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Organization of Public Administration of the Czech Republic and the Role of the Municipal Police in the Protection of Citizens' Security

Abstract

This paper deals with the activity of the public administration of the Czech Republic. It analyses the structure and mechanisms of the functioning of the institutions of public administration and self-government of the Czech Republic. It appeared not so long ago that responsible persons were held accountable for wrong decisions – of both technical and political nature. In some cases, these decisions were also used against responsible persons at all levels. This research is based on the analysis of the present Czech legal norms and their application in the decisions made by local administration.

Keywords: public administration, management of municipalities,
local administration, cities and regions, Municipal Police

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System administracji publicznej w Republice Czeskiej oraz rola straży miejskiej w zapewnianiu bezpieczeństwa obywatelom Czech

Streszczenie

W niniejszej pracy podjęto kwestię funkcjonowania administracji publicznej w Republice Czeskiej. Praca przedstawia analizę struktury i mechanizmów działania instytucji czeskiej administracji publicznej i czeskich samorządów. Nie tak dawno okazało się, że osoby, które podjęły szereg niewłaściwych decyzji – o charakterze i technicznym, i politycznym – zostały pociągnięte do odpowiedzialności. W pewnych przypadkach decyzje te zastosowano także wobec osób pełniących funkcje publiczne na wszystkich szczeblach. Badanie zawarte w pracy obejmuje przegląd norm obowiązujących obecnie w Republice Czeskiej oraz analizę ich zastosowania w praktyce decyzyjnej jednostek administracji terenowej.

Słowa kluczowe: administracja publiczna, zarządzanie samorządowe, administracja terenowa, miasta i regiony, straż miejska

The concept and structure of local government in the Czech Republic

Local government

Besides the state administration, the institution of local government (or local self-administration) is the second most important branch of public administration in the Czech Republic; it is part of public authority. It is a competitor administrative subject to other institutions of public authority, thus enhancing the separation of powers within the state and preventing concentration of power in a single power centre – and the possible abuse of power. It operates in its own name, on own responsibility, and by own means. Public administration is executed by subjects separate from the state but approved by the state. It has a subjective right, but also a duty to carry out the mission entrusted to it by the law. It is an irreplaceable component of democracy. It is an expression of the right and ability of local government authorities to regulate and manage part of public affairs within their scope of competence and in favour of the population. **Local government** is related to a specific territory. In a territory within the state there can operate several local governments of various levels. The traditional basic level of local government is a **municipality**. In larger cities there is local government on the level of **urban districts**. An institution superior to a municipality is local administration on the level of **higher local government units**. **Interest government** is connected with a specific area of human activity, a gainful occupation as a rule. **Interest government** consist of a) **professional administration** – some professions require an obligatory membership, b) **public associations** created by the state, **without obligatory membership** (e.g. chambers of commerce); c) **academic self-administration** – colleges and universities.

Basic elements of local government

1. A territory or human activity (municipality, enforcement of executions),
2. Persons subject to local administration (municipality inhabitants, bailiffs),
3. Public law corporate entities with a system of local administration bodies (a municipality, assembly, council, Chamber of Bailiffs with an assembly and a board),
4. A management and a budget of its own.

Local government is capable of diminishing the power of both a totalitarian regime and of democratic centralism alike, which is why it is inconvenient to all

centralistic regimes, be it those democratically elected or some other. Local government is a “condition” where a citizen, an object of government for state administration, becomes a subject of government in the local administration (government). In the current Czech constitutional state, with the sovereignty of the people, the people are the source of all state authority, and – thus – of state administration as well. Local government is endowed with public authority; however, it is based on delegation from the part of the state. Local government is a special kind of administration where those administrated carry out self-administration; they are not administrated by officials appointed by the state, as is the case with state administration. This local administration is governed by the law, and it is indeed an important achievement, an element of the modern democratic Czech state. Local government restricts the central state authority (vertically) and it is an essential part of the Czech democratic rule of law. An abolition of the Czech local government is inadmissible.

Organization of local public administration in the Czech Republic

Administration of the whole society gradually ceased to be an exclusive matter of state authorities. Local government gradually assumes a greater deal of responsibility in both management and decision-making in the area of social affairs. This becomes evident particularly on the territorial level, where local government associations participate in state administration.

There are various systems of organisation of local public administration.

1. A continental system of administration in localities
2. An Anglo-American system of administration in localities

Within the **Anglo-American system**, local government (local administration) is understood solely as self-administration (there is no division between state administration and local government). **The continental** system distinguishes between state administration and local government (self-administration) on the local level. The solution adopted in the Czech Republic belongs to the continental system; it is a mixed model on the level of municipalities and that of regions, with part of territorial public administration carried out by specialised state administration authorities. Currently, the local level of public administration consists of municipalities as the lowest-level local government units, and regions as higher local government units. In terms of the currently binding legal regulations, both municipalities and regions perform also, besides their local government functions, a certain part of state administration tasks. State administration is handled within a scope in which the execution of state administration duties has been delegated to municipalities

and regions (delegated competence). There is a legal theory that this competence can be delegated to municipalities and regions by a law. The Constitutional Court of the Czech Republic, however, took a different stand on that matter. A competence can also be delegated to authorities of municipal districts based on a generally binding regulation – a Statute². Similarly, based on the Municipalities Act³, a statutory town can define, by way of a Statute, municipal (urban) districts whose authorities will carry out, fully or partially, the competence delegated by special laws to authorised municipal authorities. This is also the reason why there are two types of competence of municipalities and regions: the so-called separate competence and the delegated competence, in the exercise of which the municipal and regional authorities have a different position. The exercise of state administration by municipalities and regions, which is defined by special laws, is supplemented by specialised (de-concentrated) administrative authorities on the local level. Currently, **territorial (local) administration** is defined as an activity consisting of local government and territorial state administration, carried out by the authorities of municipal and regional government and the authorities of local state administration.

Local state administration in the Czech Republic consists of the following authorities:

- ❑ Regional authorities,
- ❑ Municipal authorities (bodies),
- ❑ Authorised municipal authorities,
- ❑ Municipal authorities with extended competence,
- ❑ District authorities of military districts,
- ❑ Specialised territorial administrative authorities.

The legal basis of the local government system of the Czech Republic

Originally, according to the Act 36/1960 Coll., the Czech Republic was divided for the purposes of state administration into: 1. Municipalities, 2. Districts, 3. Prague, and seven regions.

² According to the Constitutional Court ruling Pl. ÚS 55/2000, the Constitutional Court admitted a possibility for the state administration tasks to be entrusted to local government authorities by an implementing legal regulation.

³ The legal status of municipalities is determined by the Act 128/200 Coll., On Municipalities (Municipalities Act), in the wording of later regulations, and the status of regions by Act 129/2000 Coll., On Regions, in the wording of later regulations. The position of the Capital City of Prague, which has a status of both a municipality and a region, is governed by Act 131/2000 Coll., On the Capital City of Prague, in the wording of later regulations.

Municipalities – in municipalities there are municipal authorities that are equipped with various degrees of competence in the area of exercise of delegated state, registries, building offices, authorised authorities, municipalities with extended jurisdiction.

Districts – in a district there is a number of specialised state authorities, not a single one, like job centres, land authorities, district police headquarters, law courts, prosecutor's offices etc. There are 76 districts in 7 administrative regions, plus 10 urban districts in Prague. Districts had been a traditional and permanent territorial unit of the state since 1850. Within the framework of the reform of the public administration as of 31 December 2002, district authorities were abolished. This is a very controversial decision as it breaks with the traditional Czech public administration system that existed since the mid-19th century. The competence of district authorities was transferred partly to municipalities with extended competence, and partly to regions. As a result, public administration has become more centralised and less accessible to many inhabitants. This is contrary to the principle of subsidiarity.

Prague and the seven regions of state administration – besides Prague, regions include Central Bohemian region (in Czech: Středočeský kraj) with its capital city of Prague, South Bohemian (Jihočeský kraj) with České Budějovice, West Bohemian (Západočeský kraj) with Plzeň, North Bohemian (Severočeský kraj) with Ústí nad Labem, East Bohemian (Východočeský kraj) with Hradec Králové, South Moravian (Jihomoravský kraj) with the capital city of Brno, and the North Moravian region (Severomoravský kraj) whose centre was Ostrava. These territorial units were not governed by a single general authority; each of them had **specialised state authorities** – law courts, prosecutor's offices, and police headquarters.

Current system of local government

According to the Constitution (Ústava 1/1993 Coll, art. 99), the Czech Republic is divided into:

1. **Municipalities,**
2. **Higher local government units,**
3. **Cohesion regions,**

according to section 15 of Act 248/2000 Coll., Meeting the criteria of the NUTS 2 (800,000–3,000,000 inhabitants)⁴.

⁴ In order to be able to obtain money from EU funds in an effective manner, so-called Cohesion Regions have been established in the territory of the Czech Republic, consisting of one or more regions. The European cohesion policy is addressed particularly to territorial units with a pop-

Municipalities – a total 6,254 of them – are basic units of local government. **Higher local government units** – Prague + 13 regions: Central Bohemian, South Bohemian, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, Pardubice, South Moravia, Vysočina, Zlín, Olomouc, Moravia-Silesia (In Czech: Středočeský, Jihočeský, Plzeňský, Karlovarský, Ústecký, Liberecký, Královéhradecký, Pardubický, Jihomoravský, Vysočina, Zlínský, Olomoucký, Moravskoslezský kraj).

For the purpose of regional policy, the European Union uses a regional territorial division system called NUTS⁵ (Nomenclature of Territorial Units for Statistics).

Level	Recommended minimum population	Recommended maximum population
NUTS I	3,000,000	7,000,000
NUTS II	800,000	3,000,000
NUTS III	150,000	800,000

Historically, the Czech Republic was traditionally divided into regions corresponding to the NUTS III level; however, after having joined the European Union, it had to insert one more tier between the state and the regions, corresponding to NUTS II: the Cohesion Regions, according to sect. 15 of Act 248/2000 Coll., Meeting the criteria of NUTS 2. The level of NUTS II is what the EU funding policy is addressed to in particular. Therefore **Prague**, with its economic indicators significantly exceeding those of other parts of the Czech Republic, receives less money from EU funds than the rest of the Czech Republic, boasting a considerable economic dynamics and a low unemployment rate even without EU incentives.

ulation between 800,000 and 3 million. As Czech regions mostly do not achieve these numbers, the following Cohesion Regions have been created: Severozápad, Severovýchod, Jihovýchod, Jihozápad, Střední Čechy, Střední Morava a Moravskoslezsko (NorthWest, NorthEast, SouthEast, SouthWest, Central Bohemia, Central Moravia, and Moravian Silesia – these regions are headed by Regional Councils which receive support within the framework of the Convergence Objective, i.e. assistance for less advanced regions), and the Capital City of Prague.

⁵ For the purpose of acquiring money from EU funds, so-called Cohesion Regions have been established in the Czech Republic – NUTS II. Each EU member state has a history of territorial administration systems that respect the natural demands of both state administration and inhabitants. That is why there have been 28 different systems of administrative division within the European Union, which limits the possibility of making a mutual statistical and economic comparison of the regions for the purpose of the policy of economic and social cohesion (ESC). For statistical monitoring and analyses of economic and social situation in the regions, a unified nomenclature of territorial units for statistics (NUTS) was introduced in 1988. On its basis, three main levels of regional division according to population numbers have been defined: NUTS I, NUTS II, NUTS III.

Exercise of public administration

The Czech state administration is composed of central authorities and a range of offices. Administration activities can be carried out by a) concentrated authorities, b) de-concentrated authorities. **A vertical de-concentration** means that the authority is fully dependent from the centre. **Horizontal de-concentration** involves delegation of part of competence from one state administration authority to a newly established state authority on the same level. **Concentrated authorities** carry out the full range of competence within a given field for the whole territory of the state (e.g. office for the protection of competition). **De-concentrated authorities** are subordinated to a central authority (Ministry of Finance and its Financial Authorities, Ministry of Labour and Social Affairs and its Job Centres). De-concentrated authorities are state authorities fully dependent on the centre (both financially and in terms of the appointments of officials). **Centralised state administration** – a single primary normative legal source is the central state legislative power.

Map 1. Cohesion Regions in the Czech Republic. Established according to section 15 of Act 248/200 Coll. The map shows the 14 regions (NUTS III) and their relation to the 8 Cohesion Regions (NUTS II)



Source: Act No.248/2000 Coll. of June 29, 2000 on Support to Regional Development.

For a **decentralised state administration** it is characteristic that the creation of primary legal norms is in the hands of the central law-giving power.⁶ Exercise of

⁶ **Decentralisation** has its **static concept** that captures the current picture of the organisation of the state administration within a particular state and – by comparison with another state – describes

state administration, however, is entrusted to centralised authorities of state administration or delegated to local government public corporations. The state does not divest itself of a part of state administration, but leaves its exercise to public corporations – operating under the state’s supervision, management, and funding. The advantage is that it costs the state treasury less than having to establish local state administration authorities.

In the Czech Republic there are two kinds of competence of a public corporation: 1. Local government proper (it exercises **its** right in a separate field of competence) and 2. Delegated state administration (in a given delegated field it operates as **a state administration authority**).

A public corporation is an institutionalised association of persons sharing a common purpose of implementing a certain public interest. **A corporation** has a legal subjectivity of its own. **A public corporation** is established either directly by law (professional chambers, regions) or by a statutory decision of a public authority (newly established municipalities).

Administration authorities

An administration authority is a body of public power that has been entrusted by law with a certain scope of competence in the area of state administration. Administration authorities are part of executive power and they are subordinate to and methodologically regulated by the government. In the Czech Republic, administration authorities, as opposed to law courts, are also bound by orders and regulations, not only by laws.

Courts of law, public administration, ombudsman, and arbitration

A court of law is an independent state authority exercising judicial power. It provides protection to violated or endangered rights or other interests protected by the law, and it has the exclusive power to decide about guilt and punishment in cases of criminal acts. Sometimes it also decides on the legality of acts of authorities of executive power, or on the compliance of legal regulations with the Constitution; moreover, it decides in other issues that are entrusted to it. The court makes its decisions through its judges. Protection of rights other than judicial can also be provided by public administration authorities, or by the **ombudsman**. Their decisions and

the relative centralisation or decentralisation in a given state. A **dynamic concept** understands decentralisation as a continuous process of changing functions and competence within a system of state administration (or public administration in general) in favour of lower-tier units.

measures, however, are only temporary or not executory. A real alternative to a classical trial is **arbitration proceedings**, because an arbitration award fully substitutes a decision of a court.

Local administration authorities in the Czech Republic

Municipalities

There is a well-known principle that a free municipality is the foundation of a free state. A **municipality** is a traditional basis of local administration. A municipality is a local community of citizens who carry out their administration by themselves. A municipality is a public local corporation; in exercise of its powers it has the nature of a public authority. In legal relationships, a municipality has a status of a legal entity, it has a juridical subjectivity. This juridical subjectivity is always connected with local government as such, not with individual authorities. In private law matters, it is always the municipality that has to act.

Characteristic features of a municipality include:

- ❑ A territory of its own (a territorial basis of a municipality),
- ❑ Inhabitants (a personnel basis of a municipality),
- ❑ A system of authorities by means of which it acts and carries out its will
- ❑ Acting in its own name in legal relations – legal personality, and law making – issuing of legal regulations (a legal basis of a municipality),
- ❑ A property of its own and an own economic policy being managed according to its own budget (an economic basis of a municipality).

Municipalities are those local government units that had a statute of a municipality as of 12 November 2000 – the effective date of the Municipalities Act 128/2000 Coll, and further municipalities that have been newly established under this law.

Towns

Traditionally, municipalities would be divided into **villages**, **small towns (townships)**, and **towns**.⁷ The current law provides for a special group of municipalities – **towns**. The law does not use the concept of **village** any more, even if these are, in general perception, municipalities that do not have a statute of a town.

⁷ This was important in the period of feudalism, when these concepts implied different legal status. Since the abolition of serfdom in 1848 it has only been a matter of prestige.

Towns are municipalities that were towns as of the effective date of the Municipalities Act 128/2000 Coll. Municipalities that have acquired the status of a town in the course of their historical development are not necessarily towns today. In 1954, a law has granted the competence of town national committees to regional capitals only, in 1960 – to the main towns (administrative centres) of districts (and to those municipalities that were appointed by the Regional National Committee). As of today, municipalities can become towns if they have a population of at least 3,000, and when they are designated a town by the Chairman of the House of Deputies of the Parliament. The motion for the Chairman of the House of Deputies to do so is submitted by the municipality in question. The motion must be approved by the Government. The law does not address a possibility of divesting a municipality of its status of a town and changing it into a common municipality if the population decreases under the required limit of 3,000 or for any other reasons⁸.

Statutory towns

A statutory town is a town of a particular importance, whose administration differs from that of other towns, particularly in the area of administration of urban districts. Till 1990 there had been 4 statutory towns that had a status of a district (in Czech: *okres*), adopted a statute of their own as their own legal regulation, and were subdivided into urban districts (in Czech: *městský obvod*), each with an administration apparatus of its own: Brno and Ostrava in Moravia, Prague and Plzeň in Bohemia. In 1990, the Municipalities Act defined 13 statutory towns, in 2000 another three were added, and three more have been added since 2003. Currently, the statutory towns in Moravia and Silesia are: Brno, Havířov, Jihlava (2000), Karviná (2002), Olomouc, Opava, Ostrava, Zlín; in Bohemia: České Budějovice, Hradec Králové, Karlovy Vary, Kladno (2000), Liberec, Mladá Boleslav (2002), Most (2000), Pardubice, Plzeň, Teplice (2002), Ústí nad Labem.⁹ A motion to designate a new statutory town or to eliminate a present one from the list may be submitted by those with the law-making initiative (a deputy, the Government, the Senate, the assembly of a region).

⁸ The only exception is the unique case of a legal difference in the competence of towns and other municipalities concerning local charges (congestion charges) for driving a vehicle in selected parts of the town (charging zones); these charges may be collected by a town only, and not by every municipality. The same difference also concerns the area of taxi services, where a special separate competence is granted to towns with over 20,000 inhabitants. The question remains whether this is not a violation of a formal equality of municipalities before the law regardless of the fact of their being statutory towns, towns or other municipalities. The charge is paid by a person that has been issued the relevant permission. The charges are not paid by natural persons having permanent residence – or by property owners – in selected parts of towns.

⁹ There are 19 statutory towns defined by the law; a new statutory town can be designated by the law only.

A statutory town can be divided into town parts or urban districts¹⁰ with their own local government authorities.

Other denomination of towns

District towns (72) are seats of district authorities of state administration (district courts, district prosecutor's offices, job centres, district social security administration).

Regional towns are seats of regional local governments (13), and seats of regional state administration authorities (7). Central state authorities are seated in Prague (the majority of central authorities, national funds, and public/professional chambers) and Brno.¹¹ Besides these two residential towns, the State Housing Development Fund, Medical Chamber, and Agricultural Chamber are located in Olomouc; Energy Regulatory Office is based in Jihlava; and the State Labour Inspection Office in Opava. Moreover, high courts and high prosecutor's offices, whose territorial scopes of competence correspond approximately to the historical lands of Bohemia and Moravia including Silesia, are located in Prague and Olomouc. Brno, as the former capital of Moravia, houses the Moravian Land Library and Moravian Land Archives, and the Land Archives for Moravian Silesia is located in Opava. Prague as the capital of the state has a special status, being a town with the scope of competence of a region.

Symbols

Municipalities may use symbols of their own – an emblem, a flag (standard), and a stamp (a seal of office). In case a municipality does not have a historical emblem and flag, it may be, on its own motion, awarded these symbols by the Chairman of the House of Deputies. Details concerning the character and utilisation of these symbols may be defined by the municipality in a generally binding ordinance, on condition of respecting legal regulations.

¹⁰ **Territorially divided statutory towns** in the Czech Republic are Brno, Ostrava, Plzeň, Ústí nad Labem, Pardubice, and Liberec

¹¹ Brno is the seat of Constitutional Court, Supreme Administration Court, Supreme Public Prosecutor's Office, Public Defender of Rights (Ombudsman), Office for the Protection of Competition (Fair Trading Office), Office for Legal International Protection of Children, State Agricultural and Food Inspection Authority, Central Institute for Supervising and Testing in Agriculture, Institute for State Control of Veterinary Biologicals and Medicines, Viticultural Fund, and some professional chambers – Chamber of Bailiffs, Chamber of Tax Advisers, Chamber of Patent Attorneys in the Czech Republic, Chamber of Veterinary Surgeons.

Emblems

An emblem is usually used to mark the seats of municipal authorities, next to the large national emblem. No one other than municipal subjects are allowed to use the emblem without prior permission of the municipality. Destroying or insulting an emblem or a flag is an offence for which a natural person may be fined up to CZK 3,000.

Table 1. Towns and regions of the Czech Republic and population of the Czech towns as of 31.12.2014

TOWNS OF THE CZECH REPUBLIC					
As of 31 December 2014					
Town	Population	Town	Population	Town	Population
Praha	1 259 079	Třinec	35 884	Bohumín	21 482
Brno	377 440	Tábor	34 716	Žďár nad Sázavou	21 467
Ostrava	294 200	Znojmo	33 761	Vyškov	21 312
Plzeň	169 033	Příbram	33 160	Blansko	20 800
Liberec	102 562	Cheb	32 351	Náchod	20 408
Olomouc	99 809	Kolín	30 946	Kutná Hora	20 335
Ústí nad Labem	93 409	Trutnov	30 893	Jirkov	19 929
České Budějovice	93 285	Orlová	29 967	Žatec	19 341
Hradec Králové	92 808	Písek	29 824	Mělník	19 201
Pardubice	89 693	Kroměříž	29 035	Beroun	19 145
Zlín	75 112	Šumperk	26 697	Hranice	18 494
Havířov	75 049	Vsetín	26 504	Louny	18 434
Kladno	68 552	Uherské Hradiště	25 287	Otrokovice	18 253
Most	67 089	Hodonín	24 975	Brandýs n. L.-St. Boleslav	18 011
Opava	57 772	Břeclav	24 949	Kralupy nad Vltavou	17 959
Frýdek-Místek	56 945	Český Těšín	24 907	Kadaň	17 907
Karviná	55 985	Litvínov	24 783	Svitavy	17 112
Jihlava	50 521	Krnov	24 175	Ostrov	17 089
Teplice	50 079	Litoměřice	24 101	Bílina	16 884
Děčín	49 833	Sokolov	23 762	Bruntál	16 784
Karlovy Vary	49 781	Nový Jičín	23 639	Uherský Brod	16 631
Chomutov	48 913	Havlíčkův Brod	23 306	Rožnov pod Radhoštěm	16 584
Jablonec nad Nisou	45 594	Strakonice	23 020	Benešov	16 573
Mladá Boleslav	44 318	Chrudim	23 002	Jičín	16 367
Přerov	44 278	Valašské Meziříčí	22 630	Rakovník	16 228
Prostějov	44 094	Kopřivnice	22 417	Neratovice	16 227
Česká Lípa	36 943	Klatovy	22 344		
Třebíč	36 880	Jindřichův Hradec	21 659		

REGIONS OF THE CZECH REPUBLIC			
Abbreviation	Name of the region	Abbreviation	Name of the region
PHA	Hl. m. Praha	HKK	Královéhradecký
STČ	Středočeský	PAK	Pardubický
JHČ	Jihočeský	VYS	Vysočina
PLK	Plzeňský	JHM	Jihomoravský
KVK	Karlovarský	OLK	Olomoucký
ULK	Ústecký	ZLK	Zlínský
LBK	Liberecký	MSK	Moravskoslezský

Source: own work.

Flags (standards)

A flag¹² has a fixed ratio between the width and length (usually 2:3). In the case of a standard, this ratio may vary according to specific aesthetic requirements concerning its placement. A flag is awarded to a municipality or an urban district and may be changed under conditions similar to those of an emblem. The colours used in a flag are derived from the colours used in the emblem. Sometimes, a heraldic figure used in the emblem is featured in the flag, too. A flag may be used by non-municipal subjects even without the municipality's permission.

Stamps (seals)

A municipality can use a municipal stamp with its emblem featured in the centre, with the full name of the municipality in the Czech language written around its circumference. In municipalities inhabited by minorities the inscription can be in the language of a given minority, in the same type face and the same size. Stamps have evolved from older seals that were used by all municipalities. Seals featured figures that derived from the emblem of a given municipality; in some cases, the seal can be used as a historical source to design a new emblem of a municipality. The municipal stamp is used in all cases except those in which a special law requires the stamp to feature a small national emblem. A municipality can of course use its seal on festive documents and elsewhere on the same conditions as its stamp. On the contrary, a municipality that has no emblem of its own may use a stamp with the national emblem even in other cases than those stipulated by the law. The law explicitly says that urban districts can use their own stamp with their emblem if

¹² From a vexillological point of view, a standard is fixed to a staff, while a flag is connected to a flagpole by a cord by means of which it is raised to the top of the pole.

they have any. A statutory town can define in its statute the cases in which it is necessary to use the town emblem and in which that of the urban district.

Municipal prizes

It is within the competence of a municipality to establish and award municipality prizes for important works of art, achievements in science and other, particularly those with a relation to the municipality. The prizes can be awarded to natural persons, legal entities or groups of persons. The prizes cannot be taken away from their holders. Such awards are an expression of public appreciation. A municipality can express appreciation in other form than by awarding a prize (e.g. a commemorative certificate).

Municipalities and their relationship with the region and the state

In the area of local government, a municipality is a basic unit; its relation to the region as a higher local government unit is not one of a subordinate to a superior. The state is allowed to intervene in its activities only to protect the law, and only in a way defined by the law. A municipality has the right to seek protection of its local government with the judiciary. In the field of the delegated state administration, what matters is the wording of specific laws, and a municipality can be subordinated both to regional authorities and directly to authorities of the state. In this area, a municipality is obliged to respect even the by-laws of superior authorities, namely government resolutions and guidelines of central administration authorities that have been published – or in exceptional cases at least promulgated – in the Bulletin of the Government for Regional and Municipal Authorities, and the proposals of measures and decisions of the regional authority made within the framework of inspection of exercise of the delegated competence.

Citizenship of a municipality

Each municipality must be permanently inhabited by people. A municipality's population is a personnel characteristic of that municipality. Among permanent inhabitants, a qualified group of inhabitants is named by the law as granted certain subjective rights: citizens of the municipality. A citizen of a municipality is a national citizen with a permanent residence in the municipality.

A citizen of over 18 years of age has a right:

1. **to elect candidates** and to be elected to the municipal assembly and to vote in a local referendum on conditions defined by a separate law,

2. **to express** their opinions on matters that are discussed at meetings of the municipal assembly – in compliance with the rules of procedure
3. **to comment** on the draft budget of the municipality and on the closing account, either in a written form within a defined a period, or verbally at the meeting of the assembly,
4. **to look into** the budget, the closing account, and the resolutions and minutes from the assembly's meetings, into the resolutions of the council, the committee of the assembly, and the council's committees, and make excerpts from them.
5. **to make requests to deal with** certain matters in the area of separate competence to be discussed by the council or the assembly; if the application is signed by at least 0.5 per cent of the citizens of the municipality, it has to be discussed within 60 days (in the case of the assembly – within 90 days),
6. **to submit** proposals, comments, and initiatives to the municipal authorities, which are to be dealt with by the authorities without delay, within 60 days at the latest, or in the case of the assembly – within 90 days.

A foreign national of more than 18 years of age, having a permanent residence in a given municipality, can obtain a permit of a citizen of such a municipality.¹³

Honorary citizenship

Honorary citizenship can be awarded by the assembly of a municipality with a separate competence to anybody, including foreign nationals, homeless persons, and persons who do not have a permanent residence in the municipality. It is also possible to award honorary citizenship after death. A municipality can define the position of honorary citizens towards municipal authorities by a decision, including in the form of a generally binding regulation on honorary citizenship. In particular, the law gives honorary citizens a right to express their views at the municipal assembly meetings in compliance with the rules of procedure of the assembly.

Territory of a municipality

An essential attribute of a municipality is its territory. A territory of a municipality includes one or more cadastral territories. Changes in territories between neighbour-

¹³ If it is so stipulated in an international agreement that is binding for the state and has been announced in the Collection of International Agreements. The Municipalities Act explicitly mentions foreign nationals. A possible issue would arise if an international agreement granted this right not only to foreign nationals (citizens of a foreign country) but also to persons without any national citizenship (homeless persons, immigrants).

ing municipalities can be achieved by an agreement made by both municipalities, approved by the assemblies of both municipalities. The agreement must be discussed with the relevant cadastral authority; however, the approval of the cadastral authority is not required. The agreement concerning a change in the administrative area of a municipality itself does not apply to real estate ownership – not only of third parties but also of both municipalities.¹⁴ A change of a municipality boundary line that is simultaneously a boundary between regions can be made only formally, by way of the law. Such a legislative change may be implemented upon a prior consent of the municipality, but also against its consent.

Establishment of a new municipality **Secession of a new municipality**

A new municipality can be established by secession if it has an independent cadastral territory (municipalities with a single cadastral territory cannot be divided), is adjacent to at least two municipalities or one municipality and a foreign state (intra-municipal enclaves are prohibited), its territory is continuous (territorial enclaves are prohibited), and has a population of at least 1,000. The same conditions must be met by the residual municipality following secession. If the original municipality was a town, the municipality that retains its name keeps the status of a town if it has at least 3,000 inhabitants. The original municipality does not cease to exist; the secession results in another new municipality being established. A secession of a part of a municipality can be done as of 1 January following the day of election to the municipal authorities. A decision concerning secession must be preliminarily approved in a local referendum. Following the approval of the secession in the referendum, the municipality is obliged to apply to the Ministry of Interior for approval of the name of the municipality to be newly established. The decision concerning the secession of a municipality is made by way of an administrative procedure. If the original municipality refuses to voluntarily hand out the estate in question, the new municipality is entitled to ask the regional authority or a court to enforce the decision within a limitation period of ten years.¹⁵

¹⁴ The fact that an agreement has been made is to be reported to the Ministry of Finance and to the financial authority which will use it e.g. in administration of real estate tax.

¹⁵ It is in the interest of conflict prevention for the regional authority in its decision to deal not only with the property claims known as of the date of the decision, but also to manage the possible issues of property or liabilities that may subsequently arise in the future. It can do so by deciding that the real estate belonging to the original municipality, even if not registered, becomes the property of the municipality in the territory of which it is located; and other property and liabilities are to become co-owned by both municipalities, in proportion to the respective numbers of inhabitants.

Reduction or abolition of a military district

Besides municipalities, territory of a region and state can be part of a military district. In the event of its abolition or reduction of the district's territory it may occur that the territory is attached to an adjacent existing municipality, or a new municipality is established. Such a change in the territory or abolition of a military district can be implemented only formally, following the relevant principles of the law. In that case, the new municipality does not have to meet the required number of 1,000 inhabitants.

Merger of municipalities and attachment of a municipality

A consolidation (merger) of municipalities or an attachment of a municipality can be effected as of 1 January or as of the local election day. The January variant stresses an essential difference between consolidation and attachment. In the case of a consolidation, the authorities of both original municipalities cease to exist and the municipality is administered by an administrator, while in the case of an attachment, it is only the authority of the attached municipality that ceases to exist, and the authorities of the other municipality continue to operate. There is no municipal administrator as an alien element, no extraordinary new election, but the citizens of the attached municipality may not become members of the municipal authority until elections. The newly consolidated municipality will carry the name of one of both municipalities; if they cannot agree on it, it will be decided by the Ministry of Interior. An agreement on consolidation of municipalities may be made based on affirmative decisions of the authorities of both municipalities. In general, the successor in title of the consolidated municipalities is the municipality that is newly established by their consolidation, and in the case of attachment, it is the municipality that does not cease to exist due to attachment. The successor in title takes over all property, all rights and liabilities of its legal predecessors, even when they have not been specified in the agreement on consolidation or attachment.

Parts of a municipality

A municipality can be divided into parts, which are units different from urban districts of territorially divided statutory towns. The decision on a division of a municipality into parts and on their names rests with the assembly. **A part of a municipality is a registration unit consisting of buildings with descriptive and registration numbers in a single numerical order.** Parts of a municipality have no legal importance other than that of record-keeping.

Names of municipalities

Each municipality has its name. An overwhelming majority of these names are historical names. A possible change of the name is a matter of decision of the municipality – with the consent of the Ministry of Interior. The municipality itself has no right to change its name, even if it were a name that was used historically for that

municipality. Only the name which is really used can be considered an official name. The names of the parts of a municipality are – as a rule – also historical (names of extinct or attached municipalities, settlements, historical territories). A municipality is entitled to use its name in full. Other subjects cannot limit this law or usurp the name of the municipality.¹⁶ Each municipality decides on the names of its parts, streets, and other public spaces. Names of municipalities, their parts, streets, and other public spaces are given in the Czech language. Streets or other public spaces are not given names after living personalities of public life.¹⁷ New numbers are paid by the municipality from its budget.

Documents of municipalities and their headings

Municipal documents, drawn up under separate competence, feature a heading with the word “Municipality (Town)” and the name of the municipality. In this way, documents issued in the delegated competence of the municipality are marked as well, even if they are not issued by the municipal authority but by another body of the municipality entrusted with the delegated competence (a council’s commission). An exception is a document issued as part of delegated competence by a special body of the municipality, with the document featuring the name of the municipality and the name of the special body in its headline.

Official notice boards

Each municipality must have an official notice board accessible 24/7, established by the municipal authority, and usually attached to the building of the municipal authority. Today, in the age of the Internet, it is a normal obligation defined by the administrative order for a municipality to have an “official electronic notice board” on its website. An electronic official notice board can also be set up by a municipality on a website of the municipality with extended competence based on a public contract, or on a website of a regional authority or a municipality with extended competence based on a decision of the regional authority.

¹⁶ The name of a municipality is not a name that is legally free, i.e. which can be registered by anybody as a domain. This can be done by the relevant municipality only.

¹⁷ Designation of public spaces will be done by a municipality at its own expense. The owner of a real estate is obliged to accept a plate with a designation of the street or other public space on their property. No other inscriptions must be affixed next to the sign. The signs must not be damaged, removed or covered. The designation is carried out uniformly, including its colour, in the whole municipality. Its language is Czech.

Municipal police

Municipal police¹⁸ can be established by the assembly by a generally binding public notice to provide for local matters concerning public order within the framework of competence of the municipality. The municipal police is managed by the mayor – if the assembly does not put some other member of the assembly in charge of this task. The municipal council may appoint one of the police officers and charge them with some tasks in the area of police management.

It seems that the municipal police have become an integral part of security forces to help and protect citizens. Nevertheless, it is reasonable to look at the experience of the Kingdom of Belgium, which cancelled or dissolved the police in the State Police. Thus, in Belgium, the costs of municipalities and municipalities have been reduced, and the available funds have been earmarked for other municipal purposes.

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¹⁸ The municipal police of a municipality may also operate in the territory of another municipality in the same region. Municipal police units emerged in 1991 as organisational units of a municipality that are not regular municipal bodies. Police officers were municipal employees, but they were not part of the municipal authority. As of 1 January 2003, the municipal police is defined by the law as a municipal body – even if it is not a typical municipal body.