

Crisis management

Legal architecture of crisis management



INVESTICE DO ROZVOJE VZDĚLÁVÁNÍ

LEGISLATION

Sectoral legislation of crisis management

Other legislation in crisis management

public administration and self-government

crisis management

defence

classified information

economic measures

environment

nuclear safety and non-chemical weapons

chemical substances

subsection

environment

air

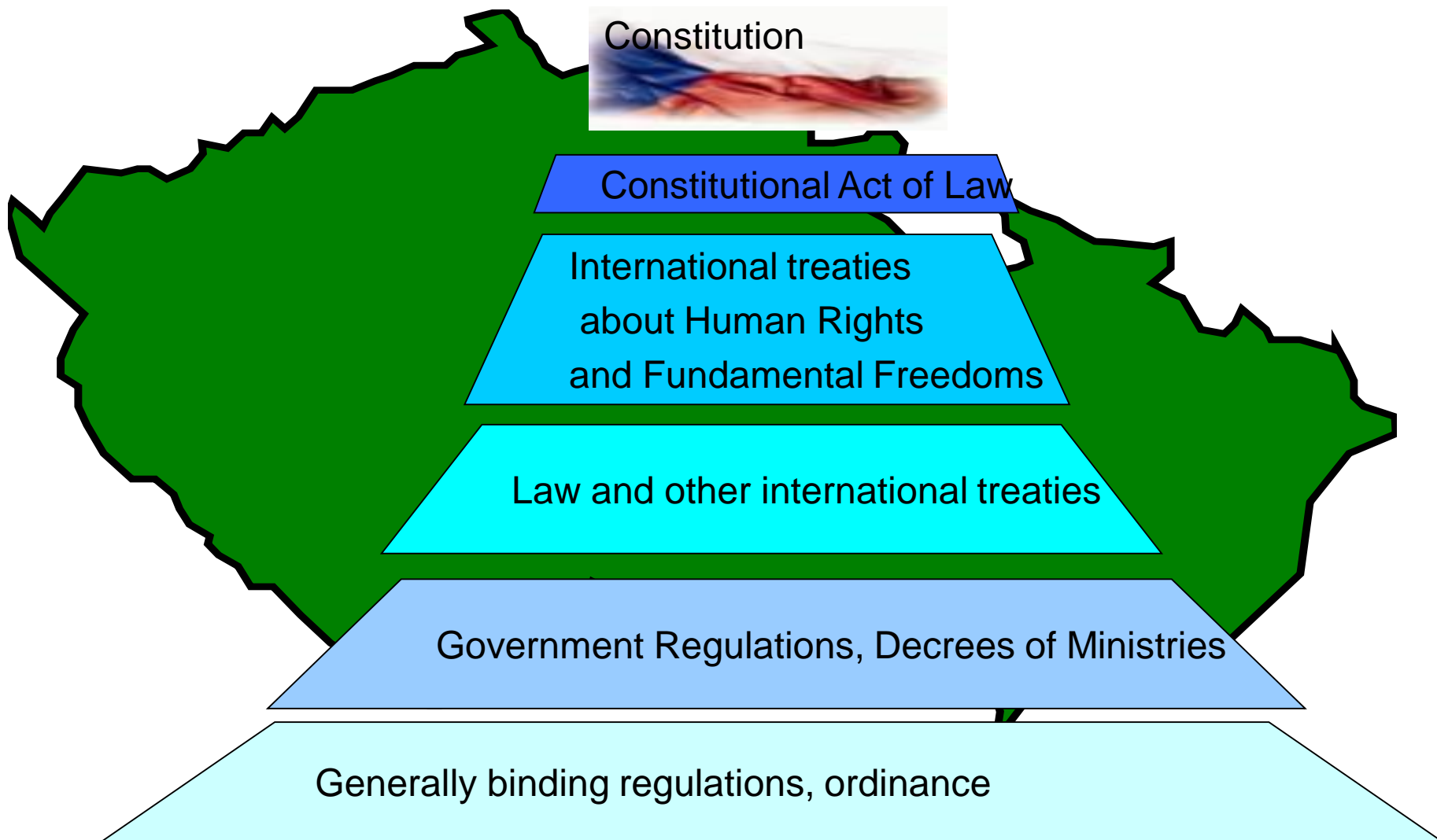
water

dangerous substances

waste

section

Hierarchical structure of legislation in the Czech Republic



Fundamental legislation in the crisis management

- **Law No. 1/1993 Coll.**, Constitution of the Czech Republic,
- **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 their 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 labor obligation and labor 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 Coll.**, 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 Coll.**, on the Preparation and Fulfilment of tasks to protect the Population.
- **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*

Terms:

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.

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.

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*)

LEGAL ASPECTS OF CRISIS MANAGEMENT OF THE STATE

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

LEGISLATION IN CRISIS MANAGEMENT

❑ Představuje:

- proces tvorby právních norem na úseku krizového řízení (*tj. na úseku prevence vzniku krizových situací, přípravy na jejich řešení, vlastní řešení, jakož i odstraňování negativních následků krizových situací*)
- činnost vlády a věcně příslušných ministerstev a ostatních ústředních orgánů státní správy při přípravě návrhů právních norem na úseku krizového řízení a jejich předkládání parlamentu na schválení

❑ Zabývá se tvorbou právních norem na úseku:

- obrany státu
- ochrany občanů, majetku a životního prostředí
- vnitřní bezpečnosti a zabezpečování pořádku ve státě a v jednotlivých regionech

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 Coll.**, on the Preparation and Fulfilment of tasks to Protect the Population*

Implementing regulation

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.

Implementing regulation

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.*



CRISIS STATES



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.



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MINISTERSTVO ŠKOLSTVÍ,
MLÁDEŽE A TĚLOVÝCHOVY



OP Vzdělávání
pro konkurenceschopnost



UNIVERZITA
OBRANY

INVESTICE DO ROZVOJE VZDĚLÁVÁNÍ

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,
 - 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



INVESTICE DO ROZVOJE VZDĚLÁVÁNÍ

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.

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:

- fulfilment of international contractual obligations concerning common defence against aggression;
- 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;
- 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.



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