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of 19 April 2017

on the Foreign Service and to amend certain other acts (the Foreign Service Act)

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

PART ONE

FOREIGN SERVICE

CHAPTER ONE

BASIC PROVISIONS

Section 1

Object and Scope

- (1) This Act regulates
 - (a) the principles and procedures of the foreign service,
 - (b) the status, establishment, closing and functioning of the representative offices of the Czech Republic (hereinafter, the “representative office”),
 - (c) the functioning of the consular service,
 - (d) the service and employment relationships in the foreign service,
 - (e) the granting and conferring of diplomatic and consular ranks.
- (2) This Act transposes the relevant European Union directive¹ and lays down the rules concerning consular protection for unrepresented citizens of other European Union Member States (hereinafter, the “unrepresented citizen”).

¹ Council Directive (EU) 2015/637 of 20 April 2015 on the coordination and cooperation measures to facilitate consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC.

Section 2

Definitions of Basic Terms

For the purposes of this Act

- (a) the “foreign service” refers to the activity aimed at establishing, maintaining and developing relations with foreign States and other subjects of international law, including protection of interests of the Czech Republic and its citizens abroad, performed by the Ministry of Foreign Affairs (hereinafter, the “ministry”),
- (b) the “service abroad” refers to the foreign service performed by a diplomatic or administrative officer on a service position abroad,
- (c) the “service in the headquarters” refers to the foreign service performed by a diplomatic officer on a service position in the Czech Republic,
- (d) the “consular service” refers to foreign service that includes the activities described in Chapter IV,
- (e) the “work abroad” refers to work performed by an administrative or technical officer at regular workplaces abroad,
- (f) the “work in the headquarters” refers to work performed by an administrative or technical officer at regular workplaces in the Czech Republic,
- (g) a “diplomatic officer” refers to a civil servant in a service relationship or, in exceptional cases to an employee in an employment relationship, who performs the foreign service with the exception of the activities referred to in (h) below, and holds a position designated as a diplomatic position in a service regulation issued by the state secretary of the ministry,
- (h) an “administrative officer” refers to a civil servant in a service relationship or an employee in an employment relationship, who performs the foreign service in the area of administration, and holds a position designated as an administrative position in a service regulation issued by the state secretary of the ministry,
- (i) a “consular officer” refers to a diplomatic or administrative officer who performs activities described in Chapter IV,

(j) an “honorary consular officer” refers to a person, who is not in a service, employment or equivalent relationship with the ministry and is authorised to perform one or more of the consular activities described in Chapter IV,

(k) a “technical officer” refers to an employee in an employment relationship, who performs support, service or manual work related to the foreign service and holds a position designated as a technical position in a service regulation issued by the state secretary of the ministry,

(l) a “family member of a diplomatic, administrative or technical officer” refers to a spouse, partner in terms of the Registered Partnership Act (hereinafter, the “partner”), biological child, adopted child, child in foster care or ward, biological parents, adopter, guardian and foster parent; other persons may be deemed to be equivalent to a family member only if they share a household with the civil servant or employee.

Section 3

Principles of the Foreign Service

- (1) The foreign service shall be performed namely in accordance with the following principles
 - (a) loyalty to the Czech Republic,
 - (b) professionalism,
 - (c) indivisibility,
 - (d) compliance with the obligations that arise for the Czech Republic from international law and European Union law.
- (2) The state secretary of the ministry shall manage the performance of the foreign service so as to ensure compliance with the foreign service career system and the system of rotation in the performance of service in the Czech Republic and abroad.

CHAPTER II

STATUS, ESTABLISHMENT AND CLOSING OF A REPRESENTATIVE OFFICE

Section 4

Representative Office

- (1) A representative office is an organisational unit of the ministry² established in order to perform the duties falling within the scope of service abroad.
- (2) The representative offices are
- (a) an embassy,
 - (b) a permanent mission to an international organisation (hereinafter, the “permanent mission”),
 - (c) a consular post,
 - (d) a special mission,
 - (e) a liaison office or bureau.
- (3) Representative offices shall be established and closed down by the Minister of Foreign Affairs of the Czech Republic (hereinafter, the “minister”) following consultation with the state secretary of the ministry. The minister shall inform the Government of the Czech Republic (hereinafter, the “government”) prior to establishing or closing down any of the representative offices listed in (2) (a), (b) and (e) above.
- (4) When establishing a representative office, the minister shall decide on the scope of its activity, including whether that representative office is to perform such activity in relation to more than one State; where appropriate, the minister shall set out the scope of activities described in the Chapters III and IV.
- (5) When closing down a representative office, the minister shall decide which representative office or offices are to perform the activity of the closed representative office; where appropriate, the minister shall also set out which of the Chapter III and Chapter IV activities of the closed representative office are to be performed by such representative office or offices.

Section 5

Embassy

An embassy exercises the functions of a diplomatic mission as defined in a treaty binding on the Czech Republic³ in relation to a State in which it is established and, where appropriate, also in relation to other States (hereinafter, the “receiving State”); the embassy namely

² Section 1 (2) of Government Directive No. 92/2015 Concerning the Rules for the Organisation of Authorities in the Civil Service.

- (a) represents the Czech Republic in the receiving State,
- (b) protects the interests of the Czech Republic and of its citizens in the receiving State,
- (c) negotiates with the government of the receiving State,
- (d) ascertains and reports to the competent authorities of the Czech Republic on situation and conditions in the receiving State, including the issues related to European Union affairs,
- (e) promotes the goals of the Czech Republic's foreign and security policy,
- (f) promotes relations between the Czech Republic and the receiving State and the development of their economic, cultural, scientific and other contacts,
- (g) exercises the functions of a permanent mission in case stated in Section 10 (2) below.

Section 6

Permanent Mission

- (1) A permanent mission exercises the functions of a diplomatic mission in relation to the international organisation concerned; the permanent mission namely
 - (a) represents the Czech Republic in the international organisation,
 - (b) advances and protects the Czech Republic's interests in the international organisation,
 - (c) negotiates with the bodies and representatives of the international organisation,
 - (d) negotiates with representatives of member States who represent individual member States in the international organisation,
 - (e) reports to the competent authorities of the Czech Republic on the activities and situation of the international organisation,
 - (f) promotes relations and the development of contacts between the Czech Republic and the international organisation.
- (2) The permanent mission represents and promotes the Czech Republic's interests in the context of any activities that are directly related to membership in the international organisation but take place outside the international organisation's framework; the permanent mission shall report on such activities to the competent authorities of the Czech Republic.

³ Vienna Convention on Diplomatic Relations, done at Vienna on 18 April 1961, published in Notice No. 157/1964.

Section 7

Consular Post

- (1) The consular posts are
 - (a) a consulate-general,
 - (b) a consulate,
 - (c) a consular agency,
 - (d) a consular post headed by an honorary consular officer.
- (2) The consular post exercises the functions set out in a treaty binding on the Czech Republic⁴ in relation to the receiving State.
- (3) The consular post may also exercise the functions listed in Section 5, subject to the minister's decisions referred to in Section 4 (4) and (5).
- (4) When performing the foreign service under this Act, the consulates-general, consulates and consular agencies shall coordinate their activities with the embassy representing the Czech Republic in the receiving State.
- (5) The minister shall designate a representative office to supervise over the activities of a consular post headed by an honorary consular officer.
- (6) The honorary consular officer may be appointed from among individuals whose social status in the receiving State, knowledge of the conditions in the area to be assigned to the consular office for the exercise of its functions, the level of relations with representatives of the public and private sectors, as well as personal expertise and experience guarantee the due performance of activities described in paragraphs (2) and (3) above. The honorary consular officer may be appointed from among citizens of the Czech Republic as well as from among foreign citizens.
- (7) The operational costs of a consular post headed by an honorary consular officer shall be paid by the honorary consular officer from his or her own resources. The honorary consular officer is not entitled to any salary or wage for his or her work. The honorary consular officer shall remit to the supervising representative office any administrative fees collected on the basis of other laws and regulations⁵.

⁴E.g. Vienna Convention on Consular Relations, done at Vienna on 24 April 1963, published in Notice No. 32/1969.

⁵Act No. 634/2004 Concerning Administrative Fees as amended.

Section 8

Special Mission

A special mission is a temporary mission, representing the Czech Republic, which is sent to another State with the consent of the latter for the purpose of dealing with it on specific questions or of performing in relation to it a specific task⁶.

Section 9

Liaison Office or Bureau

- (1) A liaison office or bureau is established, as a rule, in order to ensure the Czech Republic's relations with authorities or representatives of an entity that, according to international law, is not a State.
- (2) The liaison office or bureau fulfils, within the scope determined by the minister, the functions similar to those of a diplomatic mission.

Section 10

Head of a Representative Office

- (1) The head of a representative office, which is an embassy, is the highest ranking permanent representative of the Czech Republic in the receiving State.
- (2) The head of a representative office, which is an embassy, may also be authorised to represent the Czech Republic to an international organisation. Alternatively, the authorisation to represent the Czech Republic to an international organisation may be granted to a diplomatic officer who is not the head of the representative office described in Section 5.
- (3) The head of a representative office, which is an embassy, may exercise his or her functions in relation to the receiving State from an embassy established in another State or from the ministry. The minister shall decide on the scope of activities to be undertaken by a head of a representative office exercising its functions from the ministry.

⁶ Convention on Special Missions, adopted on 8 December 1969, published in Notice No. 40/1987.

(4) The head of a representative office referred to in Sections 5 and 6 shall be appointed and recalled by the President, on basis of a proposal by the government. Other heads of representative offices shall be appointed and recalled by the minister.

CHAPTER III FOREIGN SERVICE

Section 11

- (1) The performance of the foreign service in the headquarters includes namely
- (a) developing bilateral and multilateral relations with other States and international organisations, including international regional formations,
 - (b) monitoring the development of political relations between a given State and other States, as well as monitoring the given State's positions on important foreign policy issues,
 - (c) cooperating to prepare visits abroad by representatives of the Czech Republic and visits to the Czech Republic by representatives of other States and international organisations,
 - (d) monitoring, conducting and coordinating activities in the area of international security,
 - (e) coordinating and ensuring preparation, conclusion and internal approval processes of treaties, as well as promulgating treaties and monitoring compliance and application of treaties,
 - (f) developing the Czech Republic's development cooperation programmes and projects, and delivering and coordinating humanitarian aid abroad,
 - (g) promoting the Czech Republic's goals in the area of human rights and transition cooperation,
 - (h) supporting public diplomacy activities and relations with countrymen living abroad,
 - (i) addressing, in accordance with Chapter IV, any crisis situations occurring abroad that may affect the interests of the Czech Republic and its citizens.
- (2) The performance of the foreign service abroad includes namely
- (a) for the diplomatic officers, conducting negotiations with representatives of the receiving State or international organisation and with representatives of the diplomatic missions of other States,

- (b) monitoring the situation in the receiving State or international organisation,
 - (c) monitoring the conditions for developing and putting into action the Czech Republic's treaty relations with the receiving State,
 - (d) cooperating to prepare visits to the receiving State or international organisation by representatives of the Czech Republic, and visits to the Czech Republic by representatives of other States and international organisations,
 - (e) fostering comprehensive development of relations between the Czech Republic and the receiving State, including economic, cultural and scientific contacts and development cooperation,
 - (f) promoting relations with countrymen and teaching in the Czech language abroad.
- (3) The performance of the foreign service also includes the performance of the consular service as described in Chapter IV.

Section 12

Mutual Cooperation between the Ministry, other Authorities and Legal Persons

The ministry, other authorities and legal persons, required to do so in other laws or regulations⁷, shall provide each other with cooperation in the performance of the foreign service in order to promote and protect the Czech Republic's interests. To this end, the ministry may enter into agreements with other authorities and legal persons to lay down detailed conditions for mutual cooperation in the performance of the foreign service.

Section 13

Support for the Performance of the Foreign Service

- (1) The foreign service referred to in Section 11 (2) (e) may be performed by employees holding positions in an organisational unit of the State and a State-funded organisation established by or subordinated to a central administrative authority (hereinafter, the "posting organisation"), subject to

⁷ E.g. Act No. 2/1969 Establishing the Ministries and Other Central Government Authorities of the Czech Republic as amended, Act No. 151/2010 Concerning Foreign Development Cooperation and Humanitarian Aid Provided Abroad and amending related legislation.

the conclusion of the agreement referred to in Section 12. To this end, the posting organisation may post its employee to a representative office subject to the ministry's consent.

(2) The person posted in accordance with (1) above shall work under the direction of the head of the representative office in accordance with the agreement referred to in Section 12; such person shall take instructions from the posting organisation pursuant to the said agreement.

(3) The person posted in accordance with (1) above may use the name of the posting organisation in his or her communication in the receiving State, provided that such practice is consistent with the customs prevailing in the receiving State.

(4) The posting organisation shall terminate its employee's posting to a representative office upon request by the ministry; no reasons need to be provided.

Section 14

(1) The ministry may establish a State-funded organisation to provide support to the performance of the foreign service. The organisation's deed of foundation shall be issued by the ministry. The State-funded organisation shall be established on the date given in the deed of foundation. In addition, the deed of foundation shall contain the following information

- (a) identification of the founder of the State-funded organisation,
- (b) the name, registered office and identification number of the State-funded organisation,
- (c) the statement of purpose for which the State-funded organisation is established,
- (d) the primary object and any secondary activities of the State-funded organisation,
- (e) identification of the governing body and the basic organisational structure of the State-funded organisation,
- (f) identification of the Czech Republic's property entrusted by the ministry to the care of the State-funded organisation upon the organisation's establishment,
- (g) the fixed term for which the State-funded organisation is established, or information that the organisation is established for an indefinite term.

(2) The governing body of a State-funded organisation established in accordance with (1) above shall be appointed and dismissed by the minister.

(3) The ministry may decide to divide a State-funded organisation established in accordance with (1) above, or to order such organisation's acquisition by or merger with another State-funded organisation established in accordance with (1) above, or to make any other changes to a State-funded organisation. At the same time, the ministry shall issue a deed of foundation for the newly established State-funded organisation or an addendum to the existing deed of foundation. A State-funded organisation shall cease to exist on the date given in the decision on its division or merger or, where appropriate, on the date given in the decision on its acquisition if the legal successor is another State-funded organisation.

(4) The ministry may decide to dissolve a State-funded organisation established in accordance with (1) above. In doing so, the ministry shall decide on the distribution of the organisation's rights and duties, including the authority to manage the Czech Republic's property, and shall terminate the deed of foundation. In the absence of such decision, the rights and duties of the dissolved organisation shall pass to the ministry. A State-funded organisation shall cease to exist on the date given in the decision on its dissolution.

(5) The ministry shall announce its decisions concerning the establishment, division, acquisition, merger or dissolution of a State-funded organisation, as described in (1)-(4) above, in the Czech Republic's Official Journal no later than 30 days after the date of the given act. The announcement shall contain the identification of the founder, the name, registered address and identification number of the State-funded organisation, and the day, month and year of its establishment, division, acquisition, merger or dissolution.

Section 15

Diplomatic and Consular Ranks

(1) Diplomatic and consular ranks are granted to or conferred on civil servants and employees in the foreign service.

(2) Diplomatic ranks include

- (a) Attaché,
- (b) Third Secretary,
- (c) Second Secretary,

- (d) First Secretary,
 - (e) Counsellor of Embassy,
 - (f) Counsellor-Minister,
 - (g) Ambassador.
- (3) Consular ranks include
- (a) Consular Agent – equivalent to Attaché,
 - (b) Vice-Consul – equivalent to Third and Second Secretary,
 - (c) Consul – equivalent to First Secretary and Counsellor of Embassy,
 - (d) Consul General – equivalent to Counsellor-Minister and Ambassador.
- (4) Diplomatic ranks may be granted to a diplomatic officer based on
- (a) completion of a foreign service training programme ,
 - (b) time of performance of the foreign service,
 - (c) time of performance of the foreign service in a position of a superior,
 - (d) number of postings for the performance of service abroad.
- (5) Diplomatic and consular ranks may be conferred on a diplomatic or administrative officer for the performance of service abroad, depending on the nature of the service or employment position to be held by the officer. Diplomatic ranks may be conferred on a diplomatic officer holding a superior service position in the headquarters.
- (6) Diplomatic and consular ranks are granted and conferred by the ministry's state secretary.
- (7) The ministry shall issue a regulation containing a list of diplomatic and consular ranks and detailed requirements and procedures for conferring and granting such ranks.

CHAPTER IV

CONSULAR SERVICE

Part 1

Performance of Consular Activities

Section 16

Consular Activities

(1) The representative office shall perform the activities identified below in accordance with this Act, other laws and regulations and treaties binding on the Czech Republic⁴ and in accordance with the laws and regulations of the receiving State; the activities include namely

- (a) consular protection,
- (b) legalisation and certification,
- (c) notarial activities,
- (d) civil registry agenda⁸,
- (e) agenda related to the citizenship of the Czech Republic⁹,
- (f) agenda related to travel documents¹⁰,
- (g) electoral authority's activity¹¹,
- (h) activity related to firearms and ammunition¹²,
- (i) mutual legal assistance between the Czech Republic and other States¹³,
- (j) service abroad of documents¹³ and the taking of evidence¹⁴,
- (k) agenda related to succession and inheritance,
- (l) activity related to the issuing of visas and residence permits to foreign citizens¹⁵.

(2) The ministry shall perform the activities referred to in (1) (a), (b), (f), (g), (i), (k) and (l) above.

⁸ Act No. 301/2000 Concerning Public Registers, First Names and Surnames and amending related legislation as amended.

⁹ Act No. 186/2013 Concerning the Citizenship of the Czech Republic and amending certain legislation (Czech Citizenship Act).

¹⁰ Act No. 329/199 Concerning Travel Documents as amended.

¹¹ Act No. 275/2012 Concerning the Election of the President of the Republic (Presidential Elections Act) as amended. Act No. 247/1995 Concerning Elections to the Parliament of the Czech Republic and amending certain legislation as amended.

Act No. 62/2003 Concerning Elections to the European Parliament and amending certain legislation as amended.

¹² Act No. 119/2002 Concerning Firearms and Ammunition (Firearms Act) as amended.

¹³ Act No. 91/2012 Concerning Private International Law as amended.

Act No. 104/2013 Concerning International Judicial Cooperation in Criminal Matters as amended.

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague on 15 November 1965, published in Notice No. 85/1982.

Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000.

¹⁴ Convention on the Taking of Evidence Abroad in Civil and Commercial Matters, done at The Hague on 18 March 1970, published in Notice No. 129/1976.

¹⁵ Act No. 326/1999 Concerning the Residence of Foreign Citizens in the Territory of the Czech Republic and amending certain legislation as amended.

Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as amended.

(3) The ministry shall publish, through a remote access facility, information indicating which of the representative offices performs a given consular activity in a given State or in the individual parts thereof.

Section 17

Consular Protection

(1) Consular protection¹⁶ shall be provided to citizens of the Czech Republic (hereinafter, the “citizen”) abroad and to unrepresented citizens. An unrepresented citizen refers to any citizen of a European Union Member State (hereinafter, the “Member State”) which is not represented in a non-European Union State (hereinafter, the “third country”). For the purposes of this Act, a Member State is not represented in a third country if it has no representative office there which is effectively in a position to provide consular protection in a given case.

(2) Consular protection shall include namely assistance in the following situations

- (a) assistance in the event of arrest or detention,
- (b) assistance to victims of crime,
- (c) assistance in case of an emergency,
- (c) assistance in cases of death,
- (d) assistance to unaccompanied minors abroad,
- (f) assistance in the event of a crisis situation occurring abroad, including the harmful impacts of man-made forces and phenomena, of natural forces, as well as disasters posing a risk to life, health or property or to the environment, in cases where the situation affects a larger number of persons (hereinafter, the “crisis situation”).

(3) The representative office shall provide adequate assistance to a detained or arrested citizen if the citizen requests such assistance. The representative office shall inform the citizen about his or her rights under the laws and regulations of the State in whose territory the citizen is staying and about the conditions for obtaining legal aid, and shall monitor whether the treatment accorded to the citizen meets internationally recognised minimal standards and complies with local laws and regulations.

¹⁶ Section 6 (3) (b) of Act No. 2/1969 as amended.

- (4) The representative office shall provide necessary assistance to a citizen who has become the victim of a crime if the citizen requests such assistance. The representative office shall also inform the citizen about the procedure for reporting the crime to the competent local authorities and shall assist the citizen in making the report if necessary.
- (5) The representative office shall assist a citizen who is in an emergency abroad due to exceptional circumstances, including namely serious illness, hospitalisation, injury, accident, document theft or loss and the death of a close person, if the citizen requests such assistance and is unable to deal with the situation himself or herself. The situation of a citizen travelling abroad without adequate means to cover the costs of travel and stay shall not be deemed to be an emergency situation.
- (6) When informed about a citizen's death, the representative office shall inform or arrange for informing the closest relatives; the representative office shall assist the closest relatives as necessary in dealing with matters related to the death and shall issue a laissez-passer for the corpse where required¹⁷.
- (7) The representative office shall provide assistance in crisis situations.
- (8) Unless specified otherwise below, the representative office shall provide adequate financial or in-kind assistance as necessary if no assistance can be obtained from other sources, provided that the citizen undertakes in writing to repay the costs of consular protection. The costs of consular protection include also any administrative fees and cash expenditures related to the given procedure.
- (9) The undertaking to repay the costs of consular protection shall not be required in crisis situations, unless it is reasonable to require such undertaking due to the specific circumstances of the case. Financial or in-kind assistance shall be deemed necessary especially if the citizen's life is at risk.
- (10) The representative office may refuse to provide consular protection in cases where the requesting citizen does not duly cooperate with the consular officer, does not take an active part in addressing his or her situation, misused the assistance on a previous occasion, has given the representative office false information, did not repay the costs of consular protection on a previous occasion, as well as in cases where such assistance would be manifestly excessive, with the exception of cases where the refusal would result in the citizen's serious injury or in a risk to the citizen's life.
- (11) The practical steps to be taken for the purposes of consular protection in a given case shall be determined by the representative office on a case-by-case basis. On the basis of the specific

¹⁷ Section 9(4) of Act No. 256/2001 Concerning Funeral Services and amending certain legislation as amended.

circumstances of the case, the representative office may decide that an undertaking to repay the costs of consular protection is not to be required, or that the undertaking is to be required only for a certain part of the costs as the representative office deems reasonable and adequate with regard to the circumstances of the case.

Section 18

Document Legalisation and Certification

- (1) The ministry shall within the scope of service in the headquarters attach national legalisation certificates to public documents executed or certified by a competent authority of the Czech Republic, by a local government body performing administrative functions entrusted to it by law or on the basis thereof, and by a legal person or an individual performing administration functions entrusted to them by law or on the basis thereof, as well as to documents signed before the ministry; national legalisation consists in attaching to the document a certificate of authenticity of the signature and of the identity of the stamp or seal which the document bears. In case the document is to be produced in a State party to the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents¹⁸, the ministry shall attach to the document a special certificate (Apostille); this shall not apply in the case of documents executed by a court, notary and court-appointed executor¹⁹.
- (2) The ministry may attach a national legalisation certificate to a foreign public document only if the document has been executed or certified by a representative office accredited to the Czech Republic, provided that the ministry has the specimen signatures and impressions of the stamps or seals of such representative office.
- (3) Representative offices shall
- (a) certify true copies,
 - (b) legalise documents,
 - (c) append national legalisation certificates to foreign public documents,

¹⁸ Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, done at The Hague on 5 October 1961, published in Notice No. 45/1999.

¹⁹ Section 109 of Act No. 91/2012.

- (d) certify foreign public documents to which none of the certificates prescribed in other legislation can be attached²⁰,
 - (e) certify translations of public documents.
- (4) The representative office may legalise signatures on documents drawn up in languages other than Czech or Slovak and/or in scripts other than Roman, if the consular officer has adequate knowledge of the language in which the document is drawn up or if the document is accompanied by a certified translation.
- (5) The representative office may refuse to certify the translation of a public document if the consular officer does not have adequate knowledge of the language in which the document is drawn up or if the authorities of the State to which the representative office is accredited do not recognise translations made or certified by the representative office.
- (6) The representative office may refuse to certify a document if there are serious reasons for believing that the content of the document is inconsistent with public order, with the laws and regulations of the receiving State or with the Czech Republic's obligations under international law and European Union law, or if there are serious doubts about the authenticity of the document, or if the document is inconsistent with the facts to which it purports to attest.
- (7) The certifications and legalisations referred to in (1)-(5) above shall be performed by a consular officer who has passed an examination. The examination shall consist of a written test of knowledge and practical application of the laws and regulations concerning certification of true copies and legalisation.
- (8) The ministry shall issue a regulation setting out the legalisation and certification procedure to be followed by representative offices as well as detailed rules for the examination.

Section 19

Notarial Activities

- (1) The representative office shall issue a proof of life certificate for a Czech citizen at the citizen's request, provided that the citizen produces a valid official identity document.
- (2) In exceptional cases, especially in crisis situations, the representative office may receive from the Czech individuals and legal persons money, stocks and bonds, bankbooks and documents for safe

²⁰ Sections 12 and 109 of Act No. 91/2012.

custody. The representative office shall refuse to keep articles in safe custody if the safekeeping would be inconsistent with the laws and regulations of the Czech Republic or of the receiving State, if the representative office lacks suitable safe custody facilities, if the representative office is unable to keep articles in safe custody due to capacity constraints, or in circumstances where the security of the articles or of the representative office and/or of civil servants and employees serving or working abroad is at risk or impossible to maintain.

Section 20

Civil Registry Agenda

- (1) The representative office shall receive namely requests for the following
 - (a) the recording of registrable events²¹,
 - (b) duplicates of registry documents,
 - (c) certificates of no impediment to marriage²²,
 - (d) paternity certificates,
 - (e) permission to change the first name and surname,
 - (f) solemnisation of marriage.
- (2) The representative office shall publish, through a remote access facility, detailed rules concerning solemnisation of marriage.

Section 21

Agenda Related to the Citizenship of the Czech Republic

The representative office shall receive namely the following:

- (a) requests to ascertain a person's citizenship status, requests to issue a citizenship certificate, and requests to deliver a citizenship certificate,
- (b) applications for the citizenship of the Czech Republic, where required by other legislation²³,
- (c) individual declarations of obtaining the citizenship of the Czech Republic,

²¹ Sections 42 and 43 of Act No. 301/2000 as amended.

²² Section 36 of Act No. 301/2000 and 109 of Act No. 301/2000 as amended.

²³ Section 28 (4) of Act No. 186/2013.

- (d) declarations of renunciation of the citizenship of the Czech Republic,
- (e) oaths of allegiance made according to other legislation²⁴.

Section 22

Electoral Authority's Activity

- (1) The ministry and representative offices shall perform the activity of an electoral authority as required by other laws and regulations.
- (2) The representative office shall namely
 - (a) prepare, organise and manage voting abroad,
 - (b) inform voters about elections and about voting eligibility requirements,
 - (c) receive requests for registration on a special electoral roll kept by the representative office,
 - (d) receive requests for deletion from a special electoral roll kept by the representative office,
 - (e) send reports on the voting and its results to the Czech Statistical Office.

Section 23

Agenda Related to Succession and Inheritance

The representative office shall safeguard the interests of citizens in matters related to succession and inheritance in the territory of the receiving State in accordance with the laws and regulations of the receiving State and with treaties binding on the Czech Republic. The protection shall include namely obtaining information and assisting with the compilation of documents necessary for inheritance proceedings. In case any of the steps involve costs to the consular post, such step(s) shall be carried out at the expense of the requesting citizen.

Part 2

Consular Protection of Unrepresented Citizens

²⁴ Section 27 of Act No. 186/2013.

Section 24

- (1) In the territory of a third country, unrepresented citizens shall be provided with consular protection on the same conditions as citizens in accordance with Sections 17 and 19 (2).
- (2) A consular post headed by an honorary consular officer shall not provide consular protection to unrepresented citizens.
- (3) Applicants seeking consular protection shall establish that they are unrepresented citizens by producing their travel documents or identity cards. If the applicant is unable to produce a valid travel document or identity card, the citizenship may be proved by any other appropriate means, including verification with the representative office or the Ministry of Foreign Affairs of the Member State of which the applicant claims to be a citizen.

Section 25

Transferring the application

In cases where an unrepresented citizen's Member State of citizenship requests that the application for consular protection or the case be transferred to it, the representative office shall relinquish the case as soon as the Member State confirms that it is providing consular protection to the unrepresented citizen.

Section 26

Agreements and Practical Arrangements

- (1) The ministry may conclude agreements with the authorities of other Member States concerning permanent representation for the purpose of providing consular protection to unrepresented citizens.
- (2) The representative office may conclude practical arrangements with the representative offices of other Member States for the purpose of sharing responsibilities for providing consular protection to unrepresented citizens.
- (3) In cases where an agreement or practical arrangement has been concluded according to (1) and (2) above, consular protection shall be subject to the provisions of such agreement or practical arrangement. In cases where an unrepresented citizen seeks consular protection from the representative office although the representative office is not designated as competent according to the agreement or practical arrangement in place, the representative office shall ensure that the application

be transferred to the competent representative office of another Member State, unless consular protection would thereby be compromised, in particular if the urgency of the matter requires immediate action by the representative office.

Section 27

Coordination and Cooperation

- (1) The representative office shall closely cooperate and coordinate its activity with the representative offices of the Member States and with the European Union delegation in the given State to ensure consular protection of unrepresented citizens.
- (2) When the representative office receives a request for consular protection from a person who claims to be an unrepresented citizen, or is informed about an individual emergency situation of a person who claims to be an unrepresented citizen, the representative office shall consult without delay with the Ministry of Foreign Affairs of the Member State of which the person claims to be a citizen or, where appropriate, the competent representative office of that Member State, and provide it with all relevant information at its disposal, including regarding the identity of the unrepresented citizen and the possible costs of consular protection. Except in cases of extreme urgency, this consultation shall take place before assistance is provided. The representative office shall also facilitate, by appropriate means, the exchange of information between the citizen concerned and the authorities of the Member State of which the person claims to be a citizen.
- (3) If requested by the other Member State, the representative office shall provide the authorities of the other Member State with relevant information on the given case of consular protection of an unrepresented citizen.
- (4) The representative office or the ministry may seek information from the authorities of other Member States concerning any cases of citizens provided with consular protection in third countries where the Czech Republic is not represented.
- (5) The ministry and the representative office shall receive from other Member States information on citizens seeking consular protection in third countries where the Czech Republic is not represented. The ministry may decide that consular protection in a given case is to be provided by the representative office or by the ministry.

Section 28

- (1) The representative office in a third country shall closely cooperate and coordinate its plans for crisis situations with the representative offices of the other Member States and with the competent European Union delegation to ensure that unrepresented citizens are efficiently assisted in such situations. The representative office shall inform the representative offices of the other Member States of its crisis preparedness arrangements and, where appropriate, shall involve them therein.
- (2) In the event of a crisis situation, the representative office and the ministry shall closely cooperate with the authorities of other Member States and of the European Union to ensure efficient assistance for unrepresented citizens. The representative office and the ministry shall, where possible, inform the authorities of other Member States and of the European Union about available evacuation capacities.
- (3) The representative office shall provide the authorities of the Member State(s) in charge of coordinating and leading the assistance to unrepresented citizens during crisis situations, or the Member State(s) coordinating the assistance, with relevant information regarding citizens present in a crisis situation in a third country where the Czech Republic is not represented.

Section 29

Financial Procedures

- (1) The representative office shall obtain from unrepresented citizens an undertaking to repay to their Member State of citizenship the costs of any consular protection provided on the basis of Section 17 and Section 19 (2). Unrepresented citizens shall be required to undertake to repay only those costs that would have to be borne by citizens under the same conditions.
- (2) The ministry shall ask the unrepresented citizen's Member State of citizenship for the reimbursement of any costs of consular protection incurred by the Czech Republic when providing consular protection to an unrepresented citizen.
- (3) When the consular protection provided to an unrepresented citizen in the case of arrest or detention involves unusually high but essential costs related to travel, accommodation or translation,

the ministry shall ask for the reimbursement of such costs the Member State whose citizenship the unrepresented citizen holds.

(4) The ministry shall issue a regulation setting out the standard form for an undertaking to repay the costs of consular protection and the standard form for a request for reimbursement.

Section 30

(1) In crisis situations where the Czech Republic provides the assistance referred to in Sections 24-28, the ministry shall submit a request for reimbursement of the costs of consular protection provided to an unrepresented citizen to the Ministry of Foreign Affairs of the unrepresented citizen's Member State of citizenship. This reimbursement may be sought even if the unrepresented citizen has not signed an undertaking to repay according to Section 29 (1).

(2) In case the assistance referred to in Sections 24-28 is provided to a significant number of citizens, the ministry may ask the unrepresented citizen's Member State of citizenship to reimburse the costs on a pro-rata basis, by dividing the full value of the actual costs incurred by the number of citizens assisted.

(3) Where the consular protection has been financially supported by way of assistance from the European Union Civil Protection Mechanism²⁵, any contribution from the unrepresented citizen's Member State of citizenship shall be determined after the deduction of the European Union's contribution.

Section 31

(1) At the request of the Member State that has provided consular protection to a citizen in a third country where the Czech Republic is not represented, the ministry shall reimburse the costs of such consular protection to the Member State within 12 months.

(2) In the case referred to in (1) above, the ministry shall ask the citizen concerned to reimburse such costs. The citizen shall reimburse the costs to the ministry without undue delay, within 12 months; the payment shall be administered in accordance with the Tax Procedure Code.

²⁵ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism.

CHAPTER V
SERVICE AND EMPLOYMENT RELATIONSHIPS IN RELATION TO THE PERFORMANCE OF
FOREIGN SERVICE

Subchapter 1

Establishment of and Changes to the Ministry's Service and Employment Relationships
and the Employment of Other Persons

**Admission into the Civil Service and Assignment to Another Service Position in the
Ministry**

Section 32

- (1) Once a person is admitted into civil service in the ministry, the state secretary of the ministry shall assign him or her to a foreign service trainee position; this person shall undergo a foreign service training programme and conclude it with an examination.
- (2) The examination shall assess the knowledge of diplomatic practice, consular activities and laws and regulations relevant to the foreign service, including international and European Union law. The examination shall be taken within one year of entering the service as described in (1) above. The examination may be retaken only once. This examination substitutes for the specialised part (foreign relations and service) of the civil service examination.
- (3) The ministry examination certificate shall serve as the evidence that the holder has successfully passed the examination.
- (4) Once the civil servant passes the examination, the state secretary of the ministry shall assign him or her to another service position. The service of a person who fails the examination shall terminate on the date of expiry of the time-limit for taking the examination as specified in (1) above.
- (5) The content, scope and other particulars of the final examination, including the examination and rating procedure, shall be determined by the ministry through a regulation.

Section 33

- (1) With the exception of the cases described in Section 24 (5) of the Civil Service Act, the ministry's vacant service positions shall not be filled through competition in cases where
 - (a) Section 36 is applied,
 - (b) the vacant service position can be filled with a civil servant who currently holds another service position at the ministry, including the trainee position referred to in Section 32, or
 - (c) the ministry's vacant service position is designed for service abroad and can be filled according to Section 41 (1).
- (2) In the case of the vacant service positions falling under (1) (b) or (c) above, decisions concerning admission into service and assignment to a service position, or appointment to a service position of a superior, and/or assignment to a service position, or appointment to a senior service position, or filling a service position in employment relationship shall be made by the state secretary of the ministry at the proposal of a council for appointments.
- (3) In cases where ministry's vacant service positions designed for the performance of service in the headquarters cannot be filled according to (1) above and there is no person eligible for admission in service through the procedure described in Section 32, the state secretary of the ministry shall announce a competition for vacant service positions as required in the Civil Service Act.
- (4) The competition required in the Civil Service Act shall be held whenever a service position becomes vacant as a result of termination of service according to Sections 72 - 74 of the Civil Service Act.
- (5) Section 32 shall not be applied in the cases described in (3) and (4) above.
- (6) The procedure described in Section 70 (3) of the Civil Service Act shall not be used to assign a civil servant to a service position vacated as a result of rotation between service in the headquarters and service abroad, unless the civil servant is in a service relationship with the ministry.

Section 34

Council for Appointments

- (1) The council for appointments of the ministry is hereby established.
- (2) The council for appointments members shall be appointed and recalled by the state secretary of the ministry. A civil servant or an employee holding a position in another service authority shall be

eligible for a membership in the council for appointments. The decision-making process related to the appointment of members of the council for appointments shall be governed by the provisions of the Civil Service Act concerning the procedures to be followed in matters of civil service. Under this Act, the council for appointments presenting nominations for the service positions referred to in (4) (c) shall always include the state secretary of the ministry as a member.

- (3) A member of the council for appointments may be appointed in case he or she
 - (a) has performed the activities described in Section 5 of the Civil Service Act or equivalent duties in an administrative authority or other State authority for a period of at least four years during the past ten years, and
 - (b) is a superior performing service on a service position of at least a director of a department or a superior employee on an employment position of at least a director of a department.
- (4) The council for appointments shall
 - (a) present nominations for the ministry's vacant service positions, except for cases where a service position is to be filled according to Section 36 and cases where a competition is to be held according to the Civil Service Act,
 - (b) present nominations for superior service positions designed for service in the headquarters and abroad,
 - (c) assess candidates for the positions of head of representative offices at the minister's request; the minister shall not be bound by the result of the assessment.
- (5) The council for appointments presenting nominations for the service positions referred to in (4) (a) and (b) above shall have three members; in the case referred to in (4) (c) above, the council for appointments shall have five members. In case the service position is open to civil servants from other authorities, the state secretary of the ministry may issue a service regulation increasing the number of council for appointments members.
- (6) Decisions on assignments to a service position and appointments to a civil service position of a superior for service in the headquarters shall be made by the state secretary of the ministry at the proposal of the council for appointments and in consultation with the civil servant immediately superior to the given position. On refusing to appoint to a superior service position a civil servant nominated by the council for appointments, the state secretary of the ministry shall request the council for

appointments to present a new nomination.

(7) The state secretary of the ministry shall issue a service regulation to lay down detailed rules for the composition and functioning of the council for appointments.

(8) The state secretary of the ministry shall issue a service regulation to lay down detailed rules for posting civil servants abroad in cases where the service position is open to civil servants from other authorities. The state secretary of the ministry shall issue such service regulation following consultation with the civil service management departments of other authorities.

Section 35

Changes to the Service Relationship

Changes to the service relationship include, but are not limited to

- (a) being assigned to a service position designed to facilitate rotation between service in the headquarters and service abroad (hereinafter, the “temporary service position”),
- (b) being posted abroad to take over agenda at a representative office,
- (c) being transferred to the ministry to prepare for service abroad.

Section 36

Assignment to a Temporary Service or Employment Position

(1) The ministry’s civil servant or employee who is about to be posted abroad or whose posting has come to an end shall be assigned to a temporary service position in situations when such assignment is necessary to facilitate his or her rotation between service or work in the headquarters and abroad.

(2) A vacated service position designed for service in the headquarters, except for superior service positions, shall be filled on a priority basis with civil servants who hold temporary service positions after being posted abroad.

(3) A vacated employment positions designed for work in the headquarters shall be filled on a priority basis with employees who hold temporary service positions after being posted abroad.

(4) The civil servant shall retain the temporary service position for a period not exceeding one year; upon the expiry of this time-limit the civil servant shall be suspended on organisational grounds.

(5) The employee shall retain the temporary employment position for a period not exceeding one year; after the expiry of this time-limit, the time during which the employee cannot work shall be deemed to be statutory time off, taken for reasons on the part of the employer.

(6) A period of one year referred to in (4) and (5) shall be discontinued when taking maternity or parental leave, and during unpaid service leave, or employment leave without any compensation of a salary.

Section 37

Posting to Take over Duties Abroad

(1) To facilitate rotation between service in the headquarters and service abroad, the state secretary of the ministry may post a civil servant to a representative office for the purposes of handover and takeover of duties, no more than 10 days before the date on which the civil servant is to replace his or her predecessor. On deciding to post a civil servant abroad according to Section 67 of the Civil Service Act, the state secretary of the ministry shall indicate whether or not the civil servant is to be posted to the representative office for the purposes of handover and takeover of duties.

(2) During the posting described in (1) above, the civil servant shall not hold any service position; the civil servant shall be entitled to the same salary as civil servants holding service positions abroad.

Section 38

Transfer to the Ministry in Preparation for the Performance of Service Abroad

(1) A civil servant may be transferred to the ministry from another authority for a period not exceeding 60 days in order to prepare for service abroad.

(2) A civil servant transferred according to (1) above shall be assigned to a temporary service position.

Section 39

Removal from a Service Position

The head of representative office may be removed from his or her service position without providing a reason.

Section 40

Posting the Civil Servants with Regard to His or Her Family or Similar Relations

The civil servants who are close persons may be in superior-subordinate roles during service abroad.

Section 41

The Use of Employment Relationship

- (1) To facilitate reconciliation of family and personal life with service and work abroad, the state secretary of the ministry may fill service and employment positions at a representative office with spouses and partners of civil servants and employees posted abroad; the assignment shall be made on a fixed-term employment basis, provided that the position is designated in the service regulation of the state secretary of the ministry as an administrative or technical position. Such person's term of employment shall not be longer than the term for which the civil servant or employee concerned is posted abroad.
- (2) If the Czech Republic's interest so requires, the state secretary of the ministry may fill a service position at a representative office, except for the service position of a head of unit, with a person employed on a fixed-term basis. In case the employee referred to in the first sentence holds the position of head of representative office, he or she shall be deemed to be a superior civil servant for the duration of the employment contract.
- (3) The duties of the person referred to in (1) and (2) above shall be agreed in the employment contract and the person shall be entitled to a salary according to Part Nine of the Civil Service Act.

Section 42

The Deputies

- (1) A deputy minister in charge of a section in the ministry may designate two deputies from among the superior civil servants reporting directly to him or her. The designated superior shall act on behalf of the deputy minister in matters determined by the deputy minister.
- (2) The head of the Permanent Representation of the Czech Republic to the European Union (hereinafter, the "Permanent Representation") may designate three deputies from among the superior civil servants reporting directly to him or her. The designated superior shall act on behalf of the head of the Permanent Representation in matters determined by the head of the Permanent Representation.

(3) A head of unit at a representative office may designate his or her deputy if the unit has been allocated at least seven positions.

(4) The deputy designated by a head of representative office shall act on behalf of the head of representative office in matters determined by the head of representative office.

Section 43

Special Envoy

(1) On charging a diplomatic officer with a special foreign service task, the minister may designate him or her as a special envoy for this purpose. Such diplomatic officer shall be appointed or assigned to a service position in the 12th or higher salary grade, and the state secretary of the ministry may assign him or her a salary rate of up to twice the top salary rate in the salary grade applicable to the service position to which the diplomatic officer is assigned or appointed. The diplomatic officer shall be eligible for the salary rate specified in the second sentence for a period not exceeding one year, and may become eligible repeatedly.

(2) A special envoy can be appointed as head of a special mission, liaison office or bureau.

(3) The appointment referred to in (1) above shall in any case be valid for a fixed term only.

Section 44

Diplomatic Officer with Granted Rank of an Ambassador

Once an ambassadorial rank is granted to a diplomatic officer, who is assigned or appointed to a service position in the headquarters in the 12th or higher salary grade, the state secretary of the ministry may assign him or her a salary rate up to twice the top salary rate in the salary grade applicable to the service position to which the diplomatic officer is assigned or appointed, provided that the officer performs the most complicated, responsible and demanding foreign service tasks requiring the highest level of knowledge, skills and experience.

Section 45

- (1) Citizens of the Czech Republic residing abroad on a long-term or permanent basis and foreign citizens residing in the receiving State may be employed with a representative office to perform the activities of administrative or technical officers.
- (2) The employment relationship, rights and obligations of the employees referred to in (1) above shall be subject to the laws and regulations of the receiving State.

Subchapter 2

The Allocation of Positions

Section 46

- (1) When informing the government about the establishment or closedown of a representative office as required in Section 4 (3), the ministry shall, following agreement with the Ministry of the Interior and the Ministry of Finance, present to the government a proposal to revise the ministry's positions; the procedure prescribed in the Civil Service Act for revising positions does not apply in this case.
- (2) In cases where service positions designed for service abroad are reallocated between representative offices, Section 18 of the Civil Service Act does not apply; the provisions of Section 17 (2) and (3) of the Civil Service Act shall be applied *mutatis mutandis*.

Subchapter 3

Duties and Rights of Diplomatic, Administrative and Technical Officers

Section 47

Duties

- (1) The duties of diplomatic, administrative or technical officers include, but are not limited to, the duty to refrain from

- (a) actions and statements that would damage the Czech Republic's international reputation,
 - (b) abuse of the privileges and immunities provided under treaties binding on the Czech Republic or under the laws and regulations of the receiving State,
 - (c) abuse of a diplomatic or service passport.
- (2) The duties of diplomatic, administrative or technical officers posted for the performance of service or work abroad include, but are not limited to, the duty
- (a) to respect the customary rules of protocol prevailing in the receiving State,
 - (b) to respect any duties and restrictions that treaties binding on the Czech Republic may impose on persons who serve and work at a representative office, and to respect the laws and regulations of the receiving State, without prejudice to the privileges and immunities,
 - (c) to inform the head of a representative office whenever they intend to leave the receiving State, and to provide details on their whereabouts during their absence from the receiving State.
 - (d) to respect any restrictions on movement related to the security situation in the receiving State,
 - (e) to open a bank account in the Czech Republic in order to receive salary payments on pay days,
 - (f) to respect the rules for telephone availability outside office hours; arrangements related to staff availability outside office hours shall not be subject to the provisions concerning proceedings in service matters, the provisions of the Administrative Procedure Code concerning administrative proceedings, and the provisions of the Labour Code concerning remuneration for standby time.

Section 48

Rights

- (1) The rights of the diplomatic, administrative or technical officer include, but are not limited to, the right

(a) to be accompanied by family members when posted abroad, unless the state secretary of the ministry decides that the presence of family members is not possible due to the security situation in the receiving State,

(b) to be repatriated when their lives or health, or the lives or health of their family members, are at risk due to a crisis situation in the receiving State.

(2) A diplomatic officer shall have the right to accept, in relation to the performance of foreign service, gifts and other benefits over and above the maximum value set in the Civil Service Act, provided that such practice is consistent with the customary rules of protocol; the state secretary of the ministry shall issue a service regulation to lay down the rules on treatment of such gifts and benefits.

Section 49

Working Hours of Civil Servants and Employees

In case civil servants and employees whose regular service post or workplace is located abroad attend social events taking place outside the set working hours and away from the service post or workplace, the time spent at such events shall not be counted as overtime service or work, night service or work, service or work on public holidays or service or work on Saturdays and Sundays, unless the civil servant or employee is ordered by the head of representative office to attend the event.

Part 4

Statutory Time off Permitted for Reasons on the Part of the Civil Servant or Employee

Section 50

(1) The diplomatic, administrative or technical officers have the right to take the following amounts of statutory time off

(a) one day to reach the Czech Republic and one day to return to the representative office, for staff holding service or employment positions abroad who are to spend their statutory leave period in the Czech Republic, in cases where the travel costs are paid by the ministry and the officer is scheduled to undergo an occupational preventive examination in the Czech Republic during the period of statutory leave; officers posted to non-European countries are entitled to one additional per each journey,

- (b) the amount of time strictly necessary to reach the Czech Republic and return to the representative office, in connection with the officer's own wedding,
- (c) the amount of time strictly necessary to reach the Czech Republic and return to the representative office in connection with a family member's burial,
- (d) before posting abroad, three days to arrange personal affairs; this entitlement shall become available 30 days before the date of departure,
- (e) after arriving at a representative office, three days to arrange personal affairs related to service or work abroad; this entitlement shall be available for 90 days after the date of arrival,
- f) before final departure from a representative office, three days to arrange personal affairs related to service or work abroad; this entitlement shall become available 30 days before the date of departure for the Czech Republic or transfer to another receiving State,
- (g) following the end of posting abroad, three days to arrange personal affairs related to return to the Czech Republic; this entitlement shall be available for 90 days after the date of arrival to the Czech Republic,
- (h) 15 days in a calendar year for officers exposed to extremely high levels of risk to life or health during service in the dangerous countries where posted officers qualify for a special allowance when performing service or work throughout a whole calendar year; in other cases officers are eligible for a proportionate leave amounting to one twelfth of the annual leave entitlement per every month of continuous service or work. Where a proportionate amount of the leave is under one day, the leave rounds to a half-day.

(2) No deductions shall be made from the civil servant's or employee's salary for any of the statutory periods of time off listed in (1) above.

Section 51

(1) A pregnant civil servant or employee posted abroad shall inform the ministry of her intention to take maternity leave at least 10 weeks before her due date; in case the civil servant or employee intends to remain abroad during her maternity or parental leave, she shall notify the ministry accordingly, as required in the first sentence. A civil servant or employee intending to take parental leave shall notify the ministry at least ten weeks before the planned beginning of the leave.

(2) A person taking maternal or parental leave when posted abroad shall receive from the ministry the housing allowance for a period of 14 weeks in the same amount as before taking the leave. He or she

shall be eligible for the allowances listed in an implementing regulation issued according to Section 189 (6) of the Labour Code.

Section 52

- (1) Spouses and partners accompanying a diplomatic, administrative or technical officer when posted abroad shall be deemed to be taking statutory time off for reasons on the part of the civil servant in terms of the Civil Service Act, or statutory time off for a public interest purpose, and shall not be eligible for any compensation for lost wages or salary.
- (2) In case the accompanying person is a member of security forces whose service is subject to other laws and regulations²⁶, he or she shall be granted service leave on request, and shall not be eligible for a salary.
- (3) In case the accompanying person is a soldier whose service is subject to other laws and regulations²⁷, he or she shall be registered on the general list of unassigned personnel.

Subchapter 5

Salary and Other Benefits

Section 53

Supplementary Health Insurance

- (1) The ministry may enter into an insurance contract for the benefit of its diplomatic, administrative and technical officer to cover the costs related to illness, injury, pregnancy and childbirth abroad, including the costs of medical evacuation, and including the costs of treatment of illnesses and injuries contracted or incurred as a result of a crisis situation or crime abroad (hereinafter, the “healthcare costs”).
- (2) The insurance described in (1) above shall include coverage for any family members accompanying a diplomatic, administrative or technical officer, with the consent of the state secretary of the ministry, to a service post or regular workplace abroad.

²⁶ Act No. 361/2003 Concerning the Service of Members of Security Forces as amended.

²⁷ Act No. 221/1999 Concerning Regular Soldiers as Amended.

(3) In case the supplementary medical insurance does not cover healthcare costs incurred in the receiving State, a diplomatic, administrative or technical officer and accompanying family members shall be entitled to a reimbursement of their necessary healthcare costs related to health care in the receiving State.

Section 54

Use of the Service Car

A head of representative office shall be entitled to use the service car, with or without a designated driver, for the purposes of and in connection with performance of their function, and for travel between the residence of the head of representative office and the representative office.

Section 55

Compensation for Damage Incurred in the Performance of Service or Work Abroad

(1) A diplomatic, administrative or technical officer who is assessed as having the first- or second-degree disability incurred in the course of service or work abroad, as a result of a crisis situation or as a result of being the victim of a crime in the receiving State or during travel to or from the receiving State, shall be entitled to a lump-sum compensation amounting to six times the officer's average monthly salary; an officer who gets a third-degree disability pension shall be entitled to a lump-sum compensation amounting to ten times the officer's average monthly salary.

(2) In case a family member accompanying a diplomatic, administrative or technical officer receives the disability pension described in (1) above, the family member shall be entitled to a lump-sum compensation in the same amount as would have been paid to the accompanied officer.

(3) Surviving spouses, partners and dependent children shall be entitled to lump-sum survivor compensations, each amounting to twenty times the average monthly salary of the deceased diplomatic, administrative or technical officer, in case the death occurred as a result of a crisis situation or crime abroad.

Subchapter 6

Training of the Diplomatic, Administrative and Technical Officers

Section 56

- (1) The ministry shall organise and manage the expert training of diplomatic officers focused on the performance of the foreign service.
- (2) A diplomatic officer while performing service in the headquarters is obliged to regularly undergo a foreign service training program as set out by the state secretary of the ministry.
- (3) Paragraphs (1) and (2) above shall apply, *mutatis mutandis*, to the training of administrative and technical officers.

Subchapter 7

Foreign Service Performance Assessments

Section 57

- (1) The foreign service performance assessment shall serve as a basis of the decisions of the state secretary of the ministry concerning the civil servant's posting abroad.
- (2) The foreign service performance assessment shall include assessments of the following:
 - (a) level of knowledge and skills necessary for the fulfilment of tasks related to service abroad,
 - (b) personal prerequisites necessary for the fulfilment of service abroad,
 - (c) ability to work under adverse circumstances that are liable to affect the officer's performance while performing service abroad.
- (3) In case of a representative office, the foreign service performance assessments shall be carried out by the head of unit in consultation with the head of the representative office.
- (4) The foreign service performance assessment shall not be carried out in cases where civil servants from other authorities posted abroad are assigned to service positions in the ministry.

CHAPTER VI

COMMON AND TEMPORARY PROVISIONS

Section 58

Common Provisions

- (1) Unless provided otherwise in this Act, any service relationships falling within the scope of this Act shall be governed by the provisions of the Civil Service Act, and any employment relationships falling within the scope of this Act shall be governed by the provisions of the Labour Code.
- (2) A civil servant in foreign service, who was admitted into service according to Sections 190 – 192 of the Civil Service Act, who is an administrative officer and proved his/her competence in the long term, can be assigned to a service position despite not meeting the education criteria required in Section 7 (2) (c)-(e) of the Civil Service Act but no later than 8 years after the date of entry into force of this Act.

Section 59

Temporary Provisions

- (1) A civil servant posted to a service post outside the territory of the Czech Republic and employees posted to a regular workplace abroad shall be deemed to be civil servants posted abroad and employees posted to a regular workplace abroad according to this Act.
- (2) A representative office established prior to the date of entry into force of this Act shall be deemed to be a representative office according to this Act.
- (3) The existing State-funded organisations established by the ministry shall become the State-funded organisations according to the Section 14 on the date of entry into force of this Act.

CHAPTER III

REPEALING PROVISION

Section 60

Regulation No. 274/2015 concerning diplomatic and consular ranks and the procedure for granting and conferring diplomatic and consular ranks is hereby repealed.

PART TWO

Amendment to the Civil Service Act

Section 61

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PART THREE

Amendment to the Pension Insurance Act

...

PART FOUR

Amendment to the Public Health Insurance Act

...

PART FIVE

ENTRY INTO FORCE

Section 64

This Act shall enter into force on the first day of the second calendar month following the date of its promulgation.