



Ministerstvo dopravy

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To all municipalities with extended powers

To all regional authorities

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Our number
158/2020-160-OST/3

Handled by / Line

Prague
**20 October
2020**

Subject: Methodology opinion to manage transport administration agendas during the state of emergency concerning the drivers' agenda - autumn 2020

With regard to the state of emergency (declared by the Government Resolution No. 994 of 8 October 2020, in compliance with Article 5 and 6 of Constitutional Act of Law No. 110/1998 Coll., on Security of the Czech Republic, on the territory of the Czech Republic due to the risk of health connected with proved occurrence of a coronavirus in the Czech Republic), the Ministry of Transport, Drivers Management Department, publishes the following methodology opinion for the municipal authorities with extended powers (hereinafter referred to as “ORP”) and the regional authorities (hereinafter referred to as “KÚ”) to manage their activities regarding the transport administration agendas.

The declaration of the state of emergency represents a significant intervention into the work of the municipal and regional authorities; therefore, the Ministry of Transport adopts the methodology guidance to manage essential activities regarding the drivers' agenda executed by ORP and KÚ as delegated powers according to Act No. 361/2000 Coll., on Road Traffic and on Amendments to Certain Acts (Road Traffic Act), and Act No. 247/2000 Coll., on Acquiring and Improving Professional Competence to Drive Motor Vehicles and on Amendments to Certain Acts.

Generally, the circumstances behind the declaration of the state of emergency and related government resolution represent force majeure affecting especially the rights and obligations of a citizen towards the state represented by the municipal authority with extended powers (hereinafter referred to as “public authority”). The citizen cannot be blamed for consequences caused by the state of emergency in the Czech Republic, which resulted in restriction of free movement and office hours of public authorities. It is recommended that the entities concerned shall demand activities, issuance of licences etc. pursuant to act only in urgent cases.

1. Validity of licences

Provided that **the validity of licences** (driving licence, driver's qualification card) **has expired during the state of emergency, these licences are considered valid. The licences' holders should not be sanctioned in a proceeding for an activity conducted with a licence, which expired during the state of emergency.** In other words, the illegal act based on driving with a licence, which expired during the state of emergency, lacks social harmfulness and the material element of the offence is missing.



The Police of the Czech Republic and the municipal police will assess the offences according to Paragraph 125c(1)(k) of Road Traffic Act based on the violation of Paragraph 6(7) of the act (to have valid licence at disposal when driving) in this spirit.

With regard to the above-stated please note that the offences according to Paragraph 125c(4)(b) of Road Traffic Act will be individually assessed. If the natural person is obliged to hand over their driving licence, however, due to the declared state of emergency is not able to comply with this obligation for objective reasons, the formal element of the offence, i.e. the fault, will not be fulfilled. Nevertheless, it is always necessary to assess whether the person committed such act only with relation to the declared state of emergency.

2. Deadlines and administrative proceedings

The drivers' agendas, which are subject to an administrative proceeding, are processed according to Act No. 500/2004 Coll., Rules of Administrative Procedure. It is recommended that the participants of the proceeding proceed according to Paragraph 41 of the act. In this sense, please see the Ministry of the Interior Opinion on Assessing the Periods Concerning the Public Administration during the State of Emergency¹.

3. Contact with citizens

Although we are aware of the restriction of public administration authorities' office hours pursuant to point 2 of Government Resolution No. 994 of 8 October 2020, we believe, that **it is crucial to preserve the authorities' operation at least to the extent** to not unreasonably limit the public rights (point 2(b) of government resolution), meaning the citizens would not be able to comply with their obligation to exchange the expired licence for objective reasons. We recommend accommodating the professional drivers to the greatest possible extent, especially when they apply for driver's card, since the professional drivers carry on ensuring the transport.

Consequently, in compliance with the Ministry of the Interior guidelines of 14 October 2020 in the "Information for the municipalities to ensure operation of authorities and restricting office hours connected with proved occurrence of a coronavirus (SARS COV-2)" part III. "Impacts of the emergency measure on the public administration", we recommend using reservation systems or ordering via phone to the greatest possible extent when dealing with drivers' agenda in order to reduce the risk of coronavirus transmission as a result of citizens' gathering. We recommend using all communication channels when informing the citizens about the options to use reservation systems etc.

The Ministry of Transport will inform about other measures in reaction to further development.

Sincerely,

Stanislav Dvořák

Director

Drivers Management Department

¹ <https://www.mvcr.cz/clanek/stanovisko-ministerstva-vnitra-k-posuzovani-behu-lhut-v-oblasti-verejne-spravy-v-dobe-trvani-nouzoveho-stavu.aspx>