

473**ACT**

of 23 September 2005

**on the provision of private security services and on amendments
and supplements to certain laws (Private Security Act)**

The National Council of the Slovak Republic has passed the following Act:

Art. I

**PART ONE
FUNDAMENTAL PROVISIONS**Section 1
Subject of Regulation

- (1) This Act regulates
- the provision of services in the field of private security,
 - the execution of state supervision by the Ministry of Interior of the Slovak Republic (hereinafter called the "Ministry") and inspection by the Police Force in the field of private security.

(2) Private security is provided as a private security service (hereinafter called "security service") or as a technical service for protection of property and persons (hereinafter called "technical service").

(3) This Act shall not apply to the operation of activities that are a security service, provided such activities are carried out, for its own needs, by a state authority, the National Bank of Slovakia, the Armed Forces of the Slovak Republic, armed security forces, armed forces, a rescue squad or a guard established by law ¹⁾, a diplomatic mission or a consular authority or a body of a territorial self-government performing public administration duties.

Section 2
Security Service

- (1) The kinds of security service are as follows:
- guard service,
 - detective service,
 - professional training and consultancy.

(2) A natural or legal person provides a security service for other persons or for the sake of own protection.

¹⁾ For example, Act of the National Council of the Slovak Republic No. 255/1994 Coll. on Field Guard, Act No. 139/2002 Coll. on Fishing as subsequently amended, Act No. 543/2002 Coll. on Nature and Landscape Protection as subsequently amended.

Section 3
Guard Service

A guard service means

- protection of property at a publicly accessible place,
- protection of property at a location other than a publicly available place,
- protection of persons,
- protection of property and persons during transport,
- protection of the transport of property and persons,
- securing order at a place of a gathering of persons,
- operating a security or alarm system and its components, judging an unauthorised entry into a guarded object or place (henceforth as "operation of a security or alarm system"), or
- drawing up a protection plan.

Section 4
Detective Service

(1) A detective service means

- a search for a person,
- a search for property,
- monitoring the activities of persons in a closed area or space,
- obtaining data that might be used as evidence in proceedings before a court of justice or an administrative authority,
- obtaining data on the personal status of an individual and gathering information concerning an individual's or legal entity's conduct or as to their financial standing,
- obtaining information in connection with recovery of receivables, or
- obtaining information on unlawful conduct jeopardising a business secret.²⁾

(2) A detective service shall not be deemed to include the activities referred to in subsection 1 above, provided they are carried out as part of activities under special legislation.

Section 5
Professional Training and Consultancy

Professional training and consultancy means

- preparation for the provision of a guard service,
- preparation for the provision of a detective service,

²⁾ Article 17 of the Commercial Code

- c) provision of professional advice on the rendering of a guard service, or
- d) provision of professional advice on the rendering of a detective service.

Section 6 Own Protection

Own protection means providing a security service for own needs on condition that it is provided by at least one employed person.

Section 7 Technical Service

(1) A technical service means the development, manufacture, designing, installation, maintenance, revision or repair of security or alarm systems or systems and devices enabling the monitoring of a person's movement and conduct in a guarded object or place or in the vicinity thereof.

(2) The provisions hereof shall not apply to the activities quoted in subsection 1 above, provided such activities relate to mechanical locks with a less than three-point locking mechanism from one location and to portable safes.

Section 8 Definition of Some Terms

For the purposes hereof,

- a) security practice shall be understood as physical protection, a search, professional training for and consultancy on such activities;
- b) physical protection shall be understood as patrolling, guarding, and operation of a security or alarm system and direct supervision and control of such activities;
- c) a search shall be understood as direct performance of the activities referred to in section 4 above and direct supervision and control of such activities;
- d) patrolling shall be understood as direct performance of the activities referred to in section 3, letters a), b) and f) by a person entrusted with securing physical protection who moves alternately within the same guarded object or place area;
- e) guarding shall be understood as direct performance of the activities referred to section 3, letters a) to f) by a person entrusted with securing physical protection who is present at a guard post in a guarded object or place or at guarded property where he/she shall carry out such activities;
- f) an intervention shall be understood as activities of a person entrusted with carrying out physical protection or a search who intervenes in the basic rights and liberties of another person;
- g) a security system shall be understood as a system of electrical, electronic, mechanical or other components forming a firmly built-in obstacle or barrier preventing a person or an animal or a means of transport from entering or leaving a guarded object or place, which obstacle or barrier cannot be overcome without necessary skills or the use of force;
- h) an alarm system shall be understood as a system of electrical, electronic, mechanical or other components forming a device firmly built in a guarded object or place, which device generates a light, sound or other signal in case of any unauthorised entry into a guarded object or place;
- i) a material means of security shall be understood to denote a thing, including an animal, that is designed to be used as a weapon or means to cease or restrict the movement of a person, animal or car or to restrict the functionality of other technical equipment;
- j) other technical device shall be understood as an appliance or instrument used to perform duties associated with physical protection, a search, professional training and consultancy;
- k) a certificate of education shall be understood to denote a diploma certifying having completed university studies, a certificate of having completed a course of study or a certificate of having received professional training referred to in section 94 subsection 3 or a certificate of having passed a qualification examination pursuant to section 18;
- l) a certificate of security practice or certificate of practice shall be understood to mean a certificate wherein the dates of commencement and completion of performance of security practice as well as the function (post) held are indicated; besides, such a certificate must specify who has issued it and contain the reference number under which it has been issued, the signature of a person who has signed it, with his/her name and surname and title being indicated and the stamp of the issuer of the certificate being attached thereto;
- m) armed forces shall be understood as armed forces established by special legislation; for the purposes hereof, the same position is also held by the Slovak Intelligence Service, the National Security Office, the Military Police and the Municipal Police;
- n) armed security forces shall be understood as armed security forces established by special legislation;
- o) a place of business of a natural person shall be understood as an address from which the natural person governs the activities related to the operation of private security;
- p) an operation shall be understood as a place other than the registered office of a legal entity or the place of business of a natural person, from which the activities related to the operation of private security are managed;
- r) a publicly accessible place shall be understood as each place which no person is forbidden to enter;
- s) a provider shall be understood to mean a natural or legal person that has been granted a licence to provide a security service;
- t) residence in the Slovak Republic shall be understood as a permanent residence, temporary stay or reported stay under special legislation³⁾;
- u) a responsible representative shall be understood as a natural person having his/her residence in the Slovak Republic who is in charge of due provision of a security or technical service.

³⁾ Act No. 48/2002 Coll. on the Residence of Foreigners and on Amendments and Supplements to Certain Acts as subsequently amended.
Act No. 135/1982 Coll. on Reporting and Registration of the Residence of Citizens as subsequently amended.

**PART TWO
SECURITY SERVICE**

CHAPTER ONE
AUTHORISATION TO PROVIDE A SECURITY SERVICE

Section 9
General Provisions

(1) A security service may be provided based on a licence to provide a security service.

(2) The grant of a security service provision licence shall be decided by Regional Headquarters of the Police Force (hereinafter called "Regional Headquarters") on the basis of an application filed by a natural or legal person. A security service provision licence shall be issued for a period of ten years, unless this Act stipulates differently.

(3) A security service provision licence is a public deed and is non-transferable.

Section 10
The Acquisition of Authorisation to Provide a Security Service

(1) Authorisation to provide a security service is acquired upon receipt of a security service provision licence. A person required to be registered in the Companies Register⁴⁾ shall be authorised to provide a security service upon the date of entry into the Companies Register, provided the date of entry into the Companies Register is later than the date of receipt of a security service provision licence.

(2) A person required to be registered in the Companies Register shall be obliged to file a proposal for entry into the Companies Register within 90 days of the coming into effect of a decision to grant a security service provision licence. If the proposal for entry into the Companies Register fails to be filed within 90 days of the coming into effect of a decision to grant a security service provision licence or if the Registration Court rejects to make such an entry⁵⁾, that person must return the written decision to grant a security service provision licence and the security service provision licence to the Regional Headquarters within 15 days following the expiration of the 90-day period or within 15 days of notification of the rejection to make an entry into the Companies Register.

Section 11
Conditions for Granting a Security Service Provision Licence to a Natural Person

(1) The Regional Headquarters shall grant a security service provision licence to a natural person, provided this is not

precluded by the interests of internal order and security and if he/she

- a) is a citizen of any of the member states of the EU or of another state being party to the European Economic Area Agreement or of the Confederation of Switzerland (hereinafter called "European Economic Area citizen"),
- b) has attained the age of 21,
- c) has the unlimited legal capacity,
- d) meets the integrity requirement,
- e) is reliable,
- f) has the necessary health capacity,
- g) has the required professional qualifications.

(2) The conditions set out in subsection 1 above must be also satisfied by an attorney-in-fact⁶⁾, a head of an organisational unit of an enterprise⁷⁾, and a head of an enterprise of a non-resident⁸⁾.

(3) Where a natural person has no residence in the Slovak Republic, he/she is required to appoint his/her responsible representative. Such a responsible representative must meet the conditions set out in subsection 1 above and must be in an employment relationship with the provider; this shall not apply if the responsible representative is the provider's spouse.

Section 12
Conditions for Granting a Security Service Provision Licence to a Legal Person

(1) The Regional Headquarters shall grant a security service provision licence to a legal person which is dependable pursuant to section 14 subsection 1 (g), provided this is not precluded by the interests of internal order and security and

- a) a natural person or persons who are its statutory body or members thereof satisfy the conditions set out in section 11 subsection 1 hereof,
- b) a natural person possessing at least a 15-per cent equity interest in the legal person complies with the conditions set out in section 11 subsection 1 (d) and (e) hereof,
- c) it does not follow from the business name⁹⁾ of the legal person that it performs the duties of public administration.

(2) The conditions set out in section 11 subsection 1 above must be also satisfied by an attorney-in-fact⁶⁾, a head of an organisational unit of an enterprise⁷⁾, and a head of an enterprise of a non-resident⁸⁾.

(3) Where a person pursuant to subsection 1 (a) or a head of an enterprise of a non-resident⁸⁾ has no residence in the Slovak Republic, the legal entity that has applied for a security service provision licence is required to appoint its responsible representative. Such a responsible representative must meet the conditions set out in section 11 subsection 1 above and must be in an employment relationship with the provider.

⁴⁾ Article 27 of the Commercial Code

⁵⁾ Article 8 of Act No. 530/2003 Coll. on the Companies Register and on Amendments and Supplements to Certain Acts

⁶⁾ Article 14 of the Commercial Code

⁷⁾ Article 7 par. 1 and 2 of the Commercial Code

⁸⁾ Article 21 par. 3 of the Commercial Code

⁹⁾ Article 9 par. 2 of the Commercial Code

Section 13 Integrity

(1) For the purposes hereof, a person meeting the integrity requirement, who is regarded not to have been sentenced, shall be understood not to denote a person who has been lawfully sentenced

- a) for a wilful criminal offence or
- b) for other criminal offence due to which he/she has been unconditionally imposed a prison term of over 12 months.

(2) Regarded as a person meeting the integrity requirement for the purposes hereof shall neither be a person who has been banned by a court or administrative authority from performing any activity which is related or pertinent to the activities under this Act or which constitutes the subject of an employment relationship hereunder, with such a person being considered as not meeting the integrity requirement until the end of the ban on such activities.

(3) Integrity shall be evidenced by an extract from the Criminal Record¹⁰⁾ dated no more than three months ago and by an affidavit stating that the person concerned has not been banned from performing activities under subsection 2. Where concerning a person who has, over the past ten years, stayed outside the Slovak Republic for longer than six consecutive months, he/she must submit a document equivalent to an extract from the Criminal Record that is issued by the country in which he/she has stayed for longer than six consecutive months, such a document being accompanied by its translation into the state language¹¹⁾ made by a translator or interpreter under a special regulation¹²⁾; if no such document can be presented since it is not issued in that country, he/she shall submit an affidavit stating that he/she has not been found guilty abroad of any criminal offence due to which he/she cannot be considered to have met the integrity requirement and that he/she has not been banned from performing activities under subsection 2.

Section 14 Reliability

(1) For the purposes hereof, a reliable person shall be deemed not to denote a person who

- a) is proved to be excessively consuming alcoholic beverages or other addictive substances,
- b) has been, over the last two years, found guilty of an offence as to protection from alcoholism and other addictions, an offence as to the use of explosives or firearms and ammunition, an offence as to the defence of the Slovak Republic, an offence against public order committed by disobeying a call by a public officer exercising his/her powers,

- an offence against civil coexistence committed by intentionally inflicting minor bodily harm or an offence against property,
- c) has been lawfully sentenced for any of the offences set forth in section 13 subsection 1 and a period of three years has not elapsed since when he/she is regarded as not having been sentenced,
- d) is prosecuted for the criminal offence set forth in section 13 subsection 1 (a),
- e) was prosecuted for the criminal offence set forth in section 13 subsection 1 (a) and the prosecution was closed by approving a conciliatory agreement, provided a period of three years has not passed since the date of coming into effect of the decision to approve the conciliatory agreement,
- f) was prosecuted for the criminal offence set forth in section 13 subsection 1 (a) and the prosecution was conditionally suspended, provided a period of three years has not passed since the expiration of a probationary period;
- g) does not provide, as ascertained by the Ministry and the Regional Headquarters, a guarantee that when performing the activities under this Act, he/she will observe generally mandatory legal regulations and perform his/her duties arising from decisions and other measures issued under this Act, and that he/she will perform the activities hereunder honestly.

(2) In addition to the documents pursuant to section 13 subsection 3, reliability shall also be proved by an affidavit stating that the person concerned has not been, over the past two years, convicted of having perpetrated any of the offences set forth in subsection 1 (b) and that there is no other impediment on his/her part within the meaning of subsection 1 (a), (c) to (f), due to which he/she would fail to meet the reliability requirement.

(3) In order to appraise a person's reliability, the Ministry or the Regional Headquarters shall ask the relevant unit of the Police Force to pronounce thereon and, where the outcome of such appraisal of a person's reliability makes it impossible for a definite conclusion to be drawn in respect of that person's reliability, shall also request a statement from a Special Committee. The Special Committee may deliver its statement concerning a person's reliability even if not requested to do so. The statement made by the Special Committee shall be binding on the Ministry and the Regional Headquarters.

(4) The Special Committee referred to in subsection 3 above shall be established by the Minister of Interior of the Slovak Republic (hereinafter referred to as the "Minister"). Members of the Committee must have authorisation to get acquainted with classified information.

(5) So as to appraise a person's reliability, the Ministry or the Regional Headquarters may also request a statement from other state authority or municipality in which the applicant lives or lived during the past five years; these are obliged to grant the Ministry's or the Regional Headquarters' request for a statement within 14 days of receipt of such a request. However, the Ministry or the Regional Headquarters shall each time ask for a statement from the Slovak Intelligence Service as to the appraisal of reliability of a natural person who has applied for a

¹⁰⁾ Article 7 of Act No. 311/1999 Coll. on Criminal Record as amended by subsequent regulations

¹¹⁾ Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the State Language of the Slovak Republic as subsequently amended

¹²⁾ Act No. 382/2004 Coll. on Experts, Interpreters and Translators and on Amendments and Supplements to Certain Acts

security service provision licence, a natural person being a statutory body or member of a statutory body of a legal entity who has applied for a security service provision licence, a natural person who possesses at least a 15-per cent equity interest in a legal person, a head of an organisational unit of an enterprise, a responsible representative, an attorney-in-fact, a head of an enterprise of a non-resident or a natural person who carries out physical protection or patrols in an object of special importance; the time period set out in the previous sentence shall apply as well.

Section 15 Health Capacity

(1) Health capacity shall be taken to mean physical and mental fitness to perform activities related to the provision of a security service, if required by this Act. The health capacity of an individual shall be evidenced by a medical opinion¹³⁾ which includes a psychological examination.

(2) An individual is obliged to undergo an examination of his/her health capacity each two years, unless the previous medical opinion states a shorter term. This shall not affect the obligation to undergo a health capacity re-examination on the basis of a decision of the Ministry or the Regional Headquarters.

(3) Each physician or psychologist, who ascertains based on an examination that an individual suffers from a disease, disorder or state which restricts or limits his/her health capacity, shall inform the individual concerned thereof and notify the Regional Headquarters accordingly.

(4) Particulars of a health capacity examination and a specimen of a medical opinion shall be laid down in a generally binding legal regulation issued by the Ministry of Health of the Slovak Republic.

Professional Qualifications

Section 16

For the purposes hereof, a professionally qualified person shall be deemed an individual who has attained the education stipulated for a particular activity and holds a certificate of professional competence (hereinafter referred to as "Certificate").

Section 17 Education

(1) The requirement of education stipulated for the provision of a security service is met by a person who has completed full secondary education or full secondary vocational education¹⁴⁾.

(2) The requirement of education stipulated for the provision of a detective service and professional training and consultancy is met by a person who

- a) has attained a university education of the 2nd or 3rd degree in the line of study of law or in the field of security services or has attained the academic and pedagogical degree of associate professor or professor in those fields,
- b) holds a certificate of having passed a qualification examination, or
- c) has attained a university education of the 2nd degree in a line of study other than law or in the field of security services, and has attained a specialised police education¹⁵⁾, and has carried out a security practice in armed security forces for no shorter than 10 years, and no more than five years have passed since the end of pursuit of such security practice.

Section 18 Qualification Examination

(1) A qualification examination pursuant to section 17 subsection 2 (b) may be taken by a person who has attained a university education of the 1st degree in the line of study of law or in the field of security services or by a person who has attained a university education of the 2nd degree in a line of study other than law or in the field of security services, provided such a person has carried out a security practice or legal practice for no shorter than ten years, and no more than five years have passed since the end of pursuit of such practice.

(2) An application for a qualification examination shall be filed in writing with the Ministry. The application for a qualification examination must specify the name, surname, title, birth registration number and residential address of an applicant. The application shall be accompanied by an authenticated copy of a certificate of education, a security practice certificate or a certificate of legal practice and a document certifying the payment of an administrative fee for filing an application for a qualification examination.

(3) A qualification examination shall be taken before an examination board whose members are to be appointed and recalled by the Minister. The examination board shall have three members, being comprised of one representative of each of the Ministry, the Regional Headquarters and the university at which the studies in the field of security services are held. The chairperson of the examination board shall be the representative of the Ministry. The examination board shall

¹³⁾ Article 16 of Act No. 576/2004 Coll. on Health Care, Services related to the Provision of Health Care and on Amendments and Supplements to Certain Acts

¹⁴⁾ Article 8 par. 2 of Act No. 29/1984 Coll. on the System of Primary and Secondary Schools (Schools Act) as amended by Act No. 171/1990 Coll.

¹⁵⁾ Article 13 letter b) of Act No. 73/1998 Coll. on the State Service of Members of the Police Force, the Slovak Intelligence Service, the Corps of Prison and Judicial Guards of the Slovak Republic and the Railway Police

write up a protocol on the course of the qualification examination, such protocol being signed by all the members of the examination board. The Ministry shall retain the protocol for a period of 20 years. A qualification examination may be retaken only once, in particular after expiration of one year at the earliest. A person who has successfully passed the qualification examination shall be issued a qualification examination certificate by the Ministry.

(4) Particulars of the contents and course of a qualification examination and of activities of the examination board shall be laid down in a generally binding legal regulation issued by the Ministry.

(5) The activities of examination board members shall be deemed other act in the public interest¹⁶⁾.

Section 19 Professional Qualifications Examination

(1) A professional qualifications examination (hereinafter referred to as the "examination") shall be of two types, in particular:

- a) S-type examination - to be passed by persons entrusted with the performance of physical protection and a search
- b) P-type examination – to be passed by persons entrusted with the performance of physical protection, a search, professional training and consultancy and by providers.

(2) The examination shall be taken before a three-member examination board. The chairperson of the examination board shall be a representative of the Ministry who performs duties in the field of security services and has attained a university education of the 2nd degree in the line of study of law or in the field of security services or in another line of study, provided he/she has been engaged in security practice for at least ten years. One member of the examination board shall be a representative of the Regional Headquarters who performs duties in the field of security services. The other member of the examination board shall be a representative of District Headquarters of the Police Force as appropriate to the venue of the examination.

(3) The S-type examination and professional training under this Act shall not be required to be passed and received by a person who has completed education in the line of study covering security services, and has carried out a security practice in armed forces or armed security force, and no more than five years have passed since the end of his/her security practice in the said forces.

(4) The P-type examination and professional training under this Act shall not be required to be passed and received by a person who has attained a university education of the 2nd degree in the line of study of law or in the field of security services, or has attained a university education of the 2nd degree in a line of study other than law or in the field of security services, and has attained a specialised police

education¹⁵⁾, and has carried out a security practice in armed forces or armed security forces for no shorter than 10 years, and no more than five years have passed since the end of his/her security practice in the said forces.

(5) Any person who has received professional training (hereinafter referred to as "candidate") shall apply for the respective examination through a person accredited by the Ministry for organising and giving professional training (hereinafter referred to as "accredited person"). A candidate can be enrolled for the examination no later than six months after the completion of professional training.

(6) An application for the examination shall be filed with the Ministry and shall contain as follows:

- a) a list of candidates enrolled for the examination, specifying the name, surname, title, maiden name (if applicable), date and place of birth, birth registration number and residential address of each of them,
- b) date and place of receiving professional training,
- c) proposed place and date of the examination,
- d) information as to whether a candidate is to take the examination for the first time or to resit it,
- e) the information under letter a) to be also provided on interpreters taking part in the examination.

(7) An examination application filed by the accredited person shall be accompanied by

- a) a document certifying that the administrative fee for filing the application has been paid,
- b) documents and affidavits certifying a candidate's integrity and reliability.

(8) The Ministry shall notify the date and place of the examination to the accredited person at least 15 days prior to the day on which the examination is to be held. The examination must be held no later than three months of filing of an application for the examination. The number of candidates who are to sit the examination at one time shall be decided by the Ministry. The accredited person shall pay an administrative fee for each candidate enrolled for the examination. Where an application for the examination lacks the requisites laid down in subsections 6 and 7, the Ministry shall call upon the accredited person to supplement the application; in the event of the accredited person failing to supplement the application by a specific deadline, the Ministry shall not set a date of holding the examination. The accredited person is required to provide aids, equipment and a room for holding the examination.

(9) The examination is composed of a written test and an oral examination. The examination board shall take minutes of the course of the examination, such minutes bearing the signatures of all members of the examination board. The minutes of the examination held shall be archived by the Ministry for 15 years. Any candidate who fails the examination may apply for a resit no earlier than three months after failing the examination. The examination may be resat only once. No candidate failing the resit shall be allowed to apply for a new examination before the expiration of one year from the failure

¹⁶⁾ Article 137 of the Labour Code

to pass the resit and before receiving the professional training repeatedly.

(10) The examination shall be taken in the state language. A candidate who does not master the state language shall be allowed to take the examination in a language he/she has a good command of. If any member of the board does not speak the language in which the candidate is to take the examination, the examination shall be held with the help of an interpreter. The cost of interpreting shall be chargeable to the candidate.

(11) The activities of examination board members shall be deemed other act in the public interest¹⁶⁾.

(12) Particulars of the contents of the professional training and the course and contents of the examination and of activities of the examination board shall be laid down in a generally binding legal regulation issued by the Ministry.

Section 20 Certificate

(1) A candidate who has successfully passed the examination or, based on a written request, a person who is under section 19 subsections 3 and 4 or section 21 subsection 1 not required to pass the examination, shall be issued with an S-type or P-type Certificate by the Ministry, provided such an individual meets the integrity and reliability requirements. The Certificate shall be valid for ten years. A person who is not required to pass the examination shall attach to his/her request for the issuance of a Certificate an authenticated certificate of education, a certificate of security practice and documents and affidavits certifying the person's integrity and reliability. The issuance of a Certificate shall be subject to no general administrative procedure regulation¹⁷⁾.

(2) The Ministry shall inform the person concerned of non-issuance of a Certificate where the conditions for issuing such a Certificate under this Act are not satisfied. A candidate who has successfully passed the examination and has not been issued with a Certificate due to non-compliance with the integrity or reliability requirement shall be issued with the Certificate by the Ministry only after having met the integrity and reliability requirements, such Certificate being valid for no longer than ten years of having successfully passed the examination. A person not required to pass the examination under section 19 subsections 3 and 4 or section 21 subsection 1 who has been refused a Certificate shall be issued with the Certificate by the Ministry on the basis of a written request only after having proved him/her to have met the integrity and reliability requirements and to have satisfied the conditions set forth in section 19 subsections 3 and 4 or section 21 subsection 1

(3) The Certificate is a public document. An individual may only hold one Certificate. If a person asks for a copy of the Certificate to be issued pursuant to subsection 4 or is to be

issued with a new Certificate after having passed the examination of the other type, he/she must return the previously issued Certificate to the Ministry, or else a new Certificate or a copy of the Certificate shall not be issued to him/her; this shall not apply where a copy is issued in place of a lost or stolen Certificate. A person entrusted with performance of physical protection, a search, professional training and consultancy is obliged to carry the Certificate when performing his/her duties and to produce it upon request to the Ministry executing state supervision (hereinafter called "supervisory body") or to the Regional Headquarters executing inspection (hereinafter called "inspection body") or to a member of the Police Force (hereinafter called "police officer") inspecting that person's activities.

(4) In the event of the Certificate having been lost, stolen damaged or containing information not corresponding with the actual status, the Ministry shall issue a copy thereof, such copy being issued upon request and proving the grounds for issuing it. The validity of a copy of the Certificate shall terminate upon the date on which the Certificate, in whose place the copy was issued, would expire.

(5) In order to be issued with the Certificate upon the expiry of the previously issued one, an individual is required to receive professional training in a shortened form and to pass the examination.

(6) A specimen of the Certificate and the contents of the professional training in a shortened form shall be laid down in a generally mandatory legal regulation issued by the Ministry.

Section 21 Recognition of Professional Qualifications

(1) Professional qualifications, or a part thereof, attained in any of the member states of the European Union, in another state being party to the European Economic Area Agreement or in the Confederation of Switzerland shall be recognised to have been attained in accordance with this Act, provided the applicant submits documents certifying the attainment of professional qualifications which correspond to the documents required by this Act and their translations into the state language¹¹⁾ made by a translator or interpreter under a special regulation.¹²⁾

(2) Where the comparison of the documents submitted under subsection 1 proves a difference between the professional qualifications required hereunder and the professional qualifications of a person, such a person shall be enabled to attain professional qualifications or a part thereof under sections 17 to 20. On non-recognition of professional qualifications, or a part thereof, attained in any of the member states of the European Union, in another state being party to the European Economic Area Agreement or in the Confederation of Switzerland, a decision shall be issued by the Ministry.

(3) The body authorised to recognise education attained in any of the member states of the European Union, in another state being party to the European Economic Area Agreement or

¹⁷) Act No. 71/1967 Coll. on Administrative Procedure (Administrative Procedure Code) as amended by subsequent regulations)

in the Confederation of Switzerland shall be the Ministry of Education of the Slovak Republic and the body having authority to recognise professional qualifications attained in any of the member states of the European Union, in another state being party to the European Economic Area Agreement or in the Confederation of Switzerland shall be the Ministry.

Security Service Provision Licence Granting Proceedings

Section 22

(1) A natural person applying for the grant of a security service provision licence shall state in the application as follows:

- a) name, surname, title, date and place of birth, birth registration number, residential address and citizenship,
- b) business name¹⁸⁾ and place of business of an individual, identification number, if allocated,
- c) scope of business under sections 3 to 5,
- d) operations, if established,
- e) date of closure if intending to provide a security service for shorter than 10 years,
- f) an overview of his/her business activities.

(2) A natural person's application for the grant of a security service provision licence shall be accompanied by:

- a) documents and affidavits proving that he/she has met the integrity and reliability requirements,
- b) a medical opinion dated no more than three months ago,
- c) a certificate of education and a P-type Certificate,
- d) an affidavit that he/she holds no business authorisation other than that referred to in section 36, or that he/she will cease his/her business activities no later than the date on which the decision to grant a security service provision licence under this Act comes into effect,
- e) a document indicating the authority which provides for his/her social insurance,
- f) a document certifying the allocation of an identification number, if applicable,
- g) an extract from the Companies Register, if the person is entered therein, dated no more than three months ago, and an extract from the Trades Register or other register dated no more than three months ago, or other document giving an account of his/her business activities,
- h) a document certifying the payment of the administrative fee,
- i) a description and a colour image of a uniform, appliqués, a logo or other outer designation, if designed to be used in the provision of a security service.

(3) A natural person shall state the data referred to in subsection 1 (a) and attach the documents specified in subsection 2 (a) to (d) also in respect of an attorney-in-fact, if a power of attorney was granted; the same shall apply with regard to a responsible representative, if appointed, a head of an organisational unit of an enterprise and a head of an enterprise of a non-resident.

Section 23

(1) A legal person applying for the grant of a security service provision licence shall state in the application as follows:

- a) business name and registered office¹⁹⁾ or place of business of an organisational unit of an enterprise or of an enterprise of a non-resident,
- b) name, surname, title, date and place of birth, birth registration number, residential address and citizenship of a natural person or natural persons who constitute its statutory body or are members thereof, with the manner of acting on its behalf being indicated,
- c) identification number, if allocated,
- d) scope of business under sections 3 to 5,
- e) operations, if established,
- f) date of closure if intending to provide a security service for shorter than ten years,
- g) an overview of its business activities.

(2) A legal person's application for the grant of a security service provision licence shall be accompanied by:

- a) documents referred to in section 22 subsection 2 (a) to (d), regarding a natural person or natural persons who constitute its statutory body or are members thereof,
- b) documents referred to in section 22 subsection 2 (a) in respect of the person quoted in section 12 subsection 1 (b);
- c) an agreement or deed on the establishment of the legal person, with the signatures thereon being authenticated; no such authentication shall be required if executed in the form of a notarial deed;
- d) an extract from the Companies Register, if entered therein, dated no more than three months ago,
- e) a document certifying the allocation of an identification number, if allocated,
- f) a document certifying the payment of the administrative fee,
- g) an affidavit that it holds no business authorisation other than that referred to in section 36, or that it will cease its business activities no later than the date on which the decision to grant a security service provision licence under this Act comes into effect,
- h) a description and a colour image of a uniform, appliqués, a logo or other outer designation, if designed to be used in the provision of a security service.

(3) The provisions of subsection 1 (b) and subsection 2 (a) shall apply *mutatis mutandis* to an attorney-in-fact, a responsible representative, a head of an organisational unit of an enterprise and a head of an enterprise of a non-resident.

Section 24

If so necessitated by the due appraisal of satisfaction of the conditions set forth in section 13 or 14, the Regional Headquarters may, for the purpose of supplementing the application for the grant of a security service provision licence, also demand other documents in addition to those referred to in section 22, subsection 2, or section 23, subsection 2.

¹⁸⁾ Article 9 par. 1 of the Commercial Code

¹⁹⁾ Article 2 par. 3 of the Commercial Code

Section 25

A specimen of an application for the grant of a security service provision licence and requirements as to a colour image of a uniform shall be stipulated by a generally mandatory legal regulation issued by the Ministry.

Section 26

(1) An application for the grant of a security service provision licence shall be filed in person with the Regional Headquarters.

(2) A natural person or a representative of a legal person filing an application for the grant of a security service provision licence shall prove its identity by an ID card²⁰⁾ or other document evidencing his/her identity.²¹⁾

Section 27

(1) The Regional Headquarters shall request the Ministry to pronounce on the application for the grant of a security service provision licence with regard to internal order and security. The provisions of a general regulation on administrative procedure concerning the obligation of familiarising a party to the procedure with the documentation on the basis of which a decision is rendered shall not be applied if the Regional Headquarters grants the application. Where the Regional Headquarters cannot decide the application for the grant of a security service provision licence within a term provided by a general regulation on administrative procedure, such term can be extended by the Chief of the Regional Headquarters for another 60 days at the utmost.

(2) Within no longer than 30 days of coming into effect of the decision to grant a security service provision licence, the Regional Headquarters shall issue a security service provision licence which proves the provider's authorisation to carry out the activities listed in the licence. For each security service pursuant to section 2 subsection 1, a separate security service provision licence shall be issued.

(3) The provider shall be required to start to carry out at least one of the licensed activities within one year from the date of coming into effect of the decision to grant a security service provision licence.

(4) Specimens of security service provision licences shall be laid down in a generally binding legal regulation issued by the Ministry.

Section 28

A decision to grant a security service provision licence may, for the sake of protection of life, health, proprietary or other rights of persons as well as for the sake of internal order and security, specify conditions for the provision of a security service, in particular:

- a) scope of activities,
- b) quantity and kind of material means of security or other technical devices or equipment used when carrying out physical protection, a search, professional training and consultancy,
- c) limitation of the validity of a security service provision licence,
- d) number of employees,
- e) obligation to give training to persons entrusted with the performance of physical protection by stipulated deadlines,
- f) number of employees with the required duration of security practice
- g) number and type of firearms²²⁾ to be used in the carrying out of physical protection, a search, professional training and consultancy.

Section 29
Notification Duty

(1) A provider shall have a duty to notify the Regional Headquarters of any changes in the data provided in his application for the grant of a security service provision licence, with such changes being substantiated with relevant documents substituting for those attached to his application for the grant of a security service provision licence, within 15 days of occurrence of such changes.

(2) A provider being a natural person shall be obliged to submit to the Regional Headquarters, once in two years, documents and affidavits proving his/her integrity and reliability as well as a medical opinion, each of them dated no more than three months ago; such documents must be supplied by the provider each two years also in respect of the persons quoted in section 11 subsections 2 and 3.

(3) A provider being a legal person shall be obliged to submit to the Regional Headquarters, once in two years, documents and affidavits proving the fulfilment of the integrity and reliability requirements by the persons listed in section 12 subsection 1 (a) and subsections 2 and 3, and a medical opinion, each of them dated no more than three months ago, as well as documents and affidavits certifying the fulfilment of the integrity and reliability requirements by the person referred to in section 12 subsection 1 (b).

(4) Upon the notification pursuant to subsection 1 above and based on the documents, affidavits and medical opinion supplied under subsection 2 or 3 above, the Regional Headquarters shall confirm to the provider the notification of changes or resolve on changing the decision to grant a security

²⁰⁾ Act of the National Council of the Slovak Republic No. 162/1993 Coll. on Identity Cards as subsequently amended

²¹⁾ For example, Article 5 of Act No. 381/1997 Coll. on Travel Documents as subsequently amended

²²⁾ Act No. 190/2003 Coll. on Firearms and Ammunition and on Amendments and Supplements to Certain Acts as subsequently amended

service provision licence or suspend the provision of a security service or revoke the security service provision licence.

Section 30
Changes of a Decision to Grant a Security Service Provision
Licence

(1) The Regional Headquarters shall issue a resolution on changing the decision to grant a security service provision licence, provided such changes relate to the scope of activities within one kind of security service; this shall also apply to additional specification of conditions or alteration of the conditions set out in section 28. Within 30 days of coming into force of the resolution on changing the decision to grant a security service provision licence, the Regional Headquarters shall issue a new security service provision licence, such licence being valid for no longer than the validity of the previously issued security service provision licence. An application for a new kind of security service shall not be deemed a change of the data in the decision to grant a security service provision licence but be regarded as a separate application for the grant of a security service provision licence.

(2) The Regional Headquarters may, after issuing a security service provision licence, specify or modify the conditions for the provision of a security service, provided this is for the sake of protection of life, health, proprietary or other rights of persons or in the interests of internal order and security.

Section 31
Suspension of the Provision of a Security Service

- (1) The Regional Headquarters shall suspend the provision of a security service
- a) if a natural person being a statutory body of a legal person or a member thereof or an attorney-in-fact, head of an organisational unit of an enterprise, head of an enterprise of a non-resident legal person or a responsible representative no longer complies with and meets the conditions set forth in section 11 subsection 1 (a), (c) to (g), with such suspension lasting for a maximum of three months from the day on which the said conditions are no longer fulfilled,
 - b) if a natural person having the sole authority to act on behalf of a legal person no longer works for that legal entity, with such suspension lasting for a maximum of three months from the day on which the natural person no longer works for that legal entity,
 - c) if a natural person possessing at least a 15-per cent equity interest in a legal person no longer meets the integrity and reliability requirements, with such suspension lasting for a maximum of three months from the day on which the said requirements are no longer fulfilled by that natural person,
 - d) if a provider being a natural person no longer meets the reliability requirement provided for in section 14 subsection 1 (d), with such suspension lasting up to the time that a final decision is rendered in the case,
 - e) if a natural person being an attorney-in-fact, head of an organisational unit of an enterprise, head of an enterprise of

a non-resident natural person or a responsible representative of a natural person, where required to be appointed, no longer meets the conditions laid down in section 11 subsection 1 (a), (c) to (g), with such suspension lasting for a maximum of three months from the day on which the said conditions are no longer fulfilled by that natural person,

- f) if offices at a provider are exercised by natural persons whose engagement is prohibited under section 33 subsections 8 to 10, with such suspension lasting for a maximum of three months,
- g) at a provider's request, with such suspension lasting for no longer than one year of the coming into effect of a decision to suspend the provision of a security service,
- h) if so necessitated by the compelling interests of internal order and security, or
- i) if activities being performed are inconsistent with law, such suspension lasting for no longer than 3 months from the ascertainment of this fact.

(2) An appeal against a decision to suspend the provision of a security service shall have no deferment effect.

(3) The provision of a security service may continue only based on a decision of the Regional Headquarters cancelling the suspension of the security service provision; the Regional Headquarters shall issue such a decision within 3 days from the day when the provider proves that the reasons due to which the provision of a security service was suspended no longer exist. The provision of a security service may not be repeatedly suspended under subsection 1 (g) before a period of three months has elapsed from the date of cancellation of the previous decision to suspend the provision of a security service.

Section 32
Termination of Authorisation to Provide a Security Service

- (1) The authorisation to provide a security service shall terminate
- a) upon the death of a provider being a natural person,
 - b) upon the winding-up of a legal person,
 - c) upon the lapse of time for which a security service provision licence was granted,
 - d) by a decision of the Regional Headquarters under section 33, or
 - e) upon a written notice of termination of the provision of a security service and the handover by a provider of a security service provision licence.

(2) The authorisation to provide a security service shall not terminate upon the handover by a provider of a security service provision licence if security service provision suspension proceedings or security service provision licence revocation proceedings have been instituted.

(3) Where the authorisation to provide a security service terminates upon the lapse of time for which a security service provision licence was granted, the provider may ask a new security service provision licence to be issued for activities being the subject of the granted licence, no earlier than six

months prior to the expiry of the security service provision licence.

Section 33

Revocation of a Security Service Provision Licence

(1) The Regional Headquarters shall decide on revoking a security service provision licence if

- a) the period set out in section 31 subsection 1 (a) to (c), (e), (f) or (i) has elapsed and the grounds on the basis of which the provision of a security services was suspended remain,
- b) a provider being a natural person no longer complies with the conditions set forth in section 11 subsection 1 (a), (c) to (g), and the case pursuant to section 31 subsection 1 (d) is not concerned,
- c) a provider has been employing a person failing to meet the integrity or reliability requirement for longer than 3 months since when the provider learnt that the employee did not satisfy the integrity or reliability requirement, or
- d) a provider fails to start performing at least one of the licensed activities within one year from the date of coming into effect of the decision to grant a security service provision licence or to carry out such an activity for longer than 12 consecutive months.

(2) The Regional Headquarters shall decide on revoking a security service provision licence if the provider grossly or repeatedly infringes the duties imposed by this Act or other generally mandatory legal regulations or breaches obligations ensuing from decisions or measures adopted by the Ministry or the Regional Headquarters.

(3) The Regional Headquarters shall decide on permanently revoking a security service provision licence if the provider is repeatedly in material breach of the duties imposed by this Act or other generally mandatory legal regulations or is repeatedly in gross violation of obligations ensuing from decisions or measures adopted by the Ministry or the Regional Headquarters.

(4) The Regional Headquarters shall also decide on revoking a security service provision licence if the provider fails to take over a security service provision licence even within 30 days of receipt of a repeated call to do so.

(5) An appeal against a decision to revoke a security service provision licence shall have no deferment effect.

(6) Where a security service provision licence is revoked pursuant to subsection 3 above, the same provider shall be impossible to grant another security service provision licence.

(7) Where a security service provision licence is revoked pursuant to subsection 1, 2 or 4, the same provider may be granted another security service provision licence only after a period of three years has passed from the date of coming into effect of the decision to revoke a security service provision licence.

(8) A natural person whose security service provision licence has been revoked under subsection 3 above may not be a

statutory body or member thereof, head of an organisational unit of an enterprise, head of an enterprise of a non-resident, an attorney-in-fact or responsible representative of a provider; where concerning a natural person whose security service provision licence has been revoked under subsection 1, 2 or 4, any of the said posts must not be held by that natural person within three years from the date of coming into effect of the decision to revoke a security service provision licence.

(9) Any person having been a statutory body or member thereof, head of an organisational unit of an enterprise, head of an enterprise of a non-resident, an attorney-in-fact or responsible representative of a provider, whose security service provision licence has been revoked under subsection 3 above must not hold any of the mentioned posts at the provider or be a holder of a security service provision licence; this shall not apply if his/her activities were not related to the reasons for which the security service provision licence was revoked.

(10) Any person having been a statutory body or member thereof, head of an organisational unit of an enterprise, head of an enterprise of a non-resident, an attorney-in-fact or responsible representative of a provider, whose security service provision licence has been revoked under subsection 1, 2 or 4 above must not hold any of the mentioned posts at the provider or be a holder of a security service provision licence for the duration of three years from the date of coming into effect of the decision to revoke a security service provision licence; this shall not apply if his/her activities were not related to the reasons for which the security service provision licence was revoked.

Section 34

Obligations upon the Change of a Decision to Grant a Security Service Provision Licence, upon the Suspension of the Provision of a Security Service or the Termination of Authorisation to Provide a Security Service

(1) If, upon the change of a decision to grant a security service provision licence, a new security service provision licence is issued, the provider shall be obliged to return the previous security service provision licence to the Regional Headquarters upon the receipt of the new security service provision licence at the latest. The Regional Headquarters shall issue a confirmation of the security service provision licence having been returned, such confirmation being issued to a person who has returned the security service provision licence.

(2) Upon the termination of authorisation to provide a security service, a person possessing or using property serving for providing a security service or being exploited in connection therewith shall secure its protection, especially the protection of all material means of security, other technical devices and documents so as to prevent them from being misused to the detriment of rights and liberties of other persons or in contradiction to general interests protected by law.

(3) Upon the suspension of the provision of a security service or upon the termination of authorisation to provide a security service, the provider must, within 15 days following the

suspension of the provision of a security service or the termination of authorisation to provide a security service, return the security service provision licence to the Regional Headquarters; in the event of a legal entity being wound up with liquidation, this obligation shall be fulfilled by the liquidator. The Regional Headquarters shall issue a confirmation of the security service provision licence having been returned, such confirmation being issued to a person who has returned the security service provision licence.

(4) If so necessitated by the interests of internal order and security, a decision of the Regional Headquarters to revoke a security service provision licence shall specify conditions for ceasing the provision of a security service, in particular with regard to disposal of the assets mentioned in subsection 2.

Section 35 Cooperation

A copy of a valid decision to grant a security service provision licence, a valid resolution on changing a decision to grant a security service provision licence or a valid decision to revoke a security service provision licence or, in case of the termination of authorisation to provide a security service, of a written notification shall be sent by the Regional Headquarters to the tax administrator, the registration court appropriate to the registered office of a legal person, and to the state statistics authority, within 15 days of coming into effect of such a decision or resolution or of receipt of such a written notification; where the provider is a natural person, the Regional Headquarters shall send a copy of such a decision, resolution or written notification to the authority providing for his/her social insurance, within the same period of time.

CHAPTER TWO PROVISION OF A SECURITY SERVICE

Section 36 Exclusivity of Authorisation to Provide a Security Service

(1) A provider may not hold any business authorisation other than an authorisation to

- a) carry on business in road transport, provided the pursuit of such authorisation is restricted to protection of property and persons during transport, or
- b) process bank notes and coins, issued by the National Bank of Slovakia, provided it is pursued within protection of property during transport.

(2) A natural person being a provider or a natural person being a statutory body or member of a statutory body of a legal person providing a security service, or being a person referred to in section 11 subsection 2 or 3 or section 12 subsection 2 or 3 may not carry on business other than the operation of activities pursuant to subsection 1 above, or be a statutory body or member thereof or a person referred to in section 11 subsection 2 or 3 or section 12 subsection 2 or 3 of another legal person.

(3) The exclusivity of authorisation to provide a security service shall not apply to the operation of private security under this Act. Any security service provision licence holder under this Act shall be authorised to provide all kinds of security service and a technical service hereunder.

Section 37 Impediments to the Provision of a Security Service

(1) A security service may be provided by a natural person, a legal person or a legal person wherein a natural person possesses at least a 15-per cent equity interest, on whose property bankruptcy proceedings have been closed²³⁾, no earlier than 3 years after the closing of the bankruptcy proceedings.

(2) If the provider pursuant to subsection 1 above has induced the bankruptcy intentionally, such a provider may not provide a security service before a period of five years has passed since the discharge of his commitments related to the bankruptcy.

(3) The provisions of subsections 1 and 2 above shall also apply to a natural person or legal entity against whom/which bankruptcy proceedings have been ceased due to a lack of property.²⁴⁾ That natural person or legal entity may provide a security service no earlier than five years after the date of coming into effect of a court ruling on rejection of a bankruptcy petition owing to a lack of property.

(4) The impediments pursuant to subsections 1 to 3 shall not be taken into consideration if the bankruptcy has occurred as a result of a criminal offence perpetrated by a third party.

(5) A security service may not be provided by a natural person or legal entity that has concluded a silent partnership agreement.²⁵⁾

Section 38 Documents

(1) A provider shall be required, for the purposes hereof, to keep on file contracts for the provision of a security service, such contracts having to be archived in the provider's registered office or place of business for no shorter than five years following the termination of a particular contract.

(2) Each document relating or pertaining to the rendering of a security service must be kept on file and marked with a business name and a security service provision licence number.

(3) A contract for the provision of a security service must be executed in writing²⁶⁾, or else it shall be deemed invalid. Such a

²³⁾ Act No. 7/2005 on Bankruptcy and Restructuring and on Amendments and Supplements to Certain Acts

²⁴⁾ Article 20 par. 1 of Act No. 7/2005 Coll.

²⁵⁾ Articles 673 to 681 of the Commercial Code

²⁶⁾ Article 46 of the Civil Code

contract shall be archived in the provider's registered office or place of business for the duration of its performance and at least five years following its termination.

(4) Details of keeping files pursuant to subsection 1 above shall be laid down in a generally mandatory legal regulation issued by the Ministry.

Security Service Activities Report

Section 39

(1) A provider shall be obliged, by 31 January of a calendar year, to submit to the Ministry a written report on security service activities (hereinafter referred to as "report") for the past calendar year.

(2) The obligation to submit a report pursuant to subsection 1 above shall also apply to a provider having ceased or commenced his activities in the reported year.

Section 40

(1) A security service activities report must contain the following:

- a) designation of a provider, indicating a security service provision licence number, name, surname, residential address and place of business, business name of a natural person or business name and registered office of a legal person,
- b) statistical data,
- c) descriptive part,
- d) date of preparation of the report, stamp and signature of a provider or statutory body of a provider.

(2) The descriptive part of a report shall give an account of instances of

- a) the use of a firearm by security service staff carrying out physical protection, a search, professional training and consultancy,
- b) the use of a firearm against security service staff carrying out physical protection, a search, professional training and consultancy,
- c) the killing of a security service employee carrying out physical protection, a search, professional training and consultancy,
- d) the killing of a person by a security service employee carrying out physical protection, a search, professional training and consultancy,
- e) bodily harm caused to a security service employee carrying out physical protection, a search, professional training and consultancy,
- f) bodily harm caused to a person by a security service employee carrying out physical protection, a search, professional training and consultancy,
- g) criminal offences discovered by security service staff carrying out physical protection, a search, professional training and consultancy,

- h) criminal offences committed by security service staff carrying out physical protection, a search, professional training and consultancy,
- i) restricting the personal liberty of a person caught at a criminal offence,
- j) conclusion of a contract for the provision of a security service.

(3) The descriptive part must particularly comprise such information as the name, surname, date of birth and residential address of a person who has carried out an act, used a firearm or caused an injury or death as well as information regarding the duration of incapacity for work, a person who has brought about damage, the amount of damage caused, a person who has committed or ascertained a criminal offence, stating the unit of the Police Force or other authority to which the case has been reported, information concerning a person handed over as well as information on contracts for the provision of a security service, with parties to such contracts, their dates of conclusion, duration, and subjects thereof under sections 3 to 5 being indicated.

(4) For the purposes of the report, an injury shall be deemed bodily harm that has resulted or is likely to result in incapacity for work.

(5) The statistical data referred to in subsection 1 (b) above shall be provided by means of a statistical data statement. The contents of statistical data and a specimen of a statistical data statement shall be laid down in a generally binding legal regulation issued by the Ministry.

Section 41

Designation of a Registered Office and Operation

For the purposes hereof, a provider shall be obliged to mark the registered office of a provider, the place of business of a natural person and the operation with his business name at a visible and publicly accessible place. The height of letters used shall be at least 35 mm and their colour shall be in contrast with the background.

Section 42

The Relation of a Guard Service and a Detective Service

A provider must not conclude a contract for the provision of a detective service if an investigation is to be conducted against a person to whom the provider has been already rendering a guard service. If, following the conclusion of such a contract, it transpires that an investigation is being conducted against a person to whom the provider has been already rendering a guard service, the provider must not continue carrying out the investigation; the provider shall be obliged to inform the person he has concluded a contract for the provision of a detective service with that he cannot continue providing a detective service, stating the reasons for it. Equally, the provider must not enter into a contract for the provision of a guard service with a person against whom an investigation is being conducted

based on a previously concluded contract for the provision of a detective service.

Section 43 Obligation to Maintain Confidentiality

(1) In the provision of a security service, a provider and his staff shall be obliged to regard their own honour, respect and dignity and that of a person, and shall see to it that no unreasonable harm is caused to that person, and shall be required to behave in such a way that their intervention in that person's rights and liberties does not go beyond the extent inevitable to achieve the purpose pursued by their activities.

(2) A provider and his staff must treat as confidential all facts and information that might come to their notice in connection with the provision of a security service except that they are released from this obligation by a person that is party to the contract for the provision of a security service and, where information on another person is concerned, by such another person as well. This obligation shall remain in validity even after termination of the provision of a security service or termination of an employment relationship.

(3) The provisions of subsections 1 and 2 shall not affect the notification duty or the duty to testify under special legislation.²⁷⁾

Employees

Section 44

(1) A provider may only employ a person who meets the integrity requirement pursuant to section 13 and the reliability requirement under section 14, and complies with other conditions if these are required by this Act.

(2) The requirements and conditions stipulated by this Act shall not apply to a provider's employee who, with regard to his/her job position, is not involved in the performance of a security service and has no access to security service-related information.

Section 45

(1) In order to appraise a job applicant's integrity, a provider shall be obliged to demand from such an applicant documents and affidavits certifying his/her integrity under section 13 subsection 3. In order to appraise an employee's integrity, a provider shall be obliged to request, each two years, from him/her documents and affidavits proving his/her integrity under section 13 subsection 3.

²⁷⁾ For example, Article 340 of the Criminal Act, Article 127 of the Criminal Procedure Code, Article 7 of Act of the Slovak National Council No. 511/1992 Coll. on the Administration of Taxes and Fees and on Changes in the System of Territorial Financial Bodies as amended

(2) In order for his/her integrity to be assessed, a job applicant shall be required to submit to a provider, prior to taking up his/her job, documents and affidavits proving his/her integrity under section 13 subsection 3. In order for an employee's integrity to be appraised, the employee shall be required, each two years, to submit to the provider documents and affidavits proving his/her integrity under section 13 subsection 3, and to report without delay to the provider any change of the facts that are essential for appraising his/her integrity.

Section 46

(1) In order to appraise a job applicant's reliability, a provider shall be obliged to demand from such an applicant an affidavit certifying his/her reliability under section 14 subsection 2. In order to appraise an employee's reliability, a provider shall be obliged to request, each two years, from him/her affidavits proving his/her reliability under section 14 subsection 2.

(2) In order for his/her reliability to be assessed, a job applicant shall be required to submit to a provider, prior to taking up his/her job, an affidavit proving his/her reliability under section 14 subsection 2. In order for an employee's reliability to be appraised, the employee shall be required, each two years, to submit to the provider affidavits proving his/her reliability under section 14 subsection 2, and to report without delay to the provider any change of the facts that are essential for appraising his/her reliability.

Section 47

A provider shall be obliged to archive, in the registered office of a legal person or in the place of business of a natural person, documents relating to his employees and proving their integrity and reliability and possibly their health capacity and education, if required, from the beginning of their employment relationship throughout its existence or during their redeployment and for the duration of at least five years following the termination of their employment relationship. Once a period of five years has passed since the termination of an employment relationship, the provider shall discard such documents, unless those having submitted them require such documents to be returned.

Performance of Physical Protection, a Search, Professional Training and Consultancy

Section 48

(1) Physical protection or a search may only be performed by a person who

- a) has attained the age of 19,
- b) has the full capacity to carry out legal acts,
- c) meets the integrity requirement pursuant to section 13,
- d) meets the reliability requirement under section 14,
- e) has the required health capacity pursuant to section 15,

f) holds a certificate of professional competence under section 20.

(2) Professional training and consultancy may only be performed by a person who

- a) has attained the age of 20,
- b) has the full capacity to carry out legal acts,
- c) meets the integrity requirement pursuant to section 13,
- d) meets the reliability requirement under section 14,
- e) has the required health capacity pursuant to section 15,
- f) holds a certificate of professional competence of P-type under section 20,
- g) satisfies the education requirement pursuant to section 17 subsection 2.

(3) Professional training within accreditation may only be carried out by a person who complies with the conditions provided for in subsection 2 (a) to (d), and

- a) meets the education requirement pursuant to section 17 subsection 2, and has five years of experience in the field of law or security services if supposed to give training in law subjects,
- b) has attained a university education at a medical school or is a health instructor of the Slovak Red Cross if supposed to give training in first aid administering,
- c) has completed full studies in the field of fire protection with five years' experience in the given field or is a fire brigade officer having ten years of experience if supposed to give training in fire prevention.

Section 49

Physical protection, a search, professional training and consultancy must not be carried out by a person who, with regard to his/her illness or being influenced by medication or other substances taken that reduce his/her ability to act or for other similar reasons, fails to provide a guarantee that he/she will duly and properly perform all his/her obligations and act in such a way as not to jeopardise his/her surroundings.

Section 50

(1) A provider may not assign a person entrusted with performance of physical protection, a search, professional training and consultancy tasks that are inconsistent with this Act or other generally binding legal enactments.

(2) A person entrusted with performance of physical protection or a search may carry out an intervention only if the interests protected by a security service are jeopardised or violated and only in accordance with law and other generally binding legal enactments²⁸); other acts necessitating cooperation with third parties may only be carried out with their consent.

²⁸) For example, Article 2 par. 2 of Act of the Slovak National Council No. 372/1990 Coll. on Misdemeanours, Articles 24 and 25 of the Criminal Act, Article 85 par. 2 of the Criminal Procedure Code, Article 418 of the Civil Code

(3) As regards the activities pursuant to subsection 2 above, a person entrusted with performance of physical protection or a search shall be obliged to

- a) provide a person who has been injured by the performance of such activities with all necessary aid immediately and to call for a doctor,
- b) report the provider, or a person designated by him, each case of death and each case mentioned at letter a) as well as each violation of or serious threat to the interests protected by a security service.

(4) Persons entrusted with performance of physical protection under this Act shall be entitled to

- a) satisfy themselves by sight or touch or by means of technical devices that any person entering or leaving a guarded object or place does not carry or wear things originating in illegal activities related to the object, place or person guarded or things that might be used by him/her to carry out illicit activities, with such things having to be taken away from him/her,
- b) prevent a guarded object or place from being entered by unauthorised persons,
- c) prevent a guarded object or place from being entered by persons carrying a firearm, provided it is prohibited to enter the guarded object or place with a firearm,
- d) keep a record of persons and transport means entering or leaving a guarded object or place; for that purpose, the proving of such persons' identity may be required²⁹),
- e) to use technical devices to record persons and means of transport entering or leaving a guarded object or place,
- f) demand the proving of identity from a person caught in perpetrating a misdemeanour or offence related to the performance of physical protection or immediately after committing such a misdemeanour or offence,
- g) demand, in conjunction with the performance of physical protection, that identity be proved by an unauthorised person caught in entering or leaving a guarded object or place,
- h) make certain that any person entering or leaving a guarded object or place by car does not carry things or animals originating in illegal activities related to the object, place or person guarded or things that might be used by him/her to carry out illicit activities, with such things or animals having to be taken away from him/her,
- i) for an inevitable time, until the arrival of a police officer, the Military Police or the Municipal Police, bring to a guard post and detain a person who, in connection with performance of physical protection, refuses or is unable to prove his/her identity credibly and has been caught in or immediately after perpetrating a misdemeanour or offence or at unauthorised entry into or leaving from a guarded object or place.

(5) The provisions of subsection 4 (a), (c) and (h) shall not be applied against members of the Armed Forces of the Slovak Republic, armed security forces, armed forces, the Slovak Intelligence Service, the National Security Office and the Military Police and other persons performing the duties of public

²⁹) For example, Act of the National Council of the Slovak Republic No. 162/1993 Coll. as amended, Article 5 of Act No. 381/1997 Coll. as amended

administration and entering a guarded object or place for the purpose of performing such duties.

(6) A challenge by a person entrusted with performance of physical protection to act under subsection 4 shall be obeyed by any person other than those referred to in subsection 5.

Section 51

At a place which is likely to have been the scene of a criminal offence, traffic accident, operating accident, industrial injury or other extraordinary occurrence, or at a place where a person has been killed or bodily harm has been caused, or at a place where use has been made of a firearm or material means of security, any person entrusted with performance of physical protection, a search, professional training and consultancy shall be bound to act in such a manner that the investigation is not hindered in any way, in particular

- a) to safeguard traces from destruction, damage or removal,
- b) to prevent unauthorised persons from entering such a place,
- c) to prevent any things from being brought to or taken away from such a place,
- d) to forthwith report the incident to the nearest Police Force unit,
- e) to avert any further harmful consequences of the incident.

Section 52

(1) A person entrusted with the carrying out of physical protection, a search, professional training and consultancy must not use any face -masking method in the performance of his/her duties under this Act.

(2) A provider must not use vehicles with special warning signals.

(3) Physical protection by patrolling or guarding or a search by monitoring the activities of a person in a dosed space or area must be carried out according to a security service plan drawn up in advance.

(4) A person entrusted with performance of physical protection or a search must not, outside the hours when he/she performs the duties under this Act, visibly carry material means of security.

Section 53

- (1) When protecting objects of special importance³⁰⁾,
- a) a provider shall ensure that persons entrusted with performance of physical protection or a search are given practical training in the tactics and techniques of carrying out interventions and receive theoretical knowledge thereof to an extent of at least four hours a month,

³⁰⁾ Article 27 par. 1 of Act No. 319/2002 Coll. on the Defence of the Slovak Republic as amended by Act No. 330/2003 Coll.

- b) a provider must keep documentation concerning the professional training pursuant to letter a) to such extent as set out in section 83 subsection 3,
- c) a person entrusted with performance of physical protection or a search shall be required to have a security practice of at least three years; the duration of his/her security practice shall be evidenced to a provider by submitting a certificate of security practice and, if such a certificate cannot be supplied, by submitting an affidavit that the provider shall keep on the employee's personal file from when he/she takes up his/her job until three years after termination of his/her employment ,
- d) a provider shall be obliged to draw up an internal guideline regulating the performance of physical protection or a search in an object of special importance,
- e) a provider shall notify the Ministry of performing the protection of an object of special importance within 15 days of commencement thereof.

(2) A provider shall be obliged to request the Ministry in writing to verify that the integrity requirement under section 13 and the reliability requirement under section 14 are fulfilled by a person to be entrusted with performance of physical protection and a search in objects of special importance; the provider shall enclose with the request documents and affidavits certifying one's integrity and reliability that are required of a job applicant or employee.

(3) State supervision in objects of special importance shall be carried out at least once in three years.

(4) A provider having, in the past three years, repeatedly violated the obligations stipulated by this Act or other generally binding legal regulations or having infringed obligations laid down in decisions or measures adopted by the Ministry or the Regional Headquarters shall not be allowed to carry out the protection of objects of special importance.

Section 54 Certificate of Identity

(1) A provider shall issue a person to whom performance of physical protection, a search, professional training and consultancy is entrusted with a certificate of identity according to the kind of service, such certificate of identity having to contain

- a) the provider's business name,
- b) designation as to whether a guard service, detective service or professional training and consultancy is concerned,
- c) the provider's security service provision licence number,
- d) name, surname and title of the certificate of identity holder,
- e) a photograph of the certificate of identity holder,
- f) certificate of identity number,
- g) stamp and signature of the provider.

(2) The provider shall be obliged to register any certificate of identity, and must not issue two or more certificates of identity with the same number. Any person may only hold one certificate of identity, with the prevailing kind of service being indicated thereon.

(3) When performing the duties under this Act at a publicly accessible place, a person entrusted with the carrying out of physical protection shall be required to visibly wear his/her certificate of identity on the left chest side of his/her uniform. In the performance of the duties hereunder, a person entrusted with the carrying out of physical protection at a location other than a publicly accessible place or a person entrusted with performance of a search or professional training and consultancy must carry his/her certificate of identity on him/her. Any person entrusted with the carrying out of physical protection, a search, professional training and consultancy must upon request produce his/her certificate of identity to the state supervision authority or the inspection body or to a police officer, member of the Military Police or the Railway Police carrying out an inspection of that person's activities.

(4) Details of a certificate of identity and a specimen thereof shall be laid down in a generally binding legal regulation issued by the Ministry.

Section 55 Uniforms

(1) Uniforms and their accessories worn by those providing a security service must be dissimilar from uniforms of the members of the Armed Forces of the Slovak Republic, armed security forces, armed forces and other persons performing the duties of public administration. Each uniform must be marked with an emblem so that it is apparent a security service is concerned.

(2) Ranks marking identical to that of the members of the Armed Forces of the Slovak Republic, armed security forces, armed forces and other persons performing the duties of public administration shall be inadmissible.

(3) An emblem specimen and details concerning its placement shall be provided by a generally binding legal regulation issued by the Ministry.

CHAPTER THREE

SPECIAL PROVISIONS ON THE PROVISION OF A GUARD SERVICE

Section 56

Obligations of a Guard Service Provider

- (1) A guard service provider shall be obliged to
- perform the duties stipulated by this Act, other generally mandatory legal regulations or imposed by decisions and measures of the Ministry or the Regional Headquarters,
 - ensure the protection of personality, protection of personal data in information systems, good reputation of legal entities and protection of business secrets,
 - keep a separate record of persons entrusted with performance of physical protection,

- keep a record of services according to individual guarded objects,
- keep a record of interventions referred to at letter f) below and in section 50 subsection 4 (f), (g) and (i),
- immediately report the locally competent unit of the Police Force any intervention carried out in the performance of physical protection, at which use has been made of a firearm or material means of security or at which a person has been injured or killed or personal liberty has been restricted,³¹⁾
- ensure that a written report is prepared in respect of any intervention carried out under letter f) above or section 50 subsection 4 (f), (g) and (i); such an intervention report shall be prepared and signed by a person having carried out the intervention;
- keep an inspection book of supervision.

(2) The provisions of subsection 1 (c) to (g) shall not apply to a guard service provider performing only the activities pursuant to section 3 (h).

(3) A guard service provider shall be obliged to make certain that a person with whom he intends to conclude a contract for the provision of a guard service is authorised to utilise the property which is to be the object of protection; for this purpose, the provider shall be entitled to demand from the person, to whom a guard service is to be rendered, relevant documents³²⁾ and archive them in the registered office or place of business. The fulfilment of this obligation shall be upon request proved by the guard service provider to the supervisory body executing state supervision or to the inspection body executing inspection.

(4) A guard service provider guarding a person, property or securing order must not support or safeguard any conduct by which generally binding legal regulations are breached.

(5) A guard service provider operating an alarm system or its part, judging an unauthorised entry into a guarded object or place or operating other system serving for protection of property and persons shall be obliged to ensure that an alarm signal is immediately verified by a sufficient number of professionally qualified persons entrusted with performance of physical security. If having a suspicion of a criminal offence having been committed, the guard service provider shall take measures to restrict the personal liberty of the suspect, prevent unauthorised persons from entering the guarded object or place, and report the case to the locally competent Police Force unit.

(6) A motor vehicle used to get to a place where to verify an alarm signal must be marked with the readable writing "EMERGENCY VEHICLE". The writing shall be placed on both sides of the vehicle and on its rear part, and be composed of block capital letter of black colour on a white background. The

³¹⁾ Article 85 par. 2 of the Criminal Procedure Code

³²⁾ For example, Articles 588, 611, 628, 657, 659, 663, 747, 754 and 765 of the Civil Code, Article 3 of Act No. 64/1997 Coll. on the Utilisation of Land in Established Garden Plots and the Settlement of Ownership Rights to Them, Act of the National Council of the Slovak Republic No. 162/1995 Coll. on Land Registry and the Entry of Ownership and Other Rights to Real Estate (Land Registry Act) as amended

letters on both sides of the vehicle shall be at least 100 mm in height and the height of those on the rear of the vehicle shall be no less than 60 mm. The width and thickness of the letters must be appropriate to their height. As to motorbikes, these shall be marked in an appropriate manner.

(7) A guard service provider guarding property and persons during transport shall ensure they are transported by a suitable motor vehicle and guarded by

- a) at least two persons entrusted with performance of physical protection if property worth SKK 1 million to 5 million is being transported,
- b) at least two persons entrusted with performance of physical protection and by an escort vehicle going in front of the transporting vehicle, such escort car carrying at least two persons entrusted with performance of physical protection, if property worth SKK 5 million to 10 million is being transported,
- c) at least two persons entrusted with performance of physical protection and by an escort vehicle going in front of the transporting vehicle and by an escort vehicle going behind the transporting vehicle, either such escort car carrying at least two persons entrusted with performance of physical protection, if property worth over SKK 10 million is being transported or if the value of the transported property is unknown to the guard service provider.

(8) Records, intervention reports and an inspection book of supervision referred to in subsection 1 above shall be kept as long as a guard service is provided and be archived in the registered office or place of business of a provider for five years subsequent to the date of the last entry. Particulars of keeping the records, intervention reports and inspection book of supervision mentioned in subsection 1 above shall be laid down in a generally mandatory legal enactments issued by the Ministry.

Section 57

Constraints on the Activities of a Guard Service

(1) A guard service must not be provided in any manner that might evoke reasonable concerns that it is abused to forcibly affect political disputes, collective bargaining between employees and employers or to suppress rights and liberties in any way.

(2) No person may be guarded except with his/her express consent. The provisions of special regulations on limiting a person's legal capacity or depriving them thereof shall not be affected by this Act.

CHAPTER FOUR

SPECIAL PROVISIONS ON THE PROVISION OF A DETECTIVE SERVICE

Section 58

Obligations of a Detective Service Provider

- (1) A detective service provider shall be obliged to
 - a) perform the duties stipulated by this Act, other generally mandatory legal regulations or imposed by decisions and measures of the Ministry or the Regional Headquarters,
 - b) ensure the protection of personality, protection of personal data in information systems, good reputation of legal entities and protection of business secrets,
 - c) keep a separate record of persons entrusted with performance of a search,
 - d) keep a record of interventions referred to at letter e) below,
 - e) immediately report the locally competent unit of the Police Force any intervention carried out in the performance of a search, at which use has been made of a firearm or material means of security or at which a person has been injured or killed or personal liberty has been restricted,
 - f) ensure that a written report is prepared in respect of any intervention carried out under letter e); such an intervention report shall be prepared and signed by a person having carried out the intervention;
 - g) keep an inspection book of supervision,
 - h) keep a record of services if monitoring the activities of a person in a closed space or area.

(2) Records, intervention reports and an inspection book of supervision referred to in subsection 1 above shall be kept as long as a detective service is provided and be archived in the registered office or place of business of a provider for five years subsequent to the date of the last entry. Particulars of keeping the records, intervention reports and inspection book of supervision mentioned in subsection 1 above shall be laid down in a generally mandatory legal enactments issued by the Ministry.

Section 59

Constraints on the Activities of a Guard Service

(1) A detective service must not be provided in any manner whereby the right to protection of an individual's personhood or other rights protected by law³³⁾ are encroached upon.

(2) In the provision of a detective service, no investigation shall be conducted in respect of an individual's political or religious conviction or his/her involvement as a trade unionist or his/her race or ethnic group or national affiliation.

(3) In the provision of a detective service, no investigation shall be conducted in respect of an individual's health condition or sexual intercourses or inclinations except where concerning facts that might lead to divorce of a marriage and a contract for the provision of a detective story has been concluded by either of the spouses or where concerning sexual intercourses or inclinations that are unlawful or might lead to unlawful conduct.

Section 60

Final Report on the Provision of a Detective Service

³³⁾ For instance, Articles 11 to 16 of the Civil Code

(1) Within each contract for the provision of a detective service, a detective service provider shall be obliged to prepare, in writing, a final report on the provision of a detective service (hereinafter referred to as "final report"). Its original shall be submitted to the other party to the contract for the provision of a detective service and a copy thereof shall be archived by the provider for at least five years following the termination of the contract.

(2) A final report shall be deemed a document within the meaning of section 38. The final report must particularly comprise

- a) identification data of parties to a contract for the provision of a detective service,
- b) subject matter of a contract for the provision of a detective service,
- c) identification data of persons having provided a detective service,
- d) duration and actual course of the provision of a detective service,
- e) outcome of the provision of a detective service and its comparison with the agreed-upon subject matter of the contract for the provision of a detective service,
- f) incurred costs and the remuneration for the provision of a detective service.

Section 61

Disposal of Information Obtained

A detective service provider may supply information obtained in connection with the provision of a detective service only to a person that is party to the contract for the provision of a detective service or to a person upon whom a written power of attorney has been conferred by such party. Equally, any material gained while rendering a detective service shall be treated in the same way. This provision shall be without prejudice to the provisions of section 38 and the notification duty under special legislation³⁴⁾.

CHAPTER FIVE

SPECIAL PROVISIONS

ON PROFESSIONAL TRAINING AND CONSULTANCY

Section 62

Obligations of a Professional Training and Consultancy Provider

(1) A professional training and consultancy provider shall be obliged to

- a) perform the duties stipulated by this Act, other generally mandatory legal regulations or imposed by decisions and measures of the Ministry or the Regional Headquarters,
- b) ensure the protection of personality, protection of personal data in information systems, good reputation of legal entities and protection of business secrets,
- c) prepare information concerning the provision of professional training and consultancy; to the contents and storage of such information, section 60 shall be applied *mutatis mutandis*,

- d) keep separate records of persons entrusted with providing professional training and consultancy,
- e) keep an inspection book of supervision.

(2) Records as per subsection 1 (d) above and the said inspection book of supervision shall be kept as long as professional training and consultancy are provided and be archived in the registered office or place of business of a provider for five years subsequent to the date of the last entry. Particulars of keeping the records mentioned in subsection 1 (d) above and the inspection book of supervision shall be laid down in a generally mandatory legal enactments issued by the Ministry.

CHAPTER SIX SPECIAL PROVISIONS ON OWN PROTECTION

Section 63

Granting a Licence to Provide for Own Protection

(1) The Regional Headquarters shall decide on granting a licence to provide for own protection to a natural person or legal person, unless this is impeded by the interests of internal order and safety and if the number of persons securing own protection and the equipment of own protection with material means of security and other technical devices meet the requisites of own protection.

(2) A natural person or legal entity that has been granted a licence for providing a security service to other persons may provide for own protection within the extent of the granted licence.

Section 64

Particulars of an Application for the Grant of a Licence to Provide for Own Protection

(1) An application for the grant of a licence to provide for own protection must contain the following particulars

- a) an individual's name and surname, title, data and place of birth, birth registration number, residential address, business name, if applicable, place of business, unless identical with his/her residential address, and identification number, if allocated, or a legal person's business name, registered office and identification number,
- b) a description of own protection activities as defined in sections 3 to 5,
- c) a list of guarded objects or persons and their addresses,
- d) number of persons entrusted with the carrying out of
 1. physical protection,
 2. a search,
 3. professional training and consultancy,
- e) an overview of material means of security and other technical device used when providing for own protection.

(2) A natural person's or legal entity's application for the grant of a licence to provide for own protection shall be accompanied by

- a) a document proving the administrative fee to have been paid,

³⁴⁾ Article 340 of the Criminal Act

b) a description and a colour image of a uniform, appliqué, a logo or other outer designation, if designed to be used when providing for own protection.

(3) Requirements for a colour image of a uniform, an emblem specimen and details concerning its placement shall be provided by a generally binding legal regulation issued by the Ministry.

Section 65 Suspension of Providing for Own Protection

The Regional Headquarters shall suspend a provider's own protection

- a) at the latter's request, for no longer than one year from the date of coming into effect of a decision to suspend the provision of a security service,
- b) if so necessitated by the compelling interests of internal order and security, or
- c) if the activities being performed are inconsistent with law, for a maximum of three months from ascertaining this fact.

Section 66 Revocation of a Licence to Provide for Own Protection

(1) The Regional Headquarters shall decide on revoking a licence to provide for own protection if

- a) a provider has been employing a person failing to meet the integrity or reliability requirement for longer than three months since when the provider learnt that the employee did not satisfy the integrity or reliability requirement, or
- b) a provider fails to start performing at least one of the licensed activities within one year from the date of coming into effect of the decision to grant a licence for own protection or to carry out such an activity for longer than 12 consecutive months.

(2) The Regional Headquarters shall decide on revoking a licence for own protection if the provider grossly or repeatedly infringes the duties imposed by this Act or other generally mandatory legal regulations or breaches obligations ensuing from decisions or measures adopted by the Ministry or the Regional Headquarters.

(3) The Regional Headquarters shall decide on permanently revoking a licence for own protection if the provider is repeatedly in material breach of the duties imposed by this Act or other generally mandatory legal regulations or is repeatedly in gross violation of obligations ensuing from decisions or measures adopted by the Ministry or the Regional Headquarters.

(4) The Regional Headquarters shall also decide on revoking a licence for own protection if the provider fails to take over a licence for own protection even within 30 days of receipt of a repeated call to do so.

Section 67 Providing for Own Protection

To providing for own protection, none of sections 11 and 12, sections 22 to 25, section 29 subsections 2 and 3, section 31 subsection 1, section 33 subsections 1 to 4, sections 35 to 37, section 38 subsections 1, 3 and 4, section 40 subsection 2 (j), sections 41 and 42, section 56 subsection 3, sections 60 and 61 shall apply; the provisions of sections 13 to 21 shall apply only to an own protection provider's staff.

PART THREE TECHNICAL SERVICE

Section 68 General Provisions

(1) A technical service may be provided based on a licence to provide a technical service.

(2) The grant of a technical service provision licence shall be decided by the Regional Headquarters on the basis of an application filed by a natural or legal person. A technical service provision licence shall be issued for a period of ten years, unless this Act stipulates differently.

(3) A technical service provision licence is a public deed and is non-transferable.

(4) A specimen of a technical service provision licence shall be laid down in a generally mandatory legal regulation issued by the Ministry.

Section 69 The Acquisition of Authorisation to Provide a Technical Service

(1) Authorisation to provide a technical service is acquired upon receipt of a technical service provision licence. A person required to be registered in the Companies Register shall be authorised to provide a technical service upon the date of entry into the Companies Register, provided the date of entry into the Companies Register is later than the date of receipt of a technical service provision licence.

(2) A person required to be registered in the Companies Register shall be obliged to file a proposal for entry into the Companies Register within 90 days of the coming into effect of a decision to grant a technical service provision licence. If the proposal for entry into the Companies Register fails to be filed within 90 days of the coming into effect of the decision to grant a technical service provision licence or if the Registration Court rejects to make such an entry, that person must return the written decision to grant a technical service provision licence and the technical service provision licence to the Regional Headquarters within 15 days following the expiration of the 90-day period or within 15 days of notification of the rejection to make an entry into the Companies Register.

Section 70 Conditions for Granting a Technical Service Provision Licence

(1) A natural person applying for the grant of a technical service provision licence must meet the conditions set out in section 11 subsection 1 (a) to (e) and (g), while the provisions of section 11 subsections 2 and 3 shall apply as well.

(2) A legal person applying for the grant of a technical service provision licence must meet the conditions set out in section 12, while the individuals mentioned in section 12 subsection 1 (a), subsections 2 and 3 shall not be required to fulfil the condition set forth in section 11 subsection 1 (f).

(3) The appraisal of integrity and reliability shall be subject to the stipulations of sections 13 and 14.

(4) A professionally qualified person shall be deemed an individual who

- a) has attained a university education of at least 1st degree in the respective line of study, and has at least one year's experience in the given field, or
- b) has secondary education in the respective line of study completed by having passed a school-leaving examination, and has at least two years of experience in the given field, or
- c) has completed secondary vocational education in the respective line of study, and has at least three years of experience in the given field.

(5) An individual's professional qualifications shall be evidenced by a certificate of education and a certificate of practice.

(6) To the recognition of professional qualifications, the provisions of section 21 subsections 1 and 3 shall be applied *mutatis mutandis*.

Section 71

Particulars of an Application for the Grant of a Technical Service Provision Licence

(1) A natural person applying for the grant of a technical service provision licence shall state in the application as follows:

- a) name, surname, title, date and place of birth, birth registration number, residential address and citizenship,
- b) business name and place of business of an individual, identification number, if allocated,
- c) scope of business under section 7 subsection 1,
- d) operations, if established,
- e) date of closure if intending to provide a technical service for shorter than ten years.

(2) A natural person's application for the grant of a technical service provision licence shall be accompanied by such documents as stipulated by section 22 subsection 2 (a), (e) to (h) as well as a certificate of education and a certificate of practice; the provision of section 22 subsection 3 shall apply as appropriate, with only the document referred to in section 22 subsection 2 (a) and a certificate of education and a certificate of practice having to be submitted.

(3) A legal person applying for the grant of a technical service provision licence shall state in the application as follows:

- a) business name and registered office or place of business of an organisational unit of an enterprise or of an enterprise of a non-resident,
- b) name, surname, title, date and place of birth, birth registration number, residential address and citizenship of a natural person or natural persons who constitute its statutory body or are members thereof, with the manner of acting on its behalf being indicated,
- c) identification number, if allocated,
- d) scope of business under section 7 subsection 1,
- e) operations, if established,
- f) date of closure if intending to provide a technical service for shorter than ten years.

(4) The provisions of subsection 3 (b) shall apply *mutatis mutandis* to an attorney-in-fact, a responsible representative, a head of an organisational unit of an enterprise and a head of an enterprise of a non-resident.

(5) A legal person's application for the grant of a technical service provision licence shall be accompanied by documents stated in:

- a) section 22 subsection 2 (a) as well as a certificate of education and a certificate of practice, relating to a natural person or natural persons who constitute its statutory body or are members thereof, and relating to the persons listed in section 23 subsection 3,
- b) section 22 subsection 2 (a), relating to a person possessing at least a 15-per cent equity interest in the legal person,
- c) section 23 subsection 2 (c) to (f).

(6) A specimen of an application for the grant of a technical service provision licence shall be laid down in a generally binding legal regulation issued by the Ministry.

Technical Service Provision Licence Proceedings and Deciding

Section 72

(1) An application for the grant of a technical service provision licence shall be filed in person with the Regional Headquarters.

(2) The Regional Headquarters shall request the Ministry to pronounce on the application for the grant of a technical service provision licence with regard to internal order and security. The provisions of a general regulation on administrative procedure concerning the obligation of familiarising a party to the procedure with the documentation on the basis of which a decision is rendered shall not be applied if the Regional Headquarters grants the application. Where the Regional Headquarters cannot decide the application for the grant of a technical service provision licence within a term provided by a general regulation on administrative procedure, such term can be extended by the Chief of the Regional Headquarters for another 60 days at the utmost.

(3) Within no longer than 30 days of coming into effect of the decision to grant a technical service provision licence, the Regional Headquarters shall issue a technical service provision licence which proves the provider's authorisation to carry out the activities listed in the licence. The provider shall be required to start to carry out the licensed activity within one year from the date of coming into effect of the decision to grant a technical service provision licence.

(4) A decision to grant a technical service provision licence may, for the sake of protection of life, health, proprietary or other rights of persons as well as for the sake of internal order and security, specify conditions for the provision of a technical service, in particular the scope of activities or the limitation of validity of a technical service provision licence. The conditions for the provision of a technical service may also be set out additionally.

(5) A technical service provider shall be obliged to notify the Ministry of the provision of a technical service in an object of special importance yet before beginning to provide it and, concurrently, to request the Ministry in writing to verify the persons who are to provide the technical service. The provider's request for the verification of integrity and reliability shall be accompanied by documents and affidavits certifying one's integrity and reliability that are required of a job applicant or employee. Upon the provider's written request, the Ministry shall verify that the integrity requirement pursuant to section 13 and the reliability requirement under section 14 are fulfilled by the person who is to provide the technical service in the object of special importance.

(6) A provider having, in the past three years, repeatedly violated the obligations stipulated by this Act or other generally binding legal regulations or having infringed obligations laid down in decisions or measures adopted by the Ministry or the Regional Headquarters shall not be allowed to render a technical service in objects of special importance.

Section 73 Notification Duty

(1) A provider shall have a duty to notify the Regional Headquarters of any changes in the data provided in his application for the grant of a technical service provision licence, with such changes being substantiated with relevant documents substituting for those attached to his application for the grant of a technical service provision licence, within 15 days of occurrence of such changes.

(2) A provider being a natural person shall be obliged to submit to the Regional Headquarters, once in two years, documents and affidavits proving his/her integrity and reliability as well as a medical opinion, each of them dated no more than three months ago; such documents must be supplied by the provider each two years also in respect of the persons quoted in section 11 subsections 2 and 3.

(3) A provider being a legal person shall be obliged to submit to the Regional Headquarters, once in two years, documents and affidavits proving the fulfilment of the integrity and reliability requirements by the persons listed in section 12 subsection 1 (a) and subsections 2 and 3, each of them dated no more than three months ago, as well as documents and affidavits certifying the fulfilment of the integrity and reliability requirements by the person referred to in section 12 subsection 1 (b).

(4) Upon the notification pursuant to subsection 1 above and based on the documents and affidavits supplied under subsection 2 or 3 above, the Regional Headquarters shall confirm to the provider the notification of changes or resolve on changing the decision to grant a technical service provision licence or suspend the provision of a technical service or revoke the technical service provision licence.

Section 74 Changes of a Decision to Grant a Technical Service Provision Licence

(1) The Regional Headquarters shall issue a resolution on changing the decision to grant a technical service provision licence, provided such changes relate to the scope of activities; this shall also apply to additional specification of conditions or alteration of the conditions set out in section 72 subsection 4. Within 30 days of coming into force of the resolution on changing the decision to grant a technical service provision licence, the Regional Headquarters shall issue a new technical service provision licence, such licence being valid for no longer than the validity of the previously issued technical service provision licence.

Section 75 Suspension of the Provision of a Technical Service

(1) The Regional Headquarters shall suspend the provision of a technical service

- a) if a natural person being a statutory body of a legal person or a member thereof or an attorney-in-fact, head of an organisational unit of an enterprise, head of an enterprise of a non-resident legal person or a responsible representative no longer complies with and meets the conditions set forth in section 11 subsection 1 (a), (c) to (e) or (g), with such suspension lasting for a maximum of three months from the day on which the said conditions are no longer fulfilled,
- b) if a natural person having the sole authority to act on behalf of a legal person no longer works for that legal entity, with such suspension lasting for a maximum of three months from the day on which the natural person no longer works for that legal entity,
- c) if a natural person possessing at least a 15-per cent equity interest in a legal person no longer meets the integrity and reliability requirements, with such suspension lasting for a maximum of three months from the day on which the said requirements are no longer fulfilled by that natural person,
- d) if a provider being a natural person no longer meets the reliability requirement provided for in section 14 subsection 1

- (d), with such suspension lasting up to the time that a final decision is rendered in the case,
- e) if a natural person being an attorney-in-fact, head of an organisational unit of an enterprise, head of an enterprise of a non-resident natural person or a responsible representative of a natural person, where required to be appointed, no longer meets the conditions laid down in section 11 subsection 1 (a), (c) to (e) or (g), with such suspension lasting for a maximum of three months from the day on which the said conditions are no longer fulfilled by that natural person,
- f) if offices at a provider are exercised by natural persons whose engagement is prohibited under section 77 subsections 8 to 10, with such suspension lasting for a maximum of three months,
- g) at a provider's request, with such suspension lasting for no longer than one year of the coming into effect of a decision to suspend the provision of a technical service,
- h) if so necessitated by the compelling interests of internal order and security, or
- i) if activities being performed are inconsistent with law, such suspension lasting for no longer than three months from the ascertainment of this fact.

(2) An appeal against a decision to suspend the provision of a technical service shall have no deferment effect.

(3) The provision of a technical service may continue only based on a decision of the Regional Headquarters cancelling the suspension of the technical service provision; the Regional Headquarters shall issue such a decision within 3 days from the day when the technical service provider proves that the reasons due to which the provision of a technical service was suspended no longer exist. The provision of a technical service may not be repeatedly suspended under subsection 1 (g) before a period of three months has elapsed from the date of cancellation of the previous decision to suspend the provision of a technical service.

Section 76

Termination of Authorisation to Provide a Technical Service

- (1) The authorisation to provide a technical service shall terminate
- a) upon the death of a provider being a natural person,
- b) upon the winding-up of a legal person,
- c) upon the lapse of time for which a technical service provision licence was granted,
- d) by a decision of the Regional Headquarters under section 77, or
- e) upon a written notice of termination of the provision of a technical service and the handover by a provider of a technical service provision licence.

(2) The authorisation to provide a technical service shall not terminate upon the handover by a provider of a technical service provision licence if technical service provision suspension proceedings or technical service provision licence revocation proceedings have been instituted.

(3) Where the authorisation to provide a technical service terminates upon the lapse of time for which a technical service provision licence was granted, the provider may ask a new technical service provision licence to be issued for activities being the subject of the granted licence, no earlier than six months and no later than three months prior to the expiry of the technical service provision licence.

Section 77

Revocation of a Technical Service Provision Licence

(1) The Regional Headquarters shall decide on revoking a technical service provision licence if

- a) the period set out in section 75 subsection 1 (a) to (c), (e), (f) or (i) has elapsed and the grounds on the basis of which the provision of a technical services was suspended remain,
- b) a provider being a natural person no longer complies with the conditions set forth in section 11 subsection 1 (a), (c) to (e) or (g), and the case pursuant to section 75 subsection 1 (d) is not concerned,
- c) a provider has been employing a person failing to meet the integrity or reliability requirement for longer than 3 months since when the provider learnt that the employee did not satisfy the integrity or reliability requirement, or
- d) a provider fails to start performing at least one of the licensed activities within one year from the date of coming into effect of the decision to grant a technical service provision licence or to carry out such an activity for longer than 12 consecutive months.

(2) The Regional Headquarters shall decide on revoking a technical service provision licence if the provider grossly or repeatedly infringes the duties imposed by this Act or other generally mandatory legal regulations or breaches obligations ensuing from decisions or measures adopted by the Ministry or the Regional Headquarters.

(3) The Regional Headquarters shall decide on permanently revoking a technical service provision licence if the provider is repeatedly in material breach of the duties imposed by this Act or other generally mandatory legal regulations or is repeatedly in gross violation of obligations ensuing from decisions or measures adopted by the Ministry or the Regional Headquarters.

(4) The Regional Headquarters shall also decide on revoking a technical service provision licence if the provider fails to take over a technical service provision licence even within 30 days of receipt of a repeated call to do so.

(5) An appeal against a decision to revoke a technical service provision licence shall have no deferment effect.

(6) Where a technical service provision licence is revoked pursuant to subsection 3 above, the same provider shall be impossible to grant another technical service provision licence.

(7) Where a technical service provision licence is revoked pursuant to subsection 1, 2 or 4, the same provider may be granted another technical service provision licence only after a

period of three years has passed from the date of coming into effect of the decision to revoke a technical service provision licence.

(8) A natural person whose technical service provision licence has been revoked under subsection 3 above may not be a statutory body or member thereof, head of an organisational unit of an enterprise, head of an enterprise of a non-resident, an attorney-in-fact or responsible representative of a provider; where concerning a natural person whose technical service provision licence has been revoked under subsection 1, 2 or 4, any of the said posts must not be held by that natural person within three years from the date of coming into effect of the decision to revoke a technical service provision licence.

(9) Any person having been a statutory body or member thereof, head of an organisational unit of an enterprise, head of an enterprise of a non-resident, an attorney-in-fact or responsible representative of a provider, whose technical service provision licence has been revoked under subsection 3 above must not hold any of the mentioned posts at the technical service provider or be a holder of a technical service provision licence; this shall not apply if his/her activities were not related to the reasons for which the technical service provision licence was revoked.

(10) Any person having been a statutory body or member thereof, head of an organisational unit of an enterprise, head of an enterprise of a non-resident, an attorney-in-fact or responsible representative of a provider, whose technical service provision licence has been revoked under subsection 1, 2 or 4 above must not hold any of the mentioned posts at the provider or be a holder of a technical service provision licence for the duration of three years from the date of coming into effect of the decision to revoke a technical service provision licence; this shall not apply if his/her activities were not related to the reasons for which the technical service provision licence was revoked.

Section 78

Obligations upon the Change of a Decision to Grant a Technical Service Provision Licence, upon the Suspension of the Provision of a Technical Service or the Termination of Authorisation to Provide a Technical Service

(1) If, upon the change of a decision to grant a technical service provision licence, a new technical service provision licence is issued, the provider shall be obliged to return the previous technical service provision licence to the Regional Headquarters upon the receipt of the new technical service provision licence at the latest. The Regional Headquarters shall issue a confirmation of the technical service provision licence having been returned, such confirmation being issued to a person who has returned the technical service provision licence.

(2) A provider whose provision of a technical service has been suspended shall be bound to ensure that the stipulations of this Act are not contravened.

(3) Upon the suspension of the provision of a technical service or upon the termination of authorisation to provide a technical service, the provider must, within 15 days following the suspension of the provision of a technical service or the termination of authorisation to provide a technical service, return the technical service provision licence to the Regional Headquarters; in the event of a legal entity being wound up with liquidation, this obligation shall be fulfilled by the liquidator. The Regional Headquarters shall issue a confirmation of the technical service provision licence having been returned, such confirmation being issued to a person who has returned the technical service provision licence.

(4) If so necessitated by the interests of internal order and security, a decision of the Regional Headquarters to revoke a technical service provision licence shall specify conditions for ceasing the provision of a technical service.

Section 79

To the provision of a technical service, sections 35, 37, 38, 41 and sections 43 to 47 shall be applied as appropriate.

PART FOUR ACCREDITATION

Section 80

Conditions for Granting Accreditation

(1) Professional training for the examination pursuant to section 19 shall be ensured by an accredited person. Accreditation shall be granted by the Ministry to a natural person or legal entity that

- a) is authorised to carry out the activities stated in section 5,
- b) proves to be capable of ensuring the required standard of professional training,
- c) proves to dispose of suitable premises in which professional training is to be provided (hereinafter called "training facility").

(2) No accreditation shall be valid for longer than ten years from the date of coming into effect of a decision to grant accreditation. An accredited person shall provide professional training in a training facility.

Section 81

Accreditation Granting Application Proceedings

(1) An application for the grant of accreditation shall comprise:

- a) name and surname, title, data and place of birth, birth registration number, residential address and business name of a natural person or business name and registered office of a legal entity that applies for the grant of accreditation,
- b) name and surname, title, data and place of birth, birth registration number, residential address of a person responsible for due and proper provision of professional training (hereinafter referred to as "responsible person"),

- c) date of commencement of providing professional training,
- d) date of closure if intending to perform such activities for shorter than ten years,
- e) address of a training facility and its capacity,
- f) information concerning persons who are to provide professional training (hereinafter called "lecturer", such information being supplied to the extent of personal data under letter b).

(2) An application for the grant of accreditation shall be accompanied by

- a) a document proving the right of utilising a training facility; the Ministry may also demand documents testifying to the suitability of a training facility,
- b) lecturers' affidavits along with certificates of practice and certificates of education; an affidavit shall contain personal data of a lecturer as well as subjects in which lectures are to be delivered by him/her and an overview of education attained by him/her,
- c) a conception of professional training and a training programme,
- d) a document certifying that the administrative fee has been paid.

(3) A responsible person shall be required to satisfy the conditions set forth in section 11, subsection 1 (b) to (e) and in section 17, subsection 2.

(4) An applicant for accreditation must enable persons authorised by the Ministry to carry out an inspection of his training facility.

(5) The Ministry shall decide on an application for the grant of accreditation within 90 days from the beginning of the proceedings. Where an applicant for accreditation is not the owner of a training facility, accreditation shall be granted by the Ministry only for a period during which the applicant is entitled to utilise the premises of the training facility. The decision of the Ministry to grant accreditation shall also specify the address of the training facility.

Section 82

Change of a Decision to Grant Accreditation, Suspension of Providing Professional Training and Termination of Accreditation

(1) An accredited person shall be obliged to notify the Ministry of any changes in the data stated in the application for accreditation, with such changes being substantiated with relevant documents substituting for those attached to the application for accreditation, within no longer than 15 days of occurrence of such changes. Execution of specialized training can continue only after confirmation of the changes by the Ministry or after the change of decision of granting accreditation.

(2) Upon the notification of changes and the submission of documents pursuant to subsection 1 above, the Ministry shall confirm the changes or commence proceedings concerning the change of a decision to grant accreditation, within 15 days following the notification of changes and the submission of documents pursuant to subsection 1 above.

(3) The Ministry shall suspend the provision of professional training if an accredited person is suspended from providing professional training and consultancy under section 31. The suspension of providing professional training and consultancy shall be in writing communicated to the accredited person on the basis of a decision to suspend the provision of professional training and consultancy.

(4) Accreditation shall terminate

- a) upon the death of an accredited person,
- b) upon the winding-up of an accredited legal person,
- c) by revocation thereof,
- d) by revocation of a technical service provision licence,
- e) at the request of an accredited person,
- f) upon the lapse of time for which it was granted.

(5) The Ministry shall revoke accreditation where an accredited person

- a) fails to assure the required standard of professional training,
- b) grossly or repeatedly infringes the duties imposed by this Act or other generally mandatory legal regulations or breaches obligations ensuing from decisions or measures adopted by the Ministry or the Regional Headquarters,
- c) fails to start providing professional training within one year from the date of coming into effect of the decision to grant accreditation or to render professional training for longer than 12 consecutive months.

(6) Any accredited person whose accreditation has been revoked shall be obliged, within 15 days from the date of coming into effect of the decision to revoke accreditation, to return to the Ministry the decision to grant accreditation.

(7) A person whose accreditation has been revoked or whose application for accreditation has been rejected may be granted new accreditation no earlier than five years after the coming into effect of a decision to revoke accreditation or a decision not to grant accreditation.

Section 83

Obligations of an Accredited Person

(1) An accredited person must submit to the Ministry, within no longer than five days prior to the commencement of professional training, a list of persons enrolled for professional training. Such a list shall specify the name and surname, date of birth and residential address of each of the enrolled as well as the date, hour and place of providing professional training.

(2) At the beginning of professional training, an accredited person shall issue each of the persons enrolled for professional training with a training book. In the training book a lecturer shall record attendance at each lecture, with the date, hour and topic thereof being indicated. At the end of a lecture, the lecturer shall affix his/her signature to the training book to confirm the applicant's attendance at the lecture. Each applicant shall each time carry his/her training book on him/her when given professional training, and shall submit it to the examination board during the examination or upon request to

the authority executing state supervision or inspection. After the examination each training book shall be retained by the accredited person for one year.

(3) With regard to the course of professional training, an accredited person shall keep records of trainees and training books. The trainees record shall contain personal data such as name, surname, title, if any, date of birth and residential address and the training books record shall comprise a training book sequential number and the name and surname of a trainee to whom the training book was issued.

(4) The records referred to in subsection 3 shall be kept by an accredited person in a training facility for the duration of professional training and archived in the registered office of a legal person or place of business of a natural person for a period of three years following the last entry in the record.

PART FIVE
STATE SUPERVISION AND INSPECTION, BREACHES OF
DISCIPLINE AND MISDEMEANOURS IN THE FIELD OF
PRIVATE SECURITY AND RECORD-KEEPING

CHAPTER ONE
STATE SUPERVISION AND INSPECTION

Section 84

(1) State supervision over compliance with the duties imposed by or under this Act upon natural persons and legal entities shall be executed by the Ministry.

(2) Inspection of compliance with the duties imposed by or under this Act upon natural persons and legal entities shall be executed by the Regional Headquarters.

(3) An inspection of activities performed hereunder may be carried out by any police officer and, to the extent stipulated by this Act, also by Military Police and Railway Police officers.

(4) State supervision and inspection in objects of special importance shall be executed by the Ministry and the Regional Headquarters, customarily in assistance with the bodies executing state professional supervision under special legislation³⁵).

Section 85

(1) A person entrusted with the execution of state supervision or inspection (hereinafter referred to as "inspector") or a police officer carrying out an inspection of activities performed hereunder shall be authorised to

a) give, on the spot, orders to rectify shortcomings identified,

- b) make entries in an inspection book of supervision and in records that are kept in a guarded object or place,
- c) take the certificate away from a person entrusted with the carrying out of physical protection, a search, professional training and consultancy or a person stated in section 12 subsection 1 (a) and subsections 2 and 3 if
 1. there are recurring or serious deficiencies in that person's activities,
 2. that person is unable to duly perform his/her duties because of being under the influence of alcohol or other addictive substances,
 3. there are reasonable doubts as to the professional qualifications of a natural person or the standard of carrying out physical protection, a search, professional training and consultancy,
 4. there is a suspicion of the certificate having been forged or altered,
 5. the certificate has expired,
 6. that person refuses to undergo an examination whether or not he/she is under the influence of alcohol or other addictive substances,
- d) enter objects, plots of land or other premises, provided they are related to the subject matter of state supervision, inspection or inspection activities, and to demand cooperation from the inspected entity and its staff;
- e) require any persons performing the activities hereunder as well as any persons being present in the performance of such activities to prove their identity,
- f) detect whether or not an employee performing his/her duties is under the influence of alcohol or other addictive substances; the employee shall be obliged to submit to such detection.

(2) A person whose certificate has been taken away under subsection 1 (c) may only carry out acts associated with going off duty.

(3) Of the certificate having been taken away under subsection 1 (c), the inspector or police officer shall issue a confirmation and refer the case, within no longer than three days from taking away the certificate, to the supervisory or inspection body to decide the case under section 89 subsection 1 (a).

(4) To the giving of orders pursuant to subsection 1 (a), no general regulation on administrative procedure shall apply. Any orders given shall be entered in an inspection book of supervision and an inspection of activities report referred to in subsection 6 or in a report on state supervision findings or a report on inspection findings.

(5) To any orders given under subsection 1 (a), a provider may lodge written objections within two days of being given the orders, such objections having to be substantiated. No objection shall have a deferment effect. Such objections shall be decided by the supervisory body, provided the orders have been given by an inspector appointed by the Ministry, or shall be decided by the inspection body, provided the orders have been given by a Regional Headquarters inspector or a police officer carrying out an inspection of activities. Any objections

³⁵) For instance, Act No. 541/2004 Coll. on the Peaceful Exploitation of Nuclear Energy (Nuclear Act) and on Amendments and Supplements to Certain Acts, Act No. 134/1998 Coll. on Civil Aviation (Aviation Act) and on Amendments and Supplements to Certain Acts as amended

shall be decided by the supervisory body or the inspection body within five days of receipt of the objections.

(6) Any shortcomings identified in the inspection of activities shall be stated by a police officer in an inspection of activities report, and the respective Regional Headquarters as appropriate to the place of identification of the shortcomings shall be informed in writing accordingly.

(7) The provisions of subsections 1 to 5 shall apply also to activity inspections carried out by Military Police officers in guarded objects or places falling within the competence of the Ministry of Defence of the Slovak Republic, and to activity inspections carried out by Railway Police officers in guarded objects or places falling within the competence of the Railway Police.

Section 86

(1) Before commencing the execution of state supervision or inspection, an inspector shall identify himself/herself by producing an inspector certificate or service certificate to a person authorised to act on behalf of an inspected entity or to an employee of an inspected entity who is present at the place of executing state supervision or inspection. If, at the time of commencing the execution of state supervision or inspection, the person authorised to act on behalf of the inspected entity is not present at the place of executing state supervision or inspection, the inspector shall without delay notify that person of the commencement of the state supervision or inspection.

(2) An inspector executing state supervision or inspection shall be authorised to

- a) demand from an inspected entity and its staff first copies of certificates and other documents, statements, information including data carriers, and to copy them and use them for the purpose of executing state supervision or inspection,
- b) require cooperation of an inspected entity, its staff as well as other state bodies and organisations, natural persons and legal entities; every one shall be obliged to be of assistance to the inspector,
- c) demand that written statements be made, by particular deadlines, in respect of findings revealed by the bodies of state supervision and inspection,
- d) call in, for the execution of state supervision and inspection, police officers or the staff of the Ministry, the Regional Headquarters or the Police Force or other legal entities or natural persons if so necessitated by the nature of state supervision or inspection; before commencing the execution of state supervision or inspection, those persons shall prove their identity by their ID cards.

(3) An inspector executing state supervision or inspection shall be obliged to

- a) keep in secrecy all facts and information that have come to his/her notice in the execution of state supervision or inspection except as provided by letters (h) and (i), or except that he/she is divested of this obligation by a person for the sake of whom he/she has such obligation or by,

where public interest is concerned, the head of the supervisory or inspection body,

- b) make it possible for the person quoted in subsection 1 to take part in the execution of state supervision or inspection, with that person being continuously informed of the results thereof,
- c) prepare a report on the finding of state supervision or inspection (hereinafter called "inspection report") which shall be made known to the inspected entity,
- d) verify the substantiation of objects presented in the inspected entity's written statement regarding the findings of state supervision or inspection according to subsection 2 (c), and make allowance for well-founded and substantiated objections in a supplement to the inspection report; the inspector shall not be bound to take account of any objects made additionally,
- e) issue a written confirmation of having received first copies of certificates and other documents and data carriers,
- f) discuss the inspection report with the inspected entity, and hand it over to the latter,
- g) impose, in the inspection report, an obligation on the inspected entity to take all necessary measures to rectify discovered deficiencies by a particular deadline, and to subsequently submit a written report on the implementation of those measures to the supervisory or inspection body by a specific deadline,
- h) report any suspicion of a criminal offence to the bodies responsible for penal proceedings and other facts to the relevant bodies according to special regulations,
- i) notify, in well-grounded instances, the outcome of state supervision or inspection to bodies pursuant to special legislation³⁵⁾ and, if it is in the public interest, also to the public.

(4) Inspectors having knowledge of facts casting doubt on their impartiality shall notify such facts without unnecessary delay, by the time that the execution of state supervision or inspection begins at the latest, in writing to the supervisory or inspection body. Should the inspected entity have any doubts as to inspectors' impartiality with regard to their relation to or with the subject matter of inspection, the inspected entity or its staff, it may lodge a written objection to their participation in the inspection with the supervisory or inspection body, with the reason therefor being stated. None of the lodged objections shall have a deferment effect. Inspectors to whose involvement objections have been lodged by the inspected entity raising doubts about their impartiality shall be authorised to carry out only those acts which brook no delay in the execution of state supervision or inspection. The head of the supervisory or inspection body, or an employee designated by him/her, shall decide the objections within no longer than five days from their being lodged and make the decision known in writing to the person who has lodged the objections. No general regulation on administrative procedure shall apply to decision-making in the matters concerning impartiality.

(5) Details of an inspector certificate and its specimen shall be laid down in a generally binding legal regulation issued by the Ministry.

Section 87

Rights and Obligations of an Inspected Entity

- (1) An inspected entity shall have the right to
- a) be present in the execution of state supervision or inspection, get acquainted with the results of state supervision and inspection and pronounce thereon,
 - b) demand a written confirmation of having received first copies of certificates and other documents and data carriers,
 - c) get acquainted with the inspection report and to receive a copy thereof.
- (2) An inspected entity shall be obliged to
- a) cooperate with an inspector to such extent as may be necessary for the execution of state supervision or inspection, make it possible for the latter to execute state supervision or inspection, and create suitable material and technical conditions for the execution of state supervision or inspection,
 - b) enable an inspector to enter any objects, plots of land or premises, provided they relate to the subject matter of state supervision or inspection,
 - c) ensure the proving of identity of persons performing activities under this Act as well as of all of those participating in the performance of such activities,
 - d) supply an inspector with first copies of certificates and other documents, statements, information including data carriers,
 - e) deliver, by a particular deadline, a written statement in respect of the findings of state supervision or inspection contained in the inspection report,
 - f) adopt, by a specific deadline, measures to remedy deficiencies identified; submit a written report on the implementation of such measures to the supervisory or inspection body.

Section 88

An Inspection Report

- (1) The inspector shall elaborate an inspection report on the outcome of state supervision or inspection. Such an inspection report must contain:
- a) designation of the supervisory or inspection body, report number, date of elaboration thereof,
 - b) identification data of the inspectors, stating their names, surnames and posts and the same identification data for the persons called in,
 - c) date of execution of state supervision or inspection,
 - d) designation of the inspected entity,
 - e) the subject matter of state supervision or inspection,
 - f) identification data of the authorised representative of the inspected entity or its employee who was present in the execution of state supervision or inspection, with his/her name, surname and occupational position being indicated,
 - g) findings ascertained, stating which generally mandatory legal regulations have been violated,
 - h) inspectors' signs manual,
 - i) sign manual of the authorised representative of the inspected entity or its employee who has been made familiar with the inspection report,

- j) statements in respect of the findings of state supervision or inspection,
- k) the inspected entity's obligation to adopt measures to rectify shortcomings identified, and to make them known to the body of state supervision or inspection by a specific deadline,
- l) measures taken against the inspected entity,
- m) other documents and materials supporting the findings revealed.

(2) If the inspected entity fails to deliver to the supervisory or inspection body its written statement by the deadline under section 87 subsection 2 (e), it shall be presumed that it agrees to the findings of state supervision or inspection contained in the inspection report.

(3) The execution of state supervision or inspection shall be deemed to have been completed on the date of signing the inspection report and its supplement. The execution of state supervision or inspection shall also be deemed to have been completed Should any of the representatives of the inspected entity refuse to sign the inspection report, the execution of state supervision or inspection shall be deemed to have been completed as well. Such a fact shall be stated in the inspection report.

Section 89

- (1) The bodies of state supervision and inspection may decide that
- a) a certificate which has been taken away pursuant to section 85 subsection 1 (c) shall not be given back to its holder up to the time that a final decision is rendered in the case; the supervisory or inspection body shall decide the case within ten days from the day of taking away the certificate; it shall not be required to inform the person concerned of commencing the proceedings,
 - b) a person who is not reliable under section 14 subsection 1 (d) shall be obliged to surrender its certificate to the supervisory or inspection body to retain it until a final decision is rendered in the case under special legislation³⁶⁾,
 - c) a person entrusted with the carrying out of physical protection, a search, professional training and consultancy shall be obliged to repeatedly undergo an examination of his/her health capacity if there appear reasonable doubts as to his/her health condition,
 - d) a person entrusted with the carrying out of physical protection, a search, professional training and consultancy shall be obliged to repeatedly undergo an examination of his/her professional qualifications if there appear reasonable doubts as to his/her professional competence; a decision ordering such an examination must be rendered within 30 days of occurrence of the reasons for it being rendered.

(2) Where a decision is made under subsection 1 (d) above that a person entrusted with the carrying out of physical protection, a search, professional training and consultancy must undergo an examination of his/her professional qualifications,

³⁶⁾ For example, Articles 214, 215, 280 par. 2, 281 and 284 of the Criminal Procedure Code

such person must surrender the certificate of his/her professional competence to the supervisory or inspection body having rendered the decision. The examination of professional qualifications shall be subject to the provisions of section 19 subsections 1, 2, 5 to 8; it shall not be required to receive professional training anew. Once the examination has been successfully passed, the certificate shall be returned to its holder.

(3) For deciding under subsection 1, the materially competent authority shall be the supervisory body, provided the grounds for its decision have been found out through its activities or have been notified to it; the inspection body shall be materially competent to render a decision, provided the grounds for its decision have been found out through its activities or by a police officer carrying out an inspection of activities.

Section 90

(1) The supervisory body and the inspection body may also decide to revoke the certificate if its holder fails to meet the integrity requirement under section 13 or the reliability requirement under section 14 subsection 1 (a) to (c), (e) to (g) or under section 14 subsection 1 (d) and a final decision is lawfully rendered to his/her disadvantage, or if there are reasonable doubts as to the standard of his/her carrying out of physical protection, a search, professional training and consultancy and a final decision is lawfully rendered to his/her disadvantage, or if he/she undergoes an examination of his/her professional qualifications under section 89 subsection 1 (d) and fails it.

(2) Where the certificate is revoked under subsection 1, a new certificate may be issued only after a period of five years has elapsed and after having received professional training and having successfully passed the examination. The examination of professional qualifications shall be subject to the provisions of section 19 subsections 1, 2, 5 to 8.

(3) The material competence for deciding pursuant to subsection 1 shall be in terms of section 89 subsection 3.

CHAPTER TWO

BREACHES OF DISCIPLINE AND MISDEMEANOURS IN THE FIELD OF PRIVATE SECURITY

Section 91

Breaches of Discipline in the Field of Private Security

(1) The Ministry or the Regional Headquarters shall impose a fine on a legal person or natural person – entrepreneur - that

- a) is performing activities constituting a security service without a licence for other persons,
- b) is performing activities constituting a security service without a licence for the sake of own protection, or performs activities constituting a technical service without a licence,

- c) entrusts the carrying out of physical protection, a search, professional training and consultancy to persons who do not fulfil the integrity and/or reliability requirements,
- d) fails to meet the obligation set forth in section 56 subsection 3, in the first sentence of section 56 subsection 5 or in section 56 subsection 7,
- e) fails to meet other obligation than those provided for at letters (a) to (d) that is stipulated by this Act, or fails to meet an obligation imposed through a decision rendered by the Ministry or the Regional Headquarters hereunder.

(2) For a breach of discipline under subsection 1 (a) a fine of SKK 100,000 up to SKK 2,000,000 may be imposed, for a breach of discipline under subsection 1 (b) a fine of SKK 50,000 up to SKK 1,000,000 may be imposed, for a breach of discipline under subsection 1 (c) a fine of SKK 10,000 up to SKK 1,000,000 may be imposed, for a breach of discipline under subsection 1 (d) a fine of SKK 10,000 up to SKK 500,000 may be imposed, and for a breach of discipline under subsection 1 (e) a fine of up to SKK 100,000 may be imposed; a five-year ban on activities hereunder may be imposed for a breach of discipline under subsection 1 (a) and (b) and a three-year ban for a breach of discipline under subsection 1 (d).

(3) Any person committing a breach of discipline under subsection 1 (e) may be ticketed up to SKK 10,000 by the inspector executing state supervision or inspection. To the ticketing procedure, the provisions concerning ticket fine imposition proceedings for misdemeanours shall be applied *mutatis mutandis*.³⁷⁾

(4) When imposing a fine for a breach of discipline under subsection 1, the Ministry or the Regional Headquarters shall take into consideration the materiality, manner, duration and consequences of the unlawful conduct as well as consider any repeated violations of a legal duty and whether or not several duties have been infringed by such conduct.

(5) For a breach of discipline according to subsection 1, forfeiture shall be imposable, provided the forfeit belongs to the person who has perpetrated the breach of discipline and provided the forfeit has been used to perpetrate the breach of discipline or has been obtained by perpetrating the breach of discipline or has been acquired in exchange for a thing obtained through the breach of discipline.

(6) If no forfeiture is imposed as provided by subsection 5, it can be decided that the thing in question shall be impounded if such a thing

- a) belongs to the perpetrator of the breach of discipline who cannot be prosecuted for the breach of discipline, or
- b) does not belong to the perpetrator of the breach of discipline or belongs to them only in part, and provided this is necessitated by the security of persons or property or other public interest.

³⁷⁾ Articles 84 and 85 of Act of the Slovak National Council No. 372/1990 Coll. as amended by Act of the Slovak National Council No. 524/1990

(7) In no event shall it be possible for a thing to be forfeited or impounded if there is a striking disproportion between the value of the thing and the gravity of the breach of discipline.

(8) A fine, a ban on activities or forfeiture may be imposed or impoundment may be pronounced within no longer than five years of breach of a legal duty.

(9) When a breach of discipline is being examined, participants in the proceedings shall also include the owner of a thing to be impounded, particularly in that part of the proceedings which pertains to the impoundment of the thing.

(10) Breaches of discipline under subsection 1 shall be examined by the Ministry if they have been revealed through the activities of the Ministry or reported to the Ministry, or shall be examined by the Regional Headquarters if they have been revealed through the activities of the Regional Headquarters or reported to the Regional Headquarters.

(11) The imposition of a fine for a breach of discipline under subsection 1 shall be without prejudice to the provisions concerning the suspension of providing a security service under section 31, the suspension of providing for own protection under section 65, the suspension of providing a technical service under section 75, the revocation of a security service provision licence under section 33, the revocation of a licence to provide for own protection under section 66 or the revocation of a technical service provision licence under section 77.

(12) Any and all fines received shall be deemed a state budget revenue item. The owner of forfeited or impounded things shall be the State.

Section 92

Misdemeanours in the Field of Private Security

(1) A private security misdemeanour is perpetrated by he who

- a) is performing activities constituting a security or technical service without a licence,
- b) purports, when carrying out physical protection, a search, professional training and consultancy, to be a police officer or other person performing public administration duties,
- c) as an employee fails to submit to the provider or technical service provider documents evidencing his integrity or reliability pursuant to sections 45 and 46,
- d) as a person entrusted with the carrying out of physical protection, a search, professional training and consultancy, fails to act in such manner as not to hinder an investigation conducted at a place which is likely to have been the scene of a criminal offence, traffic accident, operating accident, industrial injury or other extraordinary occurrence, or at a place where a person has been killed or bodily harm has been caused, or at a place where use has been made of a firearm or material means of security,
- e) as an employee of the inspected entity or as a person authorised to act on behalf of the inspected entity, refuses to cooperate with the inspector to such extent as may be inevitable for the execution of state supervision or inspection,

or does not enable the inspector to enter the objects, plots of land or other premises related to the execution of state supervision or inspection, or does not provide the inspector with first copies of certificates, documents, statements, information including data carriers,

- f) fails to meet other obligation than those stated at letters (a) to (e) that is stipulated by or under this Act.

(2) For a misdemeanour under subsection 1 (a) a fine of SKK 20,000 up to SKK 200,000 may be imposed, for a misdemeanour under subsection 1 (b) to (e) a fine of SKK 5,000 up to SKK 100,000 may be imposed, for a misdemeanour under subsection 1 (f) a fine of up to SKK 50,000 may be imposed; a five-year ban on activities hereunder may be imposed for a misdemeanour under subsection 1 (a), (b) and (f).

(3) Misdemeanours under subsection 1 shall be examined by the Ministry if they have been revealed through the activities of the Ministry or reported to the Ministry, or shall be examined by the Regional Headquarters if they have been revealed through the activities of the Regional Headquarters or reported to the Regional Headquarters.

(4) For a misdemeanour under subsection 1 (f) a ticket fine of SKK 5,000 may be imposed, such fine being impossible also by an inspector executing state supervision or inspection; within order giving proceedings, a fine of up to SKK 10,000 may be imposed.

(5) Misdemeanours and their examination shall be subject to a general regulation on misdemeanours, unless this Act implies differently.³⁸⁾

(6) A person who has been imposed a ban on activities under subsection 2 shall be obliged to surrender his certificate to the administrative authority that has decided on such a ban. After the ban on activities has been lifted, the certificate shall be given back to the person who has handed it over to the administrative authority.

CHAPTER THREE RECORDS KEPT BY THE MINISTRY

Section 93

(1) The Ministry shall keep a private security information system (hereinafter referred to as "information system").

- (2) The information system shall contain records of
- a) guard service providers,
 - b) detective service providers,
 - c) professional training and consultancy providers,
 - d) own protection providers to be kept separately for each kind of security service,
 - e) technical service providers,
 - f) licence applicants who has been granted no licence,

³⁸⁾ Act of the Slovak National Council No. 372/1990 Coll. as subsequently amended

- g) legal entities and natural persons that have been granted accreditation,
- h) individuals who have applied for a qualification examination, with the results thereof being listed,
- l) individuals who have applied for the examination, with the results thereof being listed,
- j) individuals who have been issued with the certificate,
- k) individuals whose certificate has been revoked,
- l) legal entities and natural persons that have been imposed a ban on activities,
- m) individuals who have been imposed a penalty for a misdemeanour,
- n) natural persons and legal entities that have been imposed a penalty or protective measure for a breach of discipline,
- o) data from reports on security service activities,
- p) persons whose integrity and reliability has been verified under section 53 subsection 2.

(3) The information system kept pursuant to subsection 2 shall comprise personal data to the extent of information listed in applications or other forms under this Act or to the extent of information obtained in proceedings under this Act. Data shall be entered into the information system by the Ministry or the Regional Headquarters having carried out the respective act. Data entered in the information system shall be stored for at least five years of the expiry of documents from which the data was derived, unless this Act provides otherwise.

(4) The processing and protection of personal data referred to in subsection 2 shall be subject to special legislation,³⁹⁾ unless otherwise stipulated by this Act.

(5) The records quoted in subsection 2 (a) to (e), (g), (j) to (l) may be consulted by anyone. An extract from the records kept under subsection 2 may be supplied, upon written request, to a person that certifies legal interest.

(6) Particulars of keeping the records under subsection 2 shall be laid down in a generally binding legal regulation issued by the Ministry.

PART SIX JOINT AND INTERIM PROVISIONS

Joint Provisions

Section 94

(1) To decision-making under this Act, a general regulation on administrative procedure shall apply except as otherwise provided by this Act.

(2) An affidavit filed hereunder must be signed manually before the administrative authority by the person filing it, or authenticated by a notary public or other relevant authority.⁴⁰⁾

³⁹⁾ Act No. 428/2002 Coll. on the Protection of personal Data as amended by subsequent regulations.

⁴⁰⁾ Act of the Slovak National Council No. 323/1992 Coll. on Notaries Public and Notarial Activities (Notarial Regulations) as amended.

(3) Education in the field of security services shall also be deemed to include education attained through studies at a police academy in the Slovak Republic and, until 31 December 1992, also at a police academy in the Czech Republic, or professional training received under special legislation;⁴¹⁾ language competence and pedagogical education attained through studies at the said schools shall not be regarded as education in the field of security services.

Section 95 Interests of Internal Order and Security

(1) When rendering a decision with regard to the interests of internal order and security, the Ministry and the Regional Headquarters shall take account of development of the state of security in the Slovak Republic or in its particular regions as well as consider the probable impact of activities, to which the decision relates, on such state.

(2) The rationale of a decision rendered with regard to the interests of internal order and security must give details of the facts from which those interests ensue in the given case.

Section 96 Interim Provisions

(1) A guard service provision licence issued before 1 January 2006 shall be considered a licence to provide a guard service under this Act, to the extent to which it was granted; it shall expire upon the date stated in the licence granting decision, but no later than 31 December 2010.

(2) A detective service provision licence issued before 1 January 2006 shall be considered a licence to provide a detective service under this Act, to the extent to which it was granted; it shall expire upon the date stated in the licence granting decision, but no later than 31 December 2010.

(3) A licence to provide for own protection issued before 1 January 2006 shall be considered a licence to provide for own protection under this Act, to the extent to which it was granted; it shall expire upon the date stated in the licence granting decision, but no later than 31 December 2010.

(4) A trade licence to provide a technical service issued before 1 January 2006 shall be considered a licence to provide a technical service under this Act, to the extent to which it was granted; it shall expire upon the date stated in the trade licence, but no later than 31 December 2006.

Act No. 599/2001 Coll. on the Authentication of Deeds and Signatures on Deeds by District Authorities and Municipalities as amended by Act No. 515/2003 Coll.

⁴¹⁾ For example, Act No. 73/1998 Coll. as amended, Act of the Slovak National Council No. 564/1991 Coll. on Municipal Police as amended.

(5) Accreditation for provision of professional training granted before 1 January 2006 shall be considered as accreditation under this Act, to the extent to which it was granted; it shall expire no later than 30 June 2006.

(6) A guard or detective service provider being a natural person shall be obliged to submit, by 30 June 2006, to the Regional Headquarters documents certifying the fulfilment of the conditions set out in section 11; upon failure to do so, the Regional Headquarters shall revoke the licence.

(7) A guard or detective service provider being a legal person shall be obliged to submit, by 30 June 2006, to the Regional Headquarters documents certifying the fulfilment of the conditions set out in section 12; upon failure to do so, the Regional Headquarters shall revoke the licence.

(8) Professional training and consultancy under this Act may be provided by virtue of a licence issued before 1 January 2006, such professional training and consultancy being provided no longer than until 30 June 2006.

(9) A provider securing the protection of objects of special importance shall be obliged to prove, by 31 December 2006, the fulfilment of the conditions set out in section 53 to the Ministry.

(10) Proceedings initiated before 1 January 2006 shall be closed under this Act. To the imposition of fines for a breach of generally binding legal regulations perpetrated before 1 January 2006, the provisions of legal regulations effective until 31 December 2005 shall, however, be applied.

Section 97

If a contract for the provision of a technical service was not concluded before 1 January 2006 in writing, and performance is to be rendered on its basis even after the expiration of six months from the date of coming into force of this Act, the contract for the provision of a technical service must be concluded in writing within 6 months following the date of coming into force of this Act, or else it shall be deemed null and void.

Section 98

(1) Certificates issued under the hitherto effective regulations shall remain in validity until 31 December 2008, unless they expire prior to that date. The issuance of a new certificate shall be subject to the provisions of section 19, with professional training having to be received in a shortened form.

(2) Each provider shall be required to designate the provider's registered office, the place of business of a natural person and the operation under section 41, by 30 June 2006.

(3) A provider operating an alarm system or a part thereof under section 3 (g) shall be obliged to mark each motor vehicle or motorcycle used to get to a place where to verify an alarm

signal pursuant to section 56 subsection 6 with the indication "EMERGENCY VEHICLE", by 30 June 2006.

Section 99

This Act transposes legal acts of the European communities listed in the annex.

Section 100 Repealing Provisions

The following shall be repealed:

1. Act No. 379/1997 Coll. on the Operation of Private Security Services and Similar Activities and on Amendments and Supplements to Act No. 455/1991 Coll. on Trade Enterprise (Trade Licensing Act) as amended and on Supplements to Act No. 65/1965 Coll. Labour Code as amended (Private Security Services Act) as amended by Act No. 225/2000 Coll., Act No. 440/2001 Coll., Act No. 418/2002 Coll. Act No. 181/2004 Coll. and Act No. 757/2004 Coll.
2. Decree of the Ministry of Interior of the Slovak Republic No. 550/2001 Coll., implementing some of the provisions of the Private Security Services Act as amended by Decree of the Ministry of Interior of the Slovak Republic No. 100/2004 Coll.

Art. II

Act No. 455/1991 Coll. on Trade Enterprise (Trade Licensing Act) as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll., Act No. 602/2003 Coll., Act No. 347/2004 Coll., Act No. 350/2004 Coll., Act No. 365/2004 Coll., Act No. 420/2004 Coll., Act No. 533/2004 Coll., Act No. 544/2004 Coll., Act No. 578/2004 Coll., Act No. 624/2004 Coll., Act No. 650/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 8/2005 Coll., Act No. 93/2005 Coll., Act No. 331/2005 Coll., Act No. 340/2005 Coll., Act No.

351/2005 Coll. and Act No. 470/2005 Coll. shall be amended as follows:

1. Article 3 par. 2 (t) shall read as follows:

“t) the operation of a private security service and the operation of a technical service to protect property and persons,^{23e)}”.

The footnote to 23e shall read as follows:

“^{23e)} Act No. 473/2005 Coll. on the Provision of Private Security Services and on Amendments and Supplements to Certain Laws (Private Security Act).”.

2. In Annex No. 3 LICENSED TRADES, Group No. 314 – Other, the trade listed under sequential number 15 shall be deleted.

Art. III

Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees as amended by Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 224/1996 Coll., Act No. 70/1997 Coll., Act No. 1/1998 Coll., Act No. 232/1999 Coll., Act No. 3/2000 Coll., Act No. 142/2000 Coll., Act No. 211/2000 Coll., Act No. 468/2000 Coll., Act No. 553/2001 Coll., Act No. 96/2002 Coll., Act No. 118/2002 Coll., Act No. 215/2002 Coll., Act No. 237/2002 Coll., Act No. 418/2002 Coll., Act No. 457/2002 Coll., Act No. 465/2002 Coll., Act No. 477/2002 Coll., Act No. 480/2002 Coll., Act No. 190/2003 Coll., Act No. 217/2003 Coll., Act No. 245/2003 Coll., Act No. 450/2003 Coll., Act No. 469/2003 Coll., Act No. 583/2003 Coll., Act No. 5/2004 Coll., Act No. 199/2004 Coll., Act No. 204/2004 Coll., Act No. 347/2004 Coll., Act No. 382/2004 Coll., Act No. 434/2004 Coll., Act No. 533/2004 Coll., Act No. 541/2004 Coll., Act No. 572/2004 Coll., Act No. 578/2004 Coll., Act No. 581/2004 Coll., Act No. 633/2004 Coll., Act No. 653/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 5/2005 Coll., Act No. 8/2005 Coll., Act No. 15/2005 Coll., Act No. 93/2005 Coll., Act No. 171/2005 Coll., Act No. 308/2005 Coll., Act No. 331/2005 Coll. and Act No. 341/2005 Coll., shall be amended and supplemented as follows:

In the rate book of administrative fees, item No. 149 shall read:

“Item No. 149

- | | |
|---|-----------|
| a) Filing an application for a licence to provide | |
| 1. guard service | SKK 2,500 |
| 2. detective service..... | SKK 3,000 |
| 3. professional training and consultancy..... | SKK 3,500 |
| 4. own protection | SKK 2,000 |
| 5. technical service | SKK 2,000 |
| b) Filing a qualification examination application | SKK 2,000 |

- | | |
|--|-----------|
| c) Filing an application for examination of professional qualifications (per each applicant) | |
| 1. S-type examination..... | SKK 500 |
| 2. P-type examination | SKK 1,500 |
| 3. examination after receiving short-form professional training | SKK 1,000 |
| d) Filing an application for accreditation | SKK 5,000 |
| e) Filing an application for verification of the reliability of a person to be entrusted with the carrying out of physical protection in an object of special importance (per each person) | SKK 100 |
| f) Issuing a licence for providing a security service, own protection or technical service | SKK 1,000 |
| g) Issuing a certificate of having passed a qualification examination | SKK 1,000 |
| h) Issuing a certificate of professional competence..... | SKK 500 |
| i) Issuing a decision on granting accreditation | SKK 1,000 |
| j) Issuing a resolution on changing the licence granting decision | SKK 500 |
| k) Issuing a resolution on changing the accreditation granting decision | SKK 2,000 |
| l) Issuing an extract from the records kept in the private security information system | SKK 500 |

Notes

- The administrative authority shall reduce the fee as per letter a) item 5 to a fifth of the fixed amount if, as of 1 January 2006, the applicant is a licence holder under the hitherto valid legislation.
- The administrative authority may reduce the fee as per letter h) to a fifth of the fixed amount, provided a certificate of professional competence is issued pursuant to section 19 subsections 3 and 4 of the Private Security Act.
- The administrative authority shall increase the fee as per letter h) by 100 per cent of the fixed amount if a certificate of professional competence is issued after it being lost for

the second time. Upon each subsequent loss of the certificate of professional competence, the fee shall be twice as much as the previously paid fee.

4. The administrative authority shall not collect the fee as per letter j) if the licence granting decision is changed at the administrative authority's instance.
5. The administrative authority shall not collect the fee as per letter k) if the accreditation granting decision is changed at the administrative authority's instance."

Art. IV
Effectiveness of the Act

This Act shall come into effect as of 1 January 2006.

Ivan Gašparovic, signed

Pavol Hrušovský, signed

Mikuláš Dzurinda, signed

**Annex
to Act No. 473/2005 Coll.**

LIST OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN COMMUNITIES

1. European Parliament and Council Directive 95/46/EEC of 24 October 1995 on Protection of Natural Persons in the Processing of Personal Data and Free Movement of Such Data (Official Journal ES L 281, dated 23 November 1995).
2. Council Directive 73/148/EEC of 21 May 1973 on Lifting Restriction on the Movement and Residence of Nationals of the Member States within the Community, with regard to Settlement and Service Rendering (Official Journal ES L 172, dated 28 June 1973).
3. Council Directive 69/360/EEC of 15 October 1968 on Removal of Obstacles to the Movement and Residence of Workers from the Member States and their Families within the Community (Official Journal ES L 257, dated 19 October 1968).

