> or an international agreement which is part of the national legal framework, and which are determined for meeting their tasks;

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<sup>1)</sup> Act No. 219/1999 Coll. on armed forces of the Czech Republic, as amended.

<sup>1(a)</sup> Act No. 361/2003 Coll. on the service of members of the security forces, as amended.

<sup>1(b)</sup> Act No. 289/2005 Coll. on the Military Intelligence Service, as amended by Act No. 274/2008 Coll.

<sup>2)</sup> For example Act No 310/1999 Coll. on the stay of armed forces of other countries in the Czech Republic.

- b) firearms and ammunition possessed by the state and that held for collecting, research and development or museum purposes by the Ministry of the Interior (hereinafter referred to as the 'Ministry'), the Ministry of Defence, the armed forces of the Czech Republic<sup>1)</sup>, the security forces<sup>1(a)</sup>, the Military Intelligence Service<sup>1b)</sup> or armed forces or troops of other countries staying in the Czech Republic, crossing the national border of the Czech Republic and transiting through the Czech Republic or flying over the territory of the Czech Republic under a special legal regulation<sup>2)</sup> or an international agreement which is part of the national legal framework;
- c) firearms and ammunition designated for testing by the Czech Proof House for Firearms and Ammunition<sup>3)</sup>,
- d) firearms and ammunition deemed to be cultural heritage, part of a set declared to be cultural heritage or a collection in the possession of the state, regions and municipalities;
- e) establishing and operating shooting ranges by the Czech Proof House for Firearms and Ammunition, the Ministry, the Ministry of Defence, the armed forces of the Czech Republic<sup>1)</sup>, security forces<sup>1(a)</sup>, the Military Intelligence Service<sup>1b)</sup> or armed forces or troops of other countries staying in the Czech Republic, crossing the national border of the Czech Republic and transiting through the Czech Republic or flying over the territory of the Czech Republic under a special legal regulation<sup>2)</sup> or an international agreement which is part of the national legal framework;
- f) explosives defined by a special legal regulation<sup>3(a)</sup> (hereinafter referred to as an 'explosive') with the exception of explosives detected by target searches for unexploded ordnance.

(3) Should the state, a region or a municipality, the Czech Proof House for Firearms and Ammunition, the Ministry, the Ministry of Defence, the armed forces of the Czech Republic<sup>1)</sup>, the security forces<sup>1(a)</sup>, the Military Intelligence Service<sup>1b)</sup> or armed forces or troops of other countries when staying in the Czech Republic, crossing the national border of the Czech Republic and transiting throughout the Czech Republic or flying over the territory of the Czech Republic under a special legal regulation<sup>2)</sup> or an international agreement which is part of the national legal framework allow any person who is authorised to possess firearms or ammunition under this Act to hold firearms or ammunition which are in their respective possession and which are not covered by this Act, this Act shall apply to such firearms and ammunition forthwith after the person receives them.

(4) The provisions regulating records and the storing of firearms and ammunition shall apply reasonably to firearms and ammunition pursuant to paragraph 2 (a) through (d) unless a special legal regulation<sup>3b)</sup> stipulates otherwise

## Section 2

### Definition of Some Terms

- (1) Types of firearms and ammunition are listed in the Annex hereto.

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<sup>3)</sup> Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic articles and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on administrative fees and charges, as amended.

<sup>3(a)</sup> Sec. 21 (1) of Act No. 61/1988 Coll. on mining, explosives and state mining administration, as amended.

<sup>3b)</sup> For example Act No. 219/1999 Coll. as amended, Act No. 20/1987 Coll. on state monument care as amended by Act No. 122/2000 Coll. on the protection of museum and related collections and on the amendment to some other acts, as amended.

- (2) For the purposes of this Act the following definitions shall apply:
- a) Possession of a firearm or ammunition shall mean
    - 1. a firearm or ammunition held in flats or business facilities or inside clearly defined premises with the consent of the holder or the tenant of the said rooms or premises;
    - 2. a firearm unloaded by cartridges in a magazine, blind box magazine, cartridge chamber of a barrel or in cartridge chambers of a revolver cylinder and placed in a closed arm case for the purpose of transferring it from place to place.
  - b) Carrying a firearm or ammunition shall mean having a firearm or ammunition about subject to those cases stipulated in letter (a).
  - c) A place of residence shall mean the address of permanent residence of a citizen of the Czech Republic<sup>4)</sup> or the address of permanent or temporary residence<sup>5)</sup> of a foreign national.<sup>6)</sup>
  - d) A dealer whose business or trade consists in firearms and ammunition shall mean any natural or legal person who in accordance with special legal regulations:<sup>7)</sup>
    - 1. develops, produces, converts, repairs, deactivates or destroys firearms or ammunition;
    - 2. keeps in custody, stores, leases, transports, purchases, sells or accepts orders for purchasing and selling; or
    - 3. provides other persons with firearms or ammunition or acts as a broker for the acquisition or sale of or for providing others with firearms or ammunition.
  - e) Providing firearms and ammunition shall mean to provide any other person with the opportunity to physically have firearms and ammunition at their disposal;
  - f) Activities in the field of unexploded ordnance shall mean a targeted search for ammunition and explosives and their identification using a specified procedure or their excavation.

## T I T L E II C A T E G O R I E S O F F I R E A R M S A N D A M M U N I T I O N

### Section 3

#### **Classification of Firearms and Ammunition**

- (1) For the purpose of this Act firearms and ammunition shall be classified as follows:
- a) prohibited firearms, prohibited ammunition or prohibited accessories – category A (hereinafter referred to as ‘category A firearms’);
  - b) firearms subject to authorisation - category B (hereinafter referred to as ‘category B firearms’);
  - c) firearms subject to declaration - category C (hereinafter referred to as ‘category C firearms’); and
  - d) other firearms - category D (hereinafter referred to as ‘category D firearms’);
  - e) ammunition for firearms of categories A through D which is not prohibited (hereinafter referred to as ‘ammunition’);

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<sup>4)</sup> Sec. 10 (1) of Act No. 133/2000 Coll. on registers of inhabitants and birth identification numbers and on the amendment to some other acts (the Act on Registers of Inhabitants).

<sup>5)</sup> Sec. 30 through 34, Sec. 49 and Sec. 65 through 87 of Act No. 326/1999 Coll. on the Residence of aliens in the Czech Republic and on the amendment to some other acts, as amended by Act No. 140/2001 Coll.

<sup>6)</sup> Sec. 1 (2) of Act No. 326/1999 Coll.

<sup>7)</sup> For example Act No. 455/1991 Coll. on trade licences (the Trade Licensing Acts), as amended.

(2) Firearms included in categories A through D shall also mean the main parts of firearms which are or will make up the integral parts thereof.

(3) Should any doubt arise concerning the inclusion of a type of a firearm or ammunition in any respective category then the Czech Proof House for Firearms and Ammunition (Section 74 (6)<sup>8)</sup> shall decide. The procedure to be taken by the Czech Proof House for Firearms and Ammunition, in order to include firearms or ammunition in the relevant category pursuant to paragraph 1 shall be stipulated by an implementing legal regulation.

#### Section 4 **Category A Firearms**

Category A firearms are as follows:

- a) firearms
  1. military weapons including launchers, with the exception of rifles, pistols and revolvers designated for civil use if these are subject to proving under the special legal regulation;
  2. automatic firearms,
  3. firearms produced or converted in order to conceal their real purpose and whose original nature or form has been converted so that their impact is more serious, or firearms disguised as other objects (insidious firearms),
  4. firearms not made of metal if they are not identifiable as firearms during checks on persons and luggage through metal detection or X-ray devices;
  5. gas or alarm weapons unless they are produced legally;
  6. booby-trap fire devices; and
  7. firearms with integrated silencers or with integrated laser sights;
- b) ammunition
  1. with penetrative, explosive or incendiary projectiles;
  2. for short rifles with shock projectiles or projectiles to enhance injury effect;
  3. which does not correspond to permitted production design; and
  4. artillery ammunition;
- c) firearm accessories
  1. silencers;
  2. gun sights constructed on the principle of night vision devices; and
  3. laser sights.

#### Section 5 **Category B Firearms**

Category B firearms are as follows:

- a) repeating short or semi-automatic firearms;
- b) single-shot or multi-shot short firearms with centre-fire percussion;
- c) single-shot or multi-shot firearms with rim-fire percussion whose overall length is less than 280 mm,
- d) long semi-automatic firearms, whose magazine or cartridge chamber can

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<sup>8)</sup> Sec. 17 of Act No. 156/2000 Coll.

- together hold more than three rounds;
- e) semi-automatic long firearms whose magazine or or cartridge chamber cannot together hold more than three rounds, where the feeding device is detachable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine or or cartridge chamber can together hold more than three rounds;
- f) repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 600 mm in length;
- g) semi-automatic firearms which resemble automatic firearms; and
- h) signal weapons with signal cartridges having a calibre over 16 mm.

### Section 6 **Category C Firearms**

Category C firearms are as follows:

- a) single-shot or multi-shot firearms with rim-fire percussion not exceeding 280 mm in length
- b) single-shot or multi-shot, repeating or semi-automatic long firearms not listed in Section 5 (d) through (f);
- c) gas guns whose kinetic energy of projectiles is more than 16 J at the breech of the barrel, with the exception of paintball weapons; and
- d) more than two-shot or repeating firearms constructed on the principle of percussion ignition systems.

### Section 7 **Category D Firearms**

Category D firearms are as follows:

- a) antique weapons;
- b) single-shot or two-shot firearms designed on principles of flintlock, wheellock, flintlock and percussion ignition systems;
- c) guns designated for shooting with flobert cartridges, the energy of which projectiles reaches 7.5 J at the breech of the barrel;
- d) gas guns to air cartouche;
- e) gas guns where the kinetic energy of the projectiles reaches a maximum of 16 J at the breech of the barrel;
- f) alarm firearms and firing devices;
- g) mechanic weapons whose stretching power is more than 150 N,
- h) firearms which have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable,
- i) firearms which have been modified by a cut which uncovers, at least partially, the internal construction of the firearm;
- j) deactivated artillery ammunition and ammunition; and
- k) firearms not listed in categories A through C.

## T I T L E III ACQUISITION, POSSESSION AND CARRYING FIREARMS AND AMMUNITION

### Section 8

Only persons who have been granted a firearm permit or firearm licence shall be permitted to acquire, with the exception of inheritance (Section 66), possess or carry a firearm or ammunition unless stipulated otherwise herein.

### Section 9

(1) It shall be prohibited to acquire, possess or carry category A firearms unless otherwise stipulated hereunder. The prohibition pursuant to the first sentence shall not apply to exports and imports traded under any special legal regulation.<sup>9)</sup>

(2) The Police of the Czech Republic (hereinafter referred to as the 'Police') may grant an exception to the holder of a firearm permit for group A or of a firearm licence for groups A, F, G, H, I, or J, who

- a) is a collector or pursues museum related activities;
- b) transports, guards exceptionally dangerous or valuable consignments, or guards exceptionally important premises or premises important for the defence of the country;
- c) produces or conducts similar activities and for the testing of the products the holder of necessity needs a category A firearm;
- d) teaches or trains shooting in category A firearms; or
- e) pursues film or dramatic activities; in such case the firearm shall be irreversibly converted so that only dummy cartridges or bag-cartridges can be used;

An exception may be granted if it does not contradict public order and security, and a period of an exception may be limited if it is granted under letters b) through e).

(3) If an exception for the acquisition or possession of firearms referred to in Section 4 (a) (1) which is subject to special rules of controls in accordance with an international agreement which is part of the national legal framework is granted then the Ministry of Defence shall be obliged to give its approval.

### Section 10

(1) The holder of a firearm permit for group A or of a firearm licence for groups A, F, G, H, I or J shall apply for an exception under Section 9 (2) on an official form, the specimen of which shall be set out in the implementing legal regulation. The application shall encompass the following:

- a) the name, surname, maiden name, the date and place of birth and the place of residence of a natural person (hereinafter referred to as 'personal data'), or the name of business name, legal form, seat and identification number of the legal person (hereinafter referred to as 'data identifying a legal entity');
- b) the type of the firearm, firearm manufacturer's trademark, model, calibre and serial number of the firearm, if the applicant is aware of it (hereinafter referred to as 'firearm data');

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<sup>9)</sup> For example Act No. 38/1994 Coll. on international trade in military material and on supplementing Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), as amended and Act No. 140/1961 Coll. the Criminal Code, as amended, Act No. 42/1980 Coll. on economic relations with foreign countries, as amended and Act No. 62/2000 Coll. on some measures concerning the export and import of products and on licensing procedures and amending some other acts.

- c) the type of prohibited ammunition, ammunition manufacturer's trademark, the calibre and the amount of ammunition in the case of an application for an exception to acquire and possess or to carry prohibited ammunition;
- d) the type of prohibited accessory of the firearm and its description or a serial number;
- e) the number of the firearm permit or firearm licence; and
- f) the purpose and reason for the requested exception.

(2) Applications must be filed with the regional police directorate having competence over the place of residence of the respective natural person or the seat of legal entity (hereinafter referred to as the 'relevant police unit').

(3) The holder of a firearm permit for group A whose place of residence is in a Member State of the European Union, in any other state under the Agreement on the European Economic Area or the Swiss Confederation (hereinafter referred to as a 'Member State') shall be obliged to submit the consent of the Member State to such an exception under paragraph 1 or a statement indicating that such consent is not deemed to be necessary, translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters.

#### Section 11

(1) An exception granted under Section 9 (2) shall expire or cease to exist if

- a) the period for which it was granted has lapsed;
- b) the person who was granted such exception has ceased to be a holder of a firearm permit for group A or a firearm licence for groups A, F, G, H, I, or J.

(2) An exception shall be withheld if the reason for which it was granted ceased to exist.

(3) Should an exception cease to exist pursuant to paragraph 1 or should it be withheld pursuant to paragraph 2 the holder of a category A firearm shall be obliged to surrender the firearm concerned and deliver it to the relevant police unit within ten working days from the date on which the exception expired or ceased to exist or from the date on which the decision on its withholding came into effect, and he/she shall be obliged to proceed in accordance with this Act (Section 64).

#### Section 12

(1) A category B firearm may be acquired and possessed or carried only upon authorisation unless otherwise stipulated herein.

(2) Only the holder of a firearm permit or a firearm licence in the scope of authorisation laid down for individual groups may acquire, possess or carry ammunition for a category B firearm.

(3) The holder of a firearm permit or a firearm licence shall file an application for authorisation under paragraph 1 on an official form the specimen of which shall be set out in the implementing legal regulation. The application shall encompass the following:

- a) personal data or data identifying a legal entity;
- b) data on the firearm in question; the firearm manufacturer's trademark, model, calibre and serial number of a firearm, if the applicant is aware of it;
- c) the number of the firearm permit or firearm licence; and
- d) the reason for filing the application.

(4) The holder of a firearm permit whose place of residence is in a Member State shall be obliged to submit the consent of the Member State concerned to the authorisation under paragraph

1 or a statement by the Member State indicating that such consent is not deemed to be necessary, translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters.

(5) The relevant police unit shall authorise the acquisition or possession of a category B firearm only to a person who has good cause. The following shall be deemed to be a good cause:

- a) the person is a collector or pursues museum related activities;
- b) the person carries out hunting, cultural or other similar activities or is preparing for his/her profession;
- c) the person operates a trade or business on the basis of a granted concession consisting in firearms and ammunition;
- d) the person guards property and individuals;
- e) the person carries out tasks under a special legal regulation;<sup>10)</sup> or
- f) a firearm is determined to be for the protection of life, health, or property.

(6) The relevant police unit shall issue authorisation to carry a category B firearm if an applicant gives any reason specified in paragraph 5 (b) (c) (d) (e), or (f).

(7) Authorisation pursuant to paragraphs 5 and 6 shall be issued, upon an application filed by an applicant, through one decision. Such authorisation may also be issued along with the decision on issuing a firearm permit or a firearm licence.

(8) Authorisation to carry a category B firearm shall be recorded in the firearm permit.

### Section 13

(1) Authorisation issued pursuant to Section 12 shall cease if the person who was issued such authorisation has ceased to be a holder of a firearm permit or a firearm licence. Authorisation to acquire a category B firearm shall also cease if the firearm is not used within twelve months from the date on which it was issued.

(2) The relevant police unit shall withhold the authorisation issued pursuant to Section 12 if the good cause for which it was issued has ceased. This provision shall not apply if the authorisation was issued pursuant to Section 12 (5) (f).

(3) Should authorisation cease pursuant to the first sentence of paragraph 1, or should it be withheld pursuant to paragraph 2, the holder of a category B firearm shall be obliged to surrender the firearm concerned and deliver it to the relevant police unit within ten working days from the date on which the authorisation ceased or from the date on which the decision on its withholding came into effect, and he/she shall be obliged to proceed in accordance with this Act (Section 64).

### Section 14

A category C firearm or ammunition for such firearm may be acquired or possessed only by the holder of a firearm permit for a relevant group or the firearm licence for a relevant group who is obliged to report such acquisition to the relevant police unit. The holder of a firearm permit may carry such firearm only within the scope of authorisation specified for individual groups of firearm permits after such firearm has been registered (Section 41).

### Section 15

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<sup>10)</sup> For example Act No. 553/1991 Coll. on the municipal police, as amended.

(1) A category D firearm or ammunition for such firearm may be acquired and possessed or carried only by a natural person of over 18 years of age who is legally capable. A category D firearm or ammunition for such firearm may also be acquired and possessed by a legal entity.

(2) Firearms specified in Section 7 (a) or (b) may be used only in a shooting range, with the exception of theatre performances, reconstructions of historical battles and similar cultural events during which projectiles are not being discharged. A valid marking shall be affixed to such firearm under a special legal regulation.<sup>3)</sup>

(3) The shooting of firearms listed in 7 (c) through (g) or firearms specified in Section 7 (k) shall be prohibited at places where the life or health of other persons could be endangered or where property could be damaged.

(4) The holder of a category D firearm shall be obliged to protect the firearm or ammunition for such firearm against abuse, loss or theft.

- (5) The holder of a category D firearm may not
- a) carry a firearm visibly in public places or in any place accessible to the general public;
  - b) carry a firearm or handle it in public places or in any place accessible to the general public if his/her capacity to carry the firearm has been lowered by drinking alcohol or by using narcotic substances,<sup>11)</sup> medicine or due to his/her illness;
  - c) store more than three kilos of smokeless or black hunting powder and more than 1,000 primers; primers must be stored separately in a separate box.

## T I T L E I V F I R E A R M P E R M I T

### Section 16

#### **Firearm Permits and Their Groups**

(1) A firearm permit is a public instrument authorising a natural person to acquire and possess firearms and ammunition for such firearms within the scope of authorisation specified for individual groups of firearm permits, and within the scope of such authorisation to carry such firearm or to carry out activities in the field of unexploded ordnance under authorisation stipulated for a firearm permit of Group F. A firearm permit shall be issued for a period of five years. A firearm permit may be issued upon medical certification of the applicant's health condition for a period not exceeding five years.

(2) Firearm permits shall be distinguished according to the purpose for which the firearm or ammunition is to be used and according to the scope of authorisation, and shall be divided into the following groups:

- a) A – collectors' purposes;
- b) B – sport purposes;
- c) C – hunting purposes;
- d) D – pursuing a profession or occupation;
- e) E – protecting life, health or property; or
- f) F – activities in the field of unexploded ordnance.

#### **Issuing a Firearm Permit**

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<sup>11)</sup> Sec. 2 (a) of Act No. 167/1998 Coll. on addictive substances and on the amendment to some other acts.

## Section 17

(1) The relevant police unit shall issue a firearm permit upon an application filed by a natural person on the official form the specimen of which shall be laid down in the implementing legal regulation. An application for a firearm permit shall encompass the following:

- a) personal data and
- b) data indicating the group of a firearm permit.

(2) Applicants shall be obliged to submit alongside the application

- a) medical certification of capability, in terms of health condition, to possess or carry a firearm and ammunition or, in the case of a firearm permit for group F, to carry out activities in the field of unexploded ordnance (hereinafter referred to as 'health capability');
- b) a document on professional competence to possess or carry a firearm and ammunition or, in the case of a firearm permit for group F, to carry out activities in the field of unexploded ordnance (hereinafter referred to as 'professional competence'); and
- c) two photographs sized 35 x 45 mm corresponding to the actual appearance of the applicant, displaying the applicant in a frontal view; the height of the face from the eyes to the chin must be at minimum 13 mm. The applicant shall be in civil clothes, without spectacles with tinted glass and without headwear unless the headwear is justified for religious or health reasons; in such case the headwear must not cover any part of the face whereby it is impossible to identify an applicant; the photographs must meet technical requirements laid down in an implementing legal regulation (hereinafter referred to as a 'photograph').

(3) In the case of an application for a firearm permit for group C the applicant shall be obliged to submit a hunting licence.

(4) If an applicant for a firearm permit has, prior to filing the application, resided within the last ten years continuously for more than six months outside the Czech Republic he/she shall be obliged to submit a document similar to an extract from the Register of Criminal Records from the country where the applicant resided translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters; if the applicant cannot submit such a document since such country does not issue a document of this kind he/she must submit a statutory declaration stating that he/she has not been convicted for a criminal offence for which the applicant cannot be deemed to be without any criminal record (Section 22) and has not been sanctioned for a minor offence in connection to which the applicant cannot be deemed reliable (Section 23).

(5) An applicant for a firearm permit who has his/her place of residence in a Member State shall be obliged to submit the consent of the Member State concerned to the issuing of a firearm permit or a statement from the Member State indicating that such previous consent is not deemed to be necessary, translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters.

(6) An opinion pursuant to paragraph 2 (a) shall not be older than three months, a document pursuant to paragraph 2 (b) shall not be older than one year, and the document pursuant to paragraphs 4 and 5 shall not be older than six months as of the date on which an application is being filed.

(7) The relevant police unit shall suspend the proceedings on the issue of a firearm permit if prosecution for a criminal offence stipulated in Section 22 was commenced against an applicant for a firearm permit.

## Section 18

(1) The relevant police unit shall issue a firearm permit to a natural person who satisfies the below conditions. The natural person concerned should

- a) reside in the Czech Republic;
- b) have reached a required age (Section 19);
- c) be legally capable;
- d) be capable in terms of health (Section 20);
- e) be professionally competent (Sections 21 and 21(a));
- f) have no criminal record (Section 22);
- g) be reliable (Section 23); and
- h) be a holder of a hunting licence in the case of a firearm permit for group C.

(2) The relevant police unit shall dismiss an application for a firearm permit if the applicant does not satisfy some of the conditions referred to in paragraph 1.

(3) The relevant police unit may issue a decision dismissing an application for a firearm permit if the applicant is a foreign national<sup>6)</sup> who is not

- a) a citizen of a Member State;
- b) a citizen of a Member State of the North Atlantic Treaty Organisation;
- c) a family member of a person stipulated in letter (a)<sup>11(a)</sup> who has been issued a temporary residence permit or who is in possession of a permanent residence permit in the Czech Republic and who has had conferred on them the status of long-term resident of the European Community in the Czech Republic<sup>11(b)</sup> or a foreign national who has had conferred on them the same right in a Member State of the European Union and who has been issued a long-term residence permit in the Czech Republic<sup>11(c)</sup>;
- d) a family member of a person stipulated in letter d) who has been issued a long-term residence permit in the Czech Republic; or
- e) a person who has been awarded asylum in the Czech Republic even though such foreign national satisfies all conditions referred to in paragraph 1. There is no appeal against such decision.

## Section 19

### **Eligible Age for the Issue of a Firearm Permit**

(1) A firearm permit for groups A, D, E or F may be issued only to a person who is at least 21 years of age.

(2) A firearm permit for group B or C may be issued only to a person who is at least 18 years of age, unless otherwise stipulated herein.

(3) A firearm permit for group B may be also issued to a person who is at least 15 years of age and who is a member of a civic association involved in sport activities according to either national or international regulations and rules and where shooting is part of such activities provided that other conditions for the issue of a firearm permit have been satisfied.

(4) A firearm permit for group C may be issued to a student of a secondary school or a secondary vocational school who is at least 16 years of age if the curricula of such school or

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<sup>11(a)</sup> Sec. 15a of Act No. 326/1999 Coll. as amended.

<sup>11(b)</sup> Sec. 83 through 85 of Act No. 326/1999 Coll. as amended by Act No. 161/2006 Coll.

<sup>11(c)</sup> Sec. 42c of Act No. 326/1999 Coll. as amended by Act No. 161/2006 Coll.

vocational school include instruction on game keeping and hunting and if other conditions for the issue of a firearm permit have been satisfied.

(5) A firearm permit for group D may be issued to a student of a secondary school or a secondary vocational school who is at least 18 years of age if the curricula of such school or vocational school include instruction on gun-making and the ammunition industry.

(6) In those cases referred to in paragraphs 3 and 4, the written consent of a statutory representative and the recommendation of the relevant civic association, school or vocational school shall be required. A person under 18 years of age may acquire, however not purchase, and keep a firearm and ammunition for sporting or hunting purposes only with the consent of the statutory representative. Such person may use a firearm or ammunition only in the presence of a person who is at least 21 years of age and who has been a holder of a firearm permit for group B or C for at least three years and who shall ensure safe use of the firearm or ammunition.

## Section 20

### **Health Capability to be Issued a Firearm Permit**

(1) An assessing physician shall issue a certificate regarding the health capability of an applicant for a firearm permit on the basis of a medical examination or, as the case may be, on the basis of a psychological examination and other necessary tests. For the purposes of this Act the assessing physician shall be a family doctor with whom the applicant for a firearm permit or the firearm permit holder is registered for medical care; in the case of an applicant for a firearm permit for group D, the assessing physician shall be a doctor at a medical facility providing preventive medical care to the relevant employer.

(2) A firearm permit holder for groups D and F shall be obliged to submit him/herself to a medical examination by an assessing physician within one month after 30 months have elapsed since the date on which the relevant firearm permit was issued.

(3) Should an assessing physician find any change to the health condition of a firearm permit holder the consequence of which is the loss of health capability, the physician shall be obliged to issue a new certificate regarding health capability and send it, without undue delay, to the relevant police unit. As regards the holder of a firearm permit for group D, the physician shall be also obliged to inform, without undue delay, the employer of the permit holder.

(4) Any doctor who finds evidence or who has reasonable suspicion that a firearm permit holder suffers from a disease or impairment or is in a condition excluding or limiting the option to possess or carry a firearm, must instruct such holder of such facts and must inform, without undue delay, an assessing physician of the facts. The assessing physician concerned shall proceed in compliance with paragraph 3.

(5) In those cases referred to in paragraph 3 the firearm permit holder shall be obliged to appear in person, upon the invitation of the assessing physician, on the specified date, before the physician concerned and submit to a medical examination of health capability prior to being issued a new firearm permit. If the firearm permit holder cannot submit to a medical examination due to serious reasons he/she shall be obliged to do so not later than within one month from the date specified by the assessing physician. If a firearm permit holder does not submit to a medical examination the assessing physician shall inform, without undue delay, the relevant police unit thereof.

(6) Requirements for health capability pursuant to paragraph 1, types of medical examinations, their content, the content of a medical certification and the period of validity,

description of diseases, impairments and health conditions for which it is impossible to issue a positive opinion and or where such opinion may be issued only if the holder is examined by a medical specialist, shall be stipulated in an implementing legal regulation.

## Section 21

### **Professional Competence of an Applicant for a Firearm Permit for Groups A through E**

(1) An applicant for a firearm permit for groups A through E shall prove his/her professional competence by a qualifications examination taken before an examining commissioner who shall, after the applicant successfully passes the examination, issue a certificate proving the applicant's professional competence.

(2) The relevant police unit shall appoint an examining commissioner.

(3) The qualifications examination of an applicant for a firearm permit for groups A through E shall consist of theory and practice. The content of the qualifications examination shall differ for permits for different groups of firearm (Section 16 (2)).

(4) The theoretical part of the qualifications examination shall comprise a written test in which the applicant shall prove his/her knowledge of

- a) this Act and related legal regulations;
- b) special legal provisions regulating the authorised use of a firearm;
- c) theory of firearms and ammunition; and
- d) basic required medical knowledge.

(5) The practical part of the qualifications examination shall consist of

- a) proving knowledge of safe handling of firearms and ammunition and
- b) fixed target shooting.

(6) An applicant for a firearm permit for groups A through E shall apply to be invited to a qualifications examination on the official form, the specimen of which shall be laid down in the implementing legal regulation. The application form shall contain the data referred to in Section 17 (1) and shall be filed with the relevant police unit which shall record the filed application in the list of applicants for taking the qualifications examination according to the date on which it was delivered. Not later than within one month of the date of the delivery of the application, the relevant police unit shall inform the applicant of the date and place of the qualifications examination. Notice of the qualifications examination shall be duly delivered to the applicant not later than ten days prior to the date of the qualifications examination.

(7) If an applicant fails the qualifications examination he/she may apply again to take the qualifications examination pursuant to paragraph 6, however not earlier than after three months from the date of failure. If an applicant requests another examining commissioner the relevant police unit must satisfy his/her request.

(8) The costs related to the qualifications examination of an applicant for a firearm permit for groups A through E shall be covered by the applicant; the costs may be covered also by a holder of a firearm licence.

(9) The content of the theoretical and practical parts of the qualifications examination and overall evaluation of the qualifications examination of applicants for a firearm permit for groups A through E as well as the amount of remuneration for the examining commissioner shall be stipulated by the implementing legal regulation.

Section 21a

**Professional Competence of an Applicant for a Firearm Permit for Group F**

(1) An applicant for a firearm permit for group F shall prove his/her professional competence by the qualifications examination taken before an examining commission appointed by the Minister of the Interior and consisting of representatives designated by the Ministry, the police, the Ministry of Defence, the Ministry of Industry and Trade, and the Czech Mining Authority.

(2) The qualifications examination shall consist of theory and practice.

(3) The theoretical part of the qualifications examination shall consist of a written and oral test in which the applicant shall prove his/her knowledge of

- a) this Act and related legal regulations;
- b) special legal provisions regulating manipulation with ammunition and explosives;
- c) theory of ammunition, explosives and detection technology; and
- d) basic required medical knowledge.

(4) The practical part of the qualifications examination shall consist of

- a) identification and specification of the rate of danger of unexploded ordnance and their detection;
- b) detecting a spot with unexploded ordnance;
- c) safe manipulation with unexploded ordnance; and
- d) destruction of artillery ammunition and explosives.

(5) An applicant for a firearm permit for group F shall apply to take the qualifications examination on an official form, the specimen of which shall be set out in an implementing legal regulation. An application form shall incorporate the data referred to in Section 17 (1) and shall be filed with the Ministry which shall record the filed application in the list of applicants for taking the qualifications examination according to the date on which it was delivered and shall inform the applicant of the date and place of the qualifications examination. Notice of the qualifications examination shall be duly delivered to an applicant not later than ten days prior to the date of the qualifications examination.

(6) If an applicant fails the qualifications examination he/she may apply again to take the qualifications examination pursuant to paragraph 5, however not earlier than after three months from the date of the failure.

(7) The costs related to the qualifications examination of an applicant for a firearm permit for group F shall be covered by the applicant; the costs may be covered also by a holder of a firearm licence for group K.

(8) The content of the theoretical and practical parts of the qualifications examination and overall evaluation of the qualifications examination of an applicant for a firearm permit for group F shall be stipulated by the implementing legal regulation.

(9) Prior to commencing temporary and occasional carrying out of activities concerning unexploded ordnance in the Czech Republic by a natural person who is in a Member State authorised to perform similar activities the Ministry may request the recognition of professional qualifications in accordance with the Act on the recognition of professional qualifications<sup>11d)</sup>.

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<sup>11d)</sup> Act No. 18/2004 Coll. on the recognition of professional qualifications and other competences of nationals of Member States of the European Union and nationals of other countries and on the amendment to some other acts (Act on the Recognition of Professional Qualifications), as amended.

## Section 22

### **Natural Person with No Criminal Record**

(1) A person shall not be deemed under this Act to be without a criminal record if he/she was sentenced by a final and conclusive decision of a court for the following criminal offences:

- a) high treason, subversion of the republic, terrorism, a terrorist attack, sabotage, espionage, war treason, participation in criminal conspiracy, endangering the safety of the public, endangering the safety of a means of transport or a civil vessel, air piracy, murder or genocide, for which a person received an exceptional sentence of imprisonment or a sentence of imprisonment for a term of more than twelve years or, in the case of a juvenile offender, a sentence of imprisonment for a term between five to ten years;
- b) a criminal offence listed under letter (a) for which a person received a sentence of imprisonment for a term between five to twelve years or a wilful criminal offence against life and health, freedom and human dignity or any other intentional criminal offence committed by using a weapon for which such person received a sentence of imprisonment exceeding five years and where at least 20 years have not yet passed since the termination of such sentence;
- c) a criminal offence listed under letter (a) or (b) or any other intentional criminal offence if, since the final and conclusive decision of a court or since the termination of such sentence if a sentence was imposed,
  1. at least ten years have not yet passed as regards a sentence of imprisonment exceeding a term of two years;
  2. at least five years have not yet passed as regards a sentence of imprisonment exceeding a term of two years or any sanction other than the sentence of imprisonment; or
  3. at least three years have not yet passed as regards absolute discharge, conditional discharge under supervision, absolute discharge of a juvenile or conditional discharge of a juvenile or if there was a guilty verdict but the sanction was not imposed within criminal proceedings as prosecution continued at the request of the accused or charged person<sup>11e)</sup> or a criminal sanction was not imposed after discharge of a juvenile under a special legal regulation<sup>11f)</sup>; or
- d) a criminal offence committed with negligence by violating duties concerning possessing, carrying or using a firearm or ammunition, if at least three years have not yet passed since the relevant decision of the court came into effect.

(2) A person shall not be deemed under this Act to be without a criminal record if such person was sentenced abroad for a criminal offence the constituent elements of which correspond to constituent elements of some of the criminal offences referred to in paragraph 1. The period for which a natural person is deemed to be without a criminal record is analogous to periods stipulated in paragraph 1.

(3) A person applying for a firearm permit for group F or a firearm licence for group K shall not be deemed under this Act to be without a criminal record if such person was sentenced by a final and conclusive decision of a court for a criminal offence of violating rules of international trade in military material, an attack against a state authority, an attack against a public official, unauthorised arming, development, production and possession of prohibited weapons,

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<sup>11e)</sup> Sec. 11 (3), Sec. 172 (4) and Sec. 227 of the Code of Criminal Procedure

<sup>11f)</sup> Sec. 70 (5) and (6) of Act No. 218/2003 Coll. on the liability of juveniles for illegal acts and on juvenile courts and on the amendment to some other acts (the Act on Juvenile Courts).

unauthorised production and/or possession of radioactive material and highly dangerous substances, defamation of a nation, ethnic group, race or conviction, inciting hate against a group of persons or restriction of their rights and freedoms, torture or any other inhuman or cruel treatment, support and propagation of movements suppressing human rights and freedoms, using prohibited weapons and impermissible methods of fighting, war atrocities, persecution of people, or any other criminal offence committed by using a weapon.

(4) For the purpose of assessing the criminal records of a natural person the relevant police unit shall apply for an extract from the Register of Criminal Records<sup>12)</sup>. An application for an extract from the Register of Criminal Records and the extract from the Register of Criminal Records itself shall be submitted and then provided in electronic form via e-mail. When assessing the criminal record of a natural person neither erasure of a sentence under a special legal regulation<sup>13)</sup> nor other any cases which constitute grounds that an offender is deemed to have never been sentenced shall be taken into account<sup>13(a)</sup>.

## Section 23

### **Reliability of a Natural Person**

- (1) A natural person shall be deemed not reliable under this Act if
- a) his/her prosecution for an intentional criminal offence has been lawfully conditionally discontinued upon condition or where a final and conclusive decision was taken on conditional suspension of the motion for punishment and where a probationary period or a time limit within which it is to be decided whether the person satisfies expectations has not yet lapsed;
  - b) he/she provably abuses alcohol or provably abuses addictive substances<sup>11)</sup>; or
  - c) his/her conduct poses a serious threat to internal order and security and he/she has been adjudged guilty, by a final and conclusive judgment within the last three years, of having committed more than one minor offence relating to
    1. firearms and ammunition;
    2. the use of explosives;
    3. protection against intoxication;
    4. the defence of the Czech Republic;
    5. disrupting public order;
    6. disrupting the coexistence of citizens;
    7. property damage; or
    8. agriculture, game keeping and hunting and fishing whereby the person intentionally without any authorisation breached rights concerning game keeping and hunting or fishing or whereby he/she intentionally hunted for game or caught fish out of season during wildlife protection.

(2) When applying for a firearm permit for group F or a firearm licence for group K a natural person shall be deemed not reliable if he/she was adjudged guilty by a final and conclusive judgment within the last five years for committing a minor offence relating to firearms, ammunition or explosives.

(3) The relevant police unit shall be authorised to request a municipal authority or an office of the State Mining Administration for data allowing assessment of the reliability of a

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<sup>12)</sup> Sec. 10 (2) of Act No. 269/1994 Coll. on the Register of Criminal Records, as amended by Act No. 126/2003 Coll.

<sup>13)</sup> Act No. 141/1961 Coll. on criminal law procedure (the Code of Criminal Procedure), as amended.

<sup>13(a)</sup> For example Act No. 218/2003 Coll. as amended.

natural person pursuant to paragraph 1 (c). The municipal authority and a relevant branch office of the State Mining Administration shall satisfy such request without undue delay.

## Section 24

### **Issuing a New Firearm Permit**

(1) The relevant police unit shall issue to a firearm permit holder a new firearm permit after the expiration of the old one and upon receipt of an application filed on the official form pursuant to Section 17 (1) and (2) (a) and (c), and (5).

(2) An applicant for a new firearm permit who since the date of the issue of his/her current firearm permit continuously resided for more than six months outside the Czech Republic shall be obliged to submit a document similar to an extract from the Register of Criminal Records from the country where the applicant resided, translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters; if the applicant cannot submit such a document since the country concerned does not issue a document of this kind the applicant shall submit a statutory declaration stating that the applicant has not been convicted for a criminal offence for which the applicant cannot be deemed to be without any criminal record pursuant to Section 22 and has not been sanctioned for a minor offence in connection to which the applicant cannot be deemed reliable pursuant to Section 23.

(3) A firearm permit holder must file an application for the issue of a new firearm permit with the relevant police unit at least two months and not earlier than six months prior to the expiration of his/her current firearm permit.

(4) When deciding on the issue of a new firearm permit the relevant police unit shall also assess whether an applicant for a new firearm permit is without any criminal record and whether such applicant is reliable pursuant to Sections 22 and 23.

(5) Should the relevant police unit take a positive decision on an application for a new firearm permit it shall issue a new firearm permit by exchanging the current permit for the new permit stating the expiration period laid down in Section 16 (1) which will continue the expiration period of the current valid firearm permit.

(6) The relevant police unit shall dismiss an application for a new firearm permit if conditions regarding health capability and requirements on absence of a criminal record and on reliability stipulated for the issue of a firearm permit are not satisfied or, in the case of a firearm permit for group C, the application shall be also rejected if the applicant does not possess a hunting licence.

## Section 25

### **Extension of Groups on a Firearm Permit**

(1) A firearm permit holder shall file an application for the extension of groups on a firearm permit with the relevant police unit on an official form, the specimen of which shall be specified in the implementing legal regulation and shall contain particulars pursuant to Section 17 (1).

(2) An applicant shall be obliged to submit alongside their application for the extension of groups on a firearm permit

- a) a document certifying professional competence for the requested group which may not be older than one year;
- b) certification of his/her health capability which may not be older than three months; and
- c) two photographs.

(3) Should the relevant police unit take a positive decision on an application for the extension of groups on a firearm permit it shall issue a new firearm permit by exchanging it for the current licence, indicating on the new permit the expiration period of the original firearm permit.

(4) The relevant police unit shall dismiss an application for the extension of groups on a firearm permit if the applicant does not satisfy conditions stipulated for a firearm permit for the group concerned.

#### Section 26

### **Termination of the Validity of a Firearm Permit**

(1) The validity of a firearm permit shall terminate if

- a) the period for which it was issued expires;
- b) its loss or theft is reported;
- c) a decision on withdrawal of a firearm permit comes into effect (Section 27); or
- d) the holder of a firearm permit has passed away or is declared to be dead.

(2) The relevant police unit shall decide on terminating the validity of a firearm permit if

- a) it is damaged such that records in it are illegible or it is flawed;
- b) it contains unauthorised records;
- c) it contains incorrect records; or
- d) its holder terminated his/her residence in the Czech Republic.

If the holder of a firearm permit recognises the reason for termination of the validity of his/her firearm permit, a protocol thereof shall be made. The validity of a firearm permit shall be terminated by such record.

(3) If the validity of a firearm permit is terminated under paragraph (1) (b) or paragraph (2) (a) or (c), the relevant police unit shall issue, after two photographs are presented by permit holder, a new firearm permit without any application, with the period of validity being the same as that of the original firearm permit. If a firearm permit is issued as a replacement for a lost or stolen firearm permit it shall be clearly indicated that it is a duplicate.

#### Section 27

### **Withdrawal of a Firearm Permit**

(1) The relevant police unit shall decide on withdrawing a firearm permit if the holder of the firearm permit

- a) has lost his/her legal capacity;
- b) has lost his/her health capability;
- c) has ceased to satisfy conditions regarding not having a criminal record pursuant to Section 22 or of being reliable pursuant to Section 23;
- d) for group B or C younger than 18 years has ceased to satisfy conditions for being issued a firearm permit stipulated in Section 19 (3), (4) or (6); or
- e) for group F has breached duties stipulated in Section 29 (7) (a) through (h) or has breached the prohibition stipulated in Section 29 (8); such firearm permit holder may apply for a new firearm permit for group F again after five years have lapsed from the date on which the official decision on its withdrawal came into effect.

(2) The relevant police unit shall decide on withdrawing a firearm permit for group C if its holder has ceased holding a hunting licence.

(3) A municipal authority with an extended scope of competences shall forthwith inform the relevant police unit on withdrawal of a hunting licence or on terminating its validity. A secondary school or a secondary vocational school the curricula of which include instruction on game keeping and hunting shall forthwith inform the relevant police unit that the holder of a firearm permit of group C under 18 years has completed their studies. A civic association (Section 19 (3)) which recommended issuing a firearm permit for group B to a member younger than 18 years shall forthwith inform the relevant police unit that the holder terminated his/her membership in the association if the holder is still younger than 18 years.

(4) An appeal against a decision on withdrawal of a firearm permit pursuant to paragraph 1 or 2 shall not have a suspensive effect and a firearm permit holder shall be obliged to forthwith deliver his/her firearm permit to the relevant police unit.

#### Section 27a

The scope of competence specified for a municipal authority of a municipality with an extended scope of competences under this Act shall be deemed to be execution of a delegated competence.

#### Section 28

##### **Authorisation of Firearm Permit Holders**

(1) The holder of a firearm permit of group A shall be authorised to acquire and possess as a collector

- a) a category A firearm for which he/she was granted an exception, a category B firearm for which he/she was granted authorisation, or a category C firearm; or
- b) ammunition for category B and C firearms, however not more than three pieces of the same type, calibre, trademark and production design, or only one, the smallest, consumer package of ammunition.

(2) The holder of a firearm permit of group B or C shall be authorised

- a) according to the purpose of the use, to acquire and possess or carry sporting or hunting firearms of category B for which he/she was granted authorisation or sporting or hunting firearms of category C; the holder may carry such a firearm only to a shooting range or in places where he/she is permitted to do so in accordance with the special legal regulation;
  - b) to reload, only for his/her own use, cartridges according to technological procedures which are specified by the manufacturers of the individual parts of the cartridges; or
  - c) to acquire, possess or carry ammunition and individual parts of cartridges for category B and C firearms; he/she may not carry ammunition or individual parts of cartridges visibly.
- Only a person of at least 18 years of age shall be permitted to reload projectiles or acquire individual parts of projectiles.

(3) When carrying out an occupation or pursuing a profession the holder of a firearm permit of group D shall be authorised

- a) to carry or possess a firearm of category A, B or C for his/her employer who is the holder of a relevant firearm licence and who has been awarded a firearm certificate; the holder of a firearm permit of group D shall be authorised to possess and carry ammunition for such firearms; and
- b) to carry not more than two firearms laid down in letter (a) and ammunition for such firearms in public or in a place accessible to the general public; he/she may not carry ammunition and individual parts of projectiles visibly.

Officers of the municipal police shall be authorised to carry a firearm visibly when meeting assignments of the municipal police. Employees of the Czech National Bank physically guarding the premises of the Bank may carry a firearm visibly only when meeting working assignments.

(4) The holder of a firearm permit for group E shall be authorised

- a) to acquire and possess or carry a category B firearm for which he/she has been granted authorisation, or a category C firearm;
- b) to acquire ammunition or individual parts of cartridges only for a firearm which he/she has been authorised to possess after such holder submits a firearm permit for the firearm concerned; the holder shall be also authorised to possess and carry ammunition for such firearm; and
- c) to carry not more than two firearms and ammunition for such firearms; he/she may carry neither firearms nor ammunition visibly.

(5) A firearm permit holder may shoot a firearm which he/she has been authorised to possess only at places where he/she has been authorised to do so under a special legal regulation or at a shooting range unless the firearm is used for the protection of life, health or property. A forensic expert who is a firearm permit holder shall be authorised to possess a firearm and ammunition and shoot a firearm at a shooting range for the purpose of drawing up an expert opinion.

(6) The holder of a firearm permit for group F shall be authorised to carry out activities in the field of unexploded ordnance only as an employee or a sole trader; if the artillery ammunition or explosives found during target searches for unexploded ordnance immediately jeopardise the life, health or property the holder of a firearm permit for group F shall be authorised to deactivate them.

## Section 29

### **Obligations of a Firearm Permit Holder**

(1) The holder of a firearm permit for groups A through E shall be obliged to

- a) take utmost care when handling a firearm, ammunition, gun powder, or primers;
- b) protect the firearm of categories A, B or C and the relevant ammunition (Section 58);
- c) ensure that the firearm permit and the firearm certificate are not abused, lost, or stolen;
- d) respect conditions for holding and storing ammunition, gun powder and primers;
- e) submit, when required by the relevant police unit, a firearm permit, a firearm of categories A, B or C, ammunition for such firearms and relevant documents to be examined by the police; in cases worthy of special consideration the place of such examination may agreed in advance;
- f) report forthwith at any police unit the loss or theft of a firearm of categories A, B or C, or of ammunition for such firearms, or of a firearm permit or a firearm certificate;
- g) exchange their firearm permit or firearm certificate at the relevant police unit for a new one if the firearm permit or firearm certificate holder's name, surname or the place of residence has been changed; he/she shall be obliged to do so within ten working days from the date on which such change occurred and at the same time to hand over all original documents;
- h) carry their firearm permit and firearm certificate if he/she is carrying a firearm of categories A, B or C or ammunition for such firearm;

- i) deliver their firearm permit within ten working days from the date of its termination pursuant to Section 26 (1) (a) or (c) or pursuant to Section 26 (2) to the relevant police unit; if he/she is the holder of a firearm, ammunition or a prohibited accessory to a firearm he/she shall be obliged to render also the firearm, ammunition and the prohibited accessory of the firearm alongside the firearm certificate;
- j) report within ten working days at the relevant police unit any change of calibre of a firearm, repair or modification to a firearm the consequence of which is a change in the firearm category; if such modification results in establishment of a category B firearm the holder may make such modification only on the basis of approval for the acquisition of a category B firearm and if such modification results in establishment of a category A firearm the holder may make such modification only after he/she is granted an exception for the acquisition of a category A firearm;
- k) submit, when carrying a firearm or when handling it in public places or in places accessible to the general public and after being required to do so by a police officer, to an indicative test by breathalyzer or to medical examination to determine whether he/she is intoxicated;<sup>11)</sup>
- l) report forthwith at any police unit any the use of a firearm in extreme emergency or for necessary defence; and
- m) enable the relevant police unit to enter his/her dwelling for the purpose of checking whether firearms are secured if he/she is the holder of a category A firearm.

(2) Further the holder of a firearm permit for category D or F shall be obliged within two months of the lapse of 30 months from the date on which the firearm permit was issued to submit at the relevant police unit a document proving his/her health capability.

(3) The holder of a firearm permit for groups A through E may not

- a) transfer the legal title to a firearm, ammunition or a prohibited accessory to a firearm to a person who has not been authorised to acquire these or provide them to such person in any way;
- b) carry a firearm or handle it in public places or in a place accessible to the general public if his/her capacity to do so has been lowered by drinking alcohol or using narcotic substances,<sup>11)</sup> medicines or due to his/her illness;
- c) carry a firearm of categories A, B or C for which a firearm certificate has not been issued; or
- d) shoot a firearm without an affixed proof mark<sup>3)</sup> or use ammunition which does not comply with permitted production.

(4) The holder of a firearm permit for group B or C may not store more than three kilos of smokeless powder or more than 1,000 primers; primers shall be stored separately in a separate box.

(5) The holder of a firearm constructed for shooting with black powder may not store more than three kilos of such powder and more than 1,000 primers; primers shall be stored separately in a separate box

(6) The holder of a firearm permit for group C shall be obliged to transport a possessed firearm to the place where he/she has been authorised to carry it only in a manner excluding an immediate use of such firearm; if the holder uses for transportation of the firearm a public means of transport he/she shall be obliged to transport the firearm in a closed case. The holder of a firearm permit for group B shall be obliged to transport possessed firearms to the place where he/she has been authorised to carry them only in a manner excluding the immediate use of such firearm and in a closed case.

- (7) The holder of a firearm permit for group F shall be obliged to
- a) take utmost care when handling unexploded artillery ammunition or explosives;
  - b) forthwith stop excavating work if life, health or property is in immediate jeopardy caused by unexploded artillery ammunition or explosives;
  - c) mark the place where unexploded artillery ammunition or explosives have been found;
  - d) protect the place where unexploded artillery ammunition or explosives have been found from unauthorised persons;
  - e) notify persons loitering at the place where unexploded artillery ammunition or explosives have been found or in the near vicinity of such place that they are endangered, and require them to leave the dangerous place;
  - f) inform forthwith a police unit of the discovery of unexploded artillery ammunition or explosives;
  - g) observe conditions for handling unexploded artillery ammunition or explosives;
  - h) secure the unexploded artillery ammunition or explosives from abuse, loss, or theft;
  - i) ensure that his/her firearm permit is not abused, lost, or stolen;
  - j) submit, when required by the relevant police unit, his/her firearm permit to be examined by the police;
  - k) report forthwith at the relevant police unit the loss or theft of his/her firearm permit and discovered unexploded artillery ammunition or explosives;
  - l) exchange his/her firearm permit or firearm certificate at the relevant police unit for a new one if the firearm permit or firearm certificate holder's name, surname or the place of residence has been changed; the permit holder shall be obliged to do so within ten working days from the date on which such change occurred and at the same time to render all original documents;
  - m) carry his/her firearm permit when carrying out activities in the field of unexploded ordnance and searching for unexploded artillery ammunition or explosives;
  - n) submit, after being required to do so by a police officer, prior to performing activities in question or during the performance of such activities, to an indicative test by breathalyzer or to a medical examination in order to determine whether he/she is intoxicated;<sup>11)</sup>
  - o) forthwith record discovered unexploded artillery ammunition or explosives in a register; and
  - p) at the request of the police, cooperate with police officers when securing unexploded artillery ammunition or explosives.

8) The holder of a firearm permit for group F may not

- a) carry out activities in the field of unexploded ordnance when his/her capability to do so has been lowered by drinking alcohol or by using narcotic substances, medicines or due to his/her illness or an injury;
- b) handle discovered ammunition or explosives contrary to this Act;
- c) deactivate unexploded artillery ammunition or explosives.

### Section 30

#### **Examining Commissionaire**

(1) At the request of a natural person the Ministry shall appoint an examining commissionaire for a period of five years. The document proving the appointment of an examining commissionaire is an examining commissionaire certificate issued by the Ministry.

(2) Only a natural person who satisfies the below conditions may be appointed an examining commissionaire. He/she shall be:

- a) be at least 30 years of age;
- b) have completed minimally secondary education or secondary vocational education;
- c) have passed an examination of professional competence before an examining commission appointed by the Minister of the Interior;
- d) be the holder of a firearm permit for group A, B, C, D, or E; and
- e) not be a dealer whose business or trade consists in firearms and ammunition.

(3) A natural person shall file an application for being appointed an examining commissioner on an official form, the specimen of which shall be set out in the implementing legal regulation. The Ministry shall record filed applications in the list of applicants for examining commissioners according to the date of delivery and shall notify applicants of the date and place of the relevant examination. Notification of the examination shall be delivered to the applicant ten days prior to the date of the examination at the latest. The Ministry shall specify the date of the examination within three months of the date of recording the first applicant.

(4) An application to become an examining commissioner shall encompass

- a) personal data and
- b) the number of the firearm permit.

(5) Applicants shall be obliged to submit along with their application to become an examining commissioner documents proving that he/she has satisfied conditions for being appointed an examining commissioner referred to in paragraph 2 (a), (b) and (d); a statutory declaration stating that he/she is not a dealer whose business or trade consists in firearms and ammunition; and two photographs.

(6) A qualifications examination for becoming an examining commissioner shall consist of theory and practice.

(7) The theoretical part of the qualifications examination shall consist of a written test and an oral interview in which the applicant shall prove his/her knowledge of

- a) this Act and related legal regulations,
- b) special legal provisions regulating
  1. proving firearms, ammunition, pyrotechnic items, and
  2. authorised use of a firearm;
- c) theory of firearms and ammunition; and
- d) basic required medical knowledge.

(8) The practical part of the qualifications examination shall consist of

- a) proving knowledge of safe handling of firearms and ammunition and
- b) proving knowledge concerning procedures during shooting management.

(9) If the applicant is not appointed an examining commissioner since he/she has not satisfied conditions for his/her appointment referred to in paragraph 2 (c) the applicant may apply again, however not earlier than after six months have lapsed from the date on which the decision not to appoint him/her as an examining commissioner came into effect.

(10) The Ministry shall remove an examining commissioner prior to the period for which he/she has been appointed lapsing if the examining commissioner

- a) ceased to satisfy conditions referred to in paragraph 2 (d) or (e); any examining commissioner shall be obliged to forthwith inform the Ministry thereof;
- b) gravely or repeatedly violated legal provisions regulating the qualifications examination for applicants for a firearm permit; or

c) requested to be removed.

(11) An examining commissioner who has been removed pursuant to paragraph 10 (b) may apply to be appointed an examining commissioner again nonetheless not earlier than after three years have lapsed from the date on which the decision on his/her removal came into effect.

(12) The Ministry shall suspend the activities of an examining commissioner prior to the period for which he/she was appointed lapsing if

- a) the examining commissioner's firearm permit has been withdrawn (Section 57); any examining commissioner shall be obliged to forthwith inform the Ministry thereof;
- b) there is a reasonable suspicion that the examining commissioner gravely or repeatedly violated legal provisions regulating the qualifications examination for applicants for a firearm permit.

The Ministry shall renew the activities of an examining commissioner as soon as the reasons for his suspension cease to exist.

(13) The content of the theoretical part of the examination, the manner in which the practical part of the examination shall be performed, the overall evaluation of the qualifications examination of the examining commissioner, and the issue of the examining commissioner certificate shall be laid down in the implementing legal regulation.

(14) Prior to commencing temporary or occasional performance of activities of an examining commissioner in the Czech Republic by a natural person who has been authorised in a Member State to carry out similar activities the Ministry may request the recognition of professional qualifications in accordance with the special Act<sup>11d)</sup>.

#### Section 30a

#### **Termination of the Validity of an Examining Commissioner Certificate**

(1) An examining commissioner certificate shall terminate if

- a) the period for its validity expires;
- b) its loss or theft has been reported;
- c) a decision on the withdrawal of a firearm permit (Section 27) has come into effect;
- d) a decision on the removal of the examining commissioner (Section 30 (10)) has come into effect; or
- e) the holder of an examining commissioner certificate has passed away or has been declared dead.

(2) The Ministry shall decide on terminating the validity of an examining commissioner certificate if

- a) it is damaged so that records in it are illegible or it is flawed;
- b) it contains unauthorised records; or
- c) it contains incorrect records.

If the holder of an examining commissioner certificate recognises the reason for termination of the validity of his/her certificate, a protocol thereof is made. The validity of the examining commissioner certificate is terminated by such record.

(3) An examining commissioner certificate invalidated under paragraph 1 (a) (c) or (d) or under paragraph 2 his/her shall be delivered by his/her holder to the Ministry within ten working days from the date of its termination.

(4) If an examining commissioner certificate is invalidated under paragraph 1 (b) or under paragraph 2 (a) or (c), the Ministry shall issue, after two photographs of the examining commissioner are presented a new examining commissioner certificate without any application with the period of validity being the same as that of the original examining commissioner certificate.

## TITLE V FIREARM LICENCE

### Section 31

#### **Firearm Licences and Their Groups**

A firearm licence is an official deed authorising a legal or natural person to acquire and hold firearms and ammunition within the scope of authorisation stipulated for individual groups of firearm licence or for carrying out activities in the field of unexploded ordnance in accordance with authorisation stipulated for a firearm licence for group K. Firearm licences shall be divided, in accordance with the reasons for using such firearms and ammunition and the scope of authorisation, into the following groups:

- a) A – development and production of firearms and ammunition;
- b) B – repairs, modifications or deactivation of firearms and ammunition;
- c) C – purchase, sale or transport of firearms and ammunition;
- d) D – lending firearms or storing firearms and ammunition;
- e) E – destruction or deactivation of firearms and ammunition;
- f) F – teaching or training shooting;
- g) G – guarding property and people;
- h) H – organising and holding sporting, cultural or similar activities;
- i) I – pursuing cultural heritage activities, or for collecting purposes;
- j) J – meeting an assignment under a special legal regulation<sup>10)</sup>; and
- k) K – carrying out activities in the field of unexploded ordnance.

### Section 32

#### **Particulars of the Application for a Firearm Licence**

(1) The relevant police unit shall issue a firearm licence upon an application filed by a natural or legal person on an official form, the specimen of which shall be set out in the implementing legal regulation. The application shall encompass

- a) personal data or identifying data of a legal entity;
- b) the reason why a natural or legal person is applying for a firearm licence;
- c) the address of production, holding, storing, using or destroying firearms or ammunition, the way in which these are secured and, in the case of an application for a firearm licence for group E, the procedure used for destroying firearms and ammunition and the procedure used for disposing of destroyed firearms and ammunition unless such activities are regulated by a special legal regulation or an international agreement which is part of the national legal framework<sup>15)</sup>;

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<sup>15)</sup> For example Act No. 19/1997 Coll. on some measures concerning the banning of chemical weapons and on the amendment and supplement to Act No. 50/1976 Coll. on spatial planning and on the rules of construction (the Construction Act), as amended, Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), as amended, and Act No. 140/1961 Coll. the Criminal Code, as amended, Act

- d) personal data of the person who within his/her job fulfils duties concerning holding, storing or using firearms or ammunition and who is the holder of a firearm permit of a relevant group (hereinafter referred to as a 'gunsmith') including the number of the firearm permit if a firearm licence for groups A through J is concerned;
- e) personal data of the responsible representative or the member of the statutory body of a legal entity or personal data of the responsible representative of a natural person if such representative has been established; and
- f) information regarding which group of firearm licence he/she is applying for.

(2) The applicant shall state in the application for a firearm licence which categories of firearms or ammunition shall be the subject of his/her business undertaking or any other activities. If the applicant applies for authorisation to acquire and possess a category A or category B firearm he/she shall justify such application.

(3) The applicant shall be obliged to submit along with the application a notarised copy of a trade licence or concession, a certificate or any other document authorising the applicant to carry out business activities if the reason stated in the application for firearm licence is business undertaking in the sector of firearms and ammunition, or a document permitting education in schools where it is necessary to handle firearms and ammunition in accordance with this Act.

### Section 33

#### **Issue of a Firearm Licence**

(1) The relevant police unit shall issue a firearm licence to a natural or legal person whose place or residence or seat is in the Czech Republic and who

- a) is the holder of a concession in the sector of firearms and ammunition and who applies for a firearm licence for group A, B, C, D, E or F or for carrying out activities in the field of unexploded ordnance, if he/she is applying for a firearm licence for group K; and
- b) proves that he/she has been authorised to carry out activities for which he/she is applying for a firearm licence, if a firearm licence for group G, H, I or J is under consideration and he/she needs a firearm, ammunition and/or a prohibited accessory to a firearm for such activities.

(2) The relevant police unit shall issue the firearm licence only if the natural person or his/her responsible representative, if such representative has been established, or the responsible representative or member of the statutory body of a legal person satisfy the condition of being without a criminal record under Section 22 and the condition of being reliable under Section 23.

(3) The relevant police unit shall suspend the procedure on issuing a firearm licence if prosecution has been commenced against the persons provided for in paragraph 2 for a criminal offence laid down in Section 22.

### Section 34

#### **Verification of Criminal Record and Reliability**

After five years have lapsed from the date of issue of a firearm licence and then always after every five years or if any change occurs, the relevant police unit shall verify that persons stipulated in Section 33 (2) have no criminal record and are reliable.

#### Section 35

##### **Extension of Groups on Firearm Licence**

(1) A firearm licence holder shall file an application for the extension of groups on a firearm licence with the relevant police unit on an official form, the specimen of which shall be laid down in the implementing legal regulation.

(2) Should the relevant police unit take a positive decision on the application for the extension of groups on a firearm licence it shall issue a new firearm licence.

(3) The relevant police unit shall dismiss an application for the extension of groups on a firearm licence if the applicant does not satisfy conditions stipulated for a firearm licence of the group concerned.

#### Section 36

##### **Withdrawal of a Firearm Licence**

(1) The relevant police unit shall decide on withdrawing a firearm licence if

- a) the reason for which it was issued has ceased to exist;
- b) the holder of such licence gravely or repeatedly violated the provisions hereof; or
- c) a responsible representative or a member of the statutory body of a legal person or the responsible representative of a natural person ceased to satisfy the conditions regarding criminal record under Section 22 or the condition of reliability under Section 23.

(2) An appeal against a decision on withdrawal of a firearm licence pursuant to paragraph 1 shall not have a suspensive effect and the firearm licence holder shall be obliged to forthwith deliver the licence to the relevant police unit.

#### Section 37

##### **Termination of the Validity of a Firearm Permit**

(1) The validity of a firearm licence shall terminate if

- a) a decision on withdrawal of the firearm licence has come into effect (Section 36);
- b) its loss or theft has been reported;
- c) the legal person has been wound up;
- d) the natural or legal person has ceased the activities for which the firearm licence was issued; or
- e) the holder of the firearm licence passed away or has been declared dead.

(2) The relevant police unit shall decide on terminating the validity of the firearm licence if

- a) it is damaged so that records in it are illegible or it is flawed;
- b) it contains unauthorised records; or
- c) it contains incorrect records.

If the holder of a firearm licence recognises the reason for termination of the validity of his/her firearm licence, a protocol thereof shall be made. The validity of the firearm licence is terminated by such record.

(3) A holder shall be obliged to render a firearm licence invalidated under paragraph 1 (a) (c) or (d) within ten working days from the date on which the firearm licence was terminated to the relevant police unit. A firearm licence invalidated under paragraph 1 (e) shall be delivered to the police by the person who found it.

(4) If the validity of a firearm licence is terminated under paragraph (1) (b) or paragraph (2), the relevant police unit shall issue a new firearm licence without any application with the period of validity being the same as that of the original firearm licence. If a firearm licence is issued as a replacement for a lost or stolen firearm licence it shall be clearly indicated that it is a duplicate.

## Section 38

### **Authorisation of a Firearm Licence Holder**

(1) The holder of a firearm licence for group A, B or C shall be authorised to

- a) acquire and possess a firearm, a prohibited accessory to a firearm or ammunition within the scope of the category indicated in the firearm licence; or
- b) provide the holder of a firearm permit for group D who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stipulated in the firearm licence.

(2) The holder of a firearm licence of group D shall be authorised to

- a) acquire and possess a category C firearm and ammunition;
- b) provide the holder of a firearm permit of group D who is an employee or member of, or who has a similar relation to a firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stated in the firearm licence;
- c) lend a category C firearm to persons who are authorised to possess or carry them;
- d) take into custody and store a firearm or ammunition of a category indicated in the firearm licence.

(3) The holder of a firearm licence for group E shall be authorised to acquire and possess a firearm or ammunition within the scope of the category indicated in the firearm licence for the purpose of their destruction or deactivation. The holder of a firearm licence for group E shall be also authorised to provide the holder of a firearm permit for group D who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stated in the firearm licence.

(4) The holder of a firearm licence for group F shall be authorised to

- a) acquire and possess a category A firearm for which he/she has been granted an exception, a category B firearm for which he/she has been granted authorisation; or a category C firearm and ammunition for firearms which he/she has been authorised to possess;
- b) provide the holder of a firearm permit for group D who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stated in the firearm licence; or

- c) for the purpose of teaching or training provide an individual, under the supervision of an authorised person, with a firearm, ammunition or the prohibited accessory to a firearm which he/she has been authorised to possess.

(5) The holder of a firearm licence for group G shall be authorised to

- a) acquire and possess a category A firearm for which he/she has been granted an exception, a category B firearm for which he/she has been granted authorisation; or a category C firearm and ammunition for firearms which he/she has been authorised to possess; or
- b) provide the holder of a firearm permit for group D who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stated in the firearm licence.

(6) The holder of a firearm licence for group H shall be authorised to

- a) acquire and possess a category A firearm for which he/she has been granted an exception, a category B firearm for which he/she has been granted authorisation; or a category C firearm and ammunition for firearms which he/she has been authorised to possess;
- b) provide the holder of a firearm permit for group B, C or D who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stated in the firearm licence; or
- c) for the purpose of sporting, cultural or similar activities to provide an individual, under the supervision of an authorised person, with a firearm, ammunition or the prohibited accessory to a firearm which he/she has been authorised to possess.

(7) The holder of a firearm licence for group I shall be authorised to acquire and possess a category A firearm for which he/she has been granted an exception, a category B firearm for which he/she has been granted authorisation; or a category C firearm and ammunition for firearms which he/she has been authorised to possess. The holder of a firearm licence for group I shall be also authorised to provide the holder of a firearm permit of group A or D who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stated in the firearm licence.

(8) The holder of a firearm licence of group J shall be authorised to

- a) acquire and possess a category A firearm for which he/she has been granted an exception, a category B firearm for which he/she has been granted authorisation, or a category C firearm and ammunition for firearms which he/she has been authorised to possess;
- b) provide the holder of a firearm permit of group D who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm and ammunition which he/she has been authorised to possess for meeting assignments stipulated in the firearm licence; or
- c) if he/she is forensic expert, possess a category A, B, or C firearm and ammunition for such firearm for the purpose of drawing up an expert opinion.

(9) The holder of a firearm licence for group K shall be authorised to carry out activities in the field of unexploded ordnance, to identify unexploded artillery ammunition and explosives, and to secure them.

## Section 39

### **Obligations of a Firearm Licence Holder**

- (1) The holder of a firearm licence for groups A through J shall be obliged to
- a) establish a gunsmith, who shall be an employee or a member of, or who has a similar relation to the firearm licence holder, in each business premises or in the place where firearms, ammunition or prohibited accessories are stored;
  - b) check that firearms or ammunition are not used for purposes other than those indicated in the firearm licence or whether they are not used by persons who do not possess a firearm permit of a relevant group;
  - c) ensure that firearms and ammunition are possessed or carried by a natural person who is an employee or a member of, or who has a similar relation to the firearm licence holder, and who possesses a firearm permit of a relevant group; this obligation shall not apply to the holder of a firearm licence of category A when producing firearms and ammunition and carrying out related activities with the exception of a person involved in test shooting who
    1. carries out production and related activities in manufacturing firearms and ammunition;
    2. is an employee or a member of, or has a similar relation to the firearm licence holder;
    3. is recorded for performing a certain job in the internal regulation issued under letter (d) upon the consent of the relevant police unit;
    4. has been provably instructed on safe handling firearms; and
    5. whose supervisor is the holder of a firearm permit of the relevant group;
  - d) issue an internal regulation which stipulates, in particular, the following:
    1. rules for using firearms and ammunition;
    2. the manner in which firearms and ammunition shall be recorded, stored, provided and returned;
    3. the safe manner for handling firearms and ammunition including procedure for loading and unloading a firearm;
  - e) provide conditions for protecting firearms and ammunition against abuse, loss or theft pursuant to Section 58 (2) through (7);
  - f) forthwith report at any police unit the loss or theft of a firearm, ammunition, artillery ammunition, a firearm licence, or a firearm certificate;
  - g) create conditions for storing, holding and handling black hunting powder, smokeless powder and primers;
  - h) at the request of the relevant police unit, submit a firearm licence and a firearm or ammunition including respective documents in order to be examined; in cases of worthy consideration the place of such examination may be agreed in advance;
  - i) establish a new gunsmith within 30 days from the date on which the current gunsmith terminated his/her activities and inform, within ten working days, the relevant police unit of such change;
  - j) apply at the relevant police unit for a new firearm licence or a firearm certificate where the name and seat of the legal entity has changed, or the name, surname or the place of residence of the natural person has changed, or the place where a firearm is stored or the seat of business premises were changed; such application shall be filed within ten days of the date on which the respective change occurred and the original document shall be attached;
  - k) maintain records of
    1. category A, B or C firearms and ammunition for such firearms which are in his/her possession, which were provided or received, of black powder, smokeless powder and primers which are in his/her possession including an overview of provided and

received amounts and to archive such records for a period of five years even after the termination of relevant activities;

2. business activities undertaken in the area of firearms and ammunition pursuant to Section 2 (2) (d) and to archive such records for a period of 30 years; when storing archive documents he/she shall proceed in accordance with a special legal regulation;<sup>16)</sup>
- l) ensure that a person who will carry a firearm for performing his/her occupation or pursuing a profession is tested in shooting at least once a year; and to maintain records on such test shooting;
- m) inform the relevant police unit of any change regarding the responsible representative or member of the statutory body of a legal entity or regarding his/her personal data or of any change of the responsible representative of a natural person, if such representative was established, or if a new responsible representative is established then of his/her personal data; such information shall be provided within ten working days from the date on which the relevant change occurred;
- n) deliver to the relevant police unit, within ten working days from the date of termination of the firearm licence, a firearm, the prohibited accessory to a firearm or ammunition and the relevant firearm certificate if he/she is a holder thereof;
- o) inform the relevant police unit, within ten working days, of the change of calibre of a firearm or any repairs made to a firearm the consequence of which is the change of a firearm category.

(2) The holder of a firearm licence for group B or E shall be further obliged

- a) when deactivating category A, B or C firearms or ammunition or when making their cuts to observe the procedure stipulated in the implementing legal regulation or a regulation approved by the Czech Proof House for Firearms and Ammunition and, if it is not possible to proceed in accordance with the procedure stipulated in the implementing legal regulation;
- b) to mark a deactivated firearm by affixing a proof mark indicating deactivation assigned under the conditions stipulated by the implementing legal regulation issued by the Czech Proof House for Firearms and Ammunition whilst the original serial number of the firearm must be maintained; and
- c) to issue to the holder of the firearm a certificate proving deactivation of the firearm and ammunition or a certificate on making a cut of the firearm or ammunition.

(3) The holder of a firearm licence for group E shall be further obliged

- a) when destroying firearms and ammunition to observe the procedure stipulated in the implementing legal regulation; and
- b) to issue to the firearm holder a certificate on the destruction of his/her firearm or ammunition.

(4) A firearm licence holder may not transfer a legal title to a firearm or ammunition to a person who has not been authorised to acquire a firearm or ammunition.

(5) Maintenance of records pursuant to paragraph 1 (k) and (l) shall be stipulated in an implementing legal regulation.

(6) If a firearm licence holder carries out activities independently, he/she shall not be obliged to meet obligations referred to in paragraphs (a), (c), (i) and (l). Nonetheless, such holder shall be obliged to meet all gunsmith's obligations laid down in Section 40 (1) (b) and (e).

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<sup>16)</sup> Act No. 97/1974 Coll. on archiving, as amended

- (7) The holder of a firearm licence for group K shall be obliged
- a) prior to commencing his/her activities, to draw up a technological procedure for searching for and handling unexploded artillery ammunition and explosives and to submit it to the relevant police unit for their approval;
  - b) to ensure that a police unit is forthwith informed of any detection of unexploded artillery ammunition or explosives;
  - c) to check whether detection of unexploded artillery ammunition or explosives has been reported to the police and whether the detected unexploded artillery ammunition or explosives are not being used for purposes other than those indicated in the firearm licence and whether they are not being handled contrary to authorisations stipulated in Section 38 (9);
  - d) to carry out activities in the field of unexploded ordnance only through a natural person who is an employee or a member of or who has a similar relation to the firearm licence holder and who is a holder of a firearm permit for group F;
  - e) to forthwith report at the relevant police unit any loss or theft of a firearm licence;
  - f) at the request of the relevant police unit to submit a firearm licence including related documents in order to be examined;
  - g) to apply at the relevant police unit for a new firearm licence where the name and seat of the legal entity has changed, or the name, surname or the place of residence of the natural person has been changed, or the place where a firearm is stored or the seat of business premises were changed; such application shall be filed within ten days from the date on which the respective change occurred and the original document shall be attached;
  - h) to maintain and archive for a period of five years documents encompassing information on unexploded artillery ammunition and explosives which have been found;
  - i) to adopt necessary measures, when finding artillery ammunition and explosives, in order to ensure the security of persons and property;
  - j) to record in a construction site journal all data and information concerning the activities in the field of unexploded ordnance.

(8) Details on all particulars for maintaining documentation encompassing an overview of all detected unexploded artillery ammunition and explosives shall be laid down in the implementing legal regulation.

## Section 40

### **Obligations of a Gunsmith**

- (1) A gunsmith shall be obliged
- a) to provide the natural person who is an employee or member of, or who has a similar relation to the firearm licence holder, with a firearm or ammunition provided that such natural person is a holder of a firearm permit of the relevant group and uses the firearm or ammunition only for the purpose indicated in his/her firearm permit;
  - b) to ensure that a firearm licence, firearm certificate or any other documents issued in accordance with this Act are secured against abuse, loss, or theft;
  - c) to ensure that a firearm or ammunition are secured against abuse, loss, or theft;
  - d) to respect the conditions for storing, holding and handling black hunting powder, smokeless powder and primers stipulated in the implementing legal regulations; and
  - e) to meet assignments listed in the internal regulation issued under 39 (1) (d).

(2) If a gunsmith cannot perform his/her duties, his obligations referred to in paragraph 1 shall be taken over by responsible representatives of a natural person, if such representative was established, or the responsible representative or member of the statutory body of a legal person.

## TITLE VI REGISTRATION OF FIREARMS AND A FIREARM CERTIFICATE

### Section 41

(1) Each firearm of category A, B or C shall be registered; this obligation shall not apply to prohibited ammunition.

(2) The relevant police unit shall register a firearm referred to in paragraph 1 on the basis of notification on acquisition and subsequent submission of a firearm. A firearm certificate, which is a public instrument, shall be a document on firearm registration.

(3) The relevant police unit shall not register a firearm in the case of a firearm which

- a) is subject of proving under a special legal regulation<sup>3)</sup> unless a proof mark has been affixed; or
- b) a category A, B or C firearm which a person stipulated in Section 42 (1) is not authorised to acquire, possess or carry.

(4) The relevant police unit shall request the firearm holder to submit his/her firearm to be proven by the Czech Proof House for Firearms and Ammunition in accordance with a special legal regulation<sup>3)</sup> or the firearm shall be submitted if there is a reasonable suspicion, arising during its registration, that the firearm is in poor technical condition which could lead to its destruction. When sending a request the relevant police unit shall suspend the registration procedure. The firearm holder shall be obliged to submit the firearm to be proven within 20 working days from the date of the due delivery of the request. On the basis of the data stated in the protocol which was drawn up after the check or proof of a firearm by the Czech Proof House for Firearms and Ammunition the relevant police unit shall issue a new firearm certificate and at the same time it shall withdraw the current firearm certificate.

(5) A firearm holder whose firearm was not registered by the relevant police unit under paragraph 3 (a) or (b) or where registration procedure was suspended, shall be obliged to proceed in accordance with this Act (Section 64).

### Section 42

(1) A natural or legal person who has acquired a category A, B or C firearm shall be obliged to provide information thereof to the relevant police unit on an official form, the specimen of which shall be set out in the implementing legal regulation. The information shall be provided within ten working days from the date of acquisition and the firearm shall be submitted at the same time. If a firearm has been inherited (Section 66) the time limit for registration starts to run from the date on which the decision of the court regarding inheritance came into effect.

(2) A natural or legal person who transfers legal title to a category A, B or C firearm to another person shall be obliged to notify the relevant police unit, using an official form, the specimen of which shall be set out in an implementing legal regulation, of such transfer within ten working days from the date of the firearm transfer and, at the same time, to deliver the firearm certificate. A reporting duty shall apply to the state, regions, municipalities, the Czech Proof House for Firearms and Ammunition, the Ministry, the Ministry of Defence, armed forces of the Czech Republic<sup>1)</sup>, the security forces<sup>1(a)</sup>, the Military Intelligence Service<sup>1b)</sup>, and armed forces or troops of other countries staying in the Czech Republic, crossing the national border of the Czech Republic and transiting through the Czech Republic or flying over the territory of the Czech Republic under a special legal regulation<sup>2)</sup> or an international agreement which is part of the national legal framework.

(3) A natural or legal person who transfers, within its business undertaking, legal title to a category A, B or C firearm to another person, shall be obliged to notify the police unit having competence over the place of the business premises<sup>17)</sup> where the transfer was conducted. Such notification shall be delivered within one month and shall include all transfers implemented in the given month. If a category A, B or C firearm is determined for permanent export outside the Czech Republic the aforementioned person shall be obliged to notify of such transfers forthwith, nonetheless not later than within ten working days from the date of the transfer in question. Such notification shall be either in writing or shall be sent via e-mail with a guaranteed electronic signature<sup>17(a)</sup>. A person who uses an electronic form shall be obliged to include the provider of certifying services who issued his/her certificate<sup>17(a)</sup> and maintains his/her records, or the certificate must be attached to the notification.

(4) A natural or legal person shall indicate in the notification on acquisition or transfer of legal title to a category A, B or C firearm the following:

- a) personal data or identifying data of legal entities between whom the transfer was conducted;
- b) data on the category A, B or C firearm concerned, including data on firearm proving; and
- c) the way in which legal title was transferred.

#### Section 43

The obligation to register a firearm pursuant to Section 41 shall not apply to firearms which are the subject of business undertaking in the sector of firearms and ammunition. In other cases this obligation shall not apply to a natural or legal person who acquired a firearm upon a firearm letter of conveyance for a permanent export of a firearm or ammunition (Section 44 (2)) or who imported a firearm to the Czech Republic upon a letter of conveyance for transit of such firearm or ammunition (Section 46 (2)) with the intention to export it later from the Czech Republic, or where a firearm is only transported throughout the Czech Republic.

### TITLE VII EXPORT, IMPORT AND TRANSIT OF FIREARMS AND AMMUNITION

#### Section 44

##### **Permanent Export of Firearms and Ammunition**

(1) Firearms of categories A, B or C or ammunition for them may be permanently exported from the Czech Republic merely upon authorisation of such export and with the agreement of the country to which the firearms or ammunition are to be exported; procedures under special legal regulations shall not be prejudiced.<sup>9)</sup>

(2) Authorisation under paragraph 1 shall be a firearm letter of conveyance for the permanent export of firearms or ammunition. This authorises a natural person who is the holder of a firearm permit, a legal entity or a natural person who is a holder of a firearm licence, or a foreign national<sup>6)</sup>

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<sup>17)</sup> Sec. 17 (1 a 2 Act No. 455/1991 Coll.

<sup>17(a)</sup> Act No. 227/2000 Coll. on electronic signatures and on the amendment to some other acts (the Act On Electronic Signatures), as amended.

to acquire or possess firearms of category A, B or C or ammunition for them and to permanently export them from the Czech Republic.

(3) A firearm letter of conveyance for the permanent export of firearms or ammunition shall be issued by the relevant police unit. As regards foreign nationals who do not have a place of residence in the Czech Republic a letter of conveyance shall be issued by a police unit with competence over the place of business premises of the dealer whose business or trade consists in firearms and ammunition and where the respective firearm of category A, B or C or ammunition for such firearm will be purchased, or with competence over the seat of the legal entity which is the current holder of a firearm of category A, B or C or ammunition for such firearm.

(4) A firearm letter of conveyance for the permanent export of firearms or ammunition shall be issued upon an application in writing filed on an official form, the specimen of which shall be set out in the implementing legal regulation. The application shall encompass

- a) personal data and the number of the travel document of the person who is to transport a firearm of category A, B or C or ammunition for such firearm;
- b) personal data or identifying data of the legal entity to which the firearm of category A, B or C or ammunition for such firearm is to be delivered;
- c) the place where the firearm of category A, B or C or ammunition for such firearm is to be transported if such place is not identical with the place of residence of the natural person or the seat of the legal entity concerned;
- d) the particulars enabling identification of the firearm of category A, B or C;
- e) the particulars enabling identification of the ammunition (type, manufacturer's trademark, calibre, and amount);
- f) data concerning the type and amount of smokeless powder or black powder;
- g) data on marking the firearm and ammunition by a recognised proof mark;<sup>3)</sup>
- h) the name of the border crossing point through which the firearm of category A, B or C or ammunition for such firearm is to leave the Czech Republic;
- i) the means of transport; and
- j) the date of departure and the estimated date of arrival of the firearm of category A, B or C or ammunition for such firearm.

(5) The applicant shall be obliged to submit along with the application for the permanent export of firearms of category A, B or C or ammunition for such firearms the agreement of the relevant public authorities of the country where a firearm of category A, B or C or ammunition for such firearm is to be permanently exported to, translated into the Czech language by a certified interpreter recorded in the Register of Forensic Experts and Interpreters.

(6) The holder of a firearm letter of conveyance for the permanent export of firearms or ammunition who will acquire holdership of a firearm of category A, B or C or ammunition for such firearm upon a firearm letter of conveyance for the permanent export of a firearm or ammunition shall be obliged not later than within five days from acquiring a firearm of category A, B or C or ammunition for such firearm to export it permanently from the Czech Republic.

(7) The police unit which decides on the issue of a firearm letter of conveyance for the permanent export of a firearm or ammunition shall dismiss an application if the firearm subject of proving under a special legal regulation<sup>3)</sup> does not have an affixed proof mark or if the firearm not subject to proving under a special legal regulation<sup>3)</sup> is not registered. Further, the police unit shall dismiss any application as regards firearms and ammunition specified in the special legal regulation<sup>9)</sup> as military material. As regards the export of firearms of category A to countries other

than Member States, a police unit shall not issue a firearm letter of conveyance for the permanent export of firearms or ammunition without the consent of the Ministry of Foreign Affairs.

#### Section 45

##### **Permanent Import of Firearms and Ammunition**

(1) Firearms of categories A, B or C or ammunition for them may be permanently imported to the Czech Republic merely upon authorisation for such import; procedures under special legal regulations shall not be prejudiced.<sup>9)</sup>

(2) Authorisation under paragraph 1 shall be a firearm letter of conveyance for the permanent import of firearms or ammunition. This authorises a natural person who is the holder of a firearm permit, a legal entity or a natural person who is the holder of a firearm licence, or a foreign national<sup>6)</sup> to acquire or possess firearms of category A, B or C or ammunition for them for permanent import and thus to permanently import them to the Czech Republic.

(3) A firearm letter of conveyance for the permanent import of firearms or ammunition shall be issued by the relevant police unit or by an embassy or a consulate of the Czech Republic abroad.

(4) A firearm letter of conveyance for the permanent import of firearms or ammunition shall be issued pursuant to Section 44 (4) (a) through (g), ( i) and (j). The application shall also include the name of the border crossing point through which the firearm of category A, B or C or ammunition for such firearm will be imported to the Czech Republic.

(5) The holder of a firearm letter of conveyance for the permanent import of firearms or ammunition shall be obliged, not later than within ten days from crossing the border of the Czech Republic, to report the import of firearms of category A, B or C or ammunition for them at the relevant police unit and to submit such firearms to be checked.

(6) A firearm letter of conveyance for the permanent import of firearms or ammunition is at the same time authorisation for the acquisition of firearms of category A, B or C or ammunition for them outside the Czech Republic.

(7) If a firearm letter of conveyance for the permanent import of firearms or ammunition is issued the relevant police unit or embassy or consulate of the Czech Republic abroad shall also issue a preliminary consent to the import of firearms and ammunition to the Czech Republic.

#### Section 46

##### **Transit of Firearms and Ammunition**

(1) Firearms of categories A, B or C or ammunition for them may be temporarily imported, held or carried in the Czech Republic or transited through the Czech Republic merely upon authorisation; procedures under special legal regulations shall not be prejudiced.<sup>9)</sup>

(2) Authorisation under paragraph 1 shall be a firearm letter of conveyance for the transit of firearms or ammunition.

(3) A firearm letter of conveyance for the transit of firearms or ammunition may be, upon an application filed pursuant to Section 44 (4), issued to natural or legal persons by an embassy or a consulate of the Czech Republic abroad and to natural and legal persons visiting the Czech Republic for the purpose of hunting or participating in sports shooting events also by the police

office at the border crossing point at the external border of the Czech Republic<sup>17b)</sup> unless stipulated otherwise herein.

(4) The applicant shall be obliged to submit along with the application pursuant to paragraph 3 a notarised invitation from the holder of hunting rights or the organiser of the relevant sports event if the purpose of the transit of the firearm or ammunition is hunting or participation in a sports shooting event. In other cases the applicant shall be obliged to state the purpose of the transit of the firearm or ammunition.

(5) Authorisation pursuant to paragraph 2 shall not be obligatory for a hunter from a Member State being in possession of a firearm and ammunition of category C or a marksman in respect of sporting firearms of category B or C and ammunition for them provided that they are in possession of the European firearms pass listing such transporting firearms and provided that they are able to substantiate the reason for his/her journey, in particular by producing an invitation under paragraph 4.

(6) Authorisation pursuant to paragraph 2 shall not be obligatory for other holders of a European firearms pass for firearms of category B or C and ammunition for such firearms in the case of transit, if the firearm is recorded in the pass and if the Police Presidium of the Czech Republic (hereinafter referred to as the 'Police Presidium') granted its authorisation in advance. Such authorisation may be granted for a period of up to one year and shall be entered in the European firearms pass and may be extended always for one more year.

(7) Travellers from a third country who travel to a Member State must produce, when being checked at the external border of the European Union, the authorisation of each Member State through which they intend to travel with a firearm or ammunition.

(8) The provisions of this Act on authorisations and obligations of a firearm permit holder shall apply to the holder of a firearm letter of conveyance for transit of firearms or ammunition reasonably. A firearm entered in a firearm letter of conveyance for transit of firearms or ammunition or in a European firearms pass shall not be subject to registration pursuant to Section 41 (1).

#### Section 47

### **Termination of a Firearm Letter of Conveyance for Permanent Export, Permanent Import or Transit of Firearms or Ammunition**

The provision of Section 37 shall apply to termination of a firearm letter of conveyance for permanent export, permanent import or for transit of firearms or ammunition issued pursuant to Sections 44 and 45 or Section 46 accordingly.

#### Section 48

### **Withdrawal of a Firearm Letter of Conveyance for Permanent Export, Permanent Import or Transit of Firearms or Ammunition**

(1) The relevant police unit shall decide on withdrawal of a firearm letter of conveyance for permanent export, permanent import or for transit of firearms or ammunition issued pursuant to Sections 44 and 45 or Section 46 if its holder

a) has lost legal capacity;

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<sup>17b)</sup> Act No. 216/2002 Coll. , on protection of the national border of the Czech Republic and on the amendment to some other acts (the Act on the Protection of the National Border) as amended by Act No. 481/2004 Coll.

- b) has lost health capability; or
- c) gravely or repeatedly violated provisions of this Act.

(2) An appeal against a decision on withdrawal of a firearm letter of conveyance for permanent export, permanent import or for transit of firearms or ammunition pursuant to paragraph 1 shall not have a suspensive effect

#### Section 49 **European Firearms Pass**

(1) A European firearms pass is a public instrument authorising its holder, when travelling to other Member States, to take with him/her a firearm entered in the pass and ammunition for such firearm in the amount corresponding to the purpose of the use of the firearm, if the Member State to which or through which the holder is travelling has been granted authorisation to travel with such firearm. A specimen of the European firearms pass shall be set out in the implementing legal regulation.

(2) By the way of derogation from paragraph 1, a hunter may take with him/her one or more firearms laid down in Section 6 (a) and (b) or a marksman may take with him/her one or more firearms laid down in Section 5 (a) through (f) or in Section 6 (a) and (b) without any previous authorisation during his/her journey through two or more member States with a view to engaging in hunting or sporting activities, provided that they are in possession of an European firearms pass listing such firearm or firearms and provided that they can substantiate the reason for their journey, in particular by producing the invitation. However, this derogation shall not apply to journeys to a Member State which prohibits the acquisition and possession of firearms in question or which makes such subject to authorization; in such a case, an express statement to that effect shall be entered on the European firearms pass.

(3) A European firearms pass shall be issued by the relevant police unit to a natural person who has a place of residence in the Czech Republic and who is an authorised firearm holder. An application for a European firearms pass shall be filed on an official form, the specimen of which shall be set out in the implementing legal regulation and shall encompass the personal data of the applicant. Two photographs shall be submitted with the application.

(4) The European firearms pass shall be valid for five years and may be extended by the relevant police unit. If firearms of category D are recorded in the pass it shall be issued maximally for a period of ten years.

(5) The European firearms pass shall be terminated if

- a) it expires;
- b) its loss or theft is reported; or
- c) its holder's firearm permit has been terminated or a decision on the withdrawal of the firearm permit comes into effect (Section 27).

(6) The relevant police unit shall decide on terminating the validity of a European firearms pass if

- a) it is damaged so that records in it are illegible or it is flawed;
- b) it contains unauthorised records;
- c) it contains incorrect records.

If the holder of a European firearms pass recognises the reason for termination of the validity of his/her European firearms pass, a protocol thereof shall be made. The validity of the European firearms pass is terminated by such record.

(7) The holder of a European firearms pass the validity of which has been terminated pursuant to paragraph 5 or 6 shall be obliged to deliver it to the relevant police unit within ten days from the date of its termination. If the holder of a European firearms pass dies, identical procedure as that for the death of a holder of firearms or ammunition shall apply (Section 65).

(8) If the validity of a European firearms pass is terminated under paragraph (5) (b) or paragraph 6 (a) or (c), the relevant police unit shall issue, after two photographs have been presented by an applicant for a European firearm pass a new European firearms pass without any application, with the period of validity being the same as that of the original European firearms pass. If a European firearms pass is issued as a replacement for a lost or stolen European firearms pass it shall be clearly indicated that it is a duplicate.

(9) The relevant police unit shall retain or withdraw a European firearms pass if its holder's firearm permit is also retained or withdrawn.

## Section 50

### **Transport of Firearms and Ammunition by a Dealer Whose Business Consists in Firearms and Ammunition**

(1) A dealer whose business consists in firearms of category A, B or C and ammunition for such firearms may transport such firearms and ammunition for the purpose of their export from the Czech Republic, import to the Czech Republic or transit throughout the Czech Republic merely upon authorisation. Transport shall be permitted by the relevant police unit upon an application filed on an official form, the specimen of which shall be set out in the implementing legal regulation. In the case of a dealer with a seat or business premises outside the Czech Republic, transit throughout the Czech Republic shall be permitted by the Police Presidium; an application for such transit shall be filed with an embassy or consulate of the Czech Republic or with the Police Presidium. A dealer with a seat or business premises in the Czech Republic shall be obliged to submit, along with the application for transit, an authorisation or a licence issued by the Ministry of Industry and Trade if such are issued in accordance with a special legal regulation<sup>9)</sup>.

(2) An application under paragraph 1 shall encompass

- a) personal data or data identifying the legal entity purchasing firearms;
- b) personal data or data identifying the legal entity selling, acquiring or possessing firearms and ammunition;
- c) the address of the place where firearms or ammunition will be consigned or transported;
- d) the number of firearms of category A, B or C or ammunition for such firearms to be consigned or transported;
- e) particulars enabling each firearm of category A, B or C or ammunition for such firearms to be identified and indication that such firearms and ammunition have undergone a check in accordance with the Convention on the Reciprocal Recognition of Proofmarks on Small Arms;
- f) the type of transport, means of transport and data regarding the carrier; this provision shall not apply in the case of a long-term transport permit for transporting firearms of category A, B or C or ammunition for such firearms between dealers whose business consists in firearms and ammunition; and
- g) the date of departure and the estimated date of arrival; this provision shall not apply in the case of a long-term transport permit for transporting firearms of category A, B or C or ammunition for such firearms where the transfer takes place between dealers.

(3) After reviewing the security of transport of firearms and ammunition the relevant police unit or the Police Presidium shall issue a one-off licence authorising such transport and encompassing the particulars referred to in paragraph 2. This licence shall accompany the firearms of category A, B or C or ammunition for such firearms until these reach their destination and shall be produced whenever so required by relevant authorities.

(4) The relevant police unit may issue to a dealer whose business consists in firearms and ammunition and whose seat is in the Czech Republic long-term authorisation to effect transportation of firearms and ammunition to a dealer established abroad. To that end the authorisation shall be valid for not more than three years. In the application the dealer whose business consists in firearms and ammunition shall include the data referred to in paragraph 2 (a), (b) and (c). The authorisation may at any time be suspended or cancelled upon a reasoned decision.

(5) A document referring to authorisation under paragraph 4 or its copy verified by the relevant police unit shall accompany firearms and ammunition until they reach their destination and shall be produced whenever so required by relevant authorities.

(6) A dealer whose business consists in firearms of category A, B or C or ammunition for such firearms or a dealer established outside the Czech Republic who has been issued authorisation for transporting firearms and ammunition pursuant to paragraphs 3 or 4 shall be obliged, at least five working days prior to the date of transport of firearms or ammunition, to communicate to the relevant police unit all the particulars listed in paragraph 2.

(7) A dealer whose business consists in firearms of category A, B or C or ammunition for such firearms or a dealer established outside the Czech Republic who has been issued authorisation for transporting firearms of category A, B or C or ammunition for such firearms shall be obliged to secure the consignment against abuse, loss or theft.

(8) The provisions of previous paragraphs shall apply without prejudice to the transportation of firearms and ammunition as dangerous goods under the special legal regulation<sup>18)</sup>.

(9) The relevant police unit shall supply a dealer who has been issued authorisation pursuant to paragraph 4 a list of firearms and ammunition for such firearms which may be transferred to individual Member States without their prior agreement.

## Section 50a

### **Reporting Transport of Firearms by a Dealer**

(1) A dealer whose business consists in firearms of category A, B or C or ammunition for such firearms shall be obliged to report to the relevant police unit at least five working days prior to the date of transport with respect to the transfer of more than 100 firearms, more than 200,000 pieces of ammunition or any amount of explosives throughout the Czech Republic. The dealer shall not be obliged to do so if he/she has been issued authorisation under Section 50.

(2) A report referred to in paragraph 1 shall incorporate the following particulars:

- a) the type of transport (means of transport);
- b) the dispatch address;
- c) the estimated date of departure;
- d) the estimated route of transport;
- e) the address of the destination;
- f) the estimated date of arrival;

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<sup>18)</sup> For example Sec. 22 and 23 of Act 111/1994 Coll. on road transport as amended by Act No. 304/1997 Coll. and Act No. 150/2000 Coll.

- g) the number of firearms or ammunition for such firearms to be transported; as regards the transport of category A firearms, their category shall be clearly stated; and
- h) a description of how such transport has been secured.

(3) The relevant police unit shall review the security of any transportation of firearms and ammunition. If the police find serious deficiencies concerning the security of the transportation, a threat to or disturbance of security and/or threat to the lives and health of people or to property they may ban such transportation of firearms and ammunition. An appeal against a decision on banning the transport shall not have a suspensive effect.

(4) The provisions of previous paragraphs shall apply without prejudice to the transportation of firearms and ammunition as dangerous goods under a special legal regulation<sup>18)</sup>.

## Section 51

### **Common Provisions for Permanent Export, Permanent Import and Transit of Firearms and Ammunition**

(1) A firearm letter of conveyance for the permanent export, permanent import or for transit of firearms or ammunition shall be a public instrument.

(2) Anyone who exports, imports or transits firearms of category A, B or C or ammunition for such firearms across the external border of the Czech Republic shall be obliged to report this fact to the police at the border crossing point of the Czech Republic. This provision shall not apply if export or import is implemented in consignments. At the same time such person shall be obliged to produce authorisation pursuant to Section 44 and 45 or Sections 46 and 50, or, as the case may be, a European firearms pass. He/she shall be obliged to carry the authorisation or the European firearms pass whenever he/she carries a firearm of category A, B or C or ammunition for such firearm and to produce it whenever so required by relevant authorities. Such obligation shall apply also at the internal national border of the Czech Republic if the national border is protected under a special legal regulation<sup>17b)</sup>.

(3) Anyone who transports abroad and then transports back to the Czech Republic firearms of category A, B or C or ammunition for such firearms shall be obliged at least five working days prior to the estimated date of transport to communicate to the relevant police unit the following particulars:

- a) personal data and the number of the travel document of the person who shall effect the transportation;
- b) the address to which the firearm of category A, B or C or ammunition for such firearms is to be consigned or transported;
- c) the particulars enabling the firearm or the ammunition to be identified;
- d) the means of transport;
- e) the estimated dates of departure from the Czech Republic and arrival back in the Czech Republic; and
- f) the border crossing point across which firearms or ammunition is to leave the Czech Republic and to return to the Czech Republic.

(4) The provisions of Sections 44 through 46 and Section 49 shall not apply to the export, import or transit of a firearm, a prohibited accessory to a firearm or ammunition implemented by a natural or legal person within their business activities carried out in accordance with a special legal

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<sup>18)</sup> For example Sec. 22 and 23 of Act 111/1994 Coll. on road transport as amended by Act No. 304/1997 Coll. and Act No. 150/2000 Coll.

regulation.<sup>9)</sup> The provisions of Section 46 shall neither apply to the temporary transit of firearms and ammunition of armed escorts of citizens of other countries (protected persons) who are provided armed escorts with the consent of their home country provided that such country applies for temporary transit of firearms and ammunition.

(5) A firearm letter of conveyance for permanent export, permanent import or for transit of firearms or ammunition shall be issued for the period for which a firearm, prohibited accessory to a firearm or ammunition will be in the Czech Republic, however, for no more than three months. An authority empowered to issue a firearm letter of conveyance shall review, with regard to security, the conditions under which such export, import or transit of a firearm or ammunition will be carried out.

(6) The holder of a firearm letter of conveyance for permanent export, permanent import or for the transit of firearms or ammunition whose validity has been terminated shall be obliged within ten days from the date of termination to deliver a firearm letter of conveyance to any police unit, including a firearm, prohibited accessory to a firearm or ammunition if the holder possesses them on the basis of the document in question.

(7) The Government shall lay down in its regulation which firearms or ammunition may be transported to the Czech Republic from a Member State without the prior consent of the relevant authorities of the Czech Republic.

(8) The Ministry shall supply other Member States with the list of firearms and ammunition which may be imported to the Czech Republic without the prior consent of the relevant authorities of the Czech Republic.

## T I T L E VIII SHOOTING RANGE

### Section 52

#### **Operating Shooting Ranges**

(1) Shooting ranges for shooting from firearms of category A, B, C or D referred to in Section 7 (a) or (b) are a set of facilities and rooms designed for safe shooting.

(2) The relevant police unit shall issue upon an application filed on an official form, the specimen of which shall be set out in the implementing legal regulation, authorisation to operate a shooting range only if the safe use of firearms and ammunition is ensured.

(3) An application for authorisation to operate a shooting range shall encompass the following data:

- a) personal data and data identifying the personal entity of the applicant;
- b) the place where the shooting range is to be operated; and
- c) personal data of the natural person designated to be a shooting range manager.

(4) An applicant shall be obliged to submit along with the application

- a) an approval issued by the relevant construction authority or any other authority after inspection of the building, if such approval is required under a special legal regulation;<sup>19)</sup>
- b) the Rules of Order of the shooting range encompassing, in particular, the lay-out of the shooting range clearly showing the means to be used to ensure safe shooting assessed by an expert in ballistics and a specimen of the badge of the shooting range manager clearly showing his/her position, name and surname;
- c) a notarised copy of the concession of the shooting range operator if such shooting range is to be used for business purposes;
- d) an extract from the Companies Register if the applicant is registered therein.

### Section 53

#### **Suspension of Shooting Range Operations**

- (1) The relevant police unit shall decide on suspending shooting range operations if
- a) shooting range operations provably jeopardise the life or health of people, the environment or property; or
  - b) a shooting range manager does not perform his/her duties and a shooting range operator does not designate a new shooting range manager within 30 days from terminating the job of the current shooting range manager.
- (2) The relevant police unit may take a decision on suspending shooting range operations if the conditions upon which authorisation for such operations were issued have changed.
- (3) The relevant police unit shall specify in its decision on suspending shooting range operations a reasonable time limit for removing deficiencies; such time limit may be extended in reasoned cases.
- (4) An appeal against a decision on suspending shooting range operations pursuant to paragraphs 1 and 2 shall not have a suspensive effect.
- (5) The relevant police unit shall cancel authorisation to operate a shooting range if deficiencies for which operations of the shooting range were suspended are not removed within the specified time limit.

### Section 54

#### **Obligations of a Shooting Range Operator**

- (1) A shooting range operator shall be obliged to communicate, within ten working days, to the relevant police unit which issued authorisation to operate a shooting range
- a) any changes in the Rules of Order of the shooting range;
  - b) the changing of the shooting range manager;
  - c) any changes which may affect safe operations of the shooting range; or
  - d) termination of operations or closing of the shooting range.
- (2) The shooting range operator shall be also obliged to furnish the shooting range with a first-aid kit, the contents of which shall be set out in the implementing legal regulation.

### Section 55

#### **Shooting Range Manager**

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<sup>19)</sup> For example Act No. 50/1976 Coll. on spatial planning and the rules of construction (the Act on Construction), as amended

(1) The shooting range manager shall be the person responsible for the safe operations of the shooting range and the manager may only be a natural person of at least 21 years of age who has been for at least three years the holder of a firearm permit for groups B, C, D or E.

- (2) A shooting range manager shall be obliged when performing his/her duties
- a) to wear visibly the badge of shooting range manager specified in the Rules of Order of the shooting range;
  - b) to ensure that the Rules of Order of the given shooting range are available and accessible;
  - c) to ensure that the Rules of Order of the given shooting range are respected;
  - d) to ensure that only persons so authorised may shoot in the shooting range;
  - e) to cease shooting if life, health or property is endangered;
  - f) to report, without undue delay, to a police unit any injuries or the death of persons during shooting or handling a firearm in the shooting range.

## T I T L E IX

### SPECIAL PROVISIONS ON HANDLING FIREARMS AND AMMUNITION

#### Section 56

#### **Seizing a Firearm, Ammunition, a Firearm Permit, a Firearm Certificate and a Firearm Letter of Conveyance for Permanent export, Permanent Import or Transit of Firearms and Ammunition**

A police officer shall be authorised to seize a firearm of category A, B, C or D, ammunition, a firearm permit, a firearm certificate or a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition in order to prevent their holder from violating obligations or for not respecting bans stipulated herein. A police officer who has seized an article referred to in the first sentence shall issue, on the spot, to its holder a certificate confirming the seizure and shall forthwith render the seized article to the relevant police unit stating the reason for seizure. The police unit shall decide on retaining the article (Section 57), on withdrawal of the firearm permit pursuant to Section 27, or on withdrawal of the firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition pursuant to Section 48.

#### Section 57

#### **Retaining a Firearm, Ammunition, a Prohibited Accessory to a Firearm, a Firearm Permit, a Firearm Certificate and a Firearm Letter of Conveyance for Permanent Export, Permanent Import or Transit of Firearms and Ammunition**

(1) The relevant police unit may decide on retaining a firearm, ammunition, a prohibited accessory to a firearm, a firearm permit, a firearm certificate or a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition provided that prosecution has been commenced against the respective holder of a firearm permit or a firearm letter of conveyance for a criminal offence referred to in Section 22 (1) or administrative proceedings have been commenced for a minor offence referred to in Section 76 (1) (a), Section 76a (1) (a), (b) or (d), Section 76a (4) (a), Section 76a (5) (a) or (b) or Section 76a (1) (a) or (b).

(2) An appeal against a decision pursuant to paragraph 1 shall not have a suspensive effect.

(3) Any person who keeps a firearm, ammunition, a prohibited accessory to a firearm, a firearm permit, a firearm certificate or a firearm letter of conveyance for permanent export,

permanent import or transit of firearms and ammunition, to whom a decision applies pursuant to paragraph 1 shall be obliged to forthwith surrender the specified articles to the custody of the police unit which has taken the decision in question. The police unit shall issue a certificate on retaining the articles concerned.

(4) If the obligation referred to in paragraph 3 is not met voluntarily the relevant police unit may seize a firearm, ammunition, a prohibited accessory to a firearm, a firearm permit, a firearm certificate or a firearm letter of conveyance for permanent export, permanent import or for transit of firearms and ammunition for the purpose of retaining it.

(5) As soon as the reason for which a firearm, ammunition, a prohibited accessory to a firearm, a firearm permit, a firearm certificate or a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition was retained ceases to exist the police unit in whose custody the articles remain, shall, without undue delay, return such articles after the certificate confirming the seizure thereof is submitted. If the person from whom the articles were seized is not identical with the holder, the articles shall be returned to the holder.

## Section 58

### **Securing Firearms and Ammunition**

(1) Carried or transported firearms of category A, B or C or ammunition for them shall be under the permanent supervision of the holder of a firearm permit or a holder of a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition who transports them. Carried or transported firearms of category D and ammunition for them shall be under the permanent supervision of their authorised holder.

(2) Possessed firearms of category A, B or C in custody, deposited or stored (hereinafter referred to as 'kept firearms') in the amount of ten pieces, or ammunition in the amount of up to 10,000 cartridges, shall be secured by being deposited in a lockable steel case or a lockable steel cabinet or special locked equipment so long as such case, cabinet or equipment meet technical requirements stipulated by the implementing legal regulation. The provisions of this paragraph shall not apply to kept firearms of category B or C in the amount of two pieces or ammunition in the amount of up to 500 cartridges, however, the holder shall be obliged to secure them in a suitable way against abuse, loss and theft.

(3) More than ten kept firearms and more than 10,000 cartridges shall be secured in

- a) a lockable cabinet vault if it meets technical requirements stipulated by the implementing legal regulation; or
- b) a locked room or separate premises if these meet technical requirements stipulated by the implementing legal regulation.

(4) More than 20 kept firearms of category A, B or C or more than 20,000 pieces of ammunition shall be secured in a locked room, separate premises or a safe deposit room if these are protected by electronic security system and if they meet technical requirements stipulated by the implementing legal regulation.

(5) Firearms and/or ammunition kept in shop windows shall be during opening hours secured by a lockable wall in a shop window. Shop windows, the glass of shop windows, show-cases and counters shall all meet technical requirements stipulated by the implementing legal regulation. After opening hours such firearms and ammunition shall be kept pursuant to paragraphs 2 through 4.

(6) A kept firearm must be unloaded, which means that the firearm is not loaded with cartridges in a magazine, a blind box magazine, or in the cartridge chambers of a revolver cylinder.

(7) If the dimensions of a firearm of category A do not allow it to be kept as required by the paragraphs above the relevant police unit may permit the holder to secure the firearm in a different way provided that such firearm is duly protected against abuse, loss or theft. Further, the relevant police unit may permit the holder of a firearm licence for group A to secure firearms of category A, B or C in a different way provided that such firearms are duly protected against abuse, loss or theft.

(8) The relevant police unit shall be authorised to carry out checks on holders of firearm permits in order to find out how firearms of category A are secured; in doing so police officers shall be authorised to enter their residential premises.

## Section 59

### **Providing a Firearm**

(1) The holder of a firearm permit or a firearm licence may provide another natural person who is not the holder of a firearm permit of a relevant group with a firearm of category B or C or ammunition for such firearm only within

- a) a business undertaking focused on teaching and training shooting;
- b) sports preparation or sports contests, a part of which is shooting;
- c) instruction for hunting purposes;
- d) preparation for a future profession relating to possessing or carrying a firearm;
- e) film or dramatic activities if the firearms has been modified to discharge bag-cartridges or blank cartridges; or
- f) training civil emergency preparedness in the field, a part of which is production, repairs and tests of firearms and ammunition.

(2) If the holder of a firearm permit or a firearm licence provides a firearm or ammunition to a natural person to use it under paragraph 1, he/she shall be obliged to

- a) instruct the person concerned on safe handling of the firearm and ammunition;
- b) take utmost care; and
- c) ensure the presence of a responsible person (an instructor) who is the holder of a firearm permit for the relevant group and to ensure the safe handling of firearms and ammunition.

(3) A firearm and ammunition for such firearm may be provided to a natural person under paragraph 1 only for the necessary time and merely

- a) for shooting at a shooting range, unless it is shooting from a firearm referred to in paragraph 1 (e); or
- b) for other manipulation with a firearm or ammunition at a place determined by a responsible person carrying out supervision pursuant to paragraph 2 (c).

(4) In training, preparing or during contests a part of which is shooting, a person under 18 years of age but of at least 10 years of age may use a firearm only in the presence of a person older than 21 years who has been the holder of a firearm permit for group B or C for at least three years and who is able to ensure safe handling of the firearm and ammunition.

## Section 60

### **Possessing and Carrying a Firearm during Special Occasions**

A person who participates in public assemblies, festive, sports events or general entertainment events may carry a firearm during such events only if

- a) he/she possesses a firearm for operating entertainment shooting at commercial or similar shooting ranges;

- b) he/she is participating, with the consent of the organiser, in safeguarding an event a part of which is shooting;
- c) he/she is meeting assignments under a special legal regulation;<sup>10)</sup> or
- d) if it is indispensable for the protection of life, health or property and the police unit with competence over the place of the event has permitted the carrying of a firearm.

## Section 61

### **Public Display of Firearms and Ammunition**

(1) A firearm of category A, B or C or ammunition for such firearm may be publicly displayed only upon authorisation issued by a police unit with competence over the place of the event.

(2) Authorisation for the public display of firearms and ammunition shall be issued upon the written application of a display organiser who shall state the following:

- (a) the name and seat of the display organiser;
- b) the accurate address of the display and its duration;
- c) particulars of the firearm or the main part of a firearm, data identifying prohibited accessories to the firearm or ammunition which are to be displayed;
- d) the amount of displayed firearms, the main parts of the firearms, prohibited accessories or ammunition and their holders; and
- e) the way in which the firearms are to be displayed and how the firearms, main parts of the firearms, prohibited accessories or ammunition are to be protected against abuse, loss or theft.

(3) Prior to issuing authorisation for displaying firearms or ammunition the police unit referred to in paragraph 1 shall assess in particular conditions for protecting firearms, the main parts of firearms, prohibited accessories and ammunition against abuse, loss or theft. The police unit may stipulate in their decision on authorising a public display of firearms and ammunition other conditions in order to secure the displayed firearms and ammunition. If such conditions are not satisfied the application shall be rejected. An appeal against a negative decision shall not have a suspensive effect.

## Section 62

If the conditions for securing firearms and ammunition are breached during the public display of firearms and ammunition the police unit which issued authorisation shall require the person authorised to amend the situation so that conditions are no longer breached. In case such requirement is not fulfilled or conditions are breached more than once the police unit which issued the authorisation shall withdraw it. The police unit shall forthwith inform the organiser of the display thereof. No appeal is permissible against a decision on withdrawing the authorisation.

## Section 63

### **Deactivating and Destroying Firearms and Ammunition and Production of Cuts of Firearm and Ammunition**

(1) A firearm of category A, B or C may be deactivated or destroyed or its cut may be made only upon an approval issued by the relevant police unit unless the cut is directly produced by a firearm manufacturer. In the case of a firearm which is designated as cultural heritage, approval for

its deactivation or destruction or for the production of a cut shall also be issued by the State Office for Maintenance and Preservation of Cultural Heritage.

(2) Prior to deactivating, destroying or making a cut, the holder of a firearm or a prohibited accessory to a firearm referred to in paragraph 1 shall be obliged to submit to the relevant police unit such firearm for forensic criminal testing along with an application in writing filed on an official form, the specimen of which shall be set out in the implementing legal regulation. The application shall encompass the following:

- (a) personal data or data identifying a legal entity;
- b) the reason for deactivation or destruction of a firearm, its main part or a prohibited accessory to a firearm or for making a cut; and
- c) particulars of the firearm or data identifying a main part of the firearm or prohibited accessory to the firearm.

(3) The applicant shall be obliged to submit along with the application

- (a) the firearm, the main part of the firearm or the prohibited accessory to the firearm; if their dimensions do not allow to do so he/she shall be obliged to provide information as to where such articles are kept;
- b) a firearm certificate, if the firearm has been registered, or of a main part of a firearm; and
- c) the written consent of a relevant authority of the State Office for Maintenance and Preservation of Cultural Heritage in the case of a firearm which is deemed to be cultural heritage.

The relevant police unit shall issue a certificate on taking over any of the articles stated above.

(4) The relevant police unit shall reject an application filed under paragraph 2 if there is after criminal forensic testing a reasonable suspicion that a criminal offence or a minor offence was committed by such firearm.

(5) The provisions of paragraphs 1 through 4 shall also apply to cases where repairs or modifications to a firearm irreversibly destroy or, for the purposes of ballistic testing, damage a main part of a firearm. The obligation imposed on the firearm holder by the provisions of paragraph (2) shall be transferred to any person who repairs or modifies such firearm.

(6) An applicant who has been issued approval under paragraph 1 shall be obliged within 20 working days from the date on which the approval was issued to hand over the firearm of category A, B or C for deactivation or destruction or for production of its cut to a person who is authorised to do such work. The applicant shall hand over to such person also ammunition if the applicant intends to deactivate or destroy it or if its cut is to be made. The person concerned shall issue to the applicant a certificate on taking over a firearm, a main part of a firearm, a prohibited accessory to a firearm or ammunition. If the applicant does not hand over the firearm of category A, B or C to be deactivated or destroyed or the cut of which is to be made under the first sentence he/she shall be obliged to return the approval within 20 working days from the last day of the original time limit to the relevant police unit.

(7) An applicant who has been issued approval under paragraph 1 shall be obliged within 10 working days from the deactivation or destruction of the firearm, main part of the firearm or a prohibited accessory to the firearm or after production of a cut, to deliver to the relevant police unit which issued the approval, a document produced by the respective authorised person certifying that such articles have been deactivated, destroyed or that the cut was made. In the case that a firearm, a main part of a firearm or a prohibited accessory to a firearm was deactivated or destroyed or a cut was made the applicant shall also submit the firearm, main part of the firearm or the prohibited accessory to the firearm to be checked; if their dimensions do not allow to do so he/she shall be obliged to provide information as to where such articles are kept.

(8) The holder of a deactivated firearm may not carry it visibly in public places or in places accessible to the general public. When carrying a deactivated firearm he/she shall be obliged to carry with him/her a certificate on its deactivation.

#### Section 64

### **Procedure for the Holder of a Firearm Permit, a Firearm Licence or a Firearm Letter of Conveyance for Permanent Export, Permanent Import or Transit of Firearms and Ammunition after Termination**

(1) The holder of a firearm permit, a firearm licence or a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition shall, within two months from the date of termination thereof, be obliged to

- (a) transfer the legal title to a firearm of category A, B or C or ammunition for such firearm to any other authorised holder;
- b) apply at the relevant police unit for approval to deactivate, destroy or make a cut of a firearm of category A, B or C or to hand it over for deactivation, destruction or production of a cut along with ammunition to a person who is authorised to carry out such activities; or
- c) request the relevant police unit to transfer the firearm of category A, B or C or ammunition for such firearm into the custody of a dealer whose business or trade consists in firearms and ammunition.

(2) If the holder of a firearm of category A, B or C or ammunition for such firearm does not comply with paragraph 1, even after repeated request of the relevant police unit, the relevant police unit shall decide on selling the firearm of category A, B or C or ammunition for such firearm through a dealer whose business or trade consists in firearms and ammunition. Proceeds obtained through such sale shall be, after deducting all costs, provided to the holder concerned.

(3) If a firearm of category A, B or C or ammunition for such firearm is not sold under paragraph 2 within two years at the latest from the date of a repeated written request of the relevant police unit it shall be destroyed.

(4) If a legal entity or a natural person (entrepreneur) who was the holder of a firearm licence or a firearm letter of conveyance for permanent export of firearms and ammunition ceases to exist or dies the person who manages the assets of the dissolved legal entity or natural person (entrepreneur) shall meet the obligations, as the case may be, referred to in paragraph 1.

#### Section 65

### **Death of Holder of a Firearm or Ammunition**

(1) In the case of the death of or declaration of death of a person who possessed a firearm of category A, B or C or ammunition for such firearm any person who was living in a joint household with the person at the time when she/he passed away or was declared to be dead shall be obliged to report the matter to any police unit. This provision shall not apply if such circumstances were unknown to him/her. The police shall issue a document certifying such information.

(2) The relevant police unit shall provide the authority responsible for inheritance proceedings with information on the deceased holder of the firearm and on his/her firearm, the main part of a firearm, the prohibited accessory to a firearm or ammunition.

#### Section 66

### **Inheriting a Firearm or Ammunition**

(1) A natural person or a legal entity who acquired a firearm of category A, B or C or ammunition for such firearm through inheritance and who is not the holder of relevant authorisation to possess it shall be authorised to, within two months from the date on which the decision of the court on inheritance came into effect, apply for a firearm permit, a firearm licence or for an exception, for a relevant approval or a firearm letter of conveyance for export, import or transit of firearms or ammunition. If the person concerned does not do so or his/her application is rejected such person shall be obliged to proceed in compliance with Section 64.

(2) If a natural person acquires a firearm referred to in paragraph 1 by inheriting it and he/she has a responsible representative the provisions of paragraph 1 shall apply to such representative accordingly.

#### Section 67

### **Notification of Forfeiture or Seizure of a Firearm, a main Part of a Firearm, a Prohibited Accessory to a Firearm or Ammunition**

An authority which took a decision, within criminal proceedings or proceedings on minor offences, on forfeiture or seizure of a firearm, a main part of a firearm, a prohibited accessory of a firearm or ammunition shall send a duplicate of such decision furnished with a clause of legal force to the relevant police unit.

#### Section 68

### **Discoveries of Documents, Firearms, Ammunition and Explosives**

(1) Anyone who finds a firearm permit, a licence of an examining commissionaire, a firearm licence, a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition, a European firearm pass or a firearm certificate shall be obliged to forthwith deliver such document to a police officer or any police unit or to a local authority which shall deliver it to the nearest police unit. The finder shall receive a document certifying the relevant find.

(2) Anyone who finds a firearm of category A, B or C or ammunition for such firearm or a firearm of category D, ammunition or explosive shall be obliged to report forthwith their discovery to the nearest police officer or police unit or to a local authority which shall inform the nearest police unit of such fact. The body who receives this information shall issue a document certifying such fact.

(3) A police unit which received information under paragraph 2 about the discovery of a firearm of category A, B, C or D, ammunition for such firearms, ammunition or explosives shall take such a firearm of category A, B, C or D, ammunition for such firearms, artillery ammunition or explosive into custody for a period of six months from the time these were delivered. If their holder does not require them back within the specified time limit the discovered firearm of category A, B, C or D, ammunition for such firearms, ammunition or explosives shall become state property. If the discovered ammunition or explosives represent an immediate danger to the life and health of people the police shall ensure that they are destroyed.

(4) Unexploded artillery ammunition and explosives which were found within activities in the field of unexploded ordnance shall be in public ownership and shall be determined for destruction or deactivation. The police shall order and carry out the destruction.

#### Section 69

### **Extinguishment of Punishability of Unauthorized Acquisition and Possession of Firearms**

(1) Punishment of unauthorised acquisition and possession of firearms shall no longer apply provided that a person who, without being authorised to do so, holds a firearm of category A, B or C or a main part of such firearm delivers such firearm or its main part within six months from the date of effect of this Act voluntarily to any police office to give it up to police custody. The police office shall issue a certificate thereof.

(2) The person who delivered a firearm or main part of a firearm may, within a period of two months from the date of such delivery, apply for relevant documents authorising him/her to possess such firearm or main part of a firearm. If the person does not apply for specified documents or if the documents are not issued Section 64 shall apply accordingly.

#### Section 70

### **Exceptional Measures**

(1) The Government shall be authorised during a serious emergency or during war time to order, in the public interest, the delivery of firearms and ammunition to a specified place for custody or to restrict or prohibit the carrying of firearms and ammunition.

(2) A decision under paragraph 1 shall be published by mass media and shall be published as an Act; it shall come into effect immediately on the date provided for in such act.

## T I T L E X

### **INFORMATION SYSTEMS ON FIREARMS, AMMUNITION AND OPERATIONS OF SHOOTING RANGES**

#### Section 71

### **Information Systems**

(1) The Ministry shall maintain an information system containing the data and numbers of licences of examining commissionaires.

(2) When meeting tasks of state administration under this Act the police shall maintain information systems containing data on

- a) issued firearm permits and their holders;
- b) issued firearm licences and their holders;
- c) registered firearms, main parts of firearms, prohibited accessories to firearms and issued firearm certificates;
- d) exported or transited firearms, ammunition and prohibited accessories;
- e) firearm letters of conveyance for permanent export, permanent import or transit of firearms or ammunition;
- f) one-off documents authorising transportation and authorisations to transport firearms or ammunition;
- g) lost or stolen firearms, firearm permits, firearm licences, firearm certificates and licences of examining commissionaires;
- h) seized, kept, withdrawn, voluntarily delivered, forfeited, or confiscated firearms, prohibited accessories to firearms and firearms and prohibited accessories to firearms determined for destruction or deactivation;
- i) operating shooting ranges; and

j) discovered unexploded artillery ammunition and explosives.

(3) When meeting tasks of state administrative under this Act an embassy or a consulate of the Czech Republic shall maintain information systems on issued firearm letters of conveyance and their holders.

(4) Information systems maintained pursuant to paragraph 2 shall contain data in the scope of data stated in an application or in the scope of data stated in other forms completed under this Act or data obtained within proceedings under this Act.

(5) The Ministry shall be authorised to constantly enter information systems of the police maintained pursuant to paragraph 2 and to use the data included for meeting their tasks relating to firearms and ammunition.

## Section 72

### **Storing Data and Documentation**

(1) The data saved in information systems operated under Section 71 may be stored in hard copies, on electronic data media or in a manner combining both stated forms and may be transferred in the same forms.

(2) The data shall be maintained in the information systems for 20 years from the date on which a relevant document containing the stored data came into effect.

(3) When maintaining documentation concerning information systems a special legal regulation shall apply.<sup>16)</sup>

## Section 73

### **Data Provision**

(1) The Ministry, the police or an embassy or a consulate of the Czech Republic shall provide data from information systems maintained under this Act if so stipulated by a special legal regulation or an international agreement which is part of the national legal framework.

(2) The Ministry shall provide from information systems of examining commissionaires the police with data necessary for designating examining commissionaires for supervising the qualifications examination.

(3) The police shall be authorised to provide dealers whose business consists in firearms and ammunition and who purchase, sell, accept or search for orders, provide firearms or ammunition to others or who intermediate the acquisition, sale or provision of firearms and ammunition with numbers of lost or stolen firearm permits or firearm licences.

- (4) The Police Presidium shall supply necessary information which it has available
- a) on the transportation of firearms and ammunition to a Member State to the territory of which or through the territory of which such firearms or ammunition are to be transported; they shall supply information on the transportation of firearms and ammunition carried out by natural or legal persons who are not established in the Czech Republic not later than during the transportation itself;
  - b) on the issue of authorisation to acquire or possess firearms of category B, to a Member State, if the person authorised has a place of residence in the member State concerned; and
  - c) on acquiring a firearm of category C., to a Member State if the person who acquired such firearm has a place of residence in the member State concerned.

(5) An embassy or a consulate of the Czech Republic shall forward necessary information on issued firearm letters of conveyance to the Police Presidium.

## TITLE XI

### EXECUTION OF STATE ADMINISTRATION

#### Section 74

(1) The Ministry, the police, embassies or consulates of the Czech Republic and the Czech Proof House for Firearms and Ammunition shall execute state administration in matters concerning firearms, ammunition and activities in the field of unexploded ordnance.

(2) State administration in matters concerning firearms, ammunition and activities in the field of unexploded ordnance shall be executed within the police by

- a) the Police Presidium and
- b) relevant police units.

(3) The Ministry

- a) shall meet within administrative proceedings tasks of a superior authority of the Police Presidium;
- b) shall be authorised to check supervision carried out by the Police Presidium or a relevant police unit;
- c) shall issue sets of written tests for qualifications examination for applicants for firearm permits and applicants who wish to become examining commissionaires;
- d) maintain the information system on examining commissionaires and provide the Police with data from this system necessary for appointing examining commissionaires to supervise qualifications examinations; and
- e) provide data from information systems maintained under this Act if so stipulated by a special legal regulation or an international agreement which is part of the national legal framework.

(4) The Police Presidium

- a) shall meet within administrative proceedings tasks of a superior authority of relevant police units;
- b) maintain information systems under this Act and provide data from such systems if so stipulated by the special legal regulation or an international agreement which is part of the national legal framework;
- c) perform competences of the relevant police unit in relation to embassies and consulates;
- d) grant authorisation for the transit of firearms and ammunition (Section 46 (6)); and
- e) authorise transportation of firearms and ammunition (Section 50 (1)).

(5) A relevant police unit shall meet tasks of the relevant police unit under this Act.

(6) The Czech Proof House for Firearms and Ammunition shall decide on category A through D of firearms in case any doubts arise as regards the type of firearm or ammunition

(7) An embassy or a consulate of the Czech Republic shall issue firearm letters of conveyance for permanent import of firearms and ammunition, firearm letters of conveyance for the transit of firearms and ammunition and receive applications for authorising transportation which are then sent to the Police Presidium.

### Section 75

(1) Supervision of compliance with this Act and related legal regulations shall be carried out by

- a) the Police Presidium as regards
  - 1. holders of a firearm licence of group C if they are involved in international trade in firearms or ammunition if they have business premises in the territory which is larger than the territory under the competence of a Regional Police Directorate or holders of a firearm licence of group K;
  - 2. holders of other groups of firearm licences if they have business premises in the territory which outreaches the competence of a Regional Police Directorate; supervision over activities carried out by a supervised holder of?? other groups of firearm licences may be also performed;
- b) a relevant police unit as regards holders of a firearm licence who are not subject to the supervision of the Police Presidium and operators of shooting ranges used for business purposes.

(2) Execution of supervision shall be governed by fundamental rules for inspection activities under a special legal regulation.<sup>20)</sup> When executing supervision a supervising authority referred to in paragraph 1 shall be empowered

- a) to require the submission of a firearm of category A, B, C or D or ammunition for such firearms and relevant documents for checks;
- b) to check the safe use of firearms or ammunition referred to in letter a);
- c) in reasoned cases to seize a firearm of category A, B, C or D or ammunition for such firearms; to issue to the checked person a certificate thereof;
- d) to check activities carried out in the field of unexploded ordnance; and
- e) to seize discovered unexploded artillery ammunition or explosives from a holder of a firearm licence of group K if he/she does not deliver them to the police.

### Section 75a

(1) The police shall supervise whether the Act is adhered to by holders of firearm permits, holders of firearms of category D and ammunition for such firearms and other holders of firearms and ammunition. Within the supervision the police shall

- a) check whether obligations and bans are respected and how the holders of firearm permits, holders of firearms of category D and ammunition for such firearms and other holders of firearms and ammunition, gunsmiths and shooting range managers use their authorisations;
- b) maintain registers of minor offences concerning firearms and ammunition which were solved on the spot by issuing a penalty ticket.

(2) Within supervision, police officers shall be authorised to

- a) check authorisations for possessing and carrying firearms and ammunition;
- b) check qualifications examinations of applicants for firearm permits of groups A through E;
- c) require from operators of shooting ranges used for non-business activities to submit documents necessary for the operations of such shooting ranges;

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<sup>20)</sup> Act No. 552/1991 Coll. on state inspection, as amended.

- d) halt motor vehicles transporting firearms and ammunition and to check on how transported firearms or ammunition are secured and to check documents concerning transported firearms and ammunition;
- e) prohibit a driver from continuing driving for a necessary period or to order him/her to change his/her direction if it is necessary for the safe transport of firearms and ammunition or in the public interest;
- f) request the holder of a firearm permit or a firearm holder who carries a firearm or handles it publicly or places accessible for the general public
  1. to submit to an indicative test by breathalyzer to find whether he/she is not intoxicated and in the case of a positive test to request him/her to submit to a medical examination to determine whether his/her ability to carry out activities concerned is affected <sup>20(a)</sup>; or
  2. to submit to a medical examination to determine whether he/she is under the influence of a narcotic substance<sup>20(a)</sup> or medicines;
- g) check how gunsmiths and shooting range managers meet their obligations.

## TITLE XII ADMINISTRATIVE INFRACTIONS

### Minor Offences

#### Section 76

(1) A natural person shall commit a minor offence if he/she

- a) acquires, possesses or carries a firearm contrary to Section 8;
- b) purposefully searches for artillery ammunition and explosives by means of metal detection technology and identifies them without being in possession of a firearm permit of group F;
- c) does not provide information under Section 42 (1) on acquiring or under Section 42 (2) on transferring legal title to a firearm of category A,B or C;
- d) permanently exports contrary to Section 44 (1) or permanently imports contrary to Section 45 (1) or temporarily imports or transits contrary to Section 46 (1) a firearm of category A, B or C or ammunition for such firearm;
- e) does not surrender under Section 57 (3) a kept firearm, ammunition, a prohibited accessory to a firearm, a firearm permit, a firearm certificate or a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition the seizure of which was decided upon under Section 57 (1);
- f) carries at public assemblies, festive events, sporting and entertaining events a firearm contrary to Section 60;
- g) publicly displays a firearm of category A, B or C or ammunition for such firearm contrary to Section 61 (1);
- h) deactivates or destroys a firearm of category A, B or C or makes their cut contrary to Section 63 (1);
- i) carries contrary to Section 63 (8) a deactivated firearm visibly at public places or places accessible to the general public and does not have a certificate proving its deactivation; or
- j) does not meet a reporting duty under Section 65 (1) or does not deliver discovered documents under Section 68 (1) or does not report the discovery of a firearm, ammunition or explosives under Section 68 (2).

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<sup>20(a)</sup> Act No. 379/2005 Coll. on measures adopted to protect damage caused by tobacco products, alcohol and other addictive substances and on the amendment to other related acts, as amended.

(2) A natural person shall commit a minor offence if as

- a) the holder of a firearm letter of conveyance for the permanent export of firearms or ammunition who has acquired a firearm of category A, B or C or ammunition for it upon a firearm letter of conveyance for the permanent export of firearms or ammunition contrary to Section 44 (6), he/she does not export such firearm or ammunition;
- b) the holder of a firearm letter of conveyance for the permanent import of firearms or ammunition, he/she does not report contrary to Section 45 (5) the import of a firearm of category A, B or C or ammunition for it or does not submit it for a check;
- c) a person who exports, imports or transits a firearm of category A, B or C or ammunition for it across the national border of the Czech Republic, he/she does not report such fact contrary to Section 51 (2) or does not submit relevant authorisation under Sections 44, 45 or 46 or a European firearms pass or a firearm letter of conveyance for transit of firearms or ammunition or does not carry a European firearms pass with him/her although such person possesses or carries a firearm of category A, B or C or ammunition for it;
- d) a person who transports abroad and then transports back to the Czech Republic firearms of category A, B or C or ammunition for them, he/she does not report such transportation abroad and then the transportation back of firearms of category A, B or C or ammunition for them under Section 51 (3);
- e) the holder of a firearm letter of conveyance for permanent export, permanent import or transit of firearms and ammunition the validity of which has been terminated, he/she does not surrender contrary to Section 51 (6) a firearm letter of conveyance including a firearm, a prohibited accessory to a firearm or ammunition; or
- f) a shooting range operator, he/she does not meet his/her reporting duty under Section 54 (1).

(3) A minor offence may be sanctioned by a fine of up to

- a) CZK 50,000 in the case of a minor offence under paragraph 1 (a), (d) or (h);
- b) CZK 30,000 in the case of a minor offence under paragraph 1 (b);
- c) CZK 20,000 in the case of a minor offence under paragraph 1 (f) or (g);
- d) CZK 15,000 in the case of a minor offence under paragraph 1 (c), (e), (i), (j) or paragraph 2.

#### Section 76a

(1) The holder of a firearm of category D shall commit a minor offence if he/she

- a) shoots a firearm referred to in Section 7 (a) or (b) contrary to Section 15 (2);
- b) shoots a firearm referred to in Section 7 (c) through (g) or a firearm referred to in Section 7 (k) contrary to Section 15 (3);
- c) carries a firearm visibly in a public place or a place accessible to the general public;
- d) carries a firearm or handles it in a public place or in a place accessible to the general public if his/her capacity to do so has been lowered by drinking alcohol or using narcotic substances, medicines or due to his/her illness;
- e) stores more than three kilos of smokeless or black powder or more than 1,000 primers or does not store primers in a separate box.

(2) The holder of a firearm permit shall commit a minor offence if he/she does not visit an assessing physician or does not submit to a required medical examination under Section 20 (5).

(3) The holder of a firearm permit for groups A through E, the holder of a firearm letter of conveyance for transit of firearms and ammunition, the holder of a European firearms pass, a gunsmith or a person referred to in Section 40 (2) shall commit a minor offence if he/she does not secure a firearm of category A, B or C or ammunition for such firearm under Section 58 (2) through (7).

(4) The holder of a firearm permit for groups A through E, the holder of a firearm letter of conveyance for transit of firearms and ammunition or the holder of a European firearms pass shall commit a minor offence if he/she

- a) shoots a firearm for which he/she is an authorised holder contrary to Section 28 (5);
- b) does not forthwith report at a police unit the loss or theft of a firearm of category A, B or C, or ammunition for it, or of a firearm permit or a firearm certificate;
- c) does not forthwith report at a police unit that he/she used a firearm in an extreme emergency or for necessary defence;
- d) does not allow the police to enter his/her dwelling so that they may check whether his/her firearms are secured in the case that he/she is the holder of a firearm of category A; or
- e) transfers the legal title to a firearm, ammunition or a prohibited accessory to a firearm to a person who has not been authorised to possess them or provides such person with the articles concerned.

(5) The holder of a firearm permit for groups B through E, the holder of a firearm letter of conveyance for the transit of firearms and ammunition or the holder of a European firearms pass shall commit a minor offence if he/she

- a) does not submit, when carrying a firearm or when handling it in a public place or in a place accessible to the general public and after being required to do so by a police officer, to an indicative test by breathalyzer or to a medical examination to determine whether he/she is intoxicated; or
- b) carries a firearm or handles it in a public place or in a place accessible to the general public if his/her capacity to do so has been lowered by drinking alcohol or using narcotic substances, medicines or due to his/her illness.

(6) The holder of a firearm permit for group A or B, the holder of a firearm letter of conveyance for transit of firearms and ammunition or the holder of a European firearms pass shall commit a minor offence if he/she

- a) carries a firearm contrary to Section 28 (2) (a);
- b) reloads cartridges contrary to Section 28 (2) (b),
- c) as a person younger than 18 years reloads cartridges or acquires individual parts of such projectiles; or
- d) stores more than three kilos of smokeless powder and more than 1,000 primers or does not store primers in a separate box.

(7) The holder of a firearm permit for group B or C, the holder of a firearm letter of conveyance for the transit of firearms and ammunition for sports or hunting purposes or the holder of a European firearms pass for sports or hunting purposes shall commit a minor offence if he/she transports a possessed firearm contrary to Section 29 (6).

(8) The holder of a firearm permit for groups A through E shall commit a minor offence if he/she

- a) does not submit for a check a firearm permit, a firearm of category A, B or C, ammunition for such firearm or relevant documents after being required to do so by the relevant police unit;

- b) contrary to Section 29 (1) (i) does not surrender, after the validity of his/her a firearm permit has terminated under Section 26 (1) (a) or (c) of under Section 26, the invalid firearm permit, a relevant firearm, ammunition, smokeless powder, primers, prohibited accessories or firearm certificates which he/she is the holder of;
- c) contrary to Section (1) (j) does not report the change of a calibre of a firearm, any repairs or modifications of a firearm;
- d) provides a firearm of category B or C or ammunition for it contrary to Section 59 (1) and (3);
- e) in cases where he/she provides a firearm of category B or C or ammunition under Section 59 (1), does not ensure contrary to Section 59 (2), when handling the firearm, the presence of a responsible person (an instructor) who is the holder of a firearm licence of a relevant group; or
- f) shoots a firearm which is not marked by a proof mark or uses ammunition which does not correspond to permitted production.

(9) The holder of a firearm permit for groups B through E shall commit a minor offence if he/she carries a firearm of category A, B or C for which a firearm certificate has not been issued.

(10) The holder of a firearm permit for groups D through F shall commit a minor offence if he/she does not submit to a medical examination carried out by an assessing physician under Section 20 (2) or does not deliver a document proving his/her health capability under Section 29 (2).

(11) The holder of a firearm permit for group A shall commit a minor offence if he/she

- a) does not submit, when carrying a firearm or when handling it in a public place or in a place accessible to and after being required to do so by a police officer, to an indicative test by breathalyzer or to medical examination to determine whether he/she is intoxicated; or
- b) carries a firearm or handles it in a public place or in a place accessible to the general public if his/her capacity to do so has been lowered by drinking alcohol or using narcotic substances, medicines or due to his/her illness; or
- c) carries a firearm of category A, B or C contrary to Section 28 (1).

(12) The holder of a firearm permit for group D shall commit a minor offence if he/she carries a firearm contrary to Section 28 (3).

(13) The holder of a firearm permit for group E shall commit a minor offence if he/she carries a firearm contrary to Section 28 (4) (c).

(14) The holder of a firearm permit for group F shall commit a minor offence if he/she

- a) carries out activities in the field of unexploded ordnance contrary to Section 28 (6)
- q) does not forthwith stop excavating work if life, health or property is in immediate jeopardy caused by unexploded artillery ammunition or explosives;
- b) does not mark the place where unexploded artillery ammunition or explosives have been found;
- c) does not protect the place where unexploded artillery ammunition or explosives have been found from unauthorised persons;
- d) does not notify persons loitering at the place where unexploded artillery ammunition or explosives have been found or in the near vicinity of such place that they are endangered or does not require them to leave the dangerous place;
- e) does not inform forthwith a police unit about finding unexploded artillery ammunition or explosives;

- f) does not report forthwith at the relevant police unit the loss or theft of his/her firearm permit and found unexploded artillery ammunition or explosives;
- g) does not carry his/her firearm permit when performing carrying out activities in the field of unexploded ordnance;
- h) prior to commencing his/her activities does not submit after being required to do so by a police officer, to an indicative test by breathalyzer or to medical examination to determine whether he/she is intoxicated; or
- i) does not forthwith record discovered unexploded artillery ammunition or explosives in a register.

(15) A minor offence may be sanctioned by a fine of up to

- a) CZK 50, 000 in the case of a minor offence under paragraphs 2, 3, 4, and 5, paragraph 8 (f), paragraph 11 (a) or (b) or paragraph 14 (i);
- b) CZK 30,000 in the case of a minor offence under paragraph 1 (a), (b), (d) or (e), paragraph 6 (a) or (d), paragraph 7, paragraph 11 (c), paragraphs 12, 13 or 14 (a) through (h), or (j);
- c) CZK 20,000 in the case of a minor offence under paragraph 8 (a) through (e), paragraph 9 or 10;
- d) CZK 15,000 in the case of a minor offence under paragraph 1 (c) or paragraph 6 (b) or (c).

#### Section 76b

(1) A gunsmith or a person referred to in Section 40 (2) shall commit a minor offence if he/she

- a) hands out a firearm or ammunition contrary to Section 40 (1) (a); or
- b) does not respect conditions of storing, keeping and handling black hunting powder, smokeless powder and primers laid down in the implementing legal regulation published under Section 79 (1).

(2) A shooting range manager shall commit a minor offence if he/she

- a) does not wear a badge under Section 55 (2) (a);
- b) does not make available the Rules of Order of the shooting range;
- c) does not ensures operation including guarding of the shooting range in compliance with the Rules of Order; or
- d) does not report to a police unit, without undue delay, any injury or death of a person during shooting or handling a firearm at the shooting range.

(3) An assessing physician shall commit a minor offence if he/she, contrary to Section 20 (3) does not issue new medical certification of health capability or does not send it to the relevant police unit or does not inform the relevant employer.

(4) A doctor shall commit a minor offence if he/she does not meet his/her reporting duty under Section 20 (4).

(5) An examining commissioner shall commit a minor offence if he/she does not, contrary to Section 30a (3) surrender the licence of an examining commissioner the validity of which has terminated under Section 30a (1) (a), (c) or (d) or under Section 30a (2).

(6) A minor offence may be sanctioned by a fine of up to

- a) CZK 50,000 in the case of a minor offence under paragraphs 1 through 4;

- b) CZK 15,000 in the case of a minor offence under paragraph 5.

### **Administrative Infractions of Legal Entities and Natural Persons (Entrepreneurs)**

#### Section 76c

(1) A legal entity or a natural person (entrepreneur) shall commit an administrative infraction if they acquire or possess a firearm and ammunition contrary to Section 8.

(2) A legal entity or a natural person (entrepreneur) shall commit an administrative infraction if as

- a) the holder of a firearm letter of conveyance for the permanent export of firearms or ammunition who has acquired a firearm of category A, B or C or ammunition for it, upon a firearm letter of conveyance for permanent export of firearms or ammunition contrary to Section 44 (6) he/she does not export such firearm or ammunition;
- b) the holder of a firearm letter of conveyance for the permanent import of firearms or ammunition, he/she does not report contrary to Section 45 (5) the import of firearms of category A, B or C or ammunition for it or does not submit it for a check;
- c) a person who exports, imports or transits firearms of category A, B or C or ammunition for it across the national border of the Czech Republic, he/she does not report such fact contrary to Section 51 (2) or does not submit relevant authorisation under Sections 44, 45 or 46 or a European firearms pass or a firearm letter of conveyance for transit of firearms or ammunition or does not carry a European firearms pass with him/her although such person possesses or carries a firearm of category A, B or C or ammunition for it;
- d) a person who transports abroad and then transports back to the Czech Republic firearms of category A, B or C or ammunition for them, he/she does not report such transportation abroad and then transportation back of firearms of category A, B or C or ammunition for them under Section 51 (3);
- e) the holder of a firearm letter of conveyance for the permanent export, permanent import or transit of firearms and ammunition the validity of which has been terminated, he/she does not surrender contrary to Section 51 (6) a firearm letter of conveyance including a firearm, a prohibited accessory of a firearm or ammunition; or
- f) a shooting range operator, he/she does not meet his/her reporting duty under Section 54 (1).

(3) An administrative infraction may be sanctioned by a fine of up to

- a) CZK 50,000 in the case of a minor offence under paragraph 1 (a), (d) or (h);
- b) CZK 30,000 in the case of a minor offence under paragraph 1 (b);

#### Section 76d

(1) The holder of a firearm licence of groups A through J shall commit an administrative infraction if he/she

- a) does not establish a gunsmith under Section 39 (1) (a);
- b) does not ensure that a firearm or ammunition which he/she is a holder of as a legal entity or as a natural person (entrepreneur) was held or carried only by a natural person referred to in 39 (1) (c);
- c) does not issue an internal regulation under 39 (1) (d);

- d) does not create conditions for a firearm and ammunition to be protected from abuse, loss or theft in the manner referred to in Section 58 (2) through (7);
- e) does not forthwith report to a police unit the loss or theft of a firearm, ammunition, a firearm licence or a firearm certificate;
- f) does not create conditions for storing, keeping and handling black hunting powder, smokeless powder and primers laid down in the implementing legal regulation under Section 79 (1) ;
- g) contrary to Section 39 (1) (i) does not establish a new gunsmith or does not report the changing of the current gunsmith;
- h) does not apply for a new firearm licence or a firearm certificate under Section 39 (1) (j);
- i) does not maintain records under Section 39 (1) (k) point 1 or does not archive them for a period of five years also after terminating his/her operations;
- j) does not ensure test shooting under Section 39 (1) (l),
- k) does not maintain records on test shooting;
- l) does not report a change under Section 39 (1) (m) ;
- m) does not surrender a firearm licence which has expired, or a firearm, a prohibited accessory to a firearm or ammunition or a firearm under Section 39 (1) (n),
- n) does not report the change of calibre or repairs made to a firearm under Section 39 (1) (o);
- o) transfers legal title to a firearm or ammunition to a person who is not authorised to acquire a firearm or ammunition; or
- p) provides a firearm or ammunition which he/she is authorised to hold to meet assignments stipulated in a firearm licence to a person who is not a holder of a firearm permit of the relevant group or who is not an employee, a member of, or who is not in similar relationship with the holder of the firearm licence.

(2) The holder of a firearm licence for groups B or E shall commit an administrative infraction if he/she

- a) does not respect the procedure stipulated for deactivating a firearm of category A, B or C or ammunition in Section 39 (2) (a);
- b) does not mark a deactivated firearm under Section 39 (2) (b); or
- c) does not issue to the holder of a firearm a document certifying deactivation of a firearm or ammunition or production of a cut or ammunition.

(3) The holder of a firearm licence for group E shall commit an administrative infraction if he/she

- a) does not respect the procedure stipulated for destruction of a firearm or ammunition in Section 39 (3) (a); or
- b) does not issue to the holder of a firearm a certificate under Section 39 (3) (b).

(4) The holder of a firearm licence for group D shall commit an administrative infraction if he/she

- a) lends a firearm of category C to a person who is not authorised to possess or carry it; or
- b) takes into a custody or stores a firearm and ammunition of a category not stipulated in the firearm licence.

(5) The holder of a firearm licence for group F shall commit an administrative infraction if he/she provides a firearm contrary to Section 38 (4) (c).

(6) The holder of a firearm licence for group H shall commit an administrative infraction if he/she provides a firearm contrary to Section 38 (6) (c).

(7) The holder of a firearm licence for group K shall commit an administrative infraction if he/she

- a) does not draw up, contrary to Section 39 (7) (a) a technological procedure for searching for and handling unexploded artillery ammunition and explosives or does not submit it for approval;
- b) does not ensure that a discovery of unexploded artillery ammunition and explosives is not forthwith reported to a police unit;
- c) carries out activities in the field of unexploded ordnance contrary to Section 39 (7) (d);
- d) does not report the loss or theft of a firearm licence under Section 39 (7) (e);
- e) does not apply for a new firearm licence under Section 39 (7) (g);
- f) does not maintain or archive documentation under Section 39 (7) (h);
- g) when finding artillery ammunition or explosives does not adopt necessary measures to ensure the safety of persons or property; or
- h) does not keep daily records on implemented activities in the field of unexploded ordnance in a construction journal.

(8) A dealer in firearms of category A, B or C or ammunition for such firearms or a dealer established outside the Czech Republic shall commit an administrative infraction if he/she, contrary to Section 50 (1),

- a) transports firearms of category A, B or C or ammunition for such firearms without having authorisation for such transport; or
- b) does not provide information under Section 50 (6).

(9) A dealer in firearms of category A, B or C or ammunition for such firearms shall commit an administrative infraction if he/she does not report the transportation of firearms and ammunition under Section 50a.

(10) An administrative infraction may be sanctioned by a fine of up to

- a) CZK 1,000,000 in the case of a minor offence under paragraph 1 (b), (d), (f), (i), (m), (n) or (o), paragraph 2 (a) or (b), paragraph 3 (a), paragraph 7 (a), (b), (c), (f) or (g), paragraphs 8 or 9;
- b) CZK 500,000 in the case of a minor offence under paragraph 1 (a), (c), (e), (g), (h), (j), (k), (l) or (p), paragraph 2 (c), paragraph 3 (b), paragraphs 4, 5 or 6, paragraph 7 (d), (e) or (h).

#### Section 76e

(1) For an administrative infraction pursuant to Section 76c or Section 76d a sanction of confiscation of a firearm of category A, B, C or D or ammunition may be imposed if a firearm of category A, B, C or D or ammunition is in the possession of the offender of an administrative infraction and

- a) such firearm or ammunition was used for committing an administrative infraction; or
- b) such firearm or ammunition was obtained or acquired through an administrative infraction.

(2) A firearm of category A, B, C or D or ammunition may not be confiscated if their value is not obviously adequate to the nature of the administrative infraction.

(3) The state shall become the owner of a confiscated firearm of category A, B, C or D or ammunition.

#### Section 76f

(1) If a sanction of confiscation of a firearm of category A, B, C or D or ammunition was not imposed under Section 76e (1) (a) or (b) it may be decided that such firearm shall be seized if

- (a) it belongs to an offender who may not be prosecuted for an administrative infraction; or
- b) it does not belong to the offender of an administrative infraction or the offender is not the exclusive owner

and if it is required for the safety of persons or property or if it is in other general interest.

(2) The state shall become the owner of a confiscated firearm of category A, B, C or D or ammunition.

### **Common Provisions on Administrative Infractions**

#### Section 77

(1) A legal entity shall not be liable for an administrative infraction they are able to prove that they have made their best efforts to prevent violation of a legal obligation.

(2) When determining the amount of a fine to be imposed on a legal entity the gravity of the administrative infraction shall be taken into account, in particular the manner in which it was committed and under what circumstances and what its consequences were.

(3) Liability of a legal entity for an administrative infraction shall cease if an administrative authority did not commence the relevant proceedings within one year from the date on which the authority was informed of the infraction, however not later than within three years from the date on which such administrative infraction was committed.

(4) Administrative infractions by legal entities or natural persons (entrepreneurs) under this Act shall, within the first level, be dealt with by supervising authorities according to their competence concerning the supervision stipulated in Section 75 (1).

(5) The Provisions of this Act on liability and sanctions of legal persons shall apply to business undertaking of natural persons (entrepreneurs)<sup>21)</sup> or to their activities carried out in direct relation to their business undertaking.

(6) Fines for administrative infractions committed by legal entities or natural persons (entrepreneurs) shall be collected by the authority which imposed such fine or enforced by a customs office if the fine has not been paid. The revenue from fines shall be deemed to be the revenue of the state budget.

#### Section 77a

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<sup>21)</sup> Sec. 2 (2) of the Commercial Code

The police may deal with a minor offence under this Act on the spot by issuing a penalty ticket. A minor offence may be sanctioned by means of a penalty ticket in the amount of up to CZK 5,000.

## T I T L E XIII

### COMMON PROVISIONS

#### Section 78

If an application by a natural person or legal entity for an exception under this Act, for authorisation to acquire and possess firearms of category B or for a document or for authorisation for transportation is fully satisfied the relevant document may be issued instead of a written decision<sup>22)</sup>.

#### Section 79

#### **Empowering Provisions**

(1) The Government shall lay down in its regulation technical requirements for securing kept firearms and ammunition in order to implement Section 58 (2) through 5 and conditions for storing, keeping and handling black hunting powder, smokeless powder and primers.

(2) The Ministry shall issue the Decree in order to implement Section 17 (2) (c), Section 21 (9), Section 21a (8), Section 30 (13), Section 39 (5), Section 39 (8) and Section 49 (1).

(3) The Ministry shall lay down in the Decree

- (a) the specimen of a firearm permit, a firearm licence, a firearm letter of conveyance for permanent export, permanent import or transit of firearms or ammunition, a firearm certificate, and a licence of an examining commissioner;
- b) the specimen of an application for an exception, for authorisation, for a firearm permit, for extension of groups on a firearm permit, for a firearm licence, for extension of groups on a firearm licence, for a firearm letter of conveyance for permanent export, permanent import or transit of firearms or ammunition, for authorisation of transportation, for a European firearms pass, for appointment of a examining commissioner, for authorisation to operate a shooting range, and for deactivating, destroying or making a cut of a firearm or a prohibited accessory of a firearm;
- c) the specimen of an application for a qualifications examination;
- d) the specimen of a certificate of professional competence of an applicant for a firearm permit; and
- e) the specimen of a notification of acquiring or transferring legal title to a firearm and notification of transporting a firearm abroad and returning it back to the Czech Republic.

(4) The Ministry of Industry and Trade shall publish the Decree in order to implement Section 3 (3), Section 39 (2) (a) and (b) and Section 39 (3) (a), shall set out the specimen of a document certifying deactivation, destruction or production of a cut of a firearm, a main part of a firearm, a prohibited accessory to a firearm or ammunition and deactivation marks and shall lay down the permitted production procedure for manufacturing a gas gun, alarm weapon and ammunition.

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<sup>22)</sup> Sec. 151 of Act No. 500/2004 Coll., the Rules of Administrative Procedure.

(5) The Ministry of Health shall issue the Decree in order to implement Section 20 (6) and Section 54 (2).

#### T I T L E XIV TRANSITIONAL PROVISIONS

##### Section 80

(1) An exception concerning a firearm of category A granted in accordance with the current legal regulation shall be deemed to be an exception granted under this Act. The relevant police unit shall issue a new firearm permit within six months from the effective date of this Act to a person who is authorised according to the aforementioned exception to carry such firearm. A record of previous authorisation shall be included in the new firearm permit.

(2) All persons who are authorised as of the date of effect of this Act to possess and carry a firearm of category B shall be authorised to possess, keep or carry the firearm under this Act.

(3) All persons who as of the date of effect of this Act keep a firearm for which it was not necessary to be in possession of a firearm permit, a firearm licence or authorisation in accordance with the current legal regulation and where under this Act a firearm permit, a firearm licence or authorisation is required shall be obliged to apply for such authorisation not later than within four months from the date of effect of this Act. In the case of firearms produced before 31 December 1890 the obligation under the first sentence shall be satisfied not later than within four years from the date of effect of this Act.

(4) All persons who are authorised as of the date of effect of this Act to operate a shooting range shall be obliged to establish a shooting range manager and to furnish the shooting range with a first aid kit under this Act not later than within four months of the date of effect of this Act; the relevant police unit shall be supplied with the personal data of the established shooting range manager within ten working days from the date of the appointment of the new shooting range manager.

##### Section 81

(1) A firearm permit issued prior to the date of effect of this Act shall be valid for the period recorded in it unless otherwise stipulated hereunder and groups of firearm permits are to be transferred as follows:

- (a) group A, B or C shall remain;
- b) group D – for performing an occupation in places which are not accessible to the general public and group E – for performing an occupation in places which are accessible to the general public shall be transferred to group D - for performing an occupation or profession;
- c) group F – for protecting health, life and property in places which are not accessible to the general public and group G - for protecting health, life and property in places which are accessible to the general public, shall be transferred to group E - for protecting health, life and property.

(2) The validity of a firearm permit for group H issued in accordance with the current legal regulation shall cease to exist after twelve months from the date of effect of this Act.

(3) Firearms of category A, B or C may not be acquired by holders of firearm permits of group D or E from the date of effect of this Act.

(4) Section 25 shall apply to extension of groups on firearm permits issued prior to the date of effect of this Act.

(5) A firearm permit issued in accordance with the current legal regulation to a foreign national<sup>6)</sup> who is not a citizen of a Member State or a state which is a member of the North Atlantic Treaty Organisation shall expire after 24 months from the date of effect of this Act. Section 18 (3) shall apply in the case of an application filed pursuant to Section 24.

(6) Firearm authorisation issued prior to the date of effect of this Act shall be deemed to be a firearm licence and shall expire after 24 months from the date of effect of this Act.

(7) Other documents issued in accordance with a legal regulation effective prior to the date of effect of this Act shall remain valid for a period specified in a legal regulation valid prior to the date of effect of this Act.

## Section 82

Proceeding on an application for a firearm permit or a firearm licence commenced prior the date of effect of this Act shall be completed under the current legal regulations.

## Section 83

### **Repealing Provisions**

The following Acts are hereby repealed:

1. Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms);
2. Act No. 13/1998 Coll. amending and supplementing Act No.288/1995 Coll. on firearms and ammunition (the Act on Firearms).

## **P A R T T W O**

### **Amendment to Act No. 156/2000 Coll.**

## Section 84

Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic articles and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on administrative fees and charges, as amended is hereby amended as follows:

1. In Section 17 (3) (d) a full stop at the end of the sentence is being replaced by a comma and letter (e) is being added which, including footnote 19a), reads as follows:

“e) should any doubt arise it shall decide on including a firearm or ammunition in a?? category of firearms A through D.<sup>19a)</sup>

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19a) Section 3 of Act No. 119/2002 Coll. on firearms and ammunition and on the amendment to Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic articles and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on administrative fees and charges, as amended, and Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), as amended (the Act on Weapons).”.

2. Part two is hereby repealed.

## **PART THREE**

### **Amendment to the Trade Licensing Act**

#### Section 85

Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), as amended by Act No. 231/1992 Coll., Act No. 591/1992 Coll., Act No. 600/1992 Coll., Act No. 273/1993 Coll., Act No. 303/1993 Coll., Act No. 38/1994 Coll., Act No. 42/1994 Coll., Act No. 136/1994 Coll., Act No. 200/1994 Coll., Act No. 237/1995 Coll., Act No. 286/1995 Coll., Act No. 94/1996 Coll., Act No. 95/1996 Coll., Act No. 147/1996 Coll., Act No. 19/1997 Coll., Act No. 49/1997 Coll., Act No. 61/1997 Coll., Act No. 79/1997 Coll., Act No. 217/1997 Coll., Act No. 280/1997 Coll., Act No. 15/1998 Coll., Act No. 83/1998 Coll., Act No. 157/1998 Coll., Act No. 167/1998 Coll., Act No. 159/1999 Coll., Act No. 356/1999 Coll., Act No. 358/1999 Coll., Act No. 360/1999 Coll., Act No. 363/1999 Coll., Act No. 27/2000 Coll., Act No. 29/2000 Coll., Act No. 121/2000 Coll., Act No. 122/2000 Coll., Act No. 123/2000 Coll., Act No. 124/2000 Coll., Act No. 149/2000 Coll., Act No. 151/2000 Coll., Act No. 158/2000 Coll., Act No. 247/2000 Coll., Act No. 249/2000 Coll., Act No. 258/2000 Coll., Act No. 309/2000 Coll., Act No. 362/2000 Coll., Act No. 409/2000 Coll., Act No. 458/2000 Coll., Act No. 100/2001 Coll., Act No. 120/2001 Coll., Act No. 164/2001 Coll., Act No. 256/2001 Coll., Act No. 274/2001 Coll., Act No. 477/2001 Coll., Act No. 478/2001 Coll., Act No. 501/2001 Coll., and Act No. 86/2002 Coll. are hereby amended as follows

1. In Annex 3 titled PERMITTED TRADES, group 302 “Manufacturing of machinery and apparatuses in general and for specific economic sectors” trades “Development, production, repairs, modifications, transport, purchase, sale, hiring, storing and deactivating firearms subject to registration under this Act” the conjunction “and” after the words “keeping in custody” is replaced by a comma, and after the words “keeping in custody” the words “and destroying” are inserted, whilst the words “subject to registration under this Act” are removed and in column 5 the words “Section 63 of Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms)” are removed.

2. In Annex 3 titled PERMITTED TRADES, group 302 “Manufacturing of machinery and apparatuses in general and for specific economic sectors” , trades “ Development, production, repairs, modifications, transport, purchase, sale, hiring, storing and deactivating firearms subject to registration under this Act” the conjunction “and” after the word “transport” is replaced by a comma, the words “and destroying” are inserted after the word “deactivating”, the words “for firearms subject to registration under this Act” and the words “subject to registration in accordance with group 302 of Annex 3 of the Trade Licensing Act” are hereby removed and at the end of the text new paragraphs are added which read as follows:

“For production, repairs, modification, deactivation and destruction of ammunition a licence of an explosive disposal technician who shall be at least 21 years old.

For development of ammunition, higher education<sup>1)</sup> attained by completing a bachelor’s, master’s or doctoral study programme in the field of technical sciences and technologies, a study field of theory and technology of explosives”.

Footnote 1) reads as follows:

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“<sup>1)</sup> Section 44 and Section 98 (1) of Act No. 111/1998 Coll. on higher education institutions and on the amendment to other acts?? (the Act on Higher Education Institutions).”.

In column 5 the words “Section 63 of Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms), for developing and producing ammunition, Section 23 (1) of Act of the Czech National Council No. 61/1988 Coll. on mining activities, explosives and the state mining administration as amended by Act of the Czech National Council No. 542/1991 Coll.” are replaced by the words “for development and production of ammunition under Section 23 (1) and for destroying and deactivating ammunition - Sections 35 and 36 of Act No. 61/1988 Coll.”.

3. In Annex 3 titled PERMITTED TRADES, Group 302 the words “Manufacturing of machinery and apparatuses in general and for specific economic sectors” are replaced by the words “Development, production, repairs, modifications, transport, purchase, sale, hiring, storing and deactivating military firearms” and texts in columns 2, 4 and 5 are removed.

4. In Annex 3 titled PERMITTED TRADES, Group 302 the words “Manufacturing of machinery and apparatuses in general and for specific economic sectors” are replaced by the words “Development, production, repairs, modifications, transport, purchase, sale, hiring, storing and deactivating of military ammunition” and texts in columns 2, 4 and 5.

5. In Annex 3 titled PERMITTED TRADES, Group 302 “Manufacturing of machinery and apparatuses in general and for specific economic sectors” the words “Section 63 of Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms),” are removed and replaced by the words “Operations of Shooting Ranges”.

6. In Annex 3 titled PERMITTED TRADES, Group 314 “Miscellaneous” the trade “Providing shooting training courses” in column 5 the words “Section 63 of Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms),” are hereby removed.

## Section 86

### **Transitional Provisions**

(1) Natural or legal persons whose business activities involve permitted trades pursuant to Annex 3, Group 302 of the Trade Licensing Act, namely “Development, production, repairs, modifications, transport, purchase, sale, hiring, storing and deactivating firearms subject to registration under this Act” or “Development, production, repairs, modifications, transportation, purchase, sale, hiring, storing and deactivating military ammunition” under a trade licence acquired prior to the date of effect of this Act, in the scope including development, production, repairs, modifications or deactivation of ammunition shall, not later than within 12 months from the date of effect of this Act, submit to a relevant trade licensing office documents certifying professional competence pursuant to this Act. If such documents are not submitted within the prescribed period the relevant trade licensing office shall cancel the trade licence concerned.

(2) If persons referred to in paragraph 1 submit to the trade licensing office documents certifying professional competence pursuant to this Act the trade licensing office shall respect,

when taking a decision on the concession, the provisions of Sections 53 and 54. An opinion under Section 52 shall not be required.

(3) Trade licences in permitted trades pursuant to Annex 3, Group 302 of the Trade Licensing Act, namely the trades “Development, production, repairs, modifications, transportation, purchase, sale, hiring, storing and deactivating firearms subject to registration under this Act”, “Development, production, repairs, modifications, transport, purchase, sale, hiring, storing and deactivating military firearms” and “Development, production, repairs, modifications, transportation, purchase, sale, hiring, storing and deactivating ammunition for firearms subject to registration under this Act” and the trade “Development, production, repairs, modifications, transportation, purchase, sale, hiring, storing and deactivating military ammunition” in the scope including purchase, sale, hiring, storing and transportation of military ammunition acquired prior to the date of effect of this Act shall be deemed to be trade licences for trades under a new legal regulation. A trade licensing office shall issue, not later than 12 months from the date of effect of this Act, an appropriate concession.

(4) When deciding on an application for a concession which was not lawfully decided upon prior to the date of effect of this Act a new legal regulation shall be respected, including an obligation to require an opinion under Sections 52 and 53.

(5) Acts under paragraphs 2 and 3 shall be exempted from administrative charges.

## **PART FOUR**

### **Section 87**

#### **ENTRY INTO EFFECT**

This Act shall enter into effect on 1 January 2003 with the exception of the provisions of Section 10 (3), Section 12 (4), Section 17 (4), Section 46 (5) through (7), Section 49, Section 50 (9), Section 51 (7) and (8), and Section 73 (4) of the Act on Firearms which shall come into effect on the date on which the Agreement on the Accession of the Czech Republic to the European Union shall come into force.

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#### **Entry into effect of the amendments**

1. Act No. 320/2002 Coll. on the amendment to and repealing of some acts in relation to terminating activities of district offices came into effect on 1 January 2003.

2. Act No. 227/2003 Coll. amending Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic items and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on administrative fees and charges as amended by Act No. 119/2002 Coll. and Act No. 309/2002 Coll. and some other acts came into effect on 1 October 2003.

3. Act No. 228/2003 Coll. amending Act No. 119/2002 Coll. on firearms and ammunition and on the amendment to Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic items and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on administrative fees and charges, and Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act , as amended (the Act on Firearms), as amended by

Act No. 320/2002 Coll. and Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), as amended came into effect on 1 January 2004.

4. Act No. 537/2004 Coll. amending Act No. 140/1961 Coll. the Criminal Code, as amended, and Act No. 119/2002 Coll. on firearms and ammunition and on the amendment to Act No. 156/2000 Coll. and on the amendment to Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic articles and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms) as amended by Act No. 13/1998 Coll. and by Act No. 368/1992 Coll. on administrative fees and charges and Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), (the Act on Firearms), as amended came into effect on the date of its publication (22 October 2004).

5. Act No. 359/2005 Coll. amending Act No. 40/1964 Coll. the Civil Code, as amended, and some related acts came into effect on the first day of the calendar month following the date of its publication (1 October 2005).

6. Act No. 444/2005 Coll. amending Act No. 531/1990 Coll. on territorial financial authorities, as amended and some related acts came into effect on 1 January 2006.

7. Act No. 310/2006 Coll. on managing certain articles which can be used for defence and security purposes in the Czech Republic (the Act on Managing Dangerous Material) came into effect on 1 July 2006.

8. Act No. 170/2007 Coll. amending some acts relating to the Czech Republic's accession to the Schengen area came into effect on the date that checks at the national border were abolished, laid down in the Decision of the Council of the European Union concerning the entry into force of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen in the Grand Duchy of Luxembourg on 19 June 1990, on the gradual abolition of checks at the national border of the Czech Republic (21 December 2007).

9. Act No. 124/2008 Coll. amending Act No. 269/1994 Coll. on the Register of Criminal Records, as amended, and some other acts came into effect on 1 July 2008.

10. Act No. 189/2008 Coll. amending Act No. 18/2004 Coll. on the recognition of professional qualifications and other competences of nationals of Member States of the European Union and nationals of other countries and on the amendment to some other acts (Act on the Recognition of Professional Qualifications), as amended, and other related acts came into effect on the first day of the calendar month following the date of its publication (1 July 2008).

11. Act No. 274/2008 Coll. amending some acts in relation to the adoption of the Act on the Police of the Czech Republic came into effect on 1 January 2009.

12. Act No. 484/2008 Coll. amending Act No. 119/2002 Coll. on firearms and ammunition and on the amendment to Act No. 156/2000 Coll. and on the amendment to Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic articles and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms), as amended, Act No. 13/1998 Coll. and Act No. 368/1992 Coll. on administrative fees and charges and Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), (the Act on Firearms), as amended, and Act No. 200/1990 Coll. on minor offences, as amended came into effect on the first day of the second calendar month following the date of its publication (1 February 2009).

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## **Selected transitional and final provisions**

Article II of Act No. 484/2008 Coll. amending Act No. 119/2002 Coll. on firearms and ammunition and on the amendment to Act No. 156/2000 Coll. and on the amendment to Act No. 156/2000 Coll. on proving firearms, ammunition and pyrotechnic articles and on the amendment to Act No. 288/1995 Coll. on firearms and ammunition (the Act on Firearms), as amended by Act No. 13/1998 Coll. and by Act No. 368/1992 Coll. on administrative fees and charges and Act No. 455/1991 Coll. on trade licences (the Trade Licensing Act), (the Act on Firearms), as amended and Act No. 200/1990 Coll. on minor offences, as amended, reads as follows:

### Article. II

#### **Transitional Provisions**

1. Punishment of unauthorised arming shall not apply provided that any person who, without being authorised to do so, keeps a firearm of category A, B or C or a main part of such firearm delivers such firearm or its main part within six months of the date of effect of this Act voluntarily to any police office for custody. The police office shall issue a certificate thereon. Such person who delivered a firearm or a main part of a firearm may, within a period of two months from the date of such delivery, apply for relevant documents authorising him/her to possess such firearm or a main part of a firearm. If such person does not apply for the specified documents or if the documents are not issued the provisions of Section 64 of Act No. 119/2002 Coll. shall apply accordingly.
2. A firearm permit holder who was prior to the date of effect of this Act sentenced for an intentional criminal offence and who received an absolute discharge or conditional discharge under supervision or who, in the case of absolute discharge of a juvenile or conditional discharge under supervision of a juvenile or where a sanction was not imposed after prosecution was discontinued under a special legal regulation<sup>11d)</sup> or where a criminal measure was not imposed after prosecution of a juvenile was abandoned under a special legal regulation<sup>11e)</sup>, shall be deemed to be without criminal record.
3. Anyone who as of the date of effect of this Act keeps a signal weapon, for the possession and keeping of which he/she did not have to be in possession of a firearm permit or a firearm licence or authorisation in accordance with the current legal regulation, shall be obliged to apply for a relevant firearm permit or a firearm licence and authorisation under Act No. 119/2002 Coll. as amended as of the effective date of this Act, not later than within six months from the effective date of this Act. If the person does not apply for the said permit or licence or if such documents are not issued, the provisions of Section 64 Act No. 119/2002 Coll. shall apply accordingly.
4. If prior to the e date of effect of this Act it was lawfully decided on conditional suspension of a motion for sanctions, the holder of a firearm permit shall be deemed reliable.

5. Anyone who as of the effective date of effect of this Act keeps ammunition with a penetration projectile which is made of material harder than 250 HB - Brinell hardness or a projectile which is loaded into ammunition and which, by its construction or impact energy demonstrates a penetrating effect, shall be authorised to keep it and shall be obliged to treat it, as of the effective date of this Act, as prohibited ammunition.

Annex to Act. 119/2002 Coll.

## **Definitions of Firearms, Weapons and Ammunition**

### **PART ONE**

#### **TYPES OF FIREARMS**

1. **Firearm** – a weapon the function of which is derived from the immediate release of energy during discharge; designated for for a required effect at a defined distance.
2. **Firearm** – a weapon the function of which is derived from the immediate release of chemical energy.
3. **Gas gun** – a firearm the function of which is derived from the immediate release of pressurised air or any other gas.
4. **Mechanical weapon** – a weapon the function of which is derived from the immediate release of accumulated mechanical energy.
5. **Alarm weapon** – a firearm the construction of which excludes to use a ball cartridge or a cartridge with multiple projectiles (pellets).
6. **Firing device** – equipment where a primary source of energy is an explosive substance contained in ammunition for firing devices.
7. **Rifle** – a shooting gun with a barrel (or barrels) for shooting with ball cartridges or ball projectiles or with special cartridges or projectiles made for a rifle.
8. **Shotgun** - a shooting gun with a barrel (or barrels) for shooting with shotgun cartridges or with special cartridges for a shotgun.
9. **Combined firearm** - a shooting gun with a barrel (or barrels) for shooting with ball cartridges or projectiles or with special cartridges or projectiles made for a rifle and with a barrel (or barrels) for shooting with shotgun cartridges or with special cartridges for a shotgun.
10. **Short firearm** – a shooting gun the barrel of which does not exceed 300 mm in length, or which in total does not exceed 600 mm in length.
11. **Long firearm** – a shooting gun which is not a short firearm.
12. **Fully automatic firearm** – a firearm which loads a new cartridge through the energy of the fired round; the construction of such firearm enables multiple shots upon one pull of the trigger.
13. **Semi-automatic (self-loading) firearm** – a shooting gun which loads a new cartridge through the energy of the fired round; the construction of such firearm does not enable multiple shots upon one pull of the trigger.

14. **Repeating firearm** – a shooting gun with a magazine or a similar feeding device where the firearm is manually re-cocked and re-loaded or where a revolver cylinder is mechanically turned.

15. **One-shot firearm** – a shooting gun without a magazine or a similar feeding device which is reloaded by the manual insertion of a cartridge into a cartridge chamber, barrel or a firing chamber.

16. **Multiple shot firearm** – a shooting gun without a magazine or similar feeding device with two or more barrels, which is reloaded by manual insertion of a cartridge into a cartridge chamber, barrel or a firing chamber.

17. **Military weapon** – a firearm which is designed for sea, air or land warfare.

18. **Sporting weapon** - a firearm determined by rules of sports shooting both for national and international disciplines.

19. **Hunting weapon** – a firearm designed for hunting animals and shooting them in accordance with the Act on game keeping and hunting.

20. **Paintball gun** – a gas gun that propels projectiles filled with a paint-like dye.

21. **Signal gun** – single purpose equipment constructed on the principle of a short or long firearm for the use of signal cartridges the calibre of which is more than 16 mm.

22. **Historical weapon** – a firearm produced before 31 December 1890 where all main parts of such firearm were produced before so 31 December 1890.

23. **Main parts of a firearm** – a barrel, insertion?? barrel, insertion?? cartridge chamber, frame, revolver cylinder, breech casing or body and breech.

24. **Deactivated firearm** – a firearm which was deactivated by procedure specified by a legal regulation.

25. **Cut of a firearm** – a firearm modified by a procedure specified in a legal regulation which, at least partially, uncovers the internal construction of the firearm.

26. **Firing equipment** – equipment for propelling projectiles with reactive propulsion or ammunition with the reactive impact of a bag-cartridge such as anti-tank weapons; a bazooka, a rocket gun, and land, air or sea firing equipment; firing equipment for special projectiles.

## PART WO

### TYPES OF AMMUNITION

1. **Ammunition** – comprehensive expression for cartridges, bag-cartridges and projectiles for firearms.

2. **Reloaded ammunition** – ammunition which uses already used cases.

3. **Testing ammunition** – ammunition determined for official testing of firearms under a special legal regulation.

4. **Military ammunition** – a comprehensive expression for hand and other grenades, projectiles for anti-tank weapons and bazookas, artillery ammunition, bombs, torpedoes, directed and non-directed missiles, case (container) ammunition, primers of explosives, mines, pyro- cartridges, deceptive target to be launched, imitation explosive means, signal and lighting means, incendiary devices including equipment for remote shooting; main parts such as artillery projectiles and bag-cartridges, exploders, igniters and initiators intended for military purposes are also deemed to be military ammunition.

5. **Inactive ammunition** – ammunition which does not contain explosives or other activating ammunition fills. It includes disassembled ammunition, deactivated ammunition, cuts of ammunition and dummy ammunition.

6. **Projectile** – an object discharged from a firearm designed to hit a target or to have any other impact.

7. **Compact projectile** - an object designed to hit a target or to have a different impact which does not divide after leaving the barrel.

8. **Multiple projectiles** – an object or substance in solid, liquid or gaseous state designed to hit a target or to have a different impact which divides after leaving the barrel.

9. **Penetrating projectile** – a compact projectile which is made of material harder than 250 HB - Brinell hardness or a projectile incorporated into ammunition, which due to its construction or impact energy demonstrates a penetrating impact; as a rule ammunition has a penetrating projectile having a combined impact specified for military or other special purposes.

10. **Explosive projectile** – a composed metal cased projectile containing an explosive composed of a metal cased bullet containing an explosive component which explodes upon impact.

11. **Ignition charge** - a composed metal cased projectile containing an incendiary component which ignites in the air or upon impact.

12. **Shock projectile** – a compact projectile with a point in the shape of a truncated cone which is furnished with an open cylindrical cavity upon which a part of the lead core in the shape of a truncated cone trenches and the metal case is lengthwise cut on the edges.

13. **Cartridge** – a unit designed to be inserted (loaded) into a gun, signal weapon or a special weapon; it consists of a case, primer or a primer component, explosive fill and a projectile.

14. **Bag-cartridge** - a unit designed to be inserted (loaded) into an expansive firearm or expansive device; it consists of a case, primer or a primer component and can contain explosive fill, granules or irritable chemical substance.

15. **Deactivated ammunition** – ammunition to which irreversible modifications have been made which have disabled the original function. Deactivated ammunition shall be identified in accordance with a special legal regulation<sup>23)</sup>.

16. **Cut of ammunition** – a cut of ammunition made for teaching and training purposes for armed forces disposed of explosives and other active fills of ammunition and to which modifications have been made uncovering, at least partially, the internal construction of the ammunition including substitutive (inert) fills. A cut of ammunition shall be identified in accordance with a special legal regulation<sup>23)</sup>.

17. **Disassembled ammunition** – ammunition removed of explosives and other active ammunition fills, not marked in accordance with a special legal regulation<sup>23)</sup>.

18. **Dummy ammunition** – ammunition identical in terms of shape and dimensions with the original sample, not containing explosives and other active ammunition fills and usually produced from non-standard material. It can contain fills made of substitutive (inert) material. It includes civil or military training ammunition or ammunition specified for teaching or training.

19. **Unexploded artillery ammunition** – a comprehensive expression for ammunition which was prepared to be used or which has been used (for example it was discharged, dropped, scattered, fired, thrown or swept and unexploded for example as a result of failure of the initiation mechanism or which has been constructed so that it explodes for other reasons (by stepping on it).

20. **Training projectile** – a projectile designed for acoustic and lighting imitation of sharp shooting.

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<sup>23)</sup> Decree No. 371/2002 Coll. laying down the procedure for deactivating and destructing firearms, ammunition and for production of their cuts as amended by Decree 632/2004 Coll.

<sup>23)</sup> Decree No. 371/2002 Coll. laying down the procedure for deactivating and destroying firearms and ammunition and for the production of their cuts???????? as amended by Decree 632/2004 Coll.