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ACT

of 21 April 2010

on Development Cooperation and Humanitarian Aid, and Amending Related Laws

Parliament has passed the following Act of the Czech Republic:

**PART ONE
DEVELOPMENT COOPERATION AND HUMANITARIAN AID**

**TITLE I
GENERAL PROVISIONS**

**Section 1
Subject-matter**

This Act lays down conditions for the provision of development cooperation and humanitarian aid financed from the national budget, and the competence of government authorities and the Czech Development Agency in this area.

**Section 2
Definitions**

In this Act

- a) “development cooperation” shall mean the set of activities financed from the national budget aimed at contributing to the eradication of poverty in the context of sustainable development, including the fulfilment of the Millennium Development Goals,¹⁾ to economic and social development, to environmental protection, and to the promotion of democracy, human rights and good governance in developing countries,
- b) “humanitarian aid” shall mean the set of activities financed from the national budget in order to prevent loss of life and injury, to alleviate suffering and to restore the basic living conditions of people after an emergency, and to mitigate long-lasting consequences of emergencies and to prevent their occurrence and negative consequences.

**Section 3
Provision of Development Cooperation**

Development cooperation shall be carried out in a manner which meets the stated objectives, in particular by means of the implementation of development programmes and projects, the deployment of experts, the granting of government scholarships to study at universities in the Czech Republic, financial assistance to foreign countries, financial contributions to foreign institutions, international organisations and integration groupings, and concessional export financing.

Section 4
Provision of Humanitarian Aid

Humanitarian aid shall be carried out in a manner which effectively meets the objectives thereof, in particular by means of the donation of necessary items in-kind to the affected area (hereinafter referred to as “in-kind assistance”), involvement in rescue operations by dispatching rescue workers or experts with the necessary equipment according to the Integrated Rescue System Act (hereinafter referred to as “rescue assistance”), financial donations to foreign countries, financial contributions to international organizations and integration groupings, and humanitarian aid projects.

Section 5
Rules for the Funding of Development Cooperation and Humanitarian Aid

(1) Expenditures on development cooperation and humanitarian aid under Sections 3 and 4 shall be regarded as additional expenditures under the Budgetary Rules Act.²⁾

(2) The funding of development cooperation and humanitarian aid shall not be subject to the provisions of the Budgetary Rules Act concerning programmes and the funding thereof from the national budget.³⁾

(3) The Government shall determine the limit up to which its approval shall not be required for financial donations to foreign countries under Sections 3 and 4.

TITLE II
COMPETENCE IN THE FIELD OF DEVELOPMENT COOPERATION AND HUMANITARIAN AID

Section 6

Government authorities, within the scope of their competence, shall provide development cooperation in accordance with the strategy and principles approved by the Government.

Section 7
Ministry of Foreign Affairs

(1) In the field of development cooperation, the Ministry of Foreign Affairs shall, in particular,

- a) submit to the Government a draft strategy and draft principles of development cooperation and an evaluation thereof,
- b) prepare an annual plan of development cooperation and submit it to the Government for approval,
- c) take decisions on financial donations to foreign countries up to the Government-appointed limit,
- d) provide financial contributions to foreign institutions in accordance with the principles of development cooperation,
- e) coordinate the activities of other government authorities which, within the scope of their competence, provide development cooperation,
- f) support, in accordance with the law of the European Union, Czech entities seeking to participate in the implementation of projects within the framework of development cooperation provided by other donors,
- g) conduct evaluations of development cooperation and humanitarian aid projects .

(2) The Ministry of Foreign Affairs shall provide humanitarian aid to countries outside the European Union and the European Economic Area and shall decide on the extent and form thereof. When deciding

on the provision of in-kind and rescue assistance, it shall proceed in cooperation with the Ministry of the Interior.

(3) The Ministry of Foreign Affairs shall cooperate in the field of development cooperation and humanitarian aid with institutions of the European Union, including exchanges of information with the Commission of the European Communities.⁴⁾

Section 8 **Czech Development Agency**

(1) The Czech Development Agency shall be established as a government administrative unit with responsibilities in the field of development cooperation and humanitarian aid.

(2) The role of the founder of the Czech Development Agency shall be exercised by the Ministry of Foreign Affairs, from whose budget the activities of the Czech Development Agency shall be funded.

(3) The Czech Development Agency shall be an accounting entity.

(4) The Czech Development Agency shall

- a) be responsible for the provision of development cooperation in accordance with the development cooperation plan,
- b) be responsible for implementing humanitarian aid projects in accordance with the requirements of the Ministry of Foreign Affairs,
- c) grant subsidies to entities in the Czech Republic in accordance with the development cooperation plan; other subsidies may be granted only with the consent of the Ministry of Foreign Affairs.

Section 9 **Ministry of the Interior**

The Ministry of the Interior shall provide humanitarian aid to the Member States of the European Union and other States forming the European Economic Area and shall decide on the extent and form thereof. It shall notify the Ministry of Foreign Affairs of the provision of humanitarian aid.

Section 10 **Administration of State Material Reserves**

The Administration of State Material Reserves shall create reserves for humanitarian aid in accordance with the requirements of the Ministry of Foreign Affairs or the Ministry of the Interior. The state material reserves thus created shall be classified under emergency stocks.

TITLE III COMMON AND TRANSITIONAL PROVISIONS

Section 11

(1) Government organizational units which are accounting entities and which, under other legislation, manage State assets,⁵⁾ shall be authorised to provide such assets for humanitarian aid in accordance with the requirements of the Ministry of Foreign Affairs under Section 7(2) or of the Ministry of the Interior under Section 9.

(2) The Ministry of the Interior shall be authorized to insure assets deployed abroad to provide humanitarian aid in case of damage or loss in transit.

(3) The acquisition and management of assets for humanitarian aid shall not be subject to the Act on the Property of the Czech Republic and its Conduct in Legal Relations.⁶⁾

Section 12

(1) The Czech Development Agency established under an administrative provision of the Ministry of Foreign Affairs on 1 January 2008 shall be abolished on the date that this Act enters into effect.

(2) On the date that this Act enters into effect, the exercise of rights and obligations, including rights and obligations associated with labour relations, shall be transferred from the Czech Development Agency established under an administrative provision of the Ministry of Foreign Affairs on 1 January 2008 to the Czech Development Agency established under the present Act.

(3) On the date that this Act enters into effect, the competence to manage assets owned by the Czech Republic which, as at the date on which this Act enters into effect, the Czech Development Agency is competent to manage shall be transferred to the Czech Development Agency established under the present Act.

PART TWO **Amendment to the Integrated Rescue System Act**

Section 13

Act No 239/2000 on the Integrated Rescue System, and Amending Related Laws, as amended by Act No 320/2002, Act No 20/2004, Act No 186/2006, Act No 267/2006 and Act No 306/2008, is amended as follows:

1. In Section 7(2), subparagraph (j) is deleted.

The current subparagraph (k) is renumbered as subparagraph (j).

2. In Section 7, the following paragraph (4) is added after paragraph (3):

“(4) Further, the Ministry of the Interior shall

- a) organise rescue and in-kind assistance abroad in cooperation with the Ministry of Foreign Affairs, the integrated rescue system units or the central administrative authorities,
- b) continuously operate, in accordance with international treaties binding upon the Czech Republic, a contact point for requests for humanitarian aid from an affected State or international organization, without prejudice to requests for humanitarian aid through diplomatic channels or notification of a major emergency abroad which may endanger the Czech Republic,
- c) inform the relevant international organizations of the forces and resources of the Czech Republic earmarked for humanitarian aid.”

The current paragraphs (4) to (7) are renumbered as paragraphs (5) to (8) respectively.

3. In Section 7(5), the words “in paragraphs (2) and (3)” are replaced by the words “in paragraphs (2) to (4)”.

PART THREE

Amendment to the Act on the Competence of the Administration of the State Material Reserves

Section 14

In Section 4 of Act No 97/1993 on the Competence of the Administration of State Material Reserves, as amended by Act No 241/2000, at the end of the text of paragraph (4) the words “and for in-kind humanitarian aid ^{2d)}” are added.

Footnote 2d reads:

“2) Act No 151/2010 on Development Cooperation and Humanitarian Aid, and Amending Related Laws.”.

PART FOUR EFFECT

Section 15

This Act shall enter into effect on the first day of the second month following the date of promulgation hereof.

Vlček, m.p.

Klaus, m.p.

Fischer, m.p.

1) Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: “The European Consensus” (2006/C 46/01).

2) Section 7(1)(v) of Act No 218/2000 on Budgetary Rules, and Amending Some Related Laws (Budgetary Rules), as amended.

3) Section 12 and 13 of Act No 218/2000, as amended by Act No 26/2008.

4) E.g. Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation, Council Regulation (EC) No 1257/96 of 20 June 1996 on humanitarian aid.

5) E.g. Act No 97/1993 On the Competence of the Administration of State Material Reserves, as amended, Act No 219/2000 On the Property of the Czech Republic and its Conduct in Legal Relations, as amended.

6) Act No 219/2000 On the Property of the Czech Republic and its Conduct in Legal Relations, as amended.