

# Study material

**Subject title:** **CRISIS MANAGEMENT**

**Author:** Ing. et Ing. Hana Malachová, Ph.D.

**Topic 2:** Legal architecture of crisis management

**Educational goal:** Introduce students with legislative of crisis management

**Content:**

Introduction

1. Legal architecture of crisis management, basic terms.
2. Crisis situation in the Czech Republic according to actual law.

Conclusion

## Introduction

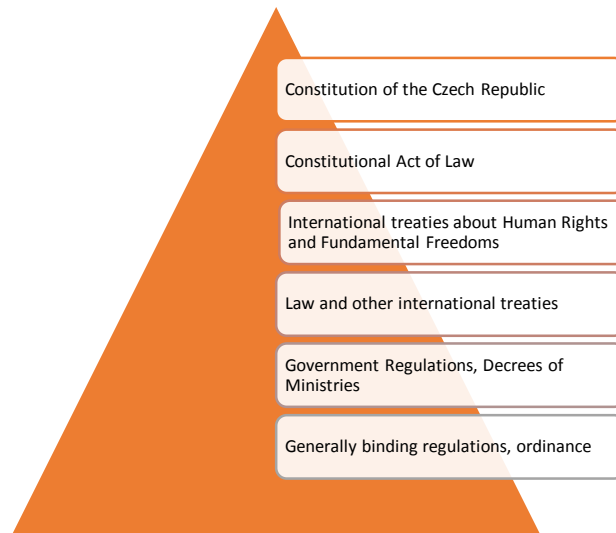
Knowledge of legal norms is a fundamental and essential prerequisite for solving extraordinary events and crisis situations. Legal norms accurately describe responsibilities of individual subjects, but also their competences and responsibilities.

### 1. Legal architecture of crisis management, basic terms.

Legislation of crisis management in the Czech Republic forms integral part of the legal standards in the area of security and defense. A significant turning point in history was in 1999 and 2000, when there was adopted so-called "emergency law package."

- Act No. 240/2000 Coll., *on Crisis management.*
- Act No. 238/2000 Coll., *on the Fire Rescue.*
- Act No. 239/2000 Coll., *on Integrated Rescue System*
- Act No. 241/2000 Coll., *on Economic Measures and for Crisis Management.*

### Hierarchical structure of legislation in the Czech Republic



### Fundamental legislation in the crisis management

- Law No. 1/1993 Coll., Constitution of the Czech Republic,

## INVESTMENTS IN EDUCATION DEVELOPMENT

- Constitutional Act of Law No. 110/1998 Coll., o the Security of the Czech Republic - defines a state of emergency, state of nation threat, state of war, the National Security Council,
- Act No. 239/2000 Coll., on Integrated Rescue System (IRS) - defines integrated rescue system, extraordinary events, rescue and remedy work, population protection, civil defence equipment, material and personal assistance, specifies the utilization and units of the system, status and tasks of central and regional authorities, organizing of rescue and remedy work in place of intervention, rights and duties of legal entities, natural entities and people in emergency situations, exceptions, sanctions, compensation, financial security of integrated rescue system,
- Act No. 240/2000 Coll., on crisis management and on amendments of certain act (Crisis act) - defines terms specifications of crisis measures, defines a state of danger, determines crisis bodies of various degrees, describes duties and rights of crisis bodies and the states of crisis, rights and duties of legal and natural entities, sanctions for failure to duties, compensation for restriction of ownership rights, provision of material assets and performance of labour obligation and labour assistance.
- Act No. 241/2000 Coll. on Economic Measures for Crisis Situation and on amendments of certain act - defines terms of economic measures for crisis situations, defines the competence of central and local authorities in the system of economic measures for crisis situations, characterized a system of emergency management and system of economic mobilization, including regulation measures,

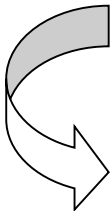
### Other laws

- Act No. 219/1999 Coll., on the Armed of the Czech Republic - describes the use of the Czech Army at extraordinary event and crisis situations.
- Act No. 222/1999 Coll., on Defence of the Czech Republic - defines duties of self-government.
- Act No. 585/2004 Coll., on Compulsory Military Service and its ensuring (Military Service Act) - deals with recruitment.
- Act No. 254/2001 Co., the Water Act - flood solution.
- Act No. 133/1985 Coll., on Fire Protection, in latter wording
- Decree of the Ministry of Interior No. 328/2001 Coll., on Some Detail of Security of the integrated rescue system - emergency plan, coordination of intervention of self-government authorities.
- Decree of the Ministry of Interior No. 380/2002 Sb., on the Preparation and Fulfilment of tasks to protect the Population.

## INVESTMENTS IN EDUCATION DEVELOPMENT

- Government Regulation of the Czech Republic No. 462/2010 Coll. The execution of §27 a §28 Law 240/2000 Coll., on crisis management and amending certain Laws (Crisis Law) – deals with Crisis plan.
- Decree by the Ministry of Education, Youth and Sports No. 281/2001 Coll. implementing Section 9 (3) (a) of Act No. 240/2001 Coll. on crisis management and amending certain related acts (“Crisis Act”) - deals with the emergency preparedness plans for schools.
- Regulation on the Administration of State Material Reserves No. 498/2000 Coll., on planning and execution of economic measures for crisis states.

### **Act No. 240/2000 Coll., on Crisis management**



#### CRISIS MANAGEMENT

- summary of management activities of crisis management authorities focused on:
- analysis and evaluation of security risks
- planning, organization, implementation and control of activities performed in connection with:
  1. Preparation for crisis situations and their solution or
  2. Protection of critical infrastructure,

Crisis situation – an emergency event according to the Integrated Rescue System Act, disruption of critical infrastructure or another threat when the state of danger, the emergency state or the state of State menace is declared (crisis state).

Crisis measure – an organisational or technical measure intended to deal with crisis situation and elimination of its consequences, including the measures interfering with personal rights and obligations,

Critical infrastructure - the element of critical infrastructure or the system of elements of critical infrastructure, disruption of which would have a significant impact on the State security, on ensuring the basic living needs of the population, on health of people and State economy.

## INVESTMENTS IN EDUCATION DEVELOPMENT

European critical infrastructure – the critical infrastructure within the territory of the Czech Republic, disruption of which would have a significant impact on other member state of the European Union.

### Implementing regulation

- to Act No. 239/2000 Coll., on Integrated Rescue System

Government Decree No. 463/2000 Coll., on setting the rules for participation in international rescue operations, granting and receiving humanitarian aid and reimbursement of expenses incurred by legal persons and natural persons pursuing business activities for protection of inhabitants, as amended by the Decree No. 527/2002 Coll.

- Decree of the Ministry of Interior No. 328/2001 Coll., on Some Detail of Security of the integrated rescue system, as amended by the Decree No. 429/2003 Coll.,
- Decree of the Ministry of Interior No. 380/2002 Sb., on the Preparation and Fulfilment of tasks to Protect the Population

- Act No. 240/2000 Coll., on Crisis management

- Government Regulation of the Czech Republic No. 462/2010 Coll. The execution of §27 a §28 Law 240/2000 Coll., on crisis management and amending certain Laws (Crisis Law) as amended by 36/2003 Coll.

- Regulation No. 75/2001 of the Czech Mining Office laying down mining and technical conditions for establishment, use and protection of mining facilities selected for the purpose of crisis situations for implementation of preventive, technical and safety measures and controls

- Decree by the Ministry of Education, Youth and Sports No. 281/2001 Coll. implementing Section 9 (3) (a) of Act No. 240/2001 Coll. on crisis management and amending certain related acts ("Crisis Act") as amended by 237/2003 Coll.

- To Act No. 241/2000 Coll., on Economic Measures during Crisis Situations and on amendments of certain related acts, as subsequently amended.

- Regulation on the Administration of State Material Reserves No. 498/2000 Coll., on planning and execution of economic measures for crisis states.

## INVESTMENTS IN EDUCATION DEVELOPMENT

### ❑ LEGAL ASPECTS OF CRISIS MANAGEMENT OF THE STATE

- crisis measures in crisis management are carried out by public administration authorities,
- crisis measures are usually implemented through limitation of individual interests before public interests,
- state has to ensure that even in crisis situations there will be no injustice and has to guarantee at least the minimum range of rights and freedoms,
- this is a reason why legislation has to exist before the crisis situation arises, the legislation has to precisely define time, manner and extent of intervention into rights and freedoms of citizens,
- crisis management of the state is based on special mechanism of execution of public authority:
  - application of specific means of execution of public authority (certain privileges of power of state authorities and other subjects)
  - specific institutional security of the state (security system)

### ❑ Task of the state in crisis situation is:

- to guarantee minimal scope of rights and freedoms of citizens
- to protect citizens from injustice
- materially and technically help people to overcome consequences of crisis phenomenon,
- to create conditions for survival of citizens
- release temporary powers, means and resources to tackle the crisis phenomenon

### ❑ Legislation is:

- creation of legal norms
- activity of legislatures
- legislative power (legislation)

### ❑ Legislative process is carried out through the following steps:

- legislative initiative (government, parliament committees, Members of Parliament - MPs)
- commenting and discussion of the draft,

## INVESTMENTS IN EDUCATION DEVELOPMENT

- vote on the proposal and its approval,
- publication of legal norms.

## 2. Crisis situation in the Czech Republic according valid legislation

### STATE OF DANGER

- ☐ It is defined in Law No. 240/2000 Coll., on Crisis Management
- ☐ Can be declared as an urgent measure in case

LIVES

HEALTH

PROPERTY

ENVIRONMENT

are in danger,

in case intensity of threat is not of considerable extent and when it is not possible to avert threat by normal activity of administrative authorities, regional and municipal authorities, by components of the integrated rescue system and by critical infrastructure entities.

DECLARED BY: - Regional Commissioner (in Prague by Mayor of the Capital city Prague)..... (must immediately notify the Government, the Ministry of Interior, neighbouring regions and other regions which may be affected by the situation)

PERIOD: - not exceeding 30 days (can be prolonged by the Regional Commissioner but only with the consent of the Government)

EXTEND: - for the whole region or the part of it

### STATE OF EMERGENCY

- ☐ Define Constitutional Law No. 110 /1998 Coll., on the Security of the Czech Republic,
- ☐ The government may declare in cases of
  - natural catastrophe,
  - ecological or industrial accident,

## INVESTMENTS IN EDUCATION DEVELOPMENT

- or other danger which to a significant extent threatens

LIFE

HEALTH,

PROPERTY or DOMESTIC ORDER  
or SECURITY

DECLARED: - Government

(If delay would present a danger, the Prime Minister may declare a state of emergency. Within 24 hours of the announcement thereof, the government shall either ratify or annul his decision).

PERIOD: - no more than 30 days (The stated period may be extended only with the prior consent of the Assembly of Deputies).

EXTEND: - territorial area.

CONTENT: - concurrently with its declaration of the state of emergency, the government must specify which rights prescribed in individual statutes shall, in conformity with the Charter of Fundamental Rights and Basic Freedoms, be restricted, and to what extent, and which duties shall be imposed, and to what extent

## THREAT OF THE STATE

- ☐ Define Constitutional Law No. 110 /1998 Coll., on the Security of the Czech Republic
- ☐ If the:
  - State's sovereignty,
  - territorial integrity, or
  - democratic foundations are directly threatened, the Parliament may, on the government's proposal, declare a condition of threat to the state.

DECLARED: - Government

- ☐ The assent of an absolute majority of all Deputies and the assent of an absolute majority of all Senators are required for the adoption of a declaration of a condition of threat to the state.



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## INVESTMENTS IN EDUCATION DEVELOPMENT

### STATE OF WAR

- ☐ Define Constitution of the Czech Republic and international law
- ☐ The Parliament may decide to declare a state of war should the Czech Republic be attacked or should international contractual obligations concerning common defence be met.
- ☐ The Parliament shall decide on the participation of the Czech Republic in defence systems of an international organization of which the Czech Republic is a member.
  
- ☐ The Parliament shall give its approval of:
  - a) dispatch of Czech military forces outside the territory of the Czech Republic;
  - b) presence of foreign military forces on the territory of the Czech Republic, unless these decisions have been reserved for the government.
  
- ☐ The government shall decide on a dispatch of Czech military forces outside the territory of the Czech Republic and on the presence of foreign military forces on the territory of the Czech Republic for up to 60 days at most when they concern:
  - a) fulfilment of international contractual obligations concerning common defence against aggression;
  - b) participation in peace operations pursuant to a decision of an international organization of which the Czech Republic is a member, and providing there is an approval of the receiving state;
  - c) participation in rescue operations in case of natural, industrial and ecological disasters.
  
- ☐ The government shall also decide:
  - a) on the passage or fly of foreign military forces through/over the territory of the Czech Republic;
  - b) on the participation of Czech military forces in military exercises outside the territory of the Czech Republic and on the participation of foreign military forces in military exercises on the territory of the Czech Republic.
  
- ☐ The government shall inform both Chambers of the Parliament of its decisions under Subsections 4 and 5 with no delay. The Parliament may revoke such a decision of the Government by an objecting resolution of at least one of its Chambers approved by half of all Members of this Chamber.



## Conclusion

The legislative framework for crisis management is focused on the scope and powers of state authorities and local government units, rights and duties of legal and natural persons in the preparation for crisis situations and their solutions (except of providing Defence the Czech Republic) is provided by crisis legislation. Legislation of crisis management is linked to legislation of integrated rescue system. It relates to preparation for emergencies situations, rescue and remedy works and protection of the population before and during the state of emergency. It takes the form of laws, government regulations and ministerial decrees.