

ACT
of 28 July 2005

**on amendment to some acts in connection
with adoption of the act on public research
institutions**

The Parliament has adopted the following Act of the Czech Republic:

PART ONE
**Amendment to Act on the Academy of Sciences of
the Czech Republic**

Section I

Act No. [283/1992 Coll.](#), on the Academy of Sciences of the Czech Republic, as amended by Act No. [220/2000 Coll.](#), is hereby amended as follows:

1. In Section 3(1), the words “a budget-financed organisation“ shall be replaced by the words “an organisational body of the Czech Republic“.

2. In Section 3(2), the words “its Institutes as contributory organizations“ shall be replaced by the words “on behalf of the Czech Republic its Institutes as public research institutions”.

3. Footnote 1 shall read as follows:

¹⁾ Section 48 of Act No. [218/2000 Coll.](#), on budgetary rules and on amendment to some related acts (the Budgetary Rules).

4. Section 3 shall be supplemented by paragraph 4 as follows:

“(4) The Academy supports the Learned Society of the Czech Republic, a civic association contributing to free, self-directed advancement of science in the Czech Republic, and represents it towards similar foreign scientific institutions.”

5. In Section 5(1), after the word “supreme” there is inserted the word “self-governing”.

6. Letters (d) and (e) of Section 6 shall be replaced by the following:

“(d) approve the establishment, consolidation, merger, splitting and dissolution of its Institutions,

(e) decide on proposal for appointing the President from the members of the Assembly, and on his/her recall.“.

7. After letter (e), a new letter (f) shall be added in Section 6 worded as follows:

“(f) elect and recall from their offices the elected members of the Council and members of the Council of Sciences,“.

Letter (f) shall become letter (g).

8. Letter (b) of Section 8(1) shall be deleted.

Letters (c) to (f) shall become letters (b) to (e).

9. In Section 8(1)(e) the words “vice-presidents and” shall be deleted.

10. After paragraph 1, new paragraphs 2 to 4 shall be added in Section 10 worded as follows:

“(2) The President shall be appointed and recalled by the President of the Republic from the members of the Assembly and upon the proposal of the Assembly discussed by the Government. The President serves the four-year tenure. The President may not discharge his/her office for more than two successive tenures.

(3) The President shall appoint his/her vice-presidents from the elected members of the Presidium.

(4) The President shall appoint and recall the directors of Institutes.“.

Paragraphs 2 to 4 shall become paragraphs 5 to 7.

11. Paragraph 2 in Section 11 shall read as follows:

“(2) The Council for Sciences shall consist of representatives of the Institutes, representatives of the higher education and other scientific institutions, and outstanding foreign scientists.“

12. Section 12, including footnote 2, shall read as follows:

„Section 12

The Institutes are public research institutions under a special legal regulation²⁾.

²⁾ Act No. [341/2005 Coll.](#), on public research institutions.“

Footnote 3 shall be deleted.

13. In Section 13, letter (e) including footnote 4 shall read as follows:

“(e) in cooperation with higher education institutions provide doctoral study programmes⁴⁾ and training of scientific workers,

⁴⁾ Sections 47 and 81 of the Higher Education Act.“.

14. In Section 13, a comma shall replace the full stop at the end of letter (g) and new letter (h) shall be supplemented as follows, including footnote 4a:

“(h) provide infrastructure for research and development^{4a)}.

^{4a)} Section 2(2)(f) of the R&D Support Act.“.

15. Sections 14, 15 and 17 shall be deleted.

16. The following Section (20a) shall be inserted:

“Section 20a

The tenures of persons discharging the offices of the director of an Institute or member of the Council of Sciences of an Institute on the day preceding the day of transformation of an Institute to a public research institution shall terminate on the day preceding the day of the mentioned transformation.“.

Section II

The tenures of persons discharging under current legal regulations the offices of the President of the Academy of Sciences of the Czech Republic, member of the Academic Assembly, member of the Academic Council or member of the Council of Sciences of the Academy of Sciences of the Czech Republic on the day of application of this Act shall not be affected by this Act.

Section III

The Prime Minister shall be authorised to promulgate the full wording of Act No. [283/1992 Coll.](#), on the Academy of Sciences of the Czech Republic in the Collection of Laws, as results from the amending acts.

PART TWO Amendment to the R&D Support Act

Section IV

Act No. [130/2002 Coll.](#), on support of research and development from public funds and on amendment to some related acts (the R&D Support Act), as amended by Act No. [41/2004 Coll.](#) and Act No. [215/2004 Coll.](#), is hereby amended as follows:

1. In Section 2(2)(b), the words “the receiver shall be any organisational body, legal entity“ shall be replaced by the words “the receiver shall be any organisational body, organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development, and legal entity“.
2. In Section 2(2)(c), the words “the co-receiver shall be any organisational body, legal entity“ shall be replaced by the words “the co-receiver shall be any organisational body, organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development, and legal entity“.
3. In Section 2(2)(d), the words “the applicant shall be any organisational body, legal entity“ shall be replaced by the words “the applicant shall be any organisational body, organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development, and legal entity“.
4. Letter (f) of Section 2(2) shall read as follows:
“f) the infrastructure shall be any supporting activity covering
 1. services for research and development,
 2. activity of special research facilities,
 3. activity of organisations providing administration and funding of research and development, or
 4. verification or dissemination of the research and development results,“.
5. After paragraph 4, new paragraph 5 shall be added in Section 3, worded as follows:

“(5) From the R&D expenditures, the financial consideration for exceptional results achieved in research and development or financial consideration for promotion or popularisation of research and development shall be covered. Conditions for consideration shall be defined by the Government upon the proposal of the Research and Development Council.“.

Paragraphs 5 and 6 shall become paragraphs 6 and 7.

6. Section 3(6), including footnote 2a shall read as follows:
“(6) From the R&D expenditures, the costs connected with activities of the Research and Development Council, Grant Agency of the Czech Republic and Academy of Sciences of the Czech Republic shall be covered.^{2a)}).
- ^{2a)} Sections 3(1) and 3(2) of Act No. [283/1992 Coll.](#), on the Academy of Sciences of the Czech Republic.“.
7. In Section 4(2), the words “from the R&D expenditures of that grantor“ shall be replaced by words “by form of a subsidy to legal entities or individuals, or by increasing the expenditures of organisational bodies, organisational units of the Ministry of Defence or Ministry of Interior engaged in research and development by that grantor “.
8. In the introductory sentence of Section 4(3), the words “from expenditures of organisational bodies” shall be replaced by the words “by increasing the expenditures of organisational bodies “.
9. In Section 4(3)(a), after the words “of contributory organisation“, there are inserted the words “ , public research institution and organisational body of the territorial self-governing unit” and the word “its” shall be replaced by “their”.
10. In Section 4(3)(f), after the words “of organisational body”, there are inserted the words “of the Czech Republic”.
11. In Section 4(4), after the word “subsidy” there are inserted the words “to legal entities or by increasing the expenditures of organisational bodies”.
12. New paragraph 8 shall be added in Section 4, including footnote 5a) as follows:
“(8) If the grantor, who is the administrator of the state budget chapter under a special legal regulation^{5a)}, conducts himself research the solution of which is subject to protection of classified matters or concerns defence or national security issues, this research shall be covered as an institutional support of a research plan from expenditures of that grantor. Provisions of Section 4(3), Section 27, Section 28, and Section 29(4) and (5) shall not apply to this support granting. The prior written consent of the Research and Development Council shall be necessary for this procedure.
- ^{5a)} E.g., Section 8 of Act No. [148/1998 Coll.](#), on protection of classified matters and on amendment to some acts.“.
13. Second paragraph of Section 8 shall read as follows:

“(2) For each applied result, the receiver must show all sources of public funds, with the support of which this result was achieved. The result entered in the R&D Information System may include more knowledge on condition that the grantor admits at final evaluation that the learnt knowledge fulfilled the targets of the project or research plan solution set in the contract concluded under Section 9(1) to (4), or decision issued under Section 9(5) and (6).“.

14. In Section 9(5), the first words of the sentence “If the targeted support receiver is an organisational body, the grantor shall grant“ shall be replaced by the words “If the targeted support receiver or co-receiver is an organisational body, organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development, the grantor shall grant“.

15. In the second sentence of Section 10(2), after the words “a budget measure” a comma shall be inserted together with the words “with the exception of cases when the co-receiver is an organisational body“.

16. In the first sentence of Section 10(5), after the word “receiver” there are the words inserted “, with the exception of cases when the co-receiver is an organisational body“.

17. In Section 11(4), the words “If the targeted support receiver is an organisational body, the grantor shall issue a decision” shall be replaced by the words “If the targeted support receiver is an organisational body, organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development, the grantor shall issue a decision“.

18. In the third sentence of Section 15, the words “If the receiver or co-receiver is an organisational body, the owner of assets procured or created by them shall be the Czech Republic” shall be replaced by the words “If the receiver or co-receiver is an organisational body or organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development, the owner of assets procured or created by them shall be the Czech Republic”.

19. In the first sentence of Section 17(6), the words “to chosen legal entities, individuals or organisational bodies” shall be replaced by the words “to chosen legal entities, individuals, organisational bodies, or organisational units of the Ministry of Defence or Ministry of Interior engaged in research and development”.

20. In Section 17(7), after the words “support granting in the form of a subsidy” there are the words inserted “or expenditure of the Ministry of Defence or Ministry of Interior”.

21. Letter (g) of Section 18(2) shall be supplemented by the following sentence: “This shall not apply to the organisational units of the Ministry of Defence or Ministry of Interior engaged in research and development“.

22. Text at the end of letter (b) of Section 18(4) shall be supplemented by following words: “with the exception of persons, for whom conditions are set by a special legal regulation^{27a)} for discharge of the office of a statutory body or its member that are similar to the capacity conditions as provided for in letters (e) and (f) of the second paragraph.“.

Footnote 27a) shall read as follows:

^{27a)} E.g., Section 17(4) of Act No. [341/2005 Coll.](#), on public research institutions“.

23. Text at the end of letter (b) of Section 18(5) shall be supplemented by following words: “, with the exception of persons, for whom conditions are set by a special legal regulation^{27a)} for discharge of the office of a statutory body or its member that are similar to the capacity conditions as provided for in letters (e) and (f) of the second paragraph.“.

24. In Section 18(8), the words “and which could affect“ shall be replaced by the words “or which could affect“.

25. In the second sentence of Section 21(3), after the word “acceptance” there are the words inserted “or non-acceptance”.

26. In Section 21(10), the words “under paragraph 7” shall be replaced by the words “under paragraphs 3 and 7”.

27. In the fifth sentence of Section 27(2), the words “on the draft projects“ shall be replaced by the words “on the draft research plans”.

28. In Section 27(4), after the words “in the form of a subsidy” there are the words inserted “or support of the expenditure of the Ministry of Defence or Ministry of Interior”.

29. In Section 28(2)(a), the words “an organisational body, and” shall be replaced by the words “an organisational body, organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development, and”.

30. In Section 28(3), the words “a state contributory organisation, public higher education institution or organisational body,“ shall be replaced by the words “a state contributory organisation, public higher education institution, organisational body, organisational unit of the Ministry of Defence or Ministry of Interior engaged in research and development “.

31. In the introductory part of Section 28(3), after the words “a state contributory organisation,“ there are the words inserted “contributory organisation of a territorial self-governing unit, public research institution,“.

32. In Section 28(3)(b), after the words “take measures” there is the word inserted “forthwith”; and the words “before start of another accounting period” shall be deleted.

33. In Section 28(3)(d), after the words “into the general reserve fund” there are the words inserted “or another fund as provided for in a special legal regulation“.

34. In Section 28(5), the words “and which could affect” shall be replaced by the words “or which could effect”.

35. In Section 31(11)(b), the words “which concern

organisational bodies, legal entities or individuals within his/her competence,” shall be replaced by the words “which concern organisational bodies, organisational units of the Ministry of Defence or Ministry of Interior engaged in research and development, as well as legal entities or individuals within his/her competence.”.

36. Letter (a) of Section 36(2) shall read as follows:
“(a) preparation and implementation of programmes and other activities in the area of basic research, including public tenders in research and development for the support of grant projects,“.

PART THREE

Amendment to the Act on Real Estate Tax

Section V

Act No. [338/1992 Coll.](#), on real estate tax, as amended by Act No. [315/1993 Coll.](#), Act No. [242/1994 Coll.](#), Act No. [248/1995 Coll.](#), Act No. [65/2000 Coll.](#), Act No. [492/2000 Coll.](#), Act No. [239/2001 Coll.](#), Act No. [483/2001 Coll.](#), Act No. [576/2002 Coll.](#), Act No. [237/2004 Coll.](#), Act No. [669/2004 Coll.](#) and Act No. [179/2005 Coll.](#), is hereby amended as follows:

1. In Section 4(1), a comma shall replace the full stop at the end of letter (t) and new letter (u) shall be supplemented as follows:

“(u) land in ownership of public research institutions.“.

2. The second sentence of Section 4(3) shall be replaced by following sentence: “Land as set forth in letters (e) to (g), (l), (r), (t) and (u) of the first paragraph shall be exempt from the land tax, if it is neither used for business activities nor leased.“.

3. The fourth paragraph of Section 4 shall read as follows:

“(4) The tax payer shall claim the land tax exemption under letters (e) to (h), (j), (k), (m), (n), (p), (r), and (u) of the first paragraph in his/her tax return.“.

4. In Section 9(1), a comma shall replace the full stop at the end of letter (t) and new letters (u) and (v) shall be supplemented as follows:

“(u) buildings in ownership of public research institutions,
(v) buildings in ownership of public higher education institutions.“.

5. The third paragraph of Section 9 shall read as follows:

“(3) The exemption shall apply also to flats and separate non-residential spaces, which meet the conditions for exemption under letters (a) to (c), (e), (f), (h), (i), (k) to (n), (p), (r), (t), (u) and (v) of the first paragraph, unless provided otherwise hereinafter.“.

6. The second sentence of Section 9(5) shall be replaced by following sentence: “Buildings, flats or separate

non-residential spaces as set forth in letters (e), (f), (u), and (v) of the first paragraph shall be exempt from the building tax, if they are neither used for business activities nor leased.“.

7. The sixth paragraph of Section 9 shall read as follows:

“(6) The tax payer shall claim the building tax exemption under letters (e) to (k), (m) to (r), (u), and (v) of the first paragraph in his/her tax return.“.

PART FOUR

Amendment to the Civil Procedure Code

Section VI

Section 9(3) of Act No. [99/1963 Coll.](#), the Civil Procedure Code, as amended by Act No. [519/1991 Coll.](#), Act No. [24/1993 Coll.](#), Act No. [117/1994 Coll.](#), Act No. [216/1994 Coll.](#), Act No. [15/1998 Coll.](#), Act No. [30/2000 Coll.](#), Act No. [151/2002 Coll.](#), Act No. [628/2004 Coll.](#) and Act No. [216/2005 Coll.](#), shall be supplemented by letter (x) that reads as follows, including footnote 53b):

“(x) in proceedings for dissolution of a public research institution and its liquidation, and for appointment and removal of its liquidator^{53b)}).

^{53b)} Section 13 of Act No. [341/2005 Coll.](#), on public research institutions.“.

PART FIVE

Amendment to the Act on Income Taxes

Section VII

Act No. [586/1992 Coll.](#), on income taxes, as amended by Act No. [35/1993 Coll.](#), Act No. [96/1993 Coll.](#), Act No. [157/1993 Coll.](#), Act No. [196/1993 Coll.](#), Act No. [323/1993 Coll.](#), Act No. [42/1994 Coll.](#), Act No. [85/1994 Coll.](#), Act No. [114/1994 Coll.](#), Act No. [259/1994 Coll.](#), Act No. [32/1995 Coll.](#), Act No. [87/1995 Coll.](#), Act No. [118/1995 Coll.](#), Act No. [149/1995 Coll.](#), Act No. [248/1995 Coll.](#), Act No. [316/1996 Coll.](#), Act No. [18/1997 Coll.](#), Act No. [151/1997 Coll.](#), Act No. [209/1997 Coll.](#), Act No. [210/1997 Coll.](#), Act No. [227/1997 Coll.](#), Act No. [111/1998 Coll.](#), Act No. [149/1998 Coll.](#), Act No. [168/1998 Coll.](#), Act No. [333/1998 Coll.](#), Act No. [63/1999 Coll.](#), Act No. [129/1999 Coll.](#), Act No. [144/1999 Coll.](#), Act No. [170/1999 Coll.](#), Act No. [225/1999 Coll.](#), Decision of the Constitutional Court published in the Collection of Laws under No. [3/2000 Coll.](#), Act No. [17/2000 Coll.](#), Act No. [27/2000 Coll.](#), Act No. [72/2000 Coll.](#), Act No. [100/2000 Coll.](#), Act No. [103/2000 Coll.](#), Act No. [121/2000 Coll.](#), Act No. [132/2000 Coll.](#), Act No. [241/2000 Coll.](#), Act No. [340/2000 Coll.](#), Act No. [492/2000 Coll.](#), Act No. [117/2001 Coll.](#), Act No. [120/2001 Coll.](#), Act No. [239/2001 Coll.](#), Act No. [453/2001 Coll.](#), Act No. [483/2001 Coll.](#), Act No. [50/2002 Coll.](#), Act No. [128/2002 Coll.](#), Act No. [198/2002 Coll.](#), Act No. [210/2002 Coll.](#), Act No. [260/2002 Coll.](#), Act No. [308/2002 Coll.](#), Act No. [575/2002 Coll.](#), Act No. [162/2003 Coll.](#), Act No. [362/2003 Coll.](#), Act No. [438/2003 Coll.](#), Act No. [19/2004 Coll.](#), Act No. [47/2004 Coll.](#), Act No. [49/2004 Coll.](#), Act No. [257/2004 Coll.](#), Act No. [280/2004 Coll.](#), Act No. [562/2004 Coll.](#), Act No. [628/2004 Coll.](#), Act No. [676/2004 Coll.](#), Act No. [669/2004 Coll.](#) and Act No. [179/2005 Coll.](#), is hereby amended as follows:

1. In Section 4(1)(k), the words “from the resources of a higher education institution” shall be replaced by the words

“from the resources of a higher education institution or public research institution“.

2. In the fifth paragraph of Section 18, after the words “a public higher education institution” there are the words inserted “or public research institution”.

3. In the eight paragraph of Section 18, after the words “public higher education institutions,“ there are the words inserted “public research institutions,“.

4. The seventh paragraph of Section 20 shall read as follows:

“(7) The tax payers as defined under Section 18(3), who are not founded or established for the business purposes, may further reduce their tax base being ascertained under paragraph 1 and reduced under Section 34 by up to 30%, but by CZK 1 000 000 maximally, if they use the resources obtained by thus reduced tax liability to cover the costs (expenses) related to activities, the revenues from which are not subject to tax, in 3 consecutive taxation periods at the latest; for tax payers established for provision of a public service in television or radio broadcasting only if they use thus obtained resources in the next taxation period to cover the costs (expenses) connected with provision of a public service; and for a partnership of unit owners only if they use thus obtained resources in the next taxation period to cover the costs (expenses) connected with the housing management; for the tax payers operating a health care facility only if they use thus obtained resources in the next taxation period to cover the costs (expenses) connected with the provision of health care services. In case that the 30 % reduction amounts to less than CZK 300 000, it is possible to deduct CZK 300 000, but up to the amount of the tax base maximally. The public higher education institutions and public research institutions may further reduce their tax base being ascertained under paragraph 1 and reduced under Section 34 by up to 30 %, but by CZK 3 000 000 maximally, if they use the resources obtained by thus reduced tax liability in the next taxation period to cover the costs (expenses) of educational, scientific, research, development or art activities; in case that the 30 % reduction amounts to less than CZK 1 000 000 they may deduct CZK 1 000 000, but up to the amount of the tax base maximally.“.

PART SIX

Amendment to Act on Inheritance Taxes, Gift Taxes and Real Estate Transfer Taxes

Section VIII

Act No. [357/1992 Coll.](#), on inheritance taxes, gift taxes and real estate transfer taxes, as amended by Act No. [18/1993 Coll.](#), Act No. [322/1993 Coll.](#), Act No.

[42/1994 Coll.](#), Act No. [72/1994 Coll.](#), Act No. [85/1994 Coll.](#), Act No. [113/1994 Coll.](#), Act No. [248/1995 Coll.](#), Act No. [96/1996 Coll.](#), Act No. [151/1997 Coll.](#), Act No. [203/1997 Coll.](#), Act No. [227/1997 Coll.](#), Act No. [169/1998 Coll.](#), Act No. [95/1999 Coll.](#), Act No. [27/2000 Coll.](#), Act No. [103/2000 Coll.](#), Act No. [132/2000 Coll.](#), Act No. [340/2000 Coll.](#), Act No. [364/2000 Coll.](#), Act No. [117/2001 Coll.](#), Act No. [120/2001 Coll.](#), Act No. [148/2002 Coll.](#), Act No. [198/2002 Coll.](#), Act No. [320/2002 Coll.](#), Act No. [420/2003 Coll.](#), Act No. [669/2004 Coll.](#) and Act No. [179/2005 Coll.](#), is hereby amended as follows:

1. In Section 20, a comma shall replace the full stop at the end of paragraph 1 and new letters (d) and (e) shall be supplemented as follows:

“(d) public research institutions,
(e) public higher education institutions.“.

2. In Section 20, a comma shall replace the full stop at the end of paragraph 2 and new letter (f) shall be supplemented as follows:

“(f) transfers and transitions of ownership to real estates between the founders of public research institutions and public research institutions.“.

PART SEVEN

Amendment to Act on the State Statistical Service

Section IX

Act No. [89/1995 Coll.](#), on the state statistical service, as amended by Act No. [356/1999 Coll.](#), Act No. [220/2000 Coll.](#), Act No. [256/2000 Coll.](#), Act No. [411/2000 Coll.](#), Act No. [202/2002 Coll.](#), Act No. [320/2002 Coll.](#), Act No. [81/2004 Coll.](#) and Act No. [562/2004 Coll.](#), is hereby amended as follows:

1. In Section 22 (1)(e), after the words “under a special legal regulation^{12a)}“ there are the words inserted “and public research institution^{12b)}“, including footnote 12b):

^{12b)} Act No. [341/2005 Coll.](#), on public research institutions.“.

2. In Section 22 (4), the words “paragraph 1 letters (a), (c) and (d)” shall be replaced by the words “paragraph 1 letters (a) and (c) to (e)“.

PART EIGHT

Amendment to Act on the Conditions of Transfer of Farmland and Forest Land from the State Ownership to Other Entities

Section X

Act No. [95/1999 Coll.](#), on the conditions of transfer of farmland and forest land from the state ownership to other entities and on amendment to Act No. [569/1991 Coll.](#), on the Land Fund of the Czech Republic, as subsequently amended, and Act No. [357/1992 Coll.](#), on inheritance taxes, gift taxes and real estate transfer taxes, as subsequently amended, as amended by Act No. [253/2001 Coll.](#), Act No. [253/2003 Coll.](#), Act No. [354/2004 Coll.](#) and Act No. [94/2005 Coll.](#), is hereby amended as follows:

1. In Section 4, a comma shall replace the full stop at the end

of paragraph 1 and new letter (f) shall be supplemented as follows:

“(f) a public research institution conducting research in farming or forest branches (hereinafter referred to as the “public research institution”).“

2. In Section 4(3), after the word “municipality” there are the words inserted “, public research institution”.

3. In Section 5, new paragraph 4 shall be added after paragraph 3, worded as follows:

“(4) Upon a written request of a public research institution, the Land Fund may transfer, on free of charge basis, into its possession the land, which this institution necessarily needs for research in the area of agriculture, veterinary medicine and hygiene, or forestry.”.

Paragraphs 4 to 6 shall become paragraphs 5 to 7.

4. In Section 5(7), the words “in paragraphs 1, 4 or 5” shall be replaced by the words “in paragraphs 1, 5 or 6”.

PART NINE

Amendment to Act on Genetic Resources of Plants and Micro-organisms

Section XI

In letter (k) of Section 2(1) of Act No. [148/2003 Coll.](#), on conservation and utilisation of genetic resources of plants and micro-organisms important for food and agriculture and on amendment to Act No. [368/1992 Coll.](#), on administrative fees, as subsequently amended (Act on Genetic Resources of Plants and Micro-organisms), after the words “an authorised person is a contributory organisation” there are the words inserted “or public research institution”.

PART TEN

Amendment to Act on Budgetary Rules for Territorial Budgets

Section XII

In Section 23 of Act No. [250/2000 Coll.](#), on budgetary rules for territorial budgets, as amended by Act No. [562/2004 Coll.](#), a comma shall replace the full stop at the end of paragraph 1 and new letter (f) shall be supplemented as follows, including footnote 16b:

“(f) establish public research institutions under a special law^{16b}).

^{16b}) Act No. [341/2005 Coll.](#), on public research institutions.“

PART ELEVEN

Amendment to the Labour Code

Section XIII

In Section 5 of Act No. [65/1965 Coll.](#), the Labour Code, as amended by Act No. [20/1975 Coll.](#), Act No.

[111/1984 Coll.](#), Act No. [188/1988 Coll.](#), Act No. [3/1991 Coll.](#), Act No. [74/1994 Coll.](#), Act No. [155/2000 Coll.](#), Act No. [238/2000 Coll.](#), Act No. [257/2000 Coll.](#), Act No. [309/2002 Coll.](#) and Act No. [312/2002 Coll.](#), after the words “higher education institutions,” there are the words inserted “directors of public research institutions,”.

PART TWELVE

Amendment to the Higher Education Act

Section XIV

Act No. [111/1998 Coll.](#), on higher education institutions, as amended by Act No. [210/2000 Coll.](#), Act No. [147/2001 Coll.](#), Act No. [96/2004 Coll.](#), Act No. [121/2004 Coll.](#), Act No. [436/2004 Coll.](#), Act No. [473/2004 Coll.](#) and Act No. [562/2004 Coll.](#), is hereby amended as follows:

1. Text at the end of paragraph 3 of Section 18 shall be supplemented by following words: “and by special legal regulations providing for the support of research and development^{7a})“.

The footnote 7a shall read as follows:

^{7a}) The R&D Support Act.

Government Regulation No. [462/2002 Coll.](#), on institutional support of research and development from public funds and on assessment of research plans, as amended by Government Regulation No. [28/2003 Coll.](#), Government Regulation No. [461/2002 Coll.](#), on targeted support of research and development from public funds and on public tenders in research and development.“.

2. In Section 18, a comma shall replace the full stop at the end of paragraph 5 and new letters (e) and (f) shall be supplemented as follows:

“(e) targeted support fund,
(f) social fund.“.

3. In Section 18(6), after the words “higher education institutions” there are the words inserted “as set forth in paragraph 5 letters (a) to (d) “ and the words “from the income from operations” shall be replaced by the words “from profit”.

4. Text at the end of paragraph 6 of Section 18 shall be supplemented by following sentences: “The public higher education institution may allocate the profit after tax to funds only in case that the loss, if any, from the previous periods was covered. The funds balances as at 31 December of the current year shall be carried forward to the next fiscal year. The utilisation of the resources in funds set forth in paragraph 5 letters (a) to (d) and (f) shall be regulated by the statute of the higher education institution.“.

5. In Section 18, new paragraphs 7 to 10 shall be supplemented after paragraph 6 as follows:

“(7) The public higher education institution shall create the targeted support fund from
a) targeted donations, with the exception of donations intended for acquisition and technical improvement of fixed assets,
b) targeted support from abroad,
c) targeted public support, including the targeted and institutional public support to research and

development which could not be used effectively by a public higher education institution in that fiscal year, in which it was granted to it.

(8) The targeted support under paragraph 7 letter (c) may be transferred by a public higher education institution into the targeted support fund up to the amount of 5 % of the public targeted support granted to a public higher education institution to individual research and development projects or research plans in the given calendar year; in case of any other public support up to the amount of 5 % of this support granted to a public higher education institution in the given calendar year. The grantor shall be notified of the targeted support transfer by the public higher education institution in written.

(9) The public higher education institution may use the targeted support fund resources only for the purpose for which they were granted.

(10) The social fund shall be made up of the basic allocation to the debit of the public higher education institution's expenses up to the amount of 2 % from the annual volume of expenses of the public higher education institution on wages, wage compensations and bonuses for work readiness.“.

Paragraph 7 shall become paragraph 11.

6. In Section 40, new paragraph 4 shall be supplemented as follows, including footnote 7a:

“(4) The granting of subsidies to private higher education institutions for research and development shall be governed by special legal

regulations providing for the research and development support.^{7a)}“.

7. In the third sentence of Section 83 (1), the words “of the government of the Czech Republic” shall be deleted.

8. In Section 95(1), the words “contributory organisations” shall be replaced by the words “organisational bodies of the state”.

9. In Annex 2 to the Act the words:

”Military higher education institutions in the Czech Republic:

Military University of Ground Forces in Vyškov
Military Academy in Brno

Jan Evangelista Purkyně Military Medicine Academy
in Hradec Králové“

shall be replaced by the words:

”Military higher education institution:

University of Defence in Brno“.

PART THIRTEEN APPLICATION

Section XV

This Act shall apply from the day of its publication

Zaorálek m.p.

Klaus m.p.

Paroubek m.p.