

ACT

dated March 8, 2002,

on firearms and ammunition, and changing and amending Act No. 156/2000 Coll., on certification of firearms, ammunition and pyrotechnic items, and amending Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act), as amended by Act No. 13/1998 Coll., and Act No. 368/1992 Coll., on administrative fees and charges, as amended, and amending Act No. 455/1991 Coll., on trade enterprise (Trades Act), as amended, (Firearms Act), as amended by Act No. 320/2002 Coll., Act No. 227/2003 Coll., Act No. 228/2003 Coll. and Act No. 537/2004

The Parliament has hereby enacted the following law of the Czech Republic:

P A R T O N E

FIREARMS AND AMMUNITION:

**CHAPTER I
INITIAL PROVISIONS**

Section 1

Subject Matter

(1) The present Act sets forth categories of firearms and ammunition (hereinafter “firearms”), terms and conditions governing the acquisition of ownership, possession, carrying and use of firearms and ammunition, rights and obligations of holders of firearms or ammunition, terms and conditions governing exports, imports and transit of firearms or ammunition and the operation of shooting ranges, pyrotechnical/EOD surveys, operation of information systems in the field of firearms and ammunition, sanctions and exercise of state administration in the field of firearms and ammunition, operation of shooting ranges, and conduct and operation of pyrotechnical/EOD surveys.

(2) The present Act shall not apply to:

- a) firearms, ammunition and military ordnance acquired by and kept in the inventories of the armed forces of the Czech Republic¹⁾, armed security corps, armed components of customs service, intelligence services of the Czech Republic, or armed forces or corps of other countries staying in the territory of the Czech Republic, crossing Czech state borders, transiting through or flying over the territory of the Czech Republic pursuant to special legislation²⁾ or under an international agreement binding upon the Czech Republic,
- b) firearms, ammunition and military ordnance owned by the State and intended for collection, research and development, or museum display purposes by the entities referred to in Subparagraph (a) above, the Ministry of Interior (hereinafter “the Ministry”) and the Ministry of Defence,
- c) firearms, ammunition and military ordnance intended for certification by the Czech

¹⁾ Act No. 219/1999 Coll., on armed forces of the Czech Republic, as amended by Act No. 352/2001 Coll.

²⁾ E.g. Act No. 310/1999 Coll., on armed forces of other countries staying in the territory of the Czech Republic

- Firearms and Ammunition Certification Office,³⁾
- d) firearms, ammunition and military ordnance which are national cultural treasures, parts of a collection declared a national cultural treasure, or collection items owned by the state, provinces or municipalities,
 - e) the establishment and operation of shooting ranges by the entities listed in Subparagraphs (a) to (c) for their own needs, and
 - f) explosives stipulated in special legislation^{3a)} (hereinafter “explosives”), except for explosives detected and identified by pyrotechnical/EOD survey.

Section 2

Definitions of Terms

- (1) Types of firearms and ammunition are defined in an annex hereto.
- (2) For the purpose of the present Act:
 - a) the term “possession of a firearm or ammunition” as used herein shall denote
 - 1. Keeping a firearm or ammunition on living or business premises or inside clearly marked and fenced estates with an approval of the owner or lessee of such premises or estates,
 - 2. Having an unloaded firearm, i.e. a firearm without any rounds in the magazine, cartridge case, breech chamber or cylinder chambers (in the case of a revolver), placed in a locked container for the purpose of moving it from one place to another,
 - b) the term “carrying a firearm or ammunition” as used herein shall denote having a firearm or ammunition on one’s own person, except for the cases referred to in Subparagraph (a) above,
 - c) the term “place of residence” as used herein shall denote the permanent domicile address if used in connection with a Czech citizen⁴⁾, or the permanent or temporary residence address⁵⁾, if used in connection with a foreign national⁶⁾, as the case may be,
 - d) the term “firearms and ammunition dealer” (hereinafter “the dealer”) as used herein shall denote a natural person or legal entity
 - 1. developing, manufacturing, modifying, repairing, rendering unfit for use, or destroying, or
 - 2. safekeeping, storing, hiring out, transporting, purchasing, selling, or accepting orders for, or
 - 3. letting other people have, arranging acquisitions, purchases or letting of firearms and ammunition under special legislation⁷⁾,
 - e) the term “letting another person have a firearm” as used herein shall denote giving another person an opportunity of having a *de facto* control over and handling a firearm, and
 - f) the term “pyrotechnical/EOD survey” as used herein shall denote

³⁾ Act No. 156/2000 Coll., on certification of firearms, ammunition and pyrotechnic items, and amending Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act), as amended by Act No. 13/1998 Coll., and Act No. 368/1992 Coll., on administrative fees and charges, as amended.

^{3a)} Section 21, Paragraph 1, of Act No. 61/1988 Coll., on mining, explosives and state administration in the mining sector, as amended.

⁴⁾ Section 10, Paragraph 1 of Act No. 133/2000 Coll., on the registration of people and Birth Register numbers, and amending some related acts (Act on the Registration of People).

⁵⁾ Sections 30 to 34, Section 49, and Sections 65 to 87 of Act No. 326/1999 Coll., on foreigners staying in the territory of the Czech Republic and amending some related acts.

⁶⁾ Section 1, Paragraph 2, of Act No. 326/1999 Coll.

⁷⁾ E.g. Act No. 455/1991 Coll., on trade enterprise (Trades Act), as amended

1. a purposeful search for ammunition or explosives, conducted by a Type F firearms permit holder using detection equipment, and the identification of the same by means of a prescribed procedure, and possibly also their lifting, or
2. the supervision of a Type F firearms permit holder in the course of earthmoving works during which ammunition or explosives are expected to be found, who shall identify the ammunition or explosives that have been found.

CHAPTER II CATEGORIES OF FIREARMS AND AMMUNITION

Section 3

Classification of Firearms and Ammunition

- (1) For the purpose of the present Act, firearms and ammunition shall be divided into:
- a) banned firearms, banned ammunition or banned accessories of firearms - Category A (hereinafter “Category A firearms”),
 - b) firearms subject to authorisation - Category B (hereinafter “Category B firearms”),
 - c) firearms subject to declaration - Category C (hereinafter “Category C firearms”), and
 - d) other firearms - Category D (hereinafter “Category D firearms”),
 - e) ammunition for Category A to Category D firearms, which is not banned (hereinafter “ammunition”).

(2) The term „firearms falling into Categories A to D“ as used herein shall also denote principal components of firearms of which they are, or are intended to be, a part.

(3) If there is any doubt as to which of the categories listed in Paragraph 1 above a particular firearm or ammunition type falls into, the decision in this respect shall be taken by the Czech Firearms and Ammunition Certification Authority (Section 74, Paragraph 7).⁸⁾ The procedure to be employed by the Czech Firearms and Ammunition Certification Authority when assigning a particular firearm or ammunition type to any of the categories listed in Paragraph 1 above shall be stipulated in an implementing regulation or ordinance hereto.

Section 4

Category A Firearms

Category A firearms and weapons shall comprise:

- a) firearms
 1. military, except for rifles, semi-automatic and repeating rifles, pistols and revolvers certified for civilian use, if subject to certification under special legislation,
 2. automatic,
 3. manufactured or modified in a way enabling to conceal or disguise their purpose, or whose original character and appearance have been changed so that they can inflict more damage, or firearms disguised as other objects (insidious firearms),
 4. firearms made of non-metallic materials, unless checks of persons and luggage using detection and X-ray devices can identify them as such,

⁸⁾ Section 17 of Act No. 156/2000 Coll.

5. gas or expansion weapons, unless the weapon in question is a licensed and certified production version,
 6. firing booby traps, and
 7. with permanently attached silencers or laser sights,
- b) ammunition
1. with penetrating, explosive or incendiary projectiles,
 2. for short firearms firing shock or other rounds designed to maximise the inflicted injury,
 3. not representing a licensed and certified production version, and
 4. military ammunition;
- c) accessories
1. silencers,
 2. sights based on night-vision devices, and
 3. laser sights or range-finders.

Section 5

Category B Firearms

Category B firearms and weapons shall comprise:

- a) short repeating or semi-automatic firearms,
- b) short single- or multiple-shot firearms with centre-fire percussion,
- c) single-shot or multiple-shot firearms with rim-fire percussion the overall length of which is less than 280 mm,
- d) long semi-automatic firearms the magazine/cartridge case and chamber of which can together hold more than three rounds,
- e) long semi-automatic firearms the magazine/cartridge case and chamber of which cannot together hold more than three rounds, where the loading device is removable, or in respect whereof it is not guaranteed that the weapon cannot be converted, using ordinary tools, into one the magazine/cartridge case and chamber of which can together hold more than three rounds,
- f) long repeating firearms or semi-automatic firearms with a smooth-bore barrel the length of which does not exceed 600 mm,
- g) semi-automatic firearms, if looking like automatic firearms, and
- h) signal firearms designed to use cartridges the calibre of which exceeds 19 mm.

Section 6

Category C Firearms

Category C firearms and weapons shall comprise:

- a) single- or multiple-shot firearms with rim-fire percussion the overall length of which is equal to or greater than 280 mm,
- b) single- or multiple-shot repeating or semi-automatic firearms other than those listed in Section 5, Paragraphs (d) to (f),
- c) gas weapons whose kinetic energy measured at the muzzle exceeds 16 J, except for paintball weapons, and
- d) firearms capable of firing more than two shots, the design of which is based on a percussion lock system.

Section 7

Category D Firearms

Category D firearms and weapons shall comprise:

- a) historical firearms,
- b) single- or double-shot firearms the design of which is based on matchlock, wheel-lock, flint-lock or percussion lock systems,
- c) gas weapons designed for Flobert cartridges, whose kinetic energy measured at the muzzle is up to 7.5 J,
- d) air cartouche gas weapons,
- e) gas weapons whose kinetic energy measured at the muzzle does not exceed 16 J,
- f) expansion weapons and expansion devices,
- g) mechanical weapons the spring mechanism of which requires a force exceeding 150 N to be prepared for use,
- h) disabled firearms, which have undergone irreversible changes and modifications rendering them unfit for use,
- i) firearms which have undergone cutting changes revealing at least a part of their inner mechanism, and
- j) firearms not listed in Categories A to C.

CHAPTER III

ACQUISITION OF OWNERSHIP, POSSESSION AND CARRYING OF FIREARMS AND AMMUNITION

Section 8

Unless stipulated otherwise herein, only a person holding a firearms permit or firearms license shall be allowed to acquire ownership, possess or carry a firearm or ammunition, except where the ownership title has resulted from inheritance (Section 66).

Section 9

(1) Unless stipulated otherwise herein, it shall be forbidden to acquire ownership, possess or carry any Category A firearm. The limitation set forth in the first sentence shall be not apply to export or import transactions under special legislation.⁹⁾

(2) The Police of the Czech Republic (hereinafter “the Police”) may grant an exemption to a holder of a firearms permit or firearms license who:

- a) is involved in collector’s or museum display activities,
- b) deals in transporting or guarding extraordinarily dangerous or valuable consignments, or in guarding buildings and facilities of extraordinary importance, or buildings and

⁹⁾ E.g. Act No. 38/1994 Coll., on foreign trade in military matériel, and amending Act No. 455/1991 Coll., on trade enterprise (Trades Act), as amended, and Act No. 140/1961 Coll., Penal Code, as amended, Act No. 42/1980 Coll., on economic contacts with foreign countries, as amended, and Act No. 62/2000 Coll., on some measures pertaining to exports and imports of products and on license proceedings and on changes and amendments of some other legal acts.

- facilities important for national defence,
- c) is involved in manufacturing or similar activities, in respect whereof he cannot do without a Category A firearm in order to be able to test his products,
 - d) provides Category A firearm shooting training and practice, or
 - e) is involved in film-making or theatrical activities, in which cases the firearm(s) in question shall be irreversibly modified so that it/they can only use blank rounds or bag-cartridges.

An exemption may only be granted if it is not at variance with public order and safety, and exemptions granted pursuant to provisions of Subparagraphs b) to e) above may be limited as to their duration.

(3) If the exemption in question involves the acquisition of ownership or possession of any of the weapons listed in Section 4, Paragraph a), Subparagraph, which is subject to a special control regimen as a result of obligations arising from an international treaty or convention binding upon the Czech Republic, which has been promulgated in the Collection of International Treaties and Conventions, a prior consent of the Ministry of Defence shall be required.

- (4) The permission to carry a Category A firearm shall be entered into the pass of that firearm.

Section 10

(1) When applying for an exemption as provided for in Section 9, Paragraph 2 above, the firearms permit or firearms license holder in question shall use a prescribed form the layout and contents of which shall be stipulated in an implementing regulation hereto. The application shall contain the following particulars:

- a) the name and surname, maiden name (where applicable), date and place of birth and place of residence (hereinafter „personal data“), if the applicant is a natural person; or the name, legal form, ID code and seat, if the applicant is a legal entity (hereinafter „data identifying the legal entity“),
- b) the type of the firearm in question, its manufacturer's trademark, its model, calibre and serial number, if known to the applicant (hereinafter „firearm data“),
- c) the type of the banned ammunition in question, its manufacturer's trademark, calibre and quantity, if the applicant requires an exemption to acquire ownership of, possess or carry banned ammunition,
- d) the type of the banned accessory in question, its description or serial number, if available,
- e) the firearms permit or firearms license number, as the case may be,
- f) the purpose and reason of the application.

(2) The application for an exemption shall be submitted to the District (Municipal) Police Directorate of jurisdiction (hereinafter “Police Directorate of jurisdiction”) according to the place of residence, if the applicant is a natural person, or the seat, if the applicant is a legal entity, as the case may be.

(3) A firearms permit holder who is also resident in another member state of the European Union shall be obliged to produce a prior consent of that state with the granting of the exemption provided for in Paragraph 1 above, or a declaration to the effect that such a consent is not required, as the case may be, including its translation into Czech prepared by a sworn translator.

Section 11

(1) Any exemption granted pursuant to Section 9, Paragraph 2, above shall be rendered null and void

- a) when the period of time it was granted for has expired, or
- b) the firearms permit or firearms license of the person it was granted to has expired.

(2) The exemption shall also be withdrawn if the purpose thereof or the reason why it was granted no longer exists.

(3) When an exemption has expired or has been withdrawn as provided for in Paragraph 1 and Paragraph 2, respectively, the owner of the Category A firearm in question shall be obliged to proceed in accordance herewith (Section 64).

Section 12

(1) Unless stipulated otherwise herein, the ownership of a Category B firearm may be acquired and a Category B firearm possessed and carried solely under a permission.

(2) The ownership of ammunition for a Category B firearm may be acquired and such ammunition possessed only by a holder of a firearms permit or firearms license, and within the scope of authorisation granted by the license or permit of which he or she is a holder.

(3) When applying for the permission referred to in Paragraph 1 above, the firearms permit or firearms license holder in question shall use a prescribed form the layout and contents of which shall be stipulated in an implementing regulation hereto. The application shall contain the following particulars:

- a) personal data or data identifying the legal entity, as the case may be,
- b) data on the weapon which the permission concerns,
- c) the number of the firearms permit or firearms license,
- d) the reason(s) of the application.

(4) A firearms permit holder who is also resident in another member state of the European Union shall be obliged to produce a prior consent of that state with the granting of the permission referred to in Paragraph 1 above, or a declaration to the effect that such a consent is not required, as the case may be, including its translation into Czech prepared by a sworn translator.

(5) The Police Directorate of jurisdiction shall issue a permission to acquire ownership of or to possess a Category B firearm if the applicant provides a valid reason therefor. Any of the following shall be deemed to constitute a valid reason:

- a) operating a museum or private collection,
- b) sporting, hunting, cultural or other hobby- or interest-related activities, or occupational training,
- c) dealing in a licensed trade in the field of arms and ammunition,
- d) guarding of property and people,
- e) carrying out tasks under special legislation¹⁰⁾, or
- f) protection of life, health and property.

(6) The Police Directorate of jurisdiction shall issue a permission to possess a Category B firearm if the applicant supports the application by any of the reasons listed in Subparagraphs b), c), d), e) and (f) of Paragraph 5 above.

(7) Upon a request of the applicant, the permission referred to in Paragraphs 5 and 6 above shall be issued by a single ruling. The permissions referred to in Paragraphs 5 and 6 above may also be

¹⁰⁾ .g. Act No. 553/1991 Coll., on local police, as amended.

issued together with a ruling to issue a firearms license or permit.

- (8) The permission to carry a Category B firearm shall be entered into the pass of that firearm.

Section 13

(1) The permission issued pursuant to Section 12 above shall be rendered null and void when the firearms permit or firearms license it is related to has expired.

(2) The Police Directorate of jurisdiction shall also withdraw the permission if the purpose thereof or the reason why it was granted no longer exists; the provision shall not apply to permissions issued pursuant to Section 12, Paragraph 5, Subparagraph f).

(3) When a permission has expired or has been withdrawn as provided for in Paragraph 1 and Paragraph 2, respectively, the owner of the Category B firearm in question shall be obliged to proceed in accordance herewith (Section 64).

Section 14

Only a holder of a firearms permit or firearms license of an appropriate class shall be allowed to acquire ownership of or possess a Category C firearm or ammunition for the same, who shall also be obliged to report the acquisition of ownership of the firearm in question to the Police Directorate of jurisdiction. The holder of a firearms permit shall be allowed to carry the firearm in question only within the scope of authorisation granted by the type of the pass of which he or she is the holder, and following the registration of the firearm in question (Section 41).

Section 15

(1) Only a legally capable natural person over 18 years of age shall be allowed to acquire ownership of or possess a Category D firearm or ammunition for the same. The ownership of a Category D firearm or ammunition for the same may also be acquired or such firearms and ammunition possessed by a legal entity.

(2) Insofar as the firearms referred to in Section 7, Paragraphs a) or b), are concerned, they shall only be fired at a shooting range, except for theatrical performances, re-enactments of historical battles and other cultural events; such weapons shall also bear a valid certification proof-mark pursuant to special legislation.³⁾

(3) Firing any of the firearms referred to in Section 7, Paragraphs c) to g), or any of the weapons referred to in Section 7, Paragraph j), shall be forbidden in places where doing so could pose a threat to human lives or health or cause damage to property, unless the firearm or weapon is used to protect lives, health or property.

(4) A Category D firearm holder shall be obliged to secure the firearm and its ammunition against unauthorised use, loss or theft.

- (5) A Category D firearm holder shall not be allowed
- a) to carry his or her firearm visibly in places freely accessible to the public,
 - b) to carry his or her firearm and handle it in any way, if his or her ability to do so is deteriorated as a result of consumption of alcohol, use of addictive substances¹¹⁾ or drugs, or illness
 - c) to keep smokeless or black gunpowder and percussion caps in quantities exceeding 3 kg and 1,000, respectively; the caps shall be kept in a separate box.

CHAPTER IV FIREARMS PERMIT

Section 16

Firearms Permits and Their Types

(1) The firearms permit is a public document authorising a natural person to acquire ownership of, possess and carry a firearm or ammunition for the same within the scope of authorisation granted by the type of the permit of which he or she is the holder, or to conduct pyrotechnical/EOD surveys within the scope of authorization granted to Type F firearms permits. The firearms permit shall remain valid for five years. Depending on the conclusions of the medical capability report, the firearms permit may be issued for a period shorter than five years.

(2) Depending on the intended use of the firearm or ammunition in question and the scope of authorisation granted thereunder, the following types of firearms permits are distinguished:

- a) A - for collector's purposes,
- b) B - for sporting purposes,
- c) C - for hunting purposes,
- d) D - for the purpose of discharging job or occupation duties,
- e) E - for the purpose of protecting lives, health, and property, or
- f) F - for the purpose of conducting pyrotechnical/EOD surveys

Issue of a Firearms Permit

Section 17

(1) The firearms permit shall be issued by the Police Directorate of jurisdiction on the basis of an application filed and submitted by a natural person on a prescribed form the layout and contents of which shall be stipulated in an implementing regulation hereto. The application shall contain the following particulars:

- a) personal data, and
- b) an indication what firearms permit type is being applied for.

(2) The applicant shall be obliged to enclose the following particulars to the application:

- a) a medical report testifying that the applicant is medically fit and capable to possess or carry a firearm and ammunition, or to conduct pyrotechnical/EOD surveys, if a Type F firearms permit is being applied for (hereinafter „medical capability“),

¹¹⁾ Section 2, Paragraph a), of Act No. 167/1998 Coll., on addictive substances, and amending some other acts.

- b) a proof of professional competence and capabilities to possess or carry a firearm and ammunition, or to conduct pyrotechnical/EOD surveys, if a Type F firearms permit is being applied for (hereinafter „professional capability“),
- c) two 35 mm by 45 mm en face photographs of the applicant, consistent with his or her current appearance, the eye-to-chin face height being at least 13 mm, dressed in a civil attire, without any dark glasses or head cover (unless the use of the latter is justified by religious or medical reasons; in such cases, the head cover shall not cover the applicant's face in a way rendering his or her identification impossible), and meeting technical requirements laid down in the applicable implementing regulation hereto (hereinafter „photographs“), and
- d) a certified copy of a valid hunting license, if it is a Type C firearms permit which is being applied for; the certification may also be done by the Police Department of jurisdiction upon receiving the application.

(3) A firearms permit applicant who has spent more than six months in a row away from the Czech Republic during the last 10 years prior to submitting the application shall also be obliged to furnish a document similar to an excerpt from the Criminal Register and issued by the country where he or she was staying, including its translation into Czech prepared by a sworn translator; if he or she cannot produce such a document, as the country in question does not issue it, he or she shall instead submit a sworn statement to the effect that, while staying abroad, he or she has not been found guilty of any criminal act on the grounds of which he or she could not be deemed to have sufficient integrity (Section 22), or reliable enough, or of any misdemeanour on the grounds of which he or she could not be deemed to be reliable enough (Section 23).

(4) A firearms permit applicant who is also resident in another member state of the European Union shall also be obliged to produce a prior consent of that state with the issue of the firearms permit, or a statement to the effect that such a consent is not required, including its translation into Czech prepared by a sworn translator.

(5) The report required under Paragraph 2, Subparagraph a), shall not be older than three months; the proof required under Paragraph 2, Subparagraph b), shall not be older than one year; and the documents referred to in Paragraphs 3 and 4 shall not be older than six months, all counted from the date the application was submitted.

(6) The Police Department of jurisdiction shall suspend firearms permit proceedings in the event the applicant has been indicted for any of the criminal acts listed in Section 22.

Section 18

(1) The Police Directorate of jurisdiction shall issue a firearms permit only to a natural person who meets the following requirements:

- a) is resident in the territory of the Czech Republic,
- b) has reached the required age (Section 19),
- c) is fully capable of legal actions,
- d) is medically fit and capable (Section 20),
- e) is professionally competent and capable (Section 21),
- f) has full integrity (Section 22),
- g) is reliable (Section 23), and
- h) is a holder of a valid hunting license, if the firearms permit in question is a Type C permit.

(2) The Police Directorate of jurisdiction shall reject a firearms permit application if the

applicant does not meet any of the conditions and requirements stipulated in Paragraph 1 above.

(3) The Police Directorate of jurisdiction may not grant the firearms permit in the event the applicant is a foreigner⁶⁾ who is not a citizen of any EU member country or any NATO member nation, even though he or she meets all the requirements stipulated in Paragraph 1 above. Proceedings conducted pursuant to this provision shall not be governed by the Code of Administrative Procedure.²²⁾

Section 19

Age Limit

(1) A Type A, D, E or F firearms permit may only be issued to a person over 21 years of age.

(2) Unless stipulated otherwise herein, a Type B or C firearms permit may only be issued to a person over 18 years of age.

(3) A Type B firearms permit may be issued to a person over 15 years of age, who is a member of a civic association engaged in sporting activities in accordance with national or international rules and regulations, a part of which is marksmanship, provided that he or she meets the other conditions required for a firearms permit to be issued.

(4) A Type C firearms permit may be issued to students of secondary vocational schools or secondary schools the curricula of which include game-keeping, who are over 16 years of age, provided that they meet the other conditions required for a firearms permit to be issued.

(5) In the cases referred to in Paragraphs 3 and 4 above, a written consent of the applicant's legal representative and a recommendation of the civic association, school or vocational training centre of which he or she is a member or which he or she attends, as the case may be. A person under 18 years of age shall be allowed to use firearms and ammunition for sporting or hunting purposes only if supervised by a person over 21 years, who has been the holder of a Type B or C firearms permit for at least three years and who will ensure safe handling of the firearm or ammunition in question.

Section 20

Medical Capability

(1) The medical capability of an applicant for a firearms permit shall be established and the appropriate medical report shall be issued by an examining physician on the basis of a medical examination and, as the case may be, other necessary examinations or a psychological examination. For the purpose hereof, the term "examining physician" as used herein shall denote a general practitioner with whom the applicant for/holder of the firearms permit is registered with respect to provision of health care; insofar as applicants for Type D firearms permits are concerned, the above term shall denote a physician of the health care facility providing preventive medical care to the staff of the applicant's employer.

(2) Type D and F firearms permit holders shall be obliged to undergo the medical examination by the examining physician within one month following a 30-month period since the firearms permit was issued.

(3) If the examining physician establishes the health condition of a firearms permit holder has changed to an extent rendering the latter medically incapable, he or she shall be obliged to issue a new

medical report and send it promptly to the Police Directorate of jurisdiction; insofar as holders of Type D firearms permits are concerned, he or she shall also be obliged to promptly notify their employers.

(4) Any physician who finds out or has a warranted suspicion that a firearms permit holder suffers from a disease, medical defect or condition preventing the latter from possessing or carrying a firearm, or resulting in his or her limited capacity to do so, shall inform the holder thereof and report the fact without any undue delay to the examining physician. The examining physician shall then proceed in accordance with provisions of Paragraph 3 above.

(5) In cases referred to in Paragraph 3 above, the firearms permit holder shall be obliged to heed summons of the examining physician and make his or her appearance at the examining physician on the day and at the time the latter has specified in order to undergo whatever examination may be needed for the purpose of a new medical report to be issued. If the firearms permit holder cannot heed the summons for serious reasons on his or her part, he or she shall be obliged to make his or her appearance at the examining physician not later than within one month from the date set by the examining physician. If the firearms permit holder fails to meet the aforesaid duty, the examining physician shall report the fact forthwith to the Police Directorate of jurisdiction.

(6) Requirements regarding the medical capability as referred to in Paragraph 1, types and contents of medical examinations, contents and validity period of medical reports, lists of diseases, defects and conditions which render issuing a favourable medical report impossible, or which make issuing a favourable medical report subject to an examination by a medical specialist shall be stipulated in an implementing regulation or ordinance hereto.

Section 21

Professional Capability of Applicants for Type A to E Firearms Permits

(1) An applicant for a Type A to E firearms permit shall prove his or her professional capability by an examination before an examining commissioner who, subject to the examination having been completed successfully by the applicant, shall issue the latter a document attesting to his or her professional capability.

(2) The examining commissioner referred to above shall be appointed by the Police Directorate of jurisdiction.

(3) The examination referred to in Paragraph 1 above shall consist of a theoretical and a practical parts. The contents of the examination shall depend on the firearms permit type being applied for (Section 16, Paragraph 2).

(4) The theoretical part of the examination shall consist in a written test, its purpose being to ascertain the applicant's knowledge of:

- a) the present Act and implementing regulations hereto,
- b) special legislation dealing with justified use of weapons,
- c) arms and ammunition, and
- d) first-aid basics.

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

- a) establishing the applicant's knowledge of safe handling of arms and ammunition, and
- b) fixed target shooting.

(6) When applying for a Type A to E firearms permit, the applicant shall use a prescribed form the layout and contents of which shall be stipulated in an implementing regulation hereto. The application shall contain the particulars listed in Section 17, Paragraph 1, of the present Act and be submitted to the Police Directorate of jurisdiction which shall file incoming applications by the date of delivery and notify the applicant of the date and place of the examination not later than one month from the delivery. The notification shall be delivered to the applicant not later than 10 days before the scheduled examination date.

(7) If an applicant fails to pass the professional capability examination, he or she shall be allowed to re-apply for the examination referred to in Paragraph 6 not earlier than three months thereafter. If he or she asks for another examining commissioner, the Police Directorate of jurisdiction shall comply with the request.

(8) Costs of the professional capability examination shall be borne by the applicant for a firearms permit. They may also be borne by a Type A to E firearms license holder.

(9) Contents of the theoretical and practical parts of the professional capability examination, the manner in which its results are to be evaluated, and the fee of the examining commissioner shall be stipulated in an implementing regulation or ordinance hereto.

Section 21a

Professional Capability of Applicants for Type F Firearms Permits

(1) An applicant for a Type F firearms permit shall prove his or her professional capability by an examination before an examining commission appointed by the Minister of Interior and consisting of commissioners nominated by the Ministry of Interior, Police, Ministry of Defence, Ministry of Industry and Trade and Czech Mining Bureau.

(2) The examination referred to in Paragraph 1 above shall consist of a theoretical part and a practical part.

(3) The theoretical part of the examination shall consist in a written test and an oral exam, its purpose being to ascertain the applicant's knowledge of:

- a) the present Act and implementing regulations hereto,
- b) regulations dealing with ammunition and explosives, including disposal thereof,
- c) ammunition, explosives and detection methods and procedures,
- d) first-aid basics.

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

- a) the identification and determining the measure of risk of unexploded ammunition, ordnance and explosives, and their detection,
- b) procedures used to secure the area where unexploded ammunition, ordnance or explosives have been found,
- c) safe handling of unexploded ammunition, ordnance or explosives, and
- d) disposal of unexploded ammunition, ordnance or explosives.

(5) When registering for the professional capability examination for a Type F firearms permit, the applicant shall use a prescribed form the layout and contents of which shall be stipulated in an implementing regulation hereto. The application shall contain the particulars listed in Section 17, Paragraph 1, of the present Act and be submitted to the Ministry, which shall file incoming applications by the date of delivery and notify the applicant of the date and place of the examination. The notification shall be delivered to the applicant not later than 10 days before the scheduled examination date.

(6) If the applicant fails to pass the professional capability examination, he or she shall be allowed to re-apply for the examination referred to in Paragraph 5 not earlier than three months thereafter.

(7) Costs of the professional capability examination shall be borne by the applicant for a Type F firearms permit. They may also be borne by a Type K firearms license holder.

(8) Contents of the theoretical and practical parts of the professional capability examination of a Type F firearms permit applicant and the general manner in which its results are to be evaluated shall be stipulated in an implementing regulation or ordinance hereto

Section 22

Integrity of a Natural Person

(1) A person deemed to be of integrity under the present Act shall not be a person who has been found guilty of and lawfully sentenced for:

- a) high treason, sedition, terrorism, terroristic attack, subversion, sabotage, espionage, war treason, participation in the criminal association, causing public menace, endangering the safety of a transport aircraft or a civilian vessel, hijacking a transport aircraft abroad, murder or genocide, for which an extraordinary sentence or a prison sentence in excess of twelve years, or five to ten years in the case of minors, was meted out,
- b) any of the crimes referred to in Subparagraph a) above, for which a prison sentence from five to twelve years was imposed, or an intentional criminal act against life or health, or against freedom and human dignity, or any other intentional criminal act perpetrated with a weapon, for which a prison sentence in excess of five years was meted out, if the time elapsed from the lawful verdict or the end of imprisonment, as the case may be, is less than twenty years,
- c) any of the crimes referred to in Subparagraphs a) and b) above, if the time elapsed from the lawful verdict or the end of imprisonment, as the case may be, is less than:
 1. five years, if the sentence involved a prison term not exceeding two years, or a sentence other than imprisonment was meted out,
 2. ten years, if the sentence involved a prison term in excess of two years, or
- d) a reckless crime consisting in a breach of any duties related to the possession, carrying or use of firearms or ammunition, if the time elapsed from lawful verdict is less than three years.

(2) A person deemed to be of integrity under the present Act shall also not be any person who has been found guilty of and lawfully sentenced for any crime the facts of which are consistent with any of the crimes listed in Paragraph 1 above in a country other than the Czech Republic. The period of time for which such a person shall not be deemed to be of integrity shall be the same as stipulated in Paragraph 1 above.

(3) Insofar as requests for a Type F firearms permit or for a Type K firearms license are concerned, a person deemed not to be of integrity under the present Act shall also be any person who has been found guilty of and lawfully sentenced for a crime of violating regulations governing foreign trade in military materiel, attack against a state authority, attack against a public official, illegal possession or holding of arms and weapons, development, manufacture or possession of illegal arms, weapons or means of combat, illegal production or possession of radioactive or dangerous substances, defamation of a nation, ethnic group, race or religious or other belief, incitement of hatred toward a group of people or curtailing of their rights and liberties, torture or other inhuman and cruel treatment, support and promotion of movements the aim of which is to suppress human rights and liberties, use of illegal means of combat or illegal martial arts, war cruelty, persecution of population or another

criminal act perpetrated with a weapon.

(4) For the purpose of being able to consider the integrity of a natural person, the Police Directorate of jurisdiction shall request an excerpt from the Criminal Register¹². When considering the integrity of a natural person, the erasure of the verdict as provided for in special legislation¹³ shall not be taken into account.

Section 23

Reliability of a Natural Person

- (1) A person deemed reliable under the present Act shall also not be any person:
- a) whose criminal prosecution for an intentional criminal act has been lawfully suspended by a probationary order, and the probationary period or the time in which the person in question is supposed to acquit himself or herself has not yet elapsed,
 - b) who has been repeatedly found guilty of and lawfully convicted of transgressions in the field of arms and ammunition or the use of explosives during the last three years,
 - c) demonstrably consumes excessive quantities of alcoholic beverages or demonstrably uses addictive substances¹¹⁾, or
 - d) who poses an internal order and security risk because of his or her actions in respect whereof he or she has been repeatedly found guilty of and lawfully sentenced for any of the transgressions listed below during the last three years
 1. in the field of protection against abuse of alcohol and other toxic substances,
 2. in the field of national defence of the Czech Republic,
 3. against public order,
 4. against proper neighbourly relations,
 5. against property, or
 6. in the field of agriculture, game-keeping or fishing, by intentionally and unlawfully interfering with the exercise of game-keeping or fishing rights or by intentionally hunting or catching fish during the close season.

(2) Insofar as requests for a Type F firearms permit or for a Type K firearms license are concerned, a person deemed reliable under the present Act shall also not be any person who

- a) who has been found guilty of and lawfully convicted of a transgression in the field of arms and ammunition or the use of explosives during the last five years, or
- b) is involved in or supports activities against interests of the Czech Republic or interests that the Czech Republic has undertaken to protect.

Section 24

Issue of a New Firearms Permit

(1) When a firearms permit expires, the Police Directorate of jurisdiction shall issue its holder a new one. To be issued the new firearms permit, the holder shall submit an application using the prescribed form referred to in Section 17, Paragraph 1, Subparagraphs a), c) and d) of Paragraph 2, and Paragraph 4. The applicant for a new firearms permit shall also be obliged to enclose a documentary proof of his or her insurance.¹⁴⁾

¹² Section 10, Paragraph 2, of Act No. 269/1994, on the Criminal Register.

¹³ Code of Penal Procedure.

¹⁴⁾ Section 48 of Act No. 449/2001 Coll., on game-keeping.

(2) A new firearms permit applicant who has spent more than six months in a row away from the Czech Republic since having been issued the existing firearms permit shall also be obliged to furnish a document similar to an excerpt from the Criminal Register and issued by the country where he or she was staying, including its translation into Czech prepared by a sworn translator; if he or she cannot produce such a document, as the country in question does not issue it, he or she shall instead submit a sworn statement to the effect that, while staying abroad, he or she has not been found guilty of any criminal act on the grounds of which he or she could not be deemed to have sufficient integrity in accordance with Section 22, or of any misdemeanour on the grounds of which he or she could not be deemed to be reliable enough, as provided for in Section 23.

(3) The firearms permit holder shall submit the application for a new firearms permit to the Police Directorate of jurisdiction not later than two months before the current permit expires.

(4) When deciding whether to issue a new firearms permit, the Police Directorate of jurisdiction shall also take into account the applicant's integrity and reliability in accordance with Sections 22 and 23, respectively.

(5) If the Police Directorate of jurisdiction decides to issue a new firearms permit, it shall do so by giving it to the applicant in exchange for his or her existing one. The period for which the new firearms permit will be valid shall be as stipulated in Section 16, Paragraph 1, and commence on the day the previous firearms permit expires.

(6) The Police Directorate of jurisdiction shall reject any application for a new firearms permit if the applicant does not meet the health, integrity or reliability criteria stipulated above, or, insofar as Type C firearms permits are concerned, is not a holder of a valid hunting license.

Section 25

Extension of a Firearms Permit to Other Types

(1) A firearms permit holder may apply for an extension of his or her existing permit to other types. Such applications shall be filed with the Police Directorate of jurisdiction, using a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto and containing the particulars listed in Section 17, Paragraph 1, above.

(2) The applicant shall be obliged to attach the following documents to the application referred to above:

- a) a documentary proof of his or her professional capability for the additional firearms permit type(s) in question, which shall not be older than one year,
- b) a medical report attesting to his or her medical capability, which shall not be older than three months, and
- c) two photographs.

(3) If the Police Directorate of jurisdiction decides to extend the firearms permit, it shall do so by giving the applicant an extended permit in exchange for his or her existing one. The period of time for which the new firearms permit will be valid shall be the same as that of the old one.

(4) The Police Directorate of jurisdiction shall reject the application if the applicant does not meet requirements pertaining to the firearms permit type which he or she is applying for.

Section 26

Expiration of Validity of a Firearms Permit

- (1) A firearms permit shall be rendered null and void
- a) upon the expiration of its validity,
 - b) if it has been reported lost or stolen,
 - c) if a decision to withdraw it has become lawful and enforceable (Section 27),
 - d) if it has been damaged to an extent rendering its entries illegible or damaging its integrity,
 - e) if it has been found to contain unauthorised changes,
 - f) if it contains incorrect information,
 - g) if its holder has terminated his or her residence in the territory of the Czech Republic, or
 - h) if its holder has died or been proclaimed dead.

(2) Decisions in matters concerning the expiration of validity of a firearms permit according to Paragraph 1, Subparagraphs d), e), f) or g), shall be taken by the Police Directorate of jurisdiction. If the firearms permit holder in question agrees with the decision, the latter shall be entered into a protocol. If he or she does not, the Police Directorate of jurisdiction shall issue an appropriate ruling.

(3) If a firearms permit has expired according to Paragraph 1, Subparagraphs b), d) or f), the Police Directorate of jurisdiction shall issue a copy thereof which shall expire on the same date as the firearms permit it is replacing; the holder shall supply two photographs, but shall not be required to submit a new application. It shall be apparent from the copy that it replaces a stolen or lost original firearms permit (duplicate).

Section 27

Withdrawal of a Firearms Permit

- (1) The Police Directorate of jurisdiction shall decide to withdraw a firearms permit if its holder:
- a) is no longer legally capable,
 - b) is no longer medically fit and capable,
 - c) is no longer deemed to be of integrity (Section 22) or reliable (Section 23),
 - d) no longer meets the conditions laid down in Section 19, Paragraphs 3, 4 or 5, if he or she is under 18 years of age and the firearms permit in question is a Type B or C permit, or
 - e) where a Type F firearms permit is involved, has violated any of the duties stipulated in Section 29, Paragraph 7, Subparagraphs a) to h), or the prohibition stipulated in Section 29, Paragraph 8; he or she can reapply for a new Type F firearms permit not sooner than five years from the time the decision to withdraw the previous Type F firearms permit became legally effective and enforceable

(2) The Police Directorate of jurisdiction shall decide to withdraw a firearms permit if its holder has ceased to be a holder of a valid hunting license.

(3) The Municipal Office of a municipality with extended jurisdiction shall immediately notify the Police Directorate of jurisdiction of withdrawals and expirations of hunting licenses. Similarly, secondary vocational schools and secondary schools the curricula of which contain game-keeping shall immediately notify the Police Directorate of jurisdiction of the completion of studies of any Type C firearms permit holder under the age of 18. Any civic association (Section 19, Paragraph. 3) which recommended a Type B firearms permit issuance to its member under the age of 18 shall immediately notify the Police Directorate of jurisdiction of the termination of membership of such a member, if he or she is still under the age of 18.

(4) An appeal contesting a decision to withdraw a firearms permit according to Paragraphs 1 or 2 above shall not have any dilatory effect and the firearms permit holder shall be obliged to immediately surrender his or her firearms permit to the Police Directorate of jurisdiction.

Section 27a

The jurisdiction vested upon the Municipal Office of a municipality with extended jurisdiction under the present Act shall be deemed to be the exercise of assigned responsibilities.

Section 28

Scope of Authorisation Granted to Firearms Permit Holders

(1) A Type A firearms permit holder shall be entitled to acquire ownership of and possess for collector's purposes:

- a) a Category A firearm in respect whereof he or she has been granted an exemption; a Category B firearm in respect whereof he or she has been granted a permission; or a Category C firearm, or
- b) ammunition for a Category B or C firearm, but not more than three rounds of each type, calibre, trademark or production version, or the smallest commercially available package thereof.

(2) A Type B or Type C firearms permit holder shall be entitled to,

- a) depending on the intended use thereof, to acquire ownership of and possess, or carry, if applicable, a Category B sporting or hunting firearm in respect whereof he or she has been granted a permission, or a Category C sporting or hunting firearm; he or she shall be entitled to carry such weapons only at shooting ranges or in places where he or she is entitled to do so pursuant to special legislation,¹⁴⁾
- b) to recharge centre-percussion sporting or hunting cartridges in accordance with technical procedures set by manufacturers of different parts of the cartridges, providing that he or she does so for his or her own needs, or
- c) to acquire ownership of only the ammunition and different parts of the cartridges for Category B or Category C firearms.

Only a person over 18 years of age shall be allowed to recharge cartridges or acquire ownership of different parts of cartridges..

(3) When discharging his or her job or occupation duties, a Type D firearms permit holder shall be entitled:

- a) to possess or carry a Category A, B or C firearm in respect whereof his or her employer has been granted a firearms permit, and for the purposes which the firearms license has been granted for, and
- b) to carry not more than two firearms referred to in Paragraph a) in places freely accessible to the public; insofar as short firearms are concerned, they shall not be carried visibly.

An employee of a municipality who is a local police officer, or an employee of the Czech National Bank guarding its buildings and premises shall be allowed to carry their short firearms visibly only when discharging their job duties.

(4) A Type E firearms permit holder shall be entitled:

- a) to acquire ownership of and possess, or carry, if applicable, a Category A firearm in respect whereof he or she has been granted an exemption; a Category B firearm in respect whereof he or she has been granted a permission; or a Category C firearm,

- b) to acquire ownership of only the ammunition and different parts of the cartridges he or she can use in the weapon he or she is entitled to possess, subject to producing the firearms permit, and
- c) to carry not more than two firearms none of which shall be carried visibly.

(5) A holder of a firearms permit shall be entitled to fire the weapon he or she has been authorised to possess only in places where he or she is entitled to do so pursuant to special legislation¹⁴⁾, or at shooting ranges, unless the firearm or weapon is used to protect lives, health or property.

(6) A holder of a Type F firearms permit shall be entitled to conduct pyrotechnical/EOD survey only as an employee or as an entrepreneur; if ammunition or ordnance found in the course of a pyrotechnical/EOD survey poses an imminent threat to human lives, health or property, the holder of a Type F firearms permit shall be entitled to deactivate them.

Section 29

Duties of a Firearms Permit Holder

- (1) A Type A to E firearms permit holder shall be obliged to:
- a) take extra care when handling weapons, ammunition, gunpowder or caps,
 - b) secure his or her Category A, B or C firearm and ammunition therefor (Section 58),
 - c) secure his or her firearms permit and firearms pass against their misuse, loss or theft,
 - d) comply with conditions and requirements governing the keeping and storage of ammunition, gunpowder or caps,
 - e) present, when summoned to do so by the Police Directorate of jurisdiction, his or her firearms permit, Category A, B or C firearm and ammunition therefor, as well as all relevant documents, for inspection,
 - f) immediately report the loss or theft of his or her Category A, B or C firearms and ammunition therefor, firearms permit, or firearms pass to any Police Directorate or precinct,
 - g) apply for a replacement of the firearms permit or firearms pass at the Police Directorate of jurisdiction, if there has been a change of his or her name, surname or place of residence. The holder shall do so within ten workdays from the day the change in question occurred, and return the documents containing his/her previous name, surname or place of residence to the Police Directorate of jurisdiction.
 - h) carry his firearms permit and firearms pass whenever he or she is carrying his or her Category A, B or C firearm and ammunition therefor,
 - i) surrender his or her firearms permit within ten workdays from its date of expiration pursuant to Section 26, Paragraphs a), c) or g), to the Police Directorate of jurisdiction; if he or she is a holder of a firearm, ammunition or a banned accessory, he or she shall surrender them and the firearms pass as well,
 - j) report any change of the firearm calibre or a repair/modification resulting in a change of the category of the weapon in question to the Police Directorate of jurisdiction within ten workdays,
 - k) if carrying a firearm and required to do so by a police officer, take an indicative test or a medical examination the purpose of which is to establish whether he or she is not under the influence of alcoholic beverages or other addictive substances¹¹⁾,
 - l) immediately report any use of the firearm in an ultimate emergency or for the purpose of necessary defence to the Police Directorate of jurisdiction, and
 - m) allow the Police Directorate of jurisdiction access to his or her abode for the purpose of

checking firearm security arrangements, if he or she possesses a Category A firearm.

(2) Furthermore, any holder of a Type D or F firearms permit shall be obliged, within two months since the day 30 months have elapsed from the date of issue, to present a document attesting to his or her medical capability to the Police Directorate of jurisdiction.

(3) A Type A to E firearms permit holder shall not be permitted to:

- a) transfer ownership of his or her firearm, ammunition or banned accessory thereto to any person who is not authorised to hold them, or let any such person have them,
- b) carry his or her firearm or handle it in any way at a time his or her capacity to do so has been impaired by consumption of alcoholic beverages or other addictive substances¹¹⁾, drugs or an illness, or
- c) carry a Category A, B or C firearm in respect whereof no firearms pass has been issued.

(4) A Type B or C firearms permit holder shall not keep smokeless gunpowder and percussion caps in quantities exceeding 1 kg and 1,000, respectively; the caps shall be kept in a separate box.

(5) A holder of a firearm designed to use black gunpowder shall not keep black gunpowder and percussion caps in quantities exceeding 3 kg and 1,000, respectively; the caps shall be kept in a separate box.

(6) A Type C firearms permit holder shall be obliged to transport firearms in his or her possession to places where he or she is entitled to carry them only in a state rendering them unfit for immediate use. A Type B firearms permit holder shall be obliged to transport firearms in his or her possession to places where he or she is entitled to carry them only in a state rendering them unfit for immediate use and in a locked box..

(7) A holder of a Type F firearms permit shall be obliged to

- a) take extra precautions and care when manipulating with unexploded ammunition, ordnance or explosive,
- b) order earthmoving works to be stopped, if the unexploded ammunition, ordnance or explosive that has been found poses an imminent threat to human lives, health or property,
- c) mark the place where the unexploded ammunition, ordnance or explosive has been found,
- d) prevent access of any unauthorized personnel to the place where the unexploded ammunition, ordnance or explosive has been found,
- e) warn people at or close to the place where the unexploded ammunition, ordnance or explosive has been found of the potential threat and ask them to leave the dangerous zone,
- f) immediately report the finding of the unexploded ammunition, ordnance or explosive to the nearest police unit,
- g) comply with conditions and requirements governing the manipulation with unexploded ammunition, ordnance or explosive,
- h) secure the unexploded ammunition, ordnance or explosive that has been found against any misuse, loss or theft,
- i) secure his or her firearms permit against any misuse, loss or theft,
- j) present, when summoned to do so by the Police Directorate of jurisdiction, his or her firearms permit for inspection,

- k) immediately report the loss or theft of his or her firearms permit or any unexploded ammunition, ordnance or explosive that has been found to the Police Directorate of jurisdiction,
 - l) apply at the Police Directorate of jurisdiction for a new firearms permit, if there has been a change in the name, surname or place of residence of the holder; such an application shall be submitted within 10 workdays from the date of the change in question, and the original document shall be attached thereto and surrendered,
 - m) carry the firearms permit when performing a pyrotechnical/EOD survey or searching unexploded ammunition, ordnance or explosive,
 - n) undergo, at any time before or while performing his or her activities and when asked to do so by a police officer, an indicative test or a medical examination to prove that he or she is not under the influence of alcohol or another addictive substance,¹¹⁾
 - o) immediately record any findings of unexploded ammunition, ordnance or explosive into a log book, and
 - p) cooperate, when asked to do so by the police, with police officers in securing unexploded ammunition, ordnance or explosive.
- (8) A holder of a Type F firearms permit shall not be allowed to
- a) conduct a pyrotechnical/EOD survey when his or her capabilities to do so have been deteriorated as a result of consumption of alcohol or other addictive substances, or as a result of an illness or injury,
 - b) manipulate with any ammunition or explosives that he or she has found in a way contradicting the provisions of the present Act, and
 - c) dispose of unexploded ammunition, ordnance or explosive.

Section 30

Examining Commissioner

(1) Examining commissioners shall be appointed by the Ministry for a period of five years, acting upon a request of a natural person. The document attesting to the appointment shall be an Examining Commissioner's Card issued by the Ministry.

(2) Eligible as an examining commissioner shall be a natural person who meets the following conditions:

- a) has reached the age of thirty,
- b) has at least full secondary-level or secondary-level professional education,
- c) has proven his or her professional competence to an Examination Board appointed by the Minister of Interior,
- d) is a firearms permit holder, and
- e) is not an entrepreneur dealing in the arms and ammunition business.

(3) Applicants seeking to be appointed examining commissioners shall use a prescribed form, the layout and contents of which will be stipulated in an implementing regulation hereto, for their applications. The applications shall be submitted to the Ministry which shall file incoming applications by the date of delivery and notify the applicant of the date and place of the examination. The notification shall be delivered to the applicant not later than ten days before the scheduled examination date.

(4) The application referred to above shall contain

- a) personal data, and

b) the firearms permit number.

(5) The applicant shall enclose documents proving that he or she meets the conditions stipulated in Paragraph 2, Subparagraphs a), b) and d), a sworn statement to the effect that he or she is not an entrepreneur dealing in the arms and ammunition business, and two photographs.

(6) The professional capability examination of an examining commissioner shall consist of a theoretical and a practical parts.

(7) The theoretical part of the examination shall consist of a written test and an oral exam, its purpose being to ascertain the applicant's knowledge of:

- a) the present Act and implementing regulations and ordinances hereto,
- b) special legislation dealing with
 - 1. certification of firearms, ammunition and pyrotechnic devices, and
 - 2. justified use of weapons,
- c) arms and ammunition, and
- d) first-aid basics.

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

- a) establishing the applicant's knowledge of safe handling of arms and ammunition, and
- b) establishing the applicant's knowledge of target shooting control procedures, and
- c) firing at a stationary target.

(9) The Ministry shall cancel the appointment of an examining commissioner before the end of the five-year term if he or she:

- a) no longer meets the conditions stipulated in Paragraph 2, Subparagraphs b) or d), which fact he or she shall be obliged to report to the Ministry immediately,
- b) has seriously or repeatedly breached the legal regulations dealing with the professional capability examination of a firearms permit applicant, or
- c) has submitted a request for resignation.

(10) The Ministry shall suspend the appointment of an examining commissioner before the end of the five-year term if:

- a) his or her firearms permit has been taken into custody as provided for in Section 57 hereof, which fact he or she shall be obliged to report to the Ministry immediately, or
- b) there is a warranted suspicion that he or she has seriously or repeatedly breached the legal regulations dealing with the professional capability examination of a firearms permit applicant.

The Ministry shall lift the suspension as soon as the reasons referred to above pass away..

(11) Contents of the theoretical part of the examining commissioner's professional capability examination, the manner in which the practical part is to be conducted, an overall evaluation of its results, and the manner in which the examining commissioner's card is to be issued shall be stipulated in an implementing regulation or ordinance hereto.

CHAPTER V FIREARMS LICENSE

Section 31

Firearms Licenses and Their Types

The firearms license is a public document authorising a legal entity or a natural person, as the case may be, to acquire ownership of and keep in stock weapons and ammunition within the scope of authorisation granted by the license in question, or to conduct pyrotechnical/EOD surveys within the scope of authorization granted by a Type K firearms license. The firearms license shall remain valid for a period of five years. Depending on the type of use of weapons and ammunition and their scope, the following types of firearms licenses are distinguished:

- a) A - development and manufacture of firearms or ammunition,
- b) B - repairs and modifications of firearms and ammunition, and rendering them unfit for use,
- c) C - purchase, sale and transport of firearms and ammunition,
- d) D - hiring out or safekeeping of firearms and ammunition,
- e) E - destruction of firearms and ammunition, and rendering them unfit for use,
- f) F - provision of shooting training and practice,
- g) G - guarding of property and people,
- h) H - pursuit of sporting, cultural, or hobby- or interest-related activities,
- i) I - operation of museum or private collections,
- j) J - discharge of duties under special legislation,¹⁰⁾
- k) K - conduct of pyrotechnical/EOD surveys.

Section 32

Particulars of a Firearms License Application

(1) The firearms license shall be issued by the Police Directorate of jurisdiction on the basis of an application filed and submitted on a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto. The application shall contain the following particulars:

- a) personal data, or data identifying a legal entity, as the case may be,
- b) reasons for which a natural person or a legal entity (as the case may be) is applying for a firearms license,
- c) the address of the place where the weapon(s) and ammunition are to be manufactured, kept, stored, used, or destroyed, how they will be safeguarded, and, insofar a Type E firearms license is concerned, the procedure(s) employed to destroy and dispose of firearms and ammunition, unless such activities are governed by special legislation or an international convention binding upon the Czech Republic¹⁵,
- d) personal data of a person who, as part of his or her job, discharges duties associated with the keeping, storage or use of firearms and ammunition and who is a holder of a firearms permit of an appropriate type (hereinafter „the armourer“), including the number of the firearms permit, if the firearms license in question is a Type A to J firearms license,
- e) personal data of an authorised representative or a member of a statutory body, where a legal entity is involved, or personal data of an authorised representative of a natural person, if appointed, and
- f) an indication what firearms license type is being applied for.

¹⁵ E.g. Act No. 19/1997 Coll., on some measures related to the ban of chemical weapons, and amending and changing Act No. 50/1976 Coll., on land-use planning and the Building Code (Building Act), as amended, Act No. 455/1991 Coll., on trade enterprise (Trades Act), as amended, and Act No. 140/1961 Coll., Penal Code, as amended; Act No. 305/1999 Coll., banning the use, storage, manufacture and transfer of anti-personnel mines and ordering their destruction, and amending Act No. 140/1961 Coll., Penal Code, as amended.

(2) The applicant shall also specify the categories of firearms and ammunition constituting the subject matter of his or her business, entrepreneurial or other activities. If applying for a license to acquire ownership of and keep Category A or B weapons, he/she shall provide justified reasons for doing so.

(3) If the reason stated in the application for a firearms license is the conduct of business in the field of weapons and ammunition, the applicant shall be obliged to attach to his or her application an authenticated copy of his/her trade license, concession, franchise or similar document attesting to his/her professional capability and prowess in the field of explosives, or another document authorising the applicant to deal in business activities, or an authenticated copy of his/her trade license authorising him or her to lecture subjects which require handling weapons and ammunition at schools and educational facilities.

Section 33

Issue of a Firearms License

(1) The Police Directorate of jurisdiction shall issue a firearms license to a natural person or a legal entity resident or having its seat in the territory of the Czech Republic, as the case may be, and

- a) holding a trade license in the field of weapons and ammunition, if applying for a Type A, B, C, D, E, or F firearms license, or to conduct pyrotechnical/EOD surveys, if he or she applies for a Type K firearms license; those applying for a Type A, B, or E firearms license shall also be required to prove their professional capability and prowess in the field of explosives, and
- b) can prove that he or she is authorised to conduct the business for which he or she is applying for a firearms license, where Type G, H, I, or J firearms licenses are involved, and he or she needs a weapon, ammunition or a banned accessory to be able to do so.

(2) The Police Directorate of jurisdiction shall issue a firearms permit to a natural person or legal entity only if the natural person or his/her authorised representative (if appointed), or an authorised representative or a member of a statutory body of the legal entity, as the case may be, are deemed to be of integrity and reliable enough as provided for in Sections 23 and 24, respectively.

(3) The Police Department of jurisdiction shall suspend firearms license proceedings in the event any of the persons referred to in Paragraph 2 has been indicted for any of the criminal acts listed in Section 22.

Section 34

Verification of Integrity and Reliability

The Police Department of jurisdiction shall verify the integrity and reliability of the persons referred to in Section 33, Paragraph 2, five years from the date of issue of the firearms license and every five years thereafter, or whenever there has been a change of such persons.

Section 35

Extension of a Firearms License to Other Types

(1) A firearms license holder may apply for an extension of his or her existing license to other types. Such applications shall be filed with the Police Directorate of jurisdiction, using a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto.

(2) If the Police Directorate of jurisdiction decides to grant the application, it shall do so by issuing a new firearms license to the applicant.

(3) The Police Directorate of jurisdiction shall reject the application for an extension of the firearms license if the applicant does not meet the requirements and conditions pertaining to the license type he or she is applying for.

Section 36

Withdrawal of a Firearms License

- (1) The Police Directorate of jurisdiction shall decide to withdraw a firearms license if
- a) the reason why it was granted no longer exists,
 - b) its holder has seriously or repeatedly breached provisions of the present Act, or
 - c) the authorised representative or a member of a statutory body of a legal entity, or the authorised representative of a natural person, as the case may be, is no longer deemed to be of integrity or reliable enough as provided for in Sections 24 and 25, respectively.
- (2) An appeal contesting a decision to withdraw a firearms license according to Paragraph 1 above shall not have any dilatory effect and the firearms license holder shall be obliged to immediately surrender his or her firearms permit to the Police Directorate of jurisdiction.

Section 37

Expiration of Validity of a Firearms License

- (1) A firearms license shall be rendered null and void
- a) if a decision to withdraw it has become lawful and enforceable (Section 36),
 - b) if it has been reported lost or stolen,
 - c) if it has been damaged to an extent rendering it illegible or damaging its integrity,
 - d) if it has been found to contain unauthorised changes,
 - e) if it contains incorrect information,
 - f) if the legal entity it was granted to has been wound up, dissolved, or if bankruptcy proceedings have been initiated in respect of its assets and property,
 - g) the natural person or the legal entity, as the case may be, has discontinued the operation on the grounds whereof the license was granted, or
 - h) if its holder has died or been proclaimed dead.
- (2) Decisions in matters concerning the expiration of validity of a firearms license according to Paragraph 1, Subparagraphs c), d), or e), shall be taken by the Police Directorate of jurisdiction. If the firearms license holder in question agrees with the decision, the latter shall be entered into a protocol. If he or she does not, the Police Directorate of jurisdiction shall issue an appropriate ruling.
- (3) The holder of a firearms license which has expired according to Paragraph 1, Subparagraph a), shall be obliged to return the same to the Police Directorate of jurisdiction within 10 workdays therefrom.
- (4) A firearms license which has expired according to Paragraph 1, Subparagraph f), shall be returned without any undue delay to the Police Directorate of jurisdiction by its holder; as to a firearms license which has expired according to Paragraph 1, Subparagraph g), it shall be returned to the Police Directorate of jurisdiction by anyone who comes across it.

(5) If a firearms license has been expired according to Paragraph 1, Subparagraph b), or Paragraph 2, the Police Directorate of jurisdiction shall issue a new one without any application having to be submitted, which shall expire on the same date as the firearms permit it is replacing. In the event the new license is a copy of one that was lost or stolen, the former shall clearly indicate that it is a duplicate.

Section 38

Scope of Authorisation Granted to Firearms License Holders

(1) A Type A, B or C firearms license holder shall be entitled to:

- a) acquire ownership of or possess a weapon, a banned accessory or ammunition in the extent defined in the license in question, or
- b) let a firearm he or she is entitled to hold for the purpose of discharging the duties stipulated in the firearms license to a holder of a Type D firearms permit who is an employee or a member of the firearms license holder, or is in a similar relationship toward him or her.

(2) A Type D firearms license holder shall be entitled to:

- a) acquire ownership of or possess a Category C firearm and ammunition,
- b) let a firearm he or she is entitled to hold for the purpose of discharging the duties stipulated in the firearms license to a holder of a Type D firearms permit who is an employee or a member of the firearms license holder, or is in a similar relationship toward him or her,
- c) lend a Category C firearm to people who are authorised to possess or carry it, or
- d) accept for safekeeping and keep firearms and ammunition of the category mentioned in the firearms license.

(3) A Type E firearms license holder shall be entitled to acquire ownership of and possess weapons and ammunition within the scope laid down in the firearms license and for the purpose of destroying them or rendering them unfit for use.

(4) A Type F firearms license holder shall be entitled to:

- a) acquire ownership of or possess a Category A firearm in respect whereof he or she has been granted an exemption; a Category B firearm in respect whereof he or she has been granted a permission; or a Category C firearm C,
- b) let a firearm he or she is entitled to hold for the purpose of discharging the duties stipulated in the firearms license to a holder of a Type D firearms permit who is an employee or a member of the firearms license holder, or is in a similar relationship toward him or her, or
- c) consign a weapon, a banned accessory or ammunition he or she is entitled to possess to someone else for the purpose of training or practice conducted under supervision of an authorised person.

(5) A Type G firearms license holder shall be entitled to:

- a) acquire ownership of or possess a Category A firearm in respect whereof he or she has been granted an exemption; a Category B firearm in respect whereof he or she has been granted a permission; or a Category C firearm C, or
- b) let a firearm he or she is entitled to hold for the purpose of discharging the duties stipulated in the firearms license to a holder of a Type D firearms permit who is an

employee or a member of the firearms license holder, or is in a similar relationship toward him or her.

(6) A Type H firearms license holder shall be entitled to:

- a) acquire ownership of or possess a Category A firearm in respect whereof he or she has been granted an exemption; a Category B firearm in respect whereof he or she has been granted a permission; or a Category C firearm C,
- b) let a firearm he or she is entitled to hold for the purpose of discharging the duties stipulated in the firearms license to a holder of a Type D firearms permit who is an employee or a member of the firearms license holder, or is in a similar relationship toward him or her, or
- c) consign a weapon, a banned accessory or ammunition he or she is entitled to possess to someone else for the purpose of pursuing sporting, cultural, or hobby- and interest-related activities.

(7) A Type I firearms license holder shall be entitled to acquire ownership of or possess a Category A weapon in respect whereof he or she has been granted an exemption, a Category B weapon for which he or she has been granted a permit, or a Category C weapon.

(8) A Type J firearms license holder shall be entitled to:

- a) acquire ownership of or possess a Category A firearm in respect whereof he or she has been granted an exemption; a Category B firearm in respect whereof he or she has been granted a permission; or a Category C firearm C, or
- b) let a firearm he or she is entitled to hold for the purpose of discharging the duties stipulated in the firearms license to a holder of a Type D firearms permit who is an employee or a member of the firearms license holder, or is in a similar relationship toward him or her.

(9) A Type K firearms license holder shall be entitled to conduct pyrotechnical/EOD surveys consisting in searching for, identifying and securing a unexploded ammunition, ordnance or explosives.

Section 39

Duties of a Firearms License Holder

(1) A holder of a firearms license shall be obliged to:

- a) appoint an armourer who shall be an employee or a member of the firearms license holder, or be in a similar relationship toward him or her, for each and every place of business or site where weapons, banned accessories or ammunition are to be kept,
- b) make sure that a firearm or ammunition are not used for purposes other than those stated in the firearms license, or by persons not holding an appropriate firearms permit,
- c) ensure that a weapon or ammunition is possessed or carried only by a natural person who is his or her employee, member, or is in a similar relationship toward him or her and holds an appropriate firearms permit,
- d) issue an in-house regulation which shall stipulate, *inter alia*:
 1. specific rules governing the use of firearms and ammunition,
 2. keeping records, storage, issue and reception of firearms and ammunition, and
 3. safe handling of firearms or ammunition, as well as loading and unloading procedures,
- e) secure firearms and ammunition against misuse, loss or theft (Section 58),

- f) immediately report a loss or theft of his or her firearm and ammunition therefor, firearms license, or firearms pass to the nearest Police Directorate or precinct,
- g) comply with conditions governing the safekeeping or storage of ammunition, gunpowder or percussion caps,
- h) present, when summoned to do so by the Police Directorate of jurisdiction, his or her firearms license, firearm and ammunition therefor, as well as all relevant documents, for inspection,
- i) appoint a new armourer within thirty days before the current one's appointment is over, and report the change in the person of the armourer to the Police Directorate of jurisdiction not later than ten workdays therefrom,
- j) apply at the Police Directorate of jurisdiction for a new firearms license or a new firearms pass, if there has been a change in the name or seat of the legal entity, or the name, surname or place of residence of the natural person, as the case may be, the site of storage of weapons or the place of business; such an application shall be submitted within 10 workdays from the date of the change in question, and the original document shall be attached thereto,
- k) keep records
 1. of weapons and ammunition owned, issued and received, and of the quantities of black powder, smokeless powder and percussion caps kept, issued and received for a period of five years even after terminating his or her operation,
 2. related to business activities in the field of firearms and ammunition in accordance with Section 2, Paragraph 2, Subparagraph d), and maintain the same for a period of thirty years,

The record-keeping shall be governed by special legislation¹⁶.

- l) ensure that a person who will carry a firearm for the purpose of discharging job or occupation duties takes part in a target practice at least once a year, and keep records of such target practices,
- m) notify the Police Directorate of jurisdiction of any change of the authorised representative or a member of a statutory body of a legal entity, or the authorised representative of a natural person (if appointed), including his or her personal data, within ten workdays from the date of the change in question,
- n) return the firearm, ammunition and firearms pass, as the case may be, to the Police Directorate of jurisdiction within ten workdays from the date his or her firearms license expires,
- o) report any change of the firearm calibre or a repair/modification resulting in a change of the category of the weapon in question to the Police Directorate of jurisdiction within ten workdays.

(2) Furthermore, a Type B or E firearms license holder shall be obliged to:

- a) observe the applicable procedure laid down in an implementing regulation hereto when rendering a Category A, B or C firearm or ammunition unfit for use, or producing sections therefrom; in the absence of such an implementing regulation hereto, he or she shall proceed in accordance with a procedure set forth by the Czech Firearms and Ammunition Certification Office,
- b) provide a firearm rendered unfit for use with a „useless weapon“ mark assigned under the conditions set forth by the Czech Firearms and Ammunition Certification Office, while retaining the original serial number of the weapon in question, and
- c) issue an applicable certificate attesting to the weapon or ammunition in question having been rendered unfit for use, or used to produce sections therefrom, to its owner.

¹⁶ Act No. 97/1974 Coll., on record-keeping, as amended by Act No. 343/1992 Coll., and Act No. 27/2000 Coll.

(3) Furthermore, a Type E firearms license holder shall be obliged to:

- a) observe the applicable procedure laid down in an implementing regulation hereto when destroying firearms or ammunition, and
- b) issue a certificate attesting to the weapon or ammunition in question having been destroyed to its owner.

(4) A firearms license holder shall not be allowed to transfer the ownership to a firearm or ammunition to any person who is not authorised to acquire ownership thereof.

(5) The manner in which the records referred to in Paragraph 1, Subparagraphs k) and l), are to be kept shall be stipulated in an implementing regulation hereto

(6) If a firearms license holder does his or her business on a self-employment basis, he or she shall not be required to meet the conditions stipulated in Paragraph 1, Subparagraphs a), c), i), and l). However, he or she shall be required to meet the duties of the armourer as set forth in Section 40, Paragraph 1, Subparagraphs b) and e).

(7) A holder of a Type K firearms license shall be obliged to:

- a) prepare a technological procedure of searching for and manipulating with unexploded ammunition, ordnance or explosives in advance, and submit the same to the Police Directorate of jurisdiction for approval,
- b) ensure that a finding of unexploded ammunition, ordnance or explosives is immediately reported to the police,
- c) make sure that the finding of unexploded ammunition, ordnance or explosives has indeed been reported to the police and whether the unexploded ammunition, ordnance or explosive that has been found is not used for purposes other than those stipulated in the firearms license and/or handled in a way that is at variance with the authorization referred to in Section 38, Paragraph 9,
- d) conduct pyrotechnical/EOD surveys only through a natural person who is his or her employee, member, or in a similar relation toward him or her, and is a holder of a Type F firearms permit,
- e) immediately report a loss or theft of his or her firearms license to the Police Directorate of jurisdiction,
- f) present, when summoned to do so by the Police Directorate of jurisdiction, his or her firearms license, as well as all relevant documents, for inspection,
- g) apply at the Police Directorate of jurisdiction for a new firearms license, if there has been a change in the name or seat of the legal entity, or the name, surname or place of residence of the natural person, as the case may be; such an application shall be submitted within 10 workdays from the date of the change in question, and the original document shall be attached thereto,
- h) keep and maintain records listing findings of unexploded ammunition, ordnance or explosives for a period of 5 years,
- i) take necessary steps to ensure safety of people and property whenever there is a finding of unexploded ammunition, ordnance or explosives,
- j) make daily entries on pyrotechnical/EOD surveys conducted into the Building Log.

(8) Details regarding the particulars and maintenance of the records listing findings of unexploded ammunition, ordnance or explosives shall be stipulated in a regulation implementing the present Act.

Section 40

Duties of the Armourer

- (1) The armourer shall be obliged to:
- a) issue a firearm or ammunition only to a natural person who is the firearms license holder's employee, member, or is in a similar relationship toward the firearms license holder, providing that the natural person holds an appropriate firearms permit and uses the firearm and ammunition solely for the purpose stipulated therein,
 - b) secure firearms licenses, firearms passes or any other documents issued hereunder against misuse, loss or theft,
 - c) secure firearms and ammunition against misuse, loss or theft,
 - d) observe the conditions governing the safekeeping and storage of ammunition, gunpowder or percussion caps and set forth in an implementing regulation hereto, and
 - e) discharge the duties as laid down in an in-house regulation issued pursuant to Section 39, Paragraph 1, Subparagraph d).
- (2) When an armourer is unable to perform his or her duties as defined in Paragraph 1 above, the latter shall be assumed by the authorised representative of the natural person, if appointed, or by the authorised representative or a member of a statutory body of the legal entity in question, as the case may be.

CHAPTER VI REGISTRATION OF FIREARMS AND FIREARMS PASS

Section 41

- (1) Every Category A, B or C firearm shall be registered; the obligation shall not apply to banned ammunition.
- (2) The registration referred to in Paragraph 1 above shall be performed by the Police Directorate of jurisdiction on the basis of an announcement of the acquisition of ownership and presentation of the weapon in question. A proof of the registration is a firearms pass which is a public document.
- (3) The Police Directorate of jurisdiction shall not issue a firearms pass if the weapon in question:
- a) is subject to certification under special legislation³⁾, unless bearing a valid certification proof-mark, or
 - b) is a Category A, B or C firearm which a person referred to in Section 42, Paragraph 1, is not authorised to own, possess, or carry under the present Act.
- (4) The Police Directorate of jurisdiction shall invite the owner of a firearm to submit the same to the Czech Firearms and Ammunition Certification Office in accordance with special legislation³⁾, or if there has arisen a warranted suspicion in the course of the registration process that the condition of the weapon in question is so bad it might result in its destruction. Based on the information presented in the protocol issued after the check or verification of the firearm in question by the Czech Firearms and Ammunition Certification Office, the Police Directorate of jurisdiction shall issue a new firearms pass and take the existing one from the owner.

Section 42

(1) Any natural person or legal entity that has acquired ownership of a Category A, B or C firearm shall be obliged to report the fact to the Police Directorate of jurisdiction using a prescribed form within ten workdays from the acquisition, and also present the weapon in question. In the event the firearm has been inherited (Section 66), the 10-day period referred to above shall commence on the day the probate court ruling concerning the estate becomes final and enforceable.

(2) Unless stipulated otherwise below, any natural person or legal entity that has transferred ownership of a Category A, B or C firearm to another person or entity shall be obliged to report the fact to the Police Directorate of jurisdiction using a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto within ten workdays from the transfer, and also return the firearms pass.

(3) Any natural person or legal entity that has transferred ownership of a Category A, B or C firearm to another person or entity as part of the conduct of business operations shall be obliged to report the fact to the Police Directorate of jurisdiction, which shall be determined according to the location of the place of business where the transfer took place¹⁷, within one month, such a notification containing all the transfers which have been effected in the current month; if the Category A, B or C firearm in question is to be permanently exported from the Czech Republic, the natural person or legal entity effecting the transaction shall be obliged to report the fact immediately, in any case not later than ten workdays from the transfer.

(4) The notice of the acquisition of ownership or transfer of a Category A, B or C firearm referred to above shall contain the following particulars:

- a) personal data or data identifying the legal entity, as the case may be, of the parties in the transaction,
- b) data on the Category A, B or C firearm in question, including information concerning its certification, and
- c) the manner of the ownership transfer.

Section 43

The duty to register a firearm pursuant to Section 41 shall not apply to firearms which constitute a subject matter of the conduct of business in the field of arms and ammunition. As to other cases, the above duty shall not apply to a natural person or legal entity that has acquired the firearm in question under a firearms waybill whereunder permanent exportation of weapons and ammunition from the Czech Republic will be effected (Section 44, Paragraph 2), or that has imported the firearm in question under a firearms transit waybill (Section 46, Paragraph 2) whereunder weapons and ammunition will be re-exported from, or transit through, the Czech Republic.

CHAPTER VII EXPORTS, IMPORTS AND TRANSITS OF FIREARMS AND AMMUNITION

Section 44

Permanent Exportation of Firearms and Ammunition

(1) A Category A, B, or C firearm or ammunition therefor may be permanently exported from

¹⁷ Section 17, Paragraphs 1 and 2, of Act No. 455/1991 Coll.

the Czech Republic only under an export license and subject to a consent of the destination country; the above provision shall be without prejudice to procedures stipulated in special legislation.⁹⁾

(2) The export license referred to in Paragraph 1 above shall be a firearms waybill for permanent exportation of weapons and ammunition. It shall authorise a natural person who is a firearms permit holder, a legal entity which is a firearms license holder, or an alien⁶ to acquire ownership of and possess a Category A, B, or C firearm or ammunition therefor for the purpose of their permanent exportation, and to actually export them from the Czech Republic.

(3) The firearms waybill for permanent exportation of weapons and ammunition shall be issued by the Police Directorate of jurisdiction. Insofar as aliens not residing in the territory of the Czech Republic are concerned, the document shall be issued by the Police Directorate of jurisdiction, which shall be determined according to the location of the place of business where the Category A, B, or C firearm in question or ammunition therefor will be purchased, or according to the place of residence of the natural person, or the seat of the legal entity, as the case may be, that currently owns the Category A, B, or C firearm in question or ammunition therefor.

(4) The firearms waybill for permanent exportation of weapons and ammunition shall be issued on the basis of a written application which shall be filed using a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto. The application shall contain the following particulars:

- a) personal data and the travel document number of the person who will transport the Category A, B, or C firearm in question or ammunition therefor,
- b) personal data of the natural person, or data identifying the legal entity, as the case may be, for whom or which the Category A, B, or C firearm in question or ammunition therefor are intended,
- c) the place of destination where the Category A, B, or C firearm in question or ammunition therefor are to be transported, unless the same as the place of residence of the natural person, or the seat of the legal entity in question,
- d) data on the Category A, B, or C firearm in question,
- e) data identifying the ammunition in question (type, manufacturer's trademark, calibre and quantity),
- f) data on the type and quantity of smokeless or black powder, if applicable,
- g) data on the identification of the firearm or ammunition in question by a valid and recognised certification proof-mark,³⁾
- h) the border checkpoint by way of which the Category A, B, or C firearm in question or ammunition therefor are going to leave the territory of the Czech Republic,
- i) means of transport to be used, and
- j) the dates of dispatch and assumed take-over of the Category A, B, or C firearm in question or ammunition therefor.

(5) The applicant shall attach to his or her application for a Category A, B, or C firearm or ammunition export license a consent of relevant authorities of the country to which the Category A, B, or C firearm in question or ammunition therefor are to be exported, including its translation into Czech prepared by a sworn translator.

(6) Anyone who has acquired ownership of a Category A, B, or C firearm or ammunition therefor under a firearms waybill for permanent exportation of weapons and ammunition shall be obliged to permanently export the same from the Czech Republic not later than five days thereafter.

Permanent Importation of Firearms and Ammunition

(1) A Category A, B, or C firearm or ammunition therefor may be permanently imported to the Czech Republic only under an import license; the above provision shall be without prejudice to procedures stipulated in special legislation.⁹⁾

(2) The import license referred to in Paragraph 1 above shall be a firearms waybill for permanent importation of weapons and ammunition. It shall authorise a natural person who is a firearms permit holder, a legal entity which is a firearms license holder, or an alien⁶⁾ to acquire ownership of and possess a Category A, B, or C firearm or ammunition therefor for the purpose of their permanent importation, and to actually import them to the Czech Republic.

(3) The firearms waybill for permanent importation of weapons and ammunition shall be issued to holders of firearms permits or firearms licenses by the Police Directorate of jurisdiction. Insofar as applications filed abroad are concerned, the document shall be issued by the embassy or a consular office of the Czech Republic.

(4) The firearms waybill for permanent importation of weapons and ammunition shall be issued on the basis of an application filed and submitted in accordance with Section 44, Paragraph 4, Subparagraphs a) to g), i) and j). The application shall also specify the border checkpoint by way of which the Category A, B, or C firearm in question or ammunition therefor shall be transported to the Czech Republic.

(5) The holder of a firearms waybill for permanent importation of weapons and ammunition shall be obliged to report the importation of a Category A, B, or C firearm or ammunition therefor to the Police Directorate of jurisdiction within ten days from crossing the border, and present the same for inspection.

(6) The firearms waybill for permanent importation of weapons and ammunition shall also constitute a consent to acquiring ownership of a Category A, B, or C firearm or ammunition therefor abroad.

Section 46

Transit of Firearms and Ammunition

(1) A permission shall be needed to temporarily import, possess or carry a Category A, B, or C firearm or ammunition therefor in, or to transit the same through, the territory of the Czech Republic; the above provision shall be without prejudice to procedures stipulated in special legislation.⁹⁾

(2) Unless stipulated otherwise herein, the permission referred to above shall be a firearms or ammunition transit waybill.

(3) A firearms or ammunition transit waybill shall be issued to natural persons or legal entities that have filed and submitted an application in accordance with Section 44, Paragraph 4, by the Czech embassy or a consular office; insofar as natural persons or legal entities visiting the Czech Republic for the purpose of exercising their right of hunting or taking part in marksmanship or sports target shooting competitions, or natural persons holding a European firearms pass, are concerned, and unless stipulated otherwise herein, they may also be issued the firearms or ammunition transit waybill by the police station at the border checkpoint.

(4) If the purpose of the transit is the exercise of right of hunting or participation in a

marksmanship or shooting competition, the applicant shall attach a notarised invitation of the owner of the hunting ground or the organiser of the marksmanship or shooting competition, as the case may be, to the application referred to in Paragraph 3 above. Insofar as other cases are concerned, the applicant shall give the purpose of the transit.

(5) Hunters or sports shooters from member countries of the European Union shall not be required to have a permission referred to in Paragraph 2 above for their Category C hunting firearms and ammunition therefor or Category B or C sports firearms and ammunition therefor, respectively, if they are holders of a European firearms pass which mentions the firearm in question and if they are able to give the reason of their visit, in particular by producing an invitation such as that referred to in Paragraph 4 above.

(6) Other holders of a European firearms pass for Category B or C firearms or ammunition therefor shall not be required to have a transit permission referred to in Paragraph 2 above as well, if the firearm in question is mentioned in the European firearms pass and if the Police Directorate of jurisdiction has granted its prior approval thereof. The approval shall be granted for a period up to one year, be entered into the European firearms pass, and may be repeatedly extended by up to one year.

(7) Travellers from third countries who intend to visit a member country of the European Union shall be required to produce a permission of each and every member country through or in the territory of which they intend to travel with a firearm or ammunition when checked at the external border of the European Union.

(8) Insofar as holders of a firearms or ammunition transit waybill or a European firearms pass are concerned, the provisions of the present Act regarding the rights and duties of firearms permit holders shall apply *mutatis mutandis*. No firearm or weapon mentioned in a firearms or ammunition transit waybill or a European firearms pass shall be subject to the registration procedure referred to in Section 41, Paragraph 1.

Section 47

Expiration of Validity of Firearms or Ammunition Permanent Exportation, Firearms or Ammunition Permanent Importation, or Firearms or Ammunition Transit Waybills

Insofar as the expiration of validity of firearms or ammunition permanent exportation, firearms or ammunition permanent importation or firearms or ammunition transit waybills issued under provisions of Sections 44, 45, or 46 hereof is concerned, the provisions of Section 37 shall apply *mutatis mutandis*.

Section 48

Withdrawal of Firearms or Ammunition Permanent Exportation, Firearms or Ammunition Permanent Importation, or Firearms or Ammunition Transit Waybills

(1) The Police Directorate of jurisdiction shall decide to withdraw a firearms or ammunition permanent exportation, firearms or ammunition permanent importation or firearms or ammunition transit waybill issued under provisions of Sections 44, 45, or 46 hereof, if its holder

- a) is no longer legally capable,
- b) is no longer medically fit and capable, or
- c) has seriously or repeatedly breached provisions of the present Act.

(2) An appeal contesting a decision to withdraw a firearms or ammunition permanent

exportation, firearms or ammunition permanent importation or firearms or ammunition transit waybill according to Paragraph 1 above shall not have any dilatory effect.

Section 49

European Firearms Pass

(1) The European firearms pass is a public document the holder of which, when travelling to other EU member states, shall be allowed to take with him or her a firearm registered in the European firearms pass, and ammunition therefor the quantity of which shall be consistent with the purpose of the intended use of the firearm in question, providing that the member state of the European Union through or to which he or she is travelling has granted him or her a permission to bring the weapon in question along. A specimen of the European firearms pass shall be defined in an implementing regulation hereto.

(2) Contrary to the provisions of Paragraph 1 above, a hunter or a sports marksman may bring along one or multiple firearms referred to in Section 6, Paragraphs a) or b), or Section 5, Paragraphs a), b), c), d), e) or f) or Section 6, Paragraphs a) or b), respectively, while travelling through two or more member states of the European Union for the purpose of pursuing hunting or sporting activities without a prior permission, if he or she is a holder of a European firearms pass in which such (a) firearm(s) is/are registered and if he or she is able to furnish a proof of the purpose of his or her journey, particularly by producing a letter of invitation. However, the above exemption shall not apply insofar as journeys to any EU member state which has forbidden the acquisition and possession of the firearm(s) in question or in which the acquisition or possession of the firearm(s) in question are subject to a permit. In the latter cases, an entry in the European firearms pass shall be made.

(3) The Police Directorate of jurisdiction shall issue a European firearms pass to a natural residing in the territory of the Czech Republic who has been authorised to own and possess a firearm. The application for a European firearms pass shall be filed and submitted using a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto, and shall contain personal data of the applicant; the latter shall enclose two photographs therewith.

(4) A European firearms pass shall remain valid for a period of five years and the Police Directorate of jurisdiction may extend it; if the European firearms pass contains only (a) Category D firearm(s), it shall remain valid and effective for a period of time not exceeding ten years.

(5) A European firearms pass shall be rendered null and void:

- a) upon the expiration of its validity,
- b) if it has been reported lost or stolen,
- c) if its holder's firearms permit has expired, or if a decision to withdraw its holder's firearms permit has become lawful and enforceable (Section 27),
- d) if it has been damaged to an extent rendering it illegible or damaging its integrity,
- e) if it has been found to contain unauthorised changes,
- f) if it contains incorrect information

(6) Decisions in matters concerning the expiration of validity of a European firearms pass under the provisions of Paragraph 5, Subparagraphs d), e) or f), shall be taken by the Police Directorate of jurisdiction.

(7) A holder of a European firearms pass which has expired according to Paragraphs 5 or 6 above shall be obliged to return the same to the Police Directorate of jurisdiction within ten workdays

therefrom. In the event of a death of a European firearms pass holder, the provisions applying in the case of the death of a person possessing a firearm or ammunition shall apply *mutatis mutandis* (Section 65).

(8) The Police Directorate of jurisdiction shall confiscate a European firearms pass, if its holder's firearms permit has been confiscated or withdrawn.

Section 50

Transportation of Firearms and Ammunition in the Line of Business

(1) Any person dealing in Category A, B or C firearms and ammunition therefor in his or her line of business shall be granted a permission to transport the same for the purpose of their exportation, importation or transit by the Police Directorate of jurisdiction on the basis of an application filed and submitted on a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto, attached whereto shall be a permission and an appropriate firearms export or import license issued by the Ministry of Industry and Trade⁹). The person in question shall submit the application referred to above even if he or she is going to transport just a single weapon.

(2) The application referred to in Paragraph 1 above shall contain the following particulars:

- a) personal data of the natural person, or data identifying the legal entity, effecting the transaction in question,
- b) personal data of the person, or data identifying the legal entity, that is going to buy, acquire or own the firearm or ammunition in question,
- c) the address of the place where the firearm or ammunition in question is going to be delivered or transported,
- d) the quantity of the Category A, B or C firearms or ammunition which are going to be transported,
- e) data permitting to identify each and every Category A, B or C firearm or ammunition therefor in question, and a statement to the effect that these firearms and/or ammunition have been subjected to a check,
- f) the type and means of transport to be employed, as well as data on the carrier; the above shall not apply in cases if the transport of Category A, B or C firearms or ammunition therefor is going to take place between businessmen or entrepreneurs dealing in arms and/or ammunition, and
- g) the dates of dispatch and assumed take-over; the above shall not apply in cases if the transport of Category A, B or C firearms or ammunition therefor is going to take place between businessmen or entrepreneurs dealing in arms and/or ammunition.

(3) Having made sure that the proposed method of transportation to be used with respect to the firearms or ammunition in question is secure, the Police Directorate of jurisdiction shall thereupon issue a one-off document permitting the same to be transported, which shall contain the particulars listed in Paragraph 2 above. The document shall accompany the Category A, B, or C firearms in question or ammunition therefor as far as the place of destination, and be produced whenever relevant authorities demand so.

(4) The Police Directorate of jurisdiction may grant an entrepreneur having his or her seat in the territory of the Czech Republic a permission to transport firearms or ammunition to his or her counterpart abroad. Such a permission may be granted for a period of up to three years. In his or her application therefor, the entrepreneur shall state the particulars referred to in Paragraph 2, Subparagraphs a), b) and c) above. A ruling may render the permission invalid or suspended.

(5) The permission to transport firearms or ammunition issued pursuant to Paragraph 4 above, or a copy thereof authenticated by the Police Directorate of jurisdiction, shall accompany the firearms or ammunition in question as far as the place of destination, and be produced whenever relevant authorities demand so.

(6) Whoever has granted a permission to transport firearms or ammunition issued pursuant to Paragraphs 3 or 4 above shall be obliged to communicate the particulars listed in Paragraph 2 above to the Police Directorate of jurisdiction not later than five workdays before the transaction in question commences.

(7) Any person who is going to transport Category A, B or C firearms or ammunition therefor shall be obliged to secure the same against their misuse, loss or theft.

(8) The above provisions shall be without any prejudice whatsoever insofar as the transportation of firearms and ammunition under the label of hazardous cargo pursuant to special legislation¹⁸ is concerned..

(9) The Police Directorate of jurisdiction shall provide to anyone who has been granted a permission to transport firearms or ammunition issued pursuant to Paragraph 4 above a list of firearms or ammunition therefor which can be brought to the respective territories of EU member states without their prior consent.

Section 51

Joint Provisions Concerning Permanent Exportation, Permanent Importation or Transit of Firearms and Ammunition

(1) A firearms or ammunition permanent exportation, permanent importation or transit waybill shall be deemed a public document.

(2) Anyone who is taking a Category A, B or C firearm or ammunition therefor across the border of the Czech Republic by way of export, import or transit shall be obliged to report the fact to the police station at the border checkpoint; the above provisions shall not apply if the export or import transaction in question is effected by consignments. At the same time, the permission referred to in Sections 44, 45 or 46, or Section 50, or a European firearms pass shall be produced for inspection. If a Category A, B or C firearm or ammunition therefor are involved, the person referred to above shall always carry the permission or European firearms pass and be ready to submit it to relevant authorities for inspection.

(3) Anyone who is exporting and re-importing a Category A, B or C firearm or ammunition therefor shall be obliged to report the following particulars to the Police Directorate of jurisdiction not later than five workdays prior to the scheduled date of the transaction in question:

- a) personal data and the travel document number of the person who will effect the transaction,
- b) the address of the place to which the Category A, B or C firearm(s) in question or ammunition therefor will be transported,
- c) data on the Category A, B or C firearm(s) in question or ammunition therefor,
- d) means of transport to be used,

¹⁸ E.g. Sections 22 to 25 of Act. No. 111/1994 Coll., on road transport, as amended by Act. No. 304/1997 Coll., and Act. No. 150/2000 Coll.

- e) the anticipated export and re-import dates, and
- f) the border checkpoint by way of which the export or re-import transaction in question is going to take place.

(4) The provisions of Sections 44 to 46 and Section 49 shall not apply to any exportation, importation or transit of a firearm, a banned accessory or ammunition therefor effected by a natural person or a legal entity in his or her line of business under special legislation⁹⁾. Similarly, the provisions of Section 46 shall also not apply to a temporary transit of firearms or ammunition carried by armed escorts of citizens of other countries (so-called „protected persons“) who are provided the armed escort with a consent of their respective countries, providing that the foreign country in question makes a request for such a temporary transit of firearms and ammunition.

(5) The firearms or ammunition permanent exportation, permanent importation or transit waybill shall be granted for a period of time during which the firearm, banned accessory or ammunition will remain in the territory of the Czech Republic, but not longer than three months. The authority entitled to issue the waybill shall examine the facts and circumstances under which the transaction in question will take place, especially with respect to ensuring security.

(6) A holder of a firearms or ammunition permanent exportation, permanent importation or transit waybill which has expired shall be obliged to surrender the same, including the firearm(s), banned accessory/accessories or ammunition he or she is in possession of under the waybill, within ten workdays from the expiration date to any Police Department or precinct.

(7) The government shall issue a decree stipulating which firearms and ammunition can be brought from a member state of the European Union to the Czech Republic without a prior consent of the latter's relevant authorities.

(8) The Ministry shall hand a list of the firearms and ammunition which can be brought from a member state of the European Union to the Czech Republic without a prior consent of the latter's relevant authorities to the other member states of the European Union.

CHAPTER VIII SHOOTING RANGES

Section 52

Operation of Shooting Ranges

(1) A shooting range for Category A, B or C firearms or Category D firearms referred to in Section 7, Paragraphs a) or b), shall be a complex of facilities and areas designed to enable safe shooting.

(2) The Police Directorate of jurisdiction shall grant a license to operate a shooting range on the basis of an application filed and submitted using a prescribed form the layout and contents of which will be stipulated in an implementing regulation hereto only if safe use of firearms and ammunition is ensured.

(3) The application for a license to operate a shooting range shall contain the following particulars:

- a) personal data of the natural person, or data identifying the legal entity, submitting the application,
- b) the place where the shooting range is to be operated, and

- c) personal data of the person nominated as the shooting range manager.
- (4) The applicant shall be obliged to enclose the following documents to his or her application:
- a) an occupancy permit of the Surveyor's Office of jurisdiction, or another relevant authority, if needed pursuant to special legislation¹⁹,
 - b) Rules of Operation of the shooting range, which shall contain, above all, a ground plan view of the shooting range, including assets and means to ensure safe shooting and verified by an expert witness in the field of ballistics, and a specimen of the authorisation tag identifying the shooting range manager, including his or her name, surname and address,
 - c) an authenticated copy of the license of the shooting range operator, if the shooting range in question is to be operated in the line of business,
 - d) an excerpt from the Register of Companies, if the applicant is incorporated therein.

Section 53

Suspension of Operation of a Shooting Range

(1) The Police Directorate of jurisdiction shall decide to suspend the operation of a shooting range if

- a) the shooting range operation poses a provable threat to human lives or health, environment or property, or
- b) the shooting range manager has ceased to exercise his or her duties and responsibilities, and the shooting range operator has failed to appoint a new one within thirty days therefrom,

(2) The Police Directorate of jurisdiction may issue a decision suspending the operation of a shooting range if the circumstances and conditions under which the existing license was granted have changed.

(3) In its decision suspending the operation of a shooting range, the Police Directorate of jurisdiction shall set a reasonable period of time for its operator to be able to eliminate shortfalls and achieve compliance. In justified cases, the period referred to above may be extended.

(4) An appeal contesting a decision suspending the operation of a shooting range pursuant to Paragraphs 1 and 2 shall not have any dilatory effect..

(5) The Police Directorate of jurisdiction shall withdraw a license to operate a shooting range if its operator fails to eliminate the shortfalls for which the license has been suspended within the period of time he or she has been granted.

Section 54

Duties of a Shooting Range Operator

(1) The operator of a shooting range shall notify the Police Directorate of jurisdiction, which has granted him or her the license to operate it, of any of the following changes within ten workdays:

¹⁹ E.g. Act No. 50/1976 Coll., on land-use planning and the Building Code (Building Act), as amended by Act No. 137/1982 Coll., Act. No. 103/1990 Coll., Act. No. 425/1990 Coll., Act. No. 519/1991 Coll., Act. No. 262/1992 Coll., Act. No. 43/1994 Coll., Act. No. 19/1997 Coll., Act. No. 83/1998 Coll., finding of the Constitutional Court published as Act. No. 95/2000 Coll., finding of the Constitutional Court published as Act. No. 96/2000 Coll., Act. No. 132/2000 Coll., Act. No. 151/2000 Coll., and Act. No. 239/2000 Coll.

- a) any change of the Rules of Operation of the shooting range,
- b) any change in the person of the shooting range manager,
- c) any changes which may affect safe operation of the shooting range, or
- d) termination of operation or winding up of the shooting range.

(2) The operator of a shooting range shall also provide a first aid kit on the premises, the contents of which will be stipulated in an implementing regulation hereto.

Section 55

Shooting Range Manager

(1) The term „shooting range manager“ as used herein shall denote a person responsible for safe operation of a shooting range, who is over twenty-one years of age and has held a Category B, C, D, or E firearms permit for a period exceeding three years.

(2) The shooting range manager shall:

- a) wear a clearly visible mark as determined by the Rules of Operation of the shooting range and identifying him or her as such,
- b) ensure that Rules of Operation of the shooting range are available,
- c) ensure that the premises of the shooting range are guarded in compliance with the Rules of Operation,
- d) make sure that shooting is practised only by persons authorised to do so,
- e) discontinue the shooting range operation if it poses a threat to human lives, health or property, and
- f) report any human injury or death resulting from the shooting range operation to the Police Directorate of jurisdiction.

CHAPTER IX

SPECIAL PROVISIONS REGARDING THE HANDLING OF FIREARMS AND AMMUNITION

Section 56

Confiscation of a Firearm, Ammunition, Firearms Permit, Firearms Pass or Firearms or Ammunition Permanent Exportation, Permanent Importation or Transit Waybill

A police officer shall be entitled to confiscate a Category A, B, C, or D firearm, ammunition, a firearms permit, a firearms pass or a firearms or ammunition permanent exportation, permanent importation or transit waybill to prevent its holder from actions constituting a breach of any of the duties set forth herein or a violation of any of the bans imposed hereby. The police officer who has confiscated any of the items listed in the first sentence shall issue a receipt confirming the fact to its holder, and surrender the item in question without any undue delay to the Police Directorate of jurisdiction, stating the reason why it has been confiscated. The Police Directorate of jurisdiction shall thereupon decide whether the item will be taken into custody (Section 57), or the firearms permit or firearms or ammunition permanent exportation, permanent importation or transit waybill withdrawn, as provided for in Sections 29 and 48, respectively.

Section 57

Taking a Firearm, Ammunition, Banned Accessory, Firearms Permit, Firearms Pass or Firearms or Ammunition Permanent Exportation, Permanent Importation or Transit Waybill into Custody

(1) The Police Directorate of jurisdiction may decide to take a firearm, ammunition, banned accessory, firearms permit, firearms pass or firearms or ammunition permanent exportation, importation or transit waybill into custody, if charges have been filed against the holder of a firearms permit or firearms waybill for the criminal acts referred to in Sections 22, Paragraph 1.

(2) An appeal contesting a decision taken pursuant to Paragraph 1 above shall not have any dilatory effect.

(3) Anyone who keeps a firearm, ammunition, banned accessory, firearms permit, firearms pass or firearms or ammunition permanent exportation, importation or transit waybill in respect whereof a decision to take it into custody has been adopted in accordance with Paragraph 1 shall immediately surrender the items in question to the Police Directorate which has issued the decision. The latter shall issue a receipt confirming the fact.

(4) If the duty referred to in Paragraph 3 above is not discharged voluntarily, the Police Directorate of jurisdiction shall be entitled to apprehend the firearm, ammunition, banned accessory, firearms permit, firearms pass or firearms or ammunition permanent exportation, importation or transit waybill in question for the purpose of taking it into custody.

(5) As soon as the reason(s) for which a firearm, ammunition, banned accessory, firearms permit, firearms pass or firearms or ammunition permanent exportation, importation or transit waybill was taken into custody have ceased to exist, the Police Directorate keeping it (them) shall return the item(s) in question to the person whom it/they was/were taken from without any undue delay and against the receipt referred to above. If the person whom the item(s) in question was/were taken from is not its/their owner, the item(s) shall be returned to the latter.

Section 58

Safeguarding of Firearms and Ammunition

(1) If being carried or transported, firearms irrespective of their category, including their principal components, banned accessories or ammunition, shall be constantly under control of the holder of the firearms permit, or the holder of the firearms or ammunition permanent exportation, importation or transit waybill, who effects the transport.

(2) Possessed Category A, B or C firearms, which are deposited, stored, or in safekeeping (hereinafter „firearms in safekeeping“) in a quantity up to ten, or ammunition up to 10,000 rounds, shall be safeguarded by being kept under lock and key in a steel case, a steel box, or another lockable device which shall meet technical requirements laid down in an implementing legal regulation hereto. These provisions shall not apply to Category B or C firearms and ammunition in quantities up to two and 500 rounds, respectively, which, however, shall be adequately secured against misuse, loss or theft. by their holder.

(3) Firearms and ammunition in safekeeping, the quantities of which exceed 10 and 10,000 rounds, respectively, shall be kept in

a) a lockable strongbox which shall meet technical requirements laid down in an implementing legal regulation hereto, or

b) a lockable room or a secured separate building which shall meet technical requirements laid down in an implementing legal regulation hereto.

(4) Firearms and ammunition in safekeeping, the quantities of which exceed 20 and 20,000 rounds, respectively, shall be kept in a locked room, a separate building or a vault protected by an electronic alarm/security system, and meeting technical requirements laid down in an implementing legal regulation hereto.

(5) Firearms and ammunition in safekeeping, which are displayed in shop-windows, shall be protected by a lockable roll-down or similar grille during business hours. Shop-windows, shop-window glazing, display cases, and countertops shall meet technical requirements laid down in an implementing legal regulation hereto. At other times, the firearms and ammunition in question shall be kept and safeguarded in accordance with Paragraphs 2 to 4 above, as the case may be.

(6) Any firearm in safekeeping shall be unloaded, i.e. without any rounds in the magazine, cartridge case, breech chamber or cylinder chambers (in the case of a revolver).

(7) Where the dimensions of a Category A firearm prevent it from being kept as outlined above, the Police Directorate of jurisdiction may permit its holder to safeguard it in a different way offering an adequate protection against any misuse, loss or theft.

(8) The Police Directorate of jurisdiction shall be entitled to conduct security arrangements of Category A firearms at holders of firearms permits; when doing so, its officers shall be entitled to enter the abodes or premises of the holders.

Section 59

Entrusting a Firearm to Another Person

(1) A holder of a firearms permit or a firearms license shall be allowed to entrust a Category B or C firearm or ammunition therefor to another natural person who is not a holder of a firearms permit of the appropriate type only in the following cases:

- a) in the line of business the subject matter of which is the teaching of marksmanship skills and/or marksmanship or shooting training,
- b) sports training or sports and athletic competitions which involve shooting,
- c) training and practice for hunting purposes,
- d) training for an occupation which involves possessing or carrying a firearm,
- e) film-making or theatrical activities, providing the firearm in question has been modified to use blanks or practice cartridges, or
- f) paramilitary training or training for an occupation which comprises manufacture, repairs and testing of firearms and ammunition.

(2) If a holder of a firearms permit or a firearms license entrusts a firearm or ammunition to a natural person as provided for in Paragraph 1 above, he or she shall be obliged to:

- a) instruct the natural person in question how to handle the firearm and ammunition in a safe manner,
- b) exercise and observe due caution, and
- c) ensure the presence of a responsible person (instructor), who is a holder of a firearms permit of the appropriate type and will ensure safe handling of the firearm and ammunition in question.

(3) A firearm or ammunition may be entrusted to a natural person as provided for in Paragraph 1

above only for an absolutely necessary period of time and only for the purpose of

- a) performing shooting at a shooting range, unless the in question is that referred to in Paragraph 1, Subparagraph e), above, or
- b) handling a firearm or ammunition in any other way in a dedicated area to be determined by the responsible supervising person referred to in Paragraph 2, Subparagraph c), above.

(4) Insofar as sports training or sports and athletic events and competitions which involve shooting, a person under eighteen and not younger than ten years of age shall use a sporting firearm only under the supervision of a person who is over twenty-one years of age, has held a Category B firearms permit for a period exceeding three years, and will ensure safe handling of the firearm and ammunition in question.

Section 60

Possession and Carrying of Firearms on Special Occasions

A person attending a public assembly, festival, sporting event or popular entertainment outing shall be allowed to carry a firearm only if

- a) possessing the firearm(s) in question for the purpose of operating shooting galleries or similar commercial facilities,
- b) participating, with the organiser's consent, in the arrangements of an event a part of which is marksmanship,
- c) participating in the arrangements under special legislation,¹⁰⁾ or
- d) carrying a firearm is necessary to protect human lives, health or property, and subject to an approval of the Police Directorate exercising jurisdiction over the venue.

Section 61

Public Display of Firearms and Ammunition

(1) A Category A, B or C firearm or ammunition therefor may be displayed in public subject to a permission granted by the Police Directorate exercising jurisdiction over the venue.

(2) The permission to display firearms and ammunition in public referred to above shall be issued on the basis of an application submitted by the organiser/promoter of the exhibition and containing the following particulars:

- a) the name and seat of the organiser/promoter of the exhibition,
- b) the accurate location of the venue and the duration of the exhibition,
- c) data on the firearm in question or a principal component thereof, data identifying the banned accessory or ammunition to be displayed,
- d) quantities of the firearms, principal components thereof, banned accessories and ammunition to be displayed, including their respective owners, and
- e) the manner in which the firearms, principal components thereof, banned accessories and ammunition are going to be displayed and secured against any misuse, loss or theft.

(3) Before issuing a permission to display firearms and ammunition in public, the Police Directorate referred to in Paragraph 1 above shall consider especially how the firearms, principal components thereof, banned accessories and ammunition in question will be secured against any misuse, loss or theft. In its decision whereby the permission referred to above is granted, the Police Directorate may stipulate additional requirements regarding the protection of the weapons in question. A failure to comply with the requirements shall result in the application being rejected. An appeal contesting a decision to reject the application shall not have any dilatory effect..

Section 62

If there is a breach or violation of the conditions of security under which the permission was granted during a public display of firearms or ammunition, the Police Directorate which issued the permission shall demand that the holder of the permission rectify it. If the holder fails to comply or commits such a breach repeatedly, the same Police Directorate shall withdraw the permission, immediately notifying the holder of its action. There shall be no appeal possible against the decision to withdraw the permission.

Section 63

Rendering Firearms and Ammunition Unfit for Use, Destruction of Firearms and Ammunition, Preparation of Sections of Firearms and Ammunition

(1) A Category A, B, C or D firearm or pneumatic weapon or a banned accessory may only be rendered unfit for use or destroyed, or a section prepared therefrom, as the case may be, subject to a permission of the Police Directorate of jurisdiction, unless the section is prepared by the manufacturer of the firearm or weapon in question. Where a weapon which is a part of the cultural heritage is involved, the above actions shall also be subject to a consent of the relevant state authority responsible for the maintenance of historical monuments and historically valuable articles.

(2) Before any of the weapons or banned accessories referred to in Paragraph 1 above is rendered unfit for use, destroyed, or a section prepared therefrom, its owner shall present it for a forensic examination by the Police Directorate of jurisdiction, enclosing a written application for a permission to render the weapon or banned accessory in question unfit for use, destroy it, or prepare a section therefrom, the layout and contents of which shall be stipulated in an implementing regulation hereto and which shall contain the following particulars:

- a) personal data of the natural person, or data identifying the legal entity, submitting the application,
- b) the reason(s) why the weapon, its principal component or banned accessory in question is to be rendered unfit for use, destroyed, or a section prepared therefrom, and
- c) data on the weapon in question, or data identifying the principal component or the banned accessory in question.

(3) The applicant shall submit the following items together with the application referred to above:

- a) the weapon, principal component of a weapon, or banned accessory in question; if its dimensions makes that impracticable or impossible, he or she shall report where it is kept,
- b) the firearms pass, if the weapon or principal component of a weapon is registered,
- c) a written consent of the relevant state authority, if the weapon in question is a historically valuable article,

for which he or she shall get a receipt from the Police Directorate of jurisdiction.

(4) The Police Directorate of jurisdiction shall reject the application if the forensic examination referred to above has established there exists a warranted suspicion of a criminal act or a transgression having been perpetrated with the weapon in question.

(5) An applicant who has been granted a permission in accordance with Paragraph 1 above may surrender the weapon, principal component of a weapon or banned accessory in question for the purpose of its being rendered unfit for use, destroyed, or a section being made therefrom, only to a person authorised and licensed to do so. He or she shall also hand over any ammunition he or she wishes to render unfit for use, destroy, or prepare a section therefrom to the same person. The latter

shall issue to the applicant a receipt confirming the acceptance.

(6) An applicant who has been granted a permission in accordance with Paragraph 1 above shall present to the Police Directorate of jurisdiction which issued it a statement of the authorised person to the effect that the weapon, principal component of a weapon or banned accessory in question has been rendered unfit for use or destroyed, or a section made therefrom, within ten workdays from the day the action actually took place.

(7) A holder of a weapon which has been rendered unfit for use shall not be allowed to carry the same visibly in places freely accessible to the public. When carrying the weapon in question, he or she shall also be obliged to carry the certificate confirming that the latter has been rendered unfit for use.

Section 64

Procedure to Be Followed by a Holder of a Firearms Permit, a Firearms License or a Firearms or Ammunition Permanent Exportation, Importation or Transit Waybill upon the Expiration of the Documents

(1) A holder of a firearms permit, or a firearms license, or a firearms or ammunition permanent exportation, importation or transit waybill shall, within two months from the day following the expiration of the document in question:

- a) transfer the ownership of the Category A, B or C firearm in question, or ammunition therefor, to another authorised holder,
- b) apply at the Police Directorate of jurisdiction for a permission to render the Category A, B or C firearm in question unfit for use, destroy it, or prepare a section therefrom, or to hand over ammunition for the purpose of its being rendered unfit for use, destroyed, or a section being prepared therefrom, to a person authorised to do so, or
- c) submit an application to the Police Directorate of jurisdiction for a permission to hand the Category A, B or C firearm in question, or ammunition therefor, to a businessman or entrepreneur dealing in weapons for the purpose of its sale or safekeeping.

(2) If an owner of a Category A, B or C firearm or ammunition therefor fails to deal with the same in accordance with Paragraph 1 above even after having been repeatedly urged to do so by the Police Directorate of jurisdiction, the latter shall adopt a decision to offer the firearm or ammunition in question for sale through a businessman or entrepreneur dealing in weapons. The proceeds of the sale, minus the costs incurred in connection therewith, shall belong to the owner.

(3) If the sale of a Category A, B or C firearm or ammunition therefor as provided in Paragraph 2 above has not been effected within two years from the last of the repeated reminders of the Police Directorate of jurisdiction, the firearm or ammunition in question shall be destroyed.

(4) If a legal entity or a natural person possessing a firearms license or a firearms or ammunition permanent exportation, importation or transit waybill ceases to exist, the duties laid down in Paragraph 1 above shall be exercised by the party which has acquired the title to the property of that natural person or legal entity, as the case may be.

Section 65

Death of a Holder of a Firearm or Ammunition

(1) If a holder of a Category A, B or C firearm or ammunition therefor dies or has been proclaimed dead, the person living with the holder at the time of his or her death shall report the fact to

any police unit; the above provision shall not apply if the person referred to above does not know that the holder has died or been proclaimed dead . The police unit shall issue a certificate confirming the receipt of the notification.

(2) The Police Directorate of jurisdiction shall provide information on the deceased owner and his/her weapon, principal component of a weapon, banned accessory or ammunition, as the case may be, to the probate authority.

Section 66

Inheritance of a Firearm or Ammunition

(1) Any natural person or a legal entity that has acquired the ownership of a Category A, B or C firearm or ammunition therefor by inheritance and does not possess appropriate permits shall, within two months from the day the court ruling in the matter of the estate becomes lawful and enforceable, apply for a firearms permit, a firearms license, an exemption, a permission, or a firearms or ammunition permanent exportation, importation or transit waybill, as the case may be. If the natural person or legal entity fails to do so, or is denied the document he or she is applying for, he or she shall proceed in accordance with Section 64 above.

(2) the ownership of the firearm referred to in Paragraph 1 above has been acquired by a natural person who has a statutory representative, the provisions of Paragraph 1 shall apply to the latter *mutatis mutandis*.

Section 67

Notification of Forfeiture or Confiscation of a Firearm, Principal Component of a Firearm, Banned Accessory or Ammunition

Any authority which has ruled to forfeit or confiscate a firearm, a principal component of a firearm, a banned accessory or ammunition in the course of criminal or misdemeanour proceedings shall send a copy of the ruling, including a clause confirming that it is final, lawful and enforceable, to the Police Directorate of jurisdiction.

Section 68

Finds of documents, firearms, ammunition or explosives

(1) Anyone who finds a firearms permit, a firearms license, a firearms or ammunition permanent exportation, importation or transit waybill, a European firearms pass or a firearms pass shall be obliged to surrender the same without any delay to the nearest police officer or any police station, or a local government authority, which shall pass the document in question to the nearest police station. The finder shall be issued a receipt confirming the acceptance of the document.

(2) Anyone who finds a Category A, B or C firearm or ammunition therefore or explosives shall be obliged to report the fact without any delay to the nearest police officer or any police station, or a local government authority, which shall pass the information on to the nearest police station. The finder shall be issued an appropriate receipt.

(3) Any unexploded ammunition, ordnance or explosives found in the course of a pyrotechnical/EOD survey shall be the property of the state, earmarked for disposal or deactivation.

The disposal is ordered and carried out by the Police.

Section 69

Extinction of Punishability of Illegal Possession of Firearms

(1) Illegal possession of a firearm shall not be deemed to constitute a criminal act or misdemeanour in respect of a person who possesses a Category A, B or C firearm or a principal part thereof without an appropriate permit, if such a person voluntarily surrenders the firearm or principal part in question for safekeeping to any police unit; the latter shall issue a receipt confirming the acceptance thereof.

(2) The person who has surrendered a firearm or a principal part thereof may, within two months from surrendering the firearm or principal part in question for safekeeping, apply for relevant documents permitting him or her to possess the same. If he or she fails to do so, or is denied the document he or she is applying for, provisions of Section 64 shall apply *mutatis mutandis*.

Section 70

Extraordinary Measures

(1) During an emergency, at the time of a threat to national security or when a state of war has been declared, the government shall be entitled to order firearms and weapons to be surrendered at a given place for the purpose of their safekeeping, or restrict or forbid their carrying.

(2) Decisions taken pursuant to Paragraph 1 above shall be published in mass media and promulgated in the same way as legal acts. They shall become effective at the time stipulated therein.

CHAPTER X
INFORMATION SYSTEMS ON FIREARMS, AMMUNITION AND OPERATING
SHOOTING RANGES

Section 71

Information Systems

(1) The Ministry shall maintain an information system containing personal data and numbers of cards of examining commissioners.

(2) When exercising its state administration duties and responsibilities under the present Act, the police shall maintain information systems containing data on:

- a) firearms permits issued and their holders,
- b) firearms licenses issued and their holders,
- c) registered firearms, principal parts of firearms, banned accessories, and firearms passes issued,
- d) firearms, ammunition or banned accessories which have been exported or passed through the country,
- e) firearms or ammunition permanent exportation, importation or transit waybills,
- f) one-off documents permitting transportation of firearms and ammunition,
- g) lost or stolen firearms, firearms permits, firearms licenses, firearms passes and examining commissioners' cards,
- h) firearms or banned accessories which have been taken into custody or safekeeping, confiscated, forfeited, surrendered or requisitioned, and firearms or banned accessories earmarked for destruction or being rendered useless,
- i) operating shooting ranges, and
- j) unexploded ammunition, ordnance or explosives found.

(3) The information systems maintained pursuant to Paragraph 2 above shall contain personal data the extent and scope whereof shall be consistent with that of the data in the applications and forms submitted and filed hereunder or obtained in proceedings held under the present Act.

(4) The Ministry shall be entitled to a continuous access to the police information systems maintained pursuant to Paragraph 2, and to make use of the data contained therein for the purpose of discharging its duties and exercising its responsibilities in matters associated with firearms and ammunition.

Section 72

Storage and Maintenance of Data and Documentation

(1) Data contained in the information systems maintained and operated pursuant to Section 71 above may be stored and transferred as hard copies, on magnetic media or in a manner combining the two methods.

(2) Data stored on magnetic media shall be kept for a period of 15 years from the date of expiration of relevant source documents.

(3) Data stored as hard copies shall be kept for a period of 5 years from the date of expiration of relevant source documents.

(4) Insofar as the documentation pertaining to the maintenance and operation of the above information systems is concerned, it shall be stored and maintained in accordance with special legislation.¹⁶⁾

Section 73

Provision of Data

(1) The Ministry or the police shall provide data contained in the information systems maintained and operated hereunder if obliged or authorised to do so by special legislation or an international agreement or convention binding upon the Czech Republic and promulgated in the Collection of International Agreements and Conventions..

(2) The Ministry of Interior shall provide the police with the data contained in the information system on examining commissioners in the extent necessary for the latter to be able to appoint examining commissioners for professional capability examinations.

(3) The police shall be entitled to provide numbers of lost or stolen firearms permits or firearms licenses to businessmen and entrepreneurs who purchase, sell, accept or actively look for orders for, hire out, or let other people have or use firearms and ammunition, or act as mediators or go-betweens in transactions involving the acquisition, sale or hire of the same.

(4) The Police Presidium of the Czech Republic shall be entitled to provide the following information at its disposal to other authorities as necessary:

- a) information on transports of firearms or ammunition to that European Union member state to or through the territory of which the firearms or ammunition in question are going to be taken; insofar as transports effected by natural persons or legal entities not resident or having their seat in the Czech Republic are concerned, the above information shall be provided not later than as the transport is taking place,
- b) information on the issuance of a permission to acquire the ownership of or possess a Category B firearm to that European Union member state where the person to whom the permission has been granted is also resident, and
- c) information on the acquisition of ownership of a Category C firearm to that European Union member state where the person which has acquired the ownership to the firearm in question is also resident.

CHAPTER XI

EXERCISE OF STATE ADMINISTRATION DUTIES AND RESPONSIBILITIES

Section 74

(1) State administration duties and responsibilities in the field of firearms, ammunition and pyrotechnical/EOD survey shall be exercised by the Ministry, the police, and the Czech Firearms and Ammunition Certification Authority.

(2) As to the police, state administration duties and responsibilities in the field of firearms, ammunition and pyrotechnical surveys shall be exercised by:

- a) the Police Presidium of the Czech Republic,

- b) police divisions the territorial jurisdiction of which covers the territory of a province (hereinafter „Provincial Police Directorates“), and
- c) Police Directorates of jurisdiction.

(3) The Ministry shall:

- a) be the superior administrative authority of the Police Presidium of the Czech Republic insofar as administrative proceedings are concerned,
- b) issue sets of written tests for the purpose of professional capability examinations of applicants for a firearm permit and applicants seeking to be appointed examination commissioners,
- c) maintain the information system on examining commissioners referred to above, and provide the police with the data contained therein in the extent necessary for the latter to be able to appoint examining commissioners for professional capability examinations, and
- d) provide data contained in the information systems maintained and operated hereunder, if obliged or authorised to do so by special legislation or an international agreement or convention binding upon the Czech Republic, which has been promulgated in the Collection of International Treaties and Conventions.

(4) The Police Presidium of the Czech Republic shall

- a) be the superior administrative authority of the Provincial Police Directorates insofar as administrative proceedings are concerned,
- b) maintain the information systems under the present Act, and provide data contained therein to eligible parties, if obliged or authorised to do so by special legislation or an international agreement or convention binding upon the Czech Republic, which has been promulgated in the Collection of International Treaties and Conventions, and
- c) exercise duties and responsibilities of a Police Directorate of jurisdiction vis-à-vis foreign embassies and consular offices.

(5) The Provincial Police Directorate shall be the superior administrative authority of the Police Directorate of jurisdiction insofar as administrative proceedings are concerned.

(6) The Police Directorate of jurisdiction shall exercise duties and responsibilities of a Police Directorate of jurisdiction as stipulated herein.

(7) The Czech Firearms and Ammunition Certification Authority shall decide which of the A to D Categories a particular firearm or ammunition falls into, if there exist doubts as to which of the categories should be assigned.

Section 75

(1) The compliance of holders of firearms licenses with the present Act and legal regulations issued to implement it shall be supervised by:

- a) the Ministry of Interior, checking the supervision exercised by the Police Presidium of the Czech Republic, Provincial Police Directorates or Police Directorates of jurisdiction,
- b) the Police Presidium of the Czech Republic, if activities and operations of the holder of a firearms license exceed the territorial jurisdiction of a Provincial Police Directorate,
- c) a Provincial Police Directorate, if activities and operations of the holder of a firearms license exceed the territorial jurisdiction of a Police Directorate of jurisdiction, and
- d) a Police Directorate of jurisdiction, if activities and operations of the holder of a firearms license do not exceed its territorial jurisdiction.

(2) The exercise of the supervision referred to above shall be governed by generally applicable rules and principles as laid down in special legislation²⁰⁾. When exercising their respective supervision duties and responsibilities, the authorities listed in Paragraph 1, Subparagraphs b) to d), shall be entitled to:

- a) request a Category A, B, C or D firearm, ammunition therefor and relevant documents to be presented for inspection,
- b) make sure that the firearms referred to in Subparagraph a) above and ammunition therefor are used in a safe manner,
- c) if such an action is justified, take a Category A, B, C or D firearm and ammunition therefor into custody; they shall issue a receipt confirming the action to the person being checked,
- d) performs checks of the conduct of pyrotechnical/EOD surveys, and
- e) take into custody any unexploded ammunition, ordnance or explosives found at a holder of a Type K firearms license, which he or she failed to hand over to the Police.

CHAPTER XII SANCTIONS AND PROTECTIVE MEASURES

Section 76

Administrative Offences

(1) A holder of a firearms license or a shooting range operator, who has committed a breach or violation of the present Act may be levied a fine up to:

- a) CZK 1,000,000.-, if a breach or violation of Section 39, Paragraph 1, Subparagraphs b), c), e), g), k), n) or o), or Section 39, Paragraph 2, Subparagraphs a) or b), or Section 39, Paragraph 3, Subparagraph a), or Section 39, Paragraph 4, Section 39, Paragraph 7, Subparagraphs d), h) or i), or Section 42, Paragraphs 1, 2 or 3, or Section 54, Paragraph 1, Subparagraph c), has been committed,
- b) CZK 500,000.-, if a breach or violation of Section 39, Paragraph 1, Subparagraphs a), f), i) or m), Section 39, Paragraph 7, Subparagraphs b), c) or e), or Section 54, Paragraph 1, Subparagraphs a) or d), has been committed,
- c) CZK 250,000.-, if a breach or violation of Section 39, Paragraph 1, Subparagraphs d), h) or j), Section 39, Paragraph 7, Subparagraphs a), f), g) or j), or Section 54, Paragraph 1, Subparagraph b), has been committed,
- d) CZK 100,000.-, if a breach or violation of Section 39, Paragraph 1, Subparagraph l), or Section 39, Paragraph 2, Subparagraph c), Section 39, Paragraph 3, Subparagraph b), or Section 54, Paragraph 2, has been committed.

(2) Administrative offences consisting in unlawful acts or non-compliance shall be dealt with by the supervisory body referred to in Section 75, Paragraph 1, which identified and established the unlawful act or non-compliance in question while exercising its supervisory duties and responsibilities. The same body shall also collect the fine pursuant to special legislation²¹⁾, if levied. When levying a fine, the body dealing with the unlawful act or non-compliance shall consider the latter's nature, character and extent of consequences, and also take into account whether the breach or violation in question was a repeated one or constituted non-compliance with multiple duties.

(3) Fine-levying proceedings may be initiated not later than one year from the day the body

²⁰⁾ Act No. 552/1991 Coll., on state supervision and control, as amended.

²¹⁾ Act No. 337/1992 Coll., on the collection and administration of taxes and fees, as amended.

entitled to levy it learns about the breach or violation of duties in question, and three years from the date the breach or violation was committed at the latest.

(4) If a person who has been levied a fine fails to pay the same within the period of time stipulated in the ruling voluntarily, the administrative authority of jurisdiction shall refer the case to the Fiscal Office of jurisdiction, which shall proceed in accordance with special legislation²¹. The proceeds of the fine shall constitute a revenue of the state budget.

Section 77

Protective Measures

(1) In addition to levying a fine, the supervisory body may also order a forfeiture or confiscate a Category A, B, C or D firearm or ammunition therefor held without an appropriate permit.

(2) The forfeiture referred to in Paragraph 1 above shall be ordered if the firearm or ammunition in question belongs to a perpetrator of a criminal act and

- a) has been used, or intended to be used, to commit the unlawful act in question, or
- b) has been acquired by the unlawful act in question, or traded for an item obtained by the unlawful act in question.

(3) If the forfeiture referred to in Paragraph 2 above has not been ordered, a firearm or ammunition may be confiscated if belonging to a perpetrator who cannot be prosecuted for the criminal act which he or she has committed.

(4) A forfeiture or confiscation of a Category A, B, C or D firearm or ammunition therefor may not be ordered if the value of the item to be forfeited is manifestly disproportionate to the nature of the unlawful act in question. The ownership of forfeited and confiscated firearms and ammunition shall pass onto the state.

(5) A forfeiture or confiscation of a Category A, B, C or D firearm or ammunition therefor may be ordered not later than two years from the day the body entitled to levy it learns about the breach or violation of duties in question, and three years from the date the breach or violation was committed at the latest.

CHAPTER XIII JOINT PROVISIONS

Section 78

Relationship to the Code of Administrative Procedure

(1) Unless stipulated otherwise herein, proceedings under the present Act shall be governed by the Code of Administrative Procedure²².

(2) In cases when an application for an exemption hereunder, a permit to acquire the ownership and possess a Category A or B firearm or ammunition therefor, a firearms permit, a firearms license, a firearms or ammunition permanent exportation, importation or transit waybill, a transport permission or document, or a European firearms pass is accommodated in full, no decision in administrative proceedings shall be issued.

²² Act No. 71/1967 Coll., on administrative procedure (Code of Administrative Procedure), as amended .

Section 79

Authorisation To Issue Implementing Legal Regulations

(1) The Government shall issue an ordinance stipulating technical requirements and conditions of safeguarding of firearms and ammunition and implementing the provisions of Section 58, Paragraphs 2 to 5, and technical requirements and conditions of storage, safekeeping and handling of black powder, smokeless powder and percussion caps.

(2) The Ministry shall issue an ordinance implementing the provisions of Section 17, Paragraph 2, Subparagraph c), Section 21, Paragraph 9, Section 21a, Paragraph 8, Section 30, Paragraph 11, Section 39, Paragraph 5, Section 39, Paragraph 8, and Section 49, Paragraph 1.

(3) The Ministry shall issue an ordinance stipulating:

- a) specimens of the firearms permit form, firearms license form, firearms or ammunition permanent exportation, importation or transit waybill form, firearms pass form, and examining commissioner card form,
- b) specimens of the applications for an exemption, for a permission, for a firearms permit, a firearms permit extension, for a firearms license, for a firearms license extension, a firearms or ammunition permanent exportation, importation or transit waybill, for a transportation permission, for a European firearms pass, for being appointed an examining commissioner, for a license to operate a shooting range, for a permission to render a firearm or a banned accessory unfit for use, prepare a section therefrom, or destroy it,
- c) a specimen of the application for a professional capability examination,
- d) a specimen of the document attesting to the professional capability of a firearms permit applicant,
- e) specimens of the notice of the acquisition of ownership or transfer of a firearm and the notice of exportation and re-importation of a firearm.

(4) The Ministry of Industry and Trade shall issue an ordinance implementing the provisions of Section 3, Paragraph 3, Section 39, Paragraph 2, Subparagraphs a) and b), and Section 39, Paragraph 3, Subparagraph a), prepare a specimen of the certificate attesting to the weapon, ammunition or banned accessory in question having been rendered unfit for use, destroyed or used to produce sections therefrom, including “useless weapon” marks, and determine the permitted manufacturing execution of gas guns, expansive weapons and ammunition therefor.

(5) The Ministry of Public Health shall issue an ordinance implementing the provisions of Section 20, Paragraph 6, and Section 54, Paragraph 2.

CHAPTER XIV INTERIM PROVISIONS

Section 80

(1) An exemption concerning a Category A firearm and granted under the legal act valid prior to the present Act shall be deemed an exemption granted hereunder. The Police Directorate of jurisdiction shall issue a new firearms pass to any person entitled to carry a firearm under the exemption referred to above within six months from the day the present Act becomes effective, and mention the permission to carry such a firearm therein.

(2) Anyone who is entitled to possess and carry a Category B firearm as of the day the present

Act becomes effective shall be deemed to be authorised to possess, hold and carry it hereunder.

(3) Anyone who, as of the day the present Act becomes effective, keeps a firearm the possession or carrying of which has not hitherto required any firearms permit, firearms license or any other permission, while the present Act requires a firearms permit, a firearms license or any other permission, as the case may be, shall apply for the issue of the relevant document hereunder not later than four months from the day the present Act becomes effective. Insofar as arms and weapons manufactured before December 31, 1890, the duty described in the first sentence shall be fulfilled not later than four years from the day the present Act becomes effective.

(4) Anyone who, as of the day the present Act becomes effective, operates a shooting range shall be obliged to appoint a shooting range manager and equip it with a first-aid kit in accordance with the present Act not later than four months from the day the present Act becomes effective; he or she shall submit personal data of the appointed shooting range manager to the Police Directorate of jurisdiction not later than 10 workdays from the date of appointment.

Section 81

(1) Unless stipulated otherwise herein, a firearms permit issued before the present Act becomes effective shall remain valid and effective throughout the period of time stipulated therein, and the firearms permit classes shall be modified as follows:

- a) Classes A, B or C shall be retained,
- b) Class D - for the purpose of discharging one's job or occupation duties in places which are not freely accessible to the public, and Class E - for the purpose of discharging one's job or occupation duties in places which are freely accessible to the public, shall both be changed to Class D - for the purpose of discharging one's job or occupation duties,
- c) Class F - for the purpose of protecting human lives, health, and property in places which are not freely accessible to the public, and Class G - for the purpose of protecting human lives, health, and property in places which are freely accessible to the public, shall both be changed to Class E - for the purpose of protecting human lives, health, and property.

(2) Class H firearms permits issued pursuant to the current legislation shall be rendered null and void twelve months from the day the present Act becomes effective.

(3) Class D and Class E firearms permits issued pursuant to the current legislation shall not constitute a permission to acquire the ownership of Category A, B or C firearms as of the day the present Act becomes effective.

(4) Insofar as extensions of firearms permits issued prior to the present Act becoming effective are concerned, Section 25 shall apply.

(5) Firearms passes issued pursuant to the current legislation to a foreign national⁶⁾ who is not a citizen of a member state of the European Union or a member nation of the North Atlantic Treaty Organisation shall be rendered null and void twenty-four months from the day the present Act becomes effective. When applying for a new firearms pass pursuant to Section 24, the procedure outlined in Section 18, Paragraph 3, shall be used.

(6) Firearms licenses issued prior to present Act becoming effective shall be rendered null and void twenty-four months from the day the present Act becomes effective.

(7) Other documents issued prior to the present Act becoming effective shall remain valid and effective for the period of time laid down in the current legislation.

Section 82

Proceedings in matters of applications for a firearms permit or a firearms license, which have been initiated prior to the present Act becoming effective, shall be completed and concluded in accordance with the legislation in force at the time of the initiation.

Section 83

Repealing Provisions

The following legal acts shall be repealed:

1. Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act).
2. Act No. 13/1998 Coll., changing and amending Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act).

PART TWO

Change of Act No. 156/2000 Coll.

Section 84

Act No. 156/2000 Coll., on certification of firearms, ammunition and pyrotechnic items, and amending Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act), as amended by Act No. 13/1998 Coll., and Act No. 368/1992 Coll., on administrative fees and charges, as amended, shall be changed and amended as follows::

1. In Section 17, Paragraph 3, Subparagraph d), the full stop in the end of the sentence shall be replaced by a comma, and a new Subparagraph e) shall be added, which, including Note 19a), shall read as follows:

“e) decide which of the A to D Categories a particular firearm or ammunition falls into, if there exist doubts as to which of the categories should be assigned.^{19a)}”

19a) Section 3 of Act No. 119/2002 Coll., on firearms and ammunition, and changing and amending Act No. 156/2000 Coll., on certification of firearms, ammunition and pyrotechnic items, and amending Act No. 288/1995 Coll., on firearms and ammunition (Firearms Act), as amended by Act No. 13/1998 Coll., and Act No. 368/1992 Coll., on administrative fees and charges, as amended, and amending Act No. 455/1991 Coll., on trade enterprise (Trades Act), as amended, (Firearms Act)”

2. Part Two shall be repealed.

PART THREE

Change of the Trades Act

Section 85

Act No. 455/1991 Coll., on trade enterprise (Trades 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. 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., shall be changed and amended as follows:

1. Annex No. 3, “LICENSED TRADES”, Group 302 “Manufacture of machinery and instrumentation - general and for specific branches of industry”, the trade “Development, manufacture, repairs, modifications, transportation, purchase, sale, hire and safekeeping of firearms subject to registration under the law, and rendering them unfit for use”, shall be reworded as follows: “Development, manufacture, repairs, modifications, transportation, purchase, sale, hire, safekeeping and destruction of firearms, and rendering them unfit for use”; the words „Section 63 of Act No. 288/1995, on firearms and ammunition (Firearms Act)“ shall furthermore be deleted from Column 5.

2. Annex No. 3, „LICENSED TRADES“, Group 302 “Manufacture of machinery and instrumentation - general and for specific branches of industry”, the trade “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping and transportation of ammunition for firearms subject to registration under the law, and rendering it unfit for use”, shall be reworded as follows: “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping, transportation and destruction of ammunition, and rendering it unfit for use“; the text in Column 2 shall be reworded to read „destruction of ammunition, and rendering it unfit for use“, the words ”subject to registration under the law” and “subject to registration under Group 302 of Annex No. 3 of the Trades Act” shall be deleted, and two new paragraphs shall be added to the text, reading as follows:

“Insofar as the manufacture, repairs, modifications and destruction of ammunition and rendering it unfit for use is concerned, the license of a pyrotechnic expert and an age of at least 21 years.

Insofar as the development of ammunition is concerned, a university degree¹ of a bachelor, master of arts or doctor obtained upon completing studies in Technical Sciences and Technologies, subject “Theory and Technology of Explosives”.”

Note 1 shall read as follows:

¹⁾ Section 44 and Section 98, Paragraph 1, of Act No. 111/1998, on universities, and changing and amending additional legal acts (Universities Act).”

In the text in Column 5, the words “Section 63 of Act No. 288/1995, on firearms and ammunition (Firearms Act), insofar as the development and manufacture of ammunition is concerned, Section 23 of Act of the Czech National Council No. 61/1988 Coll., on mining operations, explosives and state administration in the field of mining, as amended by Act of the Czech National Council No. 542/1991 Coll.,” shall be replaced by „insofar as the development and manufacture of ammunition and the destruction of ammunition and rendering it unfit for use are concerned, Section 23, Paragraph 1, and Section 35, Paragraph 3, and Section 36, respectively, of Act of the Czech National Council No. 61/1988 Coll., on mining operations, explosives and state administration in the field of mining, as amended,”.

3. In Annex No. 3, “LICENSED TRADES”, Group 302 “Manufacture of machinery and instrumentation - general and for specific branches of industry”, the trade “Development, manufacture, repairs, modifications, purchase, sale, hire and safekeeping of military firearms, and rendering them unfit for use”, shall be removed, including the text in Columns 2, 4 and 5.

4. In Annex No. 3, “LICENSED TRADES”, Group 302 “Manufacture of machinery and instrumentation - general and for specific branches of industry”, the trade “Development, manufacture, repairs, modifications, purchase, sale, hire and safekeeping of military ammunition, and rendering it unfit for use”, shall be removed, including the text in Columns 2, 4 and 5.

5. In Annex No. 3, “LICENSED TRADES”, Group 302 “Manufacture of machinery and instrumentation - general and for specific branches of industry”, the trade “Operation of shooting ranges”, the words „Section 63 of Act No. 288/1995, on firearms and ammunition (Firearms Act),“ shall be deleted from Column 5.

6. In Annex No. 3, “LICENSED TRADES”, Group 314 “Miscellaneous”, the trade “Teaching and practising of marksmanship”, the words “Section 63 of Act No. 288/1995, on firearms and ammunition (Firearms Act),” shall be deleted from Column 5.

Section 86

Interim Provisions

(1) Legal entities or natural persons dealing in the licensed trades defined in Annex No. 3, Group 302, of the Trades Act, namely “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping and transportation of ammunition for firearms subject to registration under the law, and rendering it unfit for use” and “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping and transportation of military ammunition, and rendering it unfit for use”, on the basis of a trade license obtained prior to the present Act becoming effective, which also includes the development or manufacture, or repairs or modifications of ammunition, or rendering it unfit for use, shall present documentary evidence attesting to their professional capability and prowess in accordance with the present Act to the Trades Authority of jurisdiction not later than twelve months from the day the present Act becomes effective. Failing to do so shall result in the Trades Authority of jurisdiction withdrawing the license.

(2) If the parties referred to in Paragraph 1 above present documentary evidence attesting to their professional capability and prowess in accordance with the present Act to the Trades Authority of jurisdiction, the latter shall, insofar as its decision to grant a license is concerned, proceed in accordance with Sections 53 and 54 of the Trades Act. The presentation of an opinion pursuant to

Section 52 of the Trades Act shall not be required.

(3) Trade licenses granted with respect to the licensed trades defined in Annex No. 3, Group 302, of the Trades Act, namely “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping and transportation of firearms subject to registration under the law, and rendering them unfit for use”, “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping and transportation of military firearms, and rendering them unfit for use”, “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping and transportation of ammunition for firearms subject to registration under the law, and rendering it unfit for use” (in the extent including the sale, purchase, lending, safekeeping and transportation for firearms subject to registration under the law), and “Development, manufacture, repairs, modifications, purchase, sale, lending, safekeeping and transportation of military ammunition, and rendering it unfit for use” (in the extent including the development or manufacture, or repairs or modifications, or transportation of military ammunition), obtained prior to the present Act becoming effective, shall be deemed to be trade licenses for businesses under the present Act. The Trades Authority of jurisdiction shall issue an appropriate license within twelve months from the day the present Act becomes effective.

(4) As to decisions in matters concerning the granting of licenses in respect whereof no final and enforceable ruling has been issued prior to the present Act becoming effective, the procedure to be employed shall be governed by the present Act, including the obligation to demand the opinions referred to in Sections 52 and 53 of the Trades Act.

(5) The actions referred to in Paragraphs 2 and 3 above shall be exempted from administrative fees and charges.

PART FOUR

EFFECT

Section 87

The present Act shall become effective as of January 1, 2004.

Zaorálek, in his own hand

Klaus , in his own hand

Špidla , in his own hand

Definitions of Arms and Ammunition

PART ONE TYPES OF ARMS

1. **Small arm** - a weapon the function of which is derived from an instantaneous release of energy at the moment of discharge, and designed to produce the desired effect at a defined distance.
2. **Firearm** - a small arm the function of which is derived from an instantaneous release of chemical energy.
3. **Pneumatic weapon** - a small arm the function of which is derived from an instantaneous release of compressed air or another gas.
4. **Mechanical weapon** - a small arm the function of which is derived from an instantaneous release of accumulated mechanical energy.
5. **Expansive weapon** - a firearm the design of which prevents the use of a bullet or shot-filled cartridge.
6. **Expansive device** - a working device the primary source of energy of which is the explosive contained in ammunition for expansive devices.
7. **Ball-firing firearm** - a firearm the barrel(s) of which is(are) designed to use ball cartridges or ball rounds, or special rounds or missiles designed to be used by such weapons.
8. **Shot-firing firearm** - a firearm the barrel(s) of which is(are) designed to use shot cartridges or special rounds or missiles designed to be used by such weapons.
9. **Combined firearm** - a firearm with (a) barrel(s) designed to use ball cartridges or ball rounds, or special rounds or missiles designed to be used by ball-firing weapons, as well as (a) barrel(s) designed to use shot cartridges or special rounds or missiles designed to be used by shot-firing weapons.
10. **Short firearm** - a firearm the barrel length of which does not exceed 300 mm, or the overall length of which does not exceed 600 mm.
11. **Long firearm** - any firearm other than a short firearm.
12. **Automatic firearm** - a firearm which reloads and cocks automatically each time a round is fired, and the design of which permits firing multiple rounds at a single pull on the trigger.
13. **Semi-automatic firearm** - a firearm which reloads and cocks automatically each time a round is fired, and the design of which does not permit firing multiple rounds at a single pull on the trigger.
14. **Repeating firearm** - a firearm having a magazine or another loading mechanism, which is reloaded and cocked by means of manually operating the breech or mechanically turning the revolver cylinder.

15. **Single-shot firearm** - a firearm without any magazine or another loading mechanism, which is reloaded before each shot by manually inserting a round into the chamber, barrel, or loading recess at the breech, and cocked by means of manually operating the breech.
16. **Multiple-shot firearm** - a firearm without any magazine or another loading mechanism, with two or more barrels, which is reloaded by manually inserting rounds into the chambers, barrels, or loading recesses at the breech, and cocked by means of manually operating the breech.
17. **Military firearm** - a firearm designed to be used to wage naval, air or ground war.
18. **Sporting firearm** - a firearm designed for national and international marksmanship and shooting contests in accordance with relevant regulations.
19. **Hunting firearm** - a single-shot, multiple-shot, repeating or semi-automatic, ball-firing, shot-firing or combined long firearm, except for percussion firearms, with a fixed-length stock, designed to be used to shoot game in accordance with special legislation (Hunting Act).
20. **Paintball weapon** - a weapon based on the principle of a gas (pneumatic) gun, firing projectiles containing a marking substance.
21. **Signal firearm** - a single-purpose device based on the principle of a handgun and designed to fire signal rounds the calibre of which exceeds 19 mm.
22. **Historical firearm** - a firearm the model of which was developed or manufactured before January 1, 1870, except for exemptions, and which cannot use ammunition designed for firearms that are banned or require a permit.
23. **Principal parts of a firearm** - a collective term denoting the barrel, insertion barrel, insertion chamber, frame, revolver cylinder, breech or breech body and lock.
24. **Useless firearm** - a firearm which has been rendered unfit for use using a method or technique laid down in relevant legislation.
25. **Firearm section** - a firearm modification using a method or technique laid down in relevant legislation, which renders at least a part of the inner layout of the firearm exposed.

PART TWO TYPES OF AMMUNITION

1. **Ammunition** - a collective term denoting cartridges, blanks and missiles used in firearms,
2. **Recharged ammunition** - ammunition using shells which have already been used before,
3. **Testing ammunition** - ammunition designed for official certification tests of firearms according to special legislation,
4. **Ammunition and ordnance** – a collective term denoting ammunition, hand grenades, air bombs, reactive missiles, explosive devices, mines, torpedoes and other, generally explosive items, which make use of the energy contained in explosives either directly, to achieve the desired (especially destructive) effect in the target, or indirectly, to transport certain items to the target.
5. **Military ammunition** - ammunition and ordnance designed to be used to wage naval, air or ground war, unless certified for civilian use,
6. **Round/projectile** - an object fired by a firearm and designed to hit a target or bring about another effect,
7. **Solid round/projectile** - an object designed to hit a target or bring about another effect, which does not scatter, disperse or fragment,
8. **Multiple round/projectile** - an object or a solid, liquid or gaseous substance, designed to hit a target or bring about another effect, which scatters, disperses or fragments upon leaving the barrel,
9. **Penetrating round/projectile** - a round the core or whole body of which is composed of a hard material,
10. **Explosive round/projectile** - a composite jacketed round containing a charge which explodes on impact,
11. **Incendiary round/projectile** - a composite jacketed round containing an incendiary charge which bursts into flame when in contact with the air or on impact,
12. **Shock round/projectile** - a solid projectile the shape of the tip of which is that of a blunt cone; the top of the cone is provided with an open cylindrical cavity into which a part of the blunt cone-shaped lead core protrudes; the jacket edges contain lateral cuts,
13. **Cartridge** - an assembly designed to be used to load a firearm, a signal firearm or a special weapon, comprising a shell, a cap or firing charge, a propellant and a projectile,
14. **Blank cartridge** - an assembly designed to be used to load an expansive firearm, an expansive working device or a special weapon, comprising a shell and a cap or firing charge; it may also contain a propellant, pellets or an irritating substance,
15. **Ammunition rendered unfit for use** - ammunition which has been rendered unfit for use by irreversible changes,
16. **Ammunition section** - ammunition which has been permanently and irreversibly rendered unfit for use by changes and modifications revealing at least a part of its inner layout.
17. **Unexploded ammunition and ordnance** – a collective term denoting ammunition or ordnance which was prepared for use or used (e.g. shot, dropped, jettisoned, dispersed, launched, thrown or ejected) and did not explode, e.g. because of a failure of the detonator/initiation mechanism, or was designed to explode for another reason (such as when stepped on).