FROM THE IUSTORIA BLOG

Inspectors at Your Business: What They May Do and What Not to Sign

> *Labour, trade or public health inspectors at the door. What you must allow, the fine for not cooperating, two signatures that cost you your objections or opposition, and objecting within 15 days.*

IUSTORIA TEAM

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The inspectors turn up unannounced at half past eight in the morning, show their ID and ask for the attendance records, the employment contracts and a chance to talk to staff in private. Another time, they buy a coffee on your premises and only after paying announce that it was a test purchase. At the firm we then see two reactions that do more damage than the finding itself. The first: refusing to let the inspection start until the managing director or a lawyer arrives. The second: signing everything the inspector puts on the table, just to get it over with.

Both rest on a misconception. An inspection cannot be postponed, and failing to cooperate carries a separate fine of up to CZK 500,000. And a signature sometimes means more than it seems at the time: it can cost you your objections, or turn a fine straight into a final decision.

Which rules apply and who has actually turned up

The labour inspectorate (*inspekce práce*), the Czech Trade Inspection Authority (*Česká obchodní inspekce*, ČOI), the public health authority (*hygiena*) and most other authorities follow the Czech Inspection Code (*kontrolní řád*), Act No. 255/2012 Coll. The special acts governing the individual authorities add powers of their own and sometimes shorter time limits.

An inspector proves their identity with a written authorisation, or with an ID card where a special act provides for one (Section 4 of the Inspection Code); labour inspectors, the ČOI and the public health authority use official ID cards. You have the right to ask to see the authorisation and to request further proof that the person in front of you is the one named in it (Section 10(1)(a)). Write down the names, the number of the ID card or authorisation and the subject of the inspection; this will be useful in your objections and in any challenge for bias (Section 10(1)(b)).

The inspection begins when the authorisation is shown to any of your people who happens to be on site. It does not have to be the managing director or a manager; an employee or a temp is enough (Section 5(2)(a)). It can also begin with steps you only learn about afterwards (Section 5(2)(c)). A ČOI inspector announces a test purchase only once it is complete (Section 5(2) of the Czech Trade Inspection Authority Act). Inspectors from both the ČOI and the labour inspectorate may make audio and video recordings without the knowledge of those being inspected, if the purpose of the inspection cannot be achieved otherwise (Section 4a of the ČOI Act, Section 7(1)(f) of the Czech Labour Inspection Act).

What the inspector may do and what you must allow

Inspectors may enter your business premises, warehouses, offices, land and vehicles. They may enter a home only if it is used for business and the purpose of the inspection cannot be achieved otherwise (Section 7 of the Inspection Code). They may request information, documents and items relating to the subject of the inspection or to your business, and in justified cases take the originals away. They must then give you a receipt and return

them as soon as the reasons for retaining them no longer apply (Sections 8(c) and 9(d)). They may take photographs, make recordings, take samples and carry out measurements (Section 8(b) and (d)); they may use your computers only to the extent necessary and after discussing it with you (Section 8(e)).

The labour inspectorate also has powers that often catch businesses off guard. Its inspectors may question employees with nobody else present, which means without their manager too (Section 7(1)(d) of the Labour Inspection Act), and may require people at the workplace to prove their identity (Section 7(1)(b)). Where a breach of duty may endanger the life or health of consumers, the ČOI may prohibit further activity or order the premises closed for two trading or operating days; if the operator does not remedy the defect, the head of the inspectorate may extend that period until it is put right (Section 8(1) and (5) of the ČOI Act).

You are obliged to create the conditions for the inspection, to allow the inspector to exercise their powers and to cooperate (Section 10(2) of the Inspection Code). Failing to do so is an administrative offence (*přestupek*) punishable by a fine of up to CZK 500,000 (Section 15). The labour inspectorate may also summon a business to appear at the inspectorate within a set time and produce documents. Failing to comply without a serious obstacle is an administrative offence punishable by a fine of up to CZK 1,000,000 (Sections 9 and 22a of the Labour Inspection Act).

You may be represented under a power of attorney; inspections follow the Czech Code of Administrative Procedure (Section 28 of the Inspection Code), which allows representation (Sections 33 and 154 of the Code of Administrative Procedure). The inspection does not have to wait for your lawyer, though.

How to behave during the inspection

One person should deal with the inspectors. Everyone else answers what they are asked, truthfully and to the point, and does not speculate. You have the right to be present for inspection steps on site, unless that would defeat the purpose of the inspection (Section 9(e) of the Inspection Code), so accompany the inspector around the premises.

Keep a list of everything you hand over, and keep a copy of every document. When the inspector photographs or measures something, note what, where and when. You will write your objections only after the report has been served, often several weeks later, and your own notes from that day will then be the most valuable thing you have.

Do not alter or backdate any document, during the inspection or afterwards. A missing signature on a training record can be explained or put right; an attendance record “corrected” after the event is a new problem. Inspectors are bound by confidentiality about everything they learn during the inspection (Section 20), so fear of business information leaking is no reason to withhold documents.

The report: what to sign and what not to

The outcome of the inspection is recorded in an inspection report (*protokol o kontrole*). The authority must draw it up within 30 days of the last inspection step, or within 60 days in particularly complex cases, and serve a copy on you (Section 12(2) and (3) of the Inspection Code). The report must state the shortcomings found, the regulations breached, the supporting documents and information on how to object (Section 12(1)(h) and (i)). The inspected person's signature is not among its mandatory elements; the report is signed by the inspector (Section 12(1)(k)).

If you are handed the report on the spot and asked to sign, your signature usually confirms receipt. With that, the report has been served and the time limit for objections starts running the following day. You can sign for receipt; if you disagree with the findings, add next to your signature that you will file objections in writing.

Often, though, the report only arrives later in your data box (*datová schránka*), the state electronic mailbox for official correspondence. It is served when an authorised person logs in, and at the latest on the tenth day after delivery (Section 17(3) and (4) of Act No. 300/2008 Coll.). The time limit starts running the following day, and if its last day falls on a weekend or public holiday, it ends on the next working day (Section 40(1) of the Code of Administrative Procedure).

Be careful with two signatures that look like a formality at the time.

Waiving the right to object. This ends the inspection (Section 18(a) of the Inspection Code), and the findings in the report stand without any response from you. Moreover, in proceedings on an administrative offence the facts established during the inspection may be the sole basis for the decision (Section 81 of Act No. 250/2016 Coll., the Czech Act on Liability for Offences and Proceedings on Them), so the authority can go straight to issuing a penalty order (*příkaz*) with a fine. The waiver does not have to be a separate document; it can be a single pre-printed sentence in the report or in the acknowledgment of receipt. So read the whole text above the signature line, and if there is such a sentence, cross it out or add that you do not waive your objections.

The on-the-spot fine form. The authority may impose a fine of up to CZK 10,000 by an order on the spot only if you agree with the facts as established, with their legal classification, with the imposition of a fine and with its amount (Section 91(1) of the Act on Liability for Offences). Once the on-the-spot fine form (*příkazový blok*) is signed, the order becomes a final and enforceable decision (Section 92(2)). For a company, only someone authorised to act on its behalf signs it; tell your other employees that they do not sign fine forms.

If you disagree with the findings or do not understand them, do not sign a waiver of objections or an on-the-spot fine form there and then. The cooperation the law requires means giving access to your premises, documents and people, not agreeing with the conclusions. Refusing these two signatures is therefore not a failure to cooperate.

Objections: fifteen days, sometimes only three

You can file objections to the inspection findings within 15 days of service of the report, unless the report sets a longer time limit (Section 13(1) of the Inspection Code). They must be in writing, must make clear which finding they challenge and must give the reasons for your disagreement (Section 13(2)). Objections that lack these elements, as well as late objections, will be rejected by the inspector's superior (Section 14(2)). A sentence such as "we disagree with the findings" is therefore not enough.

Shorter time limits apply to the public health authority and to some ČOI measures. Where a breach may endanger life or health, the public health authority hands the report on the spot to any of your people, and the handover has the effect of service on the business. Objections can then be filed only within 3 days (Section 88(3) of the Czech Public Health Protection Act). If a temp in the kitchen takes the report and shows it to nobody, the time limit runs all the same. Against a sales ban or a closure of premises imposed by the ČOI, you can enter objections straight into the record the inspector draws up on the measure, or file them in writing within 3 working days at the latest of being informed of the measure; they do not have suspensive effect (Sections 7(3) and 8(3) of the ČOI Act).

You cannot challenge the report in court. In its judgment of 28 November 2024, file no. 6 Ads 102/2024, the Supreme Administrative Court reiterated that neither a report containing only findings of fact nor the decision on objections is open to judicial review on its own (paragraph 18). The position is different only where the report directly imposes a specific and sufficiently definite obligation with a time limit for compliance (paragraphs 15 and 16). Any further defence therefore comes only in the proceedings on the offence, and there the facts established during the inspection may be the sole basis for the decision (Section 81 of the Act on Liability for Offences). That is why objections are your first opportunity to correct the facts before they turn into a fine.

Good objections go through the findings one by one. For each, they say what in the report is wrong or incomplete, and what proves it: a contract, attendance records, an invoice, a photograph, a training record. If there really was a shortcoming, say what you put right and when, and prove it. If the inspector asks, you must notify them in writing within the set time limit that it has been remedied; failing to do so is also an administrative offence punishable by a fine of up to CZK 500,000 (Sections 10(2) and 15 of the Inspection Code). In the offence proceedings, the fact that the offender helped to remedy the harmful consequence is taken into account as a mitigating circumstance (Section 39(c) of the Act on Liability for Offences).

If, instead of further proceedings, a penalty order arrives straight away, you can file an opposition (*odpor*) against it within 8 days of its notification. This cancels the order and the proceedings continue (Section 150(3) of the Code of Administrative Procedure). The authority may not then impose a higher fine than the one in the order, unless it changes the legal classification of the act (Section 90(3) of the Act on Liability for Offences). In the proceedings you can propose evidence and comment on the material on which the decision will be based (Section 36 of the Code of Administrative Procedure).

Decide in advance who in the business deals with inspections, and tell your staff to let the inspector in, answer truthfully and call the person designated. Failing to cooperate can cost up to CZK 500,000.

Enter the day the report was served, whether it was handed over on the spot or someone logged in to the data box, in your calendar straight away: objections within 15 days, to the public health authority where health is at risk within 3 days, against ČOI measures within 3 working days.
In your objections, challenge specific findings and attach evidence to each one. Whatever really was wrong, put right, and prove that you did.

A tax audit works differently

A tax audit (*daňová kontrola*) is carried out by the tax office under the Czech Tax Procedure Code. It begins with service of a notice setting out its subject and scope (Section 87(1) of the Tax Procedure Code), and in it you must produce evidence supporting your statements (Section 86(3)). Instead of a report and objections, the tax office informs you of the results of the audit so far and sets a reasonable time limit for your response (Section 88(2)). It does not set one if you declare at a meeting that you do not need it (Section 88(3)); do not do that without thinking it through.

Our Czech-language guides explain how interest and penalties on additionally assessed tax are calculated, and why a tax audit can have a criminal sequel. If the police turn up with a search warrant instead of inspectors, that is a different procedure, which another of our guides (in Czech) describes.

At a glance

Question	Answer	Provision
Must I let the inspection start straight away?	Yes. You can involve a lawyer, but you cannot postpone the inspection to wait for one.	Sections 7 and 10(2) of the Inspection Code
What is the penalty for not cooperating?	A fine of up to CZK 500,000; up to CZK 1,000,000 for failing to comply with a labour inspectorate summons.	Section 15 of the Inspection Code; Sections 9 and 22a of the Labour Inspection Act
Must I sign the report?	No. A signature on the spot usually only confirms receipt.	Section 12 of the Inspection Code
What is the time limit for objections?	15 days from service; 3 days for the public health authority where life or health is at risk; 3 working days for a ČOI ban or closure of premises.	Section 13 of the Inspection Code; Section 88(3) of Act No. 258/2000 Coll.; Sections 7 and 8 of the ČOI Act
What happens if I waive my objections?	The inspection ends and the findings remain unchallenged; the authority can base an order directly on them.	Section 18 of the Inspection Code; Section 81 of Act No. 250/2016 Coll.
What if I sign the on-the-spot fine form?	The fine of up to CZK 10,000 becomes final.	Sections 91 and 92 of Act No. 250/2016 Coll.
Can I challenge the report in court?	As a rule, no; your defence lies in the objections and in the offence proceedings.	Supreme Administrative Court 6 Ads 102/2024; Section 150(3) of the Code of Administrative Procedure

Have you had an inspection and now have the report in hand? Send it to us together with the date you received it. We will tell you which findings are worth challenging and prepare objections or an opposition that will also stand up in the offence proceedings that follow. We handle inspections and administrative proceedings as part of our administrative law practice. Get in touch.

Conclusion

An inspection cannot be stopped or postponed. Let the inspectors in, document what you hand over and do not sign anything on the spot except a receipt. What matters after that are the fifteen days following service of the report, sometimes only three: they settle the facts on which the authority will base its decision on a fine.

Sources

- Act No. 255/2012 Coll., on Inspections (the Inspection Code), Sections 4, 5, 7 to 15, 18, 20 and 28.
- Act No. 251/2005 Coll., on Labour Inspection, Sections 7, 9 and 22a.
- Act No. 64/1986 Coll., on the Czech Trade Inspection Authority, Sections 4a, 5, 7 and 8.
- Act No. 258/2000 Coll., on the Protection of Public Health, Section 88(3).
- Act No. 500/2004 Coll., the Code of Administrative Procedure, Sections 33, 36, 40, 150 and 154.
- Act No. 300/2008 Coll., on Electronic Acts and Authorised Document Conversion, Section 17.
- Act No. 250/2016 Coll., on Liability for Offences and Proceedings on Them, Sections 39, 81, 90, 91 and 92.
- Act No. 280/2009 Coll., the Tax Procedure Code, Sections 86 to 88.
- Judgment of the Supreme Administrative Court of 28 November 2024, file no. 6 Ads 102/2024.

This article is for information only and does not constitute legal advice. It describes the law as at the date of publication; the special acts governing individual inspection authorities may set different time limits and powers, so in a specific inspection always follow the information on objections given in the report.

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