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**ACT**

of 24 August 2016

**on the Transport Infrastructure Access Authority**

The Parliament has resolved upon the following Act of the Czech Republic:

**Section 1****Introductory provisions**

(1) This Act implements the relevant regulations of the European Union<sup>1</sup> and regulates the status, scope of authority and organization of the Transport Infrastructure Access Authority (hereinafter referred to as "the Authority") and the legal conditions for the employment of certain natural persons assigned to the Authority.

(2) This Act shall be without prejudice to the legislation regulating the protection of competition and the competence of the Office for the Protection of Competition, which is exclusively authorized to protect the competition in the territory of the Czech Republic.

**Section 2****Establishment and Seat of the Authority**

The Authority is established in Prague.

**Section 3****Status and Competence of the Authority**

(1) The Authority is the central administrative authority for

a) the use of, and access to, the infrastructure of the rail and air transport infrastructure,

b) the use of service facilities<sup>2</sup> on the rail transport infrastructure and access to such facilities,

c) price control in the area of the use of rail transport infrastructure and service facilities pursuant to the Act regulating the competence of the authorities of the Czech Republic in the field of prices and

d) providing support for operations of the European electronic toll services.

(2) The Authority shall be independent in the exercise of its competences, shall proceed impartially and shall be governed only by laws and other legal regulations.

**Section 4****President of the Authority**

(1) The Authority shall be headed by its President, appointed and dismissed by the Government. The term of office of the President of the Authority is 6 years and he/she may be reappointed. The President of the Authority shall be considered to be a service body under the Civil Service Act and shall be entitled to issue orders to civil servants assigned to the Authority to perform their civil service duties. The function of the President of the Authority is exercised in an employment relationship.

(2) The post of the President of the Authority is incompatible with that of a member of parliament or senator, judge, state attorney, positions in public administration, positions of members of territorial, interest or professional self-governing bodies, and positions in political parties and political movements. The post of the President of the Authority is also incompatible with the membership in the management, supervisory and control bodies of business entities, consultancy or mediation activities in the field of transport, shareholding in businesses engaged in

<sup>1</sup> Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges  
Commission Decision 2009/750/EC of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements  
Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area

<sup>2</sup> Section 2(9) of Act no. 266/1999 Coll., on rail systems, as amended by Act no. 319/2016 Coll.

transport and other for-profit activities, except scientific, literary, publishing, artistic or teaching activities and with the exception of own property management.

(3) The President of the Authority must be a citizen of the Czech Republic who

- a) has full active legal capacity,
- b) is without a criminal record,
- c) has a Master's degree from a university/college and

d) has at least 7 years' experience in the Authority's field of competence, including at least 3 years in a senior position.

(4) Anyone who has been convicted of an intentional criminal offense or a criminal offense against public order committed in negligence or who has been legitimately convicted of another criminal offense for which he/she has been subjected to an unconditional jail sentence with a duration of at least 1 year, unless he/she is considered as not having been convicted, is not considered to be without a criminal record.

(5) The Government shall dismiss the President of the Authority if he/she

- a) ceased to fulfil any of the conditions for appointment,
- b) any of the grounds for incompatibility with the exercise of his or her duties under this Act or under the Act on Conflict of Interest has arisen,
- c) seriously disturbed confidence in the independence and impartiality of the Authority; or
- d) has requested to be dismissed.

(6) The Government may also remove the President of the Authority if he/she has failed to perform his/her duties for more than 6 months.

#### Section 5

##### **Deputy President of the Authority**

(1) The President of the Authority shall appoint and dismiss the Deputy President of the Authority, who shall represent him.

(2) For the appointment of the Deputy President of the Authority, for the assessment of the incompatibility with the office of the Deputy President of the Authority and to assess his/her integrity, Section 4(2) to (4) shall apply mutatis mutandis.

(3) The Deputy President of the Authority shall be entitled to issue orders to civil servants assigned to the Authority to perform their civil service duties.

#### Section 6

##### **Prohibition of competition**

(1) Any person who acts as a President or Deputy President of the Authority shall not be a body or a member of the body of an entrepreneurial legal entity whose activity falls within the competence of the Authority, nor shall he/she be in an employment or a similar legal relationship to it, or carry out business activities within the scope of the Authority.

(2) The person who has been President or Deputy President of the Authority shall be entitled to financial compensation at the end of his/her term of office, equal to six times the average monthly earnings he/she was entitled to in this position.

(3) The right to the financial compensation to a person pursuant to paragraph 2 shall not arise if, after leaving the service, he or she remains in the employment relationship or in the civil service relationship with the Authority. The right to the financial compensation also does not arise when the President or Deputy President of the Authority has been

a) dismissed due to no longer being without a criminal record,

b) dismissed for breach of confidence in the independence and impartiality of the Authority,

c) dismissed for any of the reasons of incompatibility with the performance of his/her duties under this Act or under the Act on Conflicts of Interest; or

d) re-appointed for the immediately following term of office.

(4) Any person who violates the prohibition pursuant to paragraph 1 shall be obliged to pay to the Authority twice the proportional amount of the financial compensation, which shall be determined by the number of days from the beginning of the breach of the prohibition to the end of its duration.

#### Section 7

##### **Cooperation with the Authority for the Protection of Competition**

(1) The Authority and the Office for the Protection of Competition shall provide each other with suggestions, information and other forms of cooperation necessary for the fulfilment of their tasks, with the aim of achieving consensus in their opinions and positions. When transmitting information, the recipient is required to ensure the same level of confidentiality as the provider.

(2) The Authority and the Office for the Protection of Competition shall inform each other about the actions of market participants that may reasonably be assumed to distort or restrict competition or to cause such restriction or distortion, and about their intention to issue decisions in these matters.

(3) The Authority shall advise the Office for the Protection of Competition, at its request, on whether an action of a competitor constitutes a violation of an obligation supervised by the Authority.

#### Section 8

##### **International cooperation**

The Authority shall cooperate with the competent authorities of other States to exchange information and assist in the exercise of its powers.

#### Section 9

##### **Activity and management report**

(1) The Authority submits annually a summary report on its activities and management in the previous calendar year to the Chamber of Deputies and to the Government.

(2) The report referred to in paragraph 1 shall be published annually by the Authority by 30 June in a manner allowing for remote access.

#### Section 10

##### **Transitional provisions**

(1) Draft for the first systemisation of civil service positions and the first systematization of job positions shall be submitted by the President of the Authority after consulting the Ministry of Finance to the Ministry of the Interior within 1 month of his/her appointment.

(2) The President of the Authority shall submit a draft of the first organizational structure of the Authority to the Ministry of the Interior within one month from the date of approval of the first systemization under paragraph 1 by the Government.

(3) Prior to the establishment of the Authority, a competition may be held to fill a vacant post at the Authority after approval of the first systemisation of civil service posts under paragraph 1 by the Government. In this case, the President of the Authority shall select from three top-ranked applicants or other applicants who have succeeded in the competition, pursuant to Section 28(2) and (3) of the Law on Civil Service.

#### Section 11

##### **Effectiveness**

This Act shall apply from the first day of the sixth calendar month following its publication, except for the provisions of Sections 4 and 10, which shall apply from the first day of the second calendar month following its publication.

Hamáček signed by own hand

Zeman signed by own hand

Sobotka signed by own hand