

**Act No. 198
of 24 April 2002
on Volunteer Services, amending certain regulations
(Volunteer Services Act)**

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

**PART ONE
VOLUNTEER SERVICES**

**Article 1
Subject of the Act**

- (1) This Act sets out conditions under which the State supports volunteer services organized under this Act rendered by volunteers without a claim to remuneration.
- (2) This Act does not apply to
 - a) activities governed by specific legal regulations, even if they correspond to the characteristics of volunteer services stipulated by the Act;
 - b) activities, which do not correspond to the characteristics of volunteer services stipulated by this Act, even when performed by volunteers.

**Definitions
Article 2**

- (1) Volunteer service is an activity where a volunteer renders
 - a) assistance to unemployed, socially weak or medically handicapped people, seniors, members of national minorities, immigrants, persons who have finished serving their imprisonment sentence, drug addicted people, victims of domestic violence as well as assistance to children, youth and families in their free time;
 - b) assistance during natural, environmental or humanitarian disasters, during the protection and improvement of environment, cultural heritage protection, preparation of cultural charity events or collections for people as per letter a), or;
 - c) assistance in the implementation of development programmes and assistance under the framework of operations, projects and programmes of international organizations and institutions, including international non-government organizations.
- (2) Volunteer services in the meaning of paragraph 1 are not activities related to the satiation of personal interests or activities carried out under the framework of entrepreneurial or other income-generating activity or under an employment, service or membership contract.
- (3) According to its nature, volunteer services can be either short-term or long-term, if performed for a period exceeding three month.

Article 3

- (1) Volunteer can be a natural person
 - a) over 15 years of age if volunteer services are performed on the territory of the Czech Republic;
 - b) over 18 years of age if volunteer services are performed abroad, who has freely decided to render volunteer services on the basis of his/her skills, knowledge and qualities.
- (2) A volunteer renders volunteer services on the basis of a contract¹ concluded with a delegating organization; in case of a long-term volunteer service or in case of a short-term volunteer service abroad, this contract must have a written form.
- (3) If a natural person is a party to an employment, service or member contract or if he/she is a pupil or student, then he/she renders volunteer services outside his/her employment, service or membership contract, schooling or education.
- (4) Performance of military service or alternative civil service constitutes an obstacle to rendering volunteer services.

Article 5

- (1) A delegating authority under this Act is a legal entity located in the Czech Republic, which selects, registers and prepares volunteers for rendering volunteer services and which concludes with the volunteers contracts, under the condition that it has received an accreditation (Article 6).
- (2) A receiving organization under this Act is a person for the need of which volunteer services are rendered, capable of concluding an agreement with the delegating organization and capable of maintaining its obligation under such an agreement.
- (3) The delegating authority may, besides concluding contracts with receiving organizations, conclude volunteer services contracts with volunteers for its own benefit. The condition for that is that the subject of contracts concluded with the receiving organizations and with volunteers should be for the same type of volunteer services and the volunteers should not be members of the delegating organization and should have no legal relation to it. In such cases, the relationship between the volunteers and the organization, for the benefit of which volunteer services are being performed, are adequately governed by the provisions on rights and obligations of delegating and receiving organizations and provisions on the rights and obligations of the volunteers.

¹ Civic Code

Contracts

Article 5

- (1) For the performance of short-term volunteer services (unless the volunteer service is rendered abroad), at least the place, subject and length of the volunteer services must be agreed upon by the volunteer and the delegating authority, and, according to the nature of the services, working and protection tools must be provided to the volunteer or Police certificate no more than three months old and medical certificate no more than three months old must be submitted (para 2, letter b), point 3).

- (2) Contract between a volunteer and a delegating organization on rendering long-term volunteer services or short-term volunteer service abroad must always include:
 - a) name, surname, birth number or the date of birth (if birth number has not been issued), place of permanent residence of the volunteer and the name and address of the delegating organization;
 - b) agreement on:
 1. participation in a preparatory training organized by the delegating organization; the preparatory training must include (according to the nature of the volunteer services) provision of information to the volunteer on possible risks connected with rendering the volunteer services which could present a threat to his/her life or health;
 2. the provision of Police certificate no more than three months old and a written statement that at the time of the agreement no criminal prosecution is held against the volunteer (according to the nature of the volunteer services);
 3. submission of a medical certificate no more than three months old (according to the nature of the volunteer service), where a medical practitioner on the basis of an assessment of the volunteer specifies activities the volunteer is unable to perform because of his medical condition;
 4. submission of a certificate (according to the nature of the volunteer service) confirming that the volunteer has been informed on contagious diseases, including anti-malarial prevention (prophylaxis), if conditions on the territory where the volunteer is to render his services require so;
 - as conditions for the participation on volunteer services,
 - c) the location, subject and period of rendering volunteer services within the framework of specific programme or project of volunteer services;
 - d) mode of provision of alimentation and housing to the volunteer;
 - e) obligation of the volunteer to return an aliquot part of the costs invested by the delegating organization in case he/she prematurely terminates his/her volunteer services for reasons other than those deserving special consideration;
 - f) according to the nature of the volunteer services, agreement of reimbursement of expenses connected with the necessary preparation of volunteer for the participation in a specific volunteer services programme or

- project, reimbursement of expenses connected with the transportation to the place of activities abroad and back, pocket-money for daily expenses in the place of his/her activities, provision of working tools and personal protection tools,
- g) according to the nature of volunteer services, the scope of working hours, break periods, conditions for requesting leave and reasons under which the volunteer services can be prematurely terminated.
- (3) The contract between a volunteer and a delegating organization on rendering long-term volunteer services may include also a provision stipulating that before setting-off, the volunteer should register for pension insurance if he/she meets requirements as per special legal regulations², and that the delegating organization shall pay for him/her pension insurance derived from at least the minimum basis³, if long-term volunteer services are performed in an extent exceeding in average 20 hours per week.
- (4) A volunteer is not entitled to remuneration for the rendering volunteer services.
- (5) In the agreement on working hours, breaks, conditions for leave and security at work, appropriate employment regulations shall be used and during the stipulation of the pocket-money amount, regulations on travel subsistence shall be used accordingly.

Delegating organization

Article 6

- (1) A delegating organization is granted accreditation by the Ministry of Interior (further only "the Ministry"). The Ministry grants accreditation on the basis of a proposal of the Accreditation Committee consisting of one representative of the Ministry of Foreign Affairs, Ministry of Education, Youth and Sports, Ministry of Interior, Ministry of Labour and Social Affairs, Ministry of Environment, Ministry of Health, Ministry of Culture, Ministry of Finance and the Governmental Council for Non-state Non-profit Organizations; the Accreditation Committee is an advisory body to the Government.
- (2) The Ministry grants accreditation as per paragraph 1 to a civic association, public beneficial society, church or religious society or legal entity of a church or religious society if it shows that given the professional composition of its bodies, employees or members, concrete projects or volunteer services programmes and financial competence, it is capable of

² Art. 6, para 1, letter d) of the Act No. 155/1995, on pension insurance as amended by later regulations.

³ Art. 3, Art. 5b and 16 of the Act No. 589/1992 Coll., on insurance payments for social insurance and contribution to the State Employment Policy as amended by later regulations.

organizing and implementing volunteer services projects and to meet other duties resulting from this Act. Accreditation is issued for the period of three years.

- (3) The Ministry keeps a list of delegating organizations, which received accreditation. This list is public and accessible electronically. This list also stipulates individual types of volunteer services and services specialization and provided by the delegating organizations.

Article 7

- (1) Before sending a volunteer to render volunteer services, a delegating organization is obliged to conclude an insurance contract for material damage or medical harm suffered by the volunteer (caused either by himself/herself or by another agent). The volunteer is responsible only for harm caused intentionally.
- (2) Before sending a volunteer to render volunteer services abroad, a delegating organization shall conclude medical insurance for the volunteer according to the nature of the volunteer services to be rendered and according to the conditions in the state or on the territory where the volunteer services are to be carried out.
- (3) If volunteer services are rendered outside the place of the volunteer's permanent residence, the delegating organization guarantees to the volunteer dutiful and health-risks-free housing according to the nature of the volunteer services and the implementation of volunteer services (according to the nature of the services) in conditions not threatening his/her life or health.
- (4) A delegating organization can conclude with a volunteer, who at the time of the conclusion of the contract did not reach the age of 18, a contract under Art. 5 only with a written and notarised consent of his/her legal representative or with the consent of his/her legal representative recorded into a protocol at the delegating organization; without such consent the agreement is invalid.
- (5) In case of a volunteer under 18 years, performance of volunteer services inadequate to the anatomic, physiologic and psychological specialities of his/her age or services posing higher risk of accident or other medical harm must not be agreed upon; a volunteer of this age must not be sent to render volunteer services abroad.
- (6) During the selection of volunteers to conclude contract with, a delegating organization is obliged to observe the equal treatment principle, with the exception of cases where the nature of volunteer services does not allow to do so.

Article 8

- (1) Before sending a volunteer off, the delegating organization shall conclude with the receiving organization a written contract specifying the conditions for the performance of volunteer services (taking into account the nature of the specific programme or volunteer services project mutually agreed upon with the receiving organization), the subject and the length of volunteer services, type of housing and boarding, equipment with working tools and personal protection tools, mode of monitoring of the volunteers services by the delegating organization in order to monitor the compliance with the contract and to evaluate the work of volunteers. Such contract between the delegating and receiving organization must include also provisions setting out a duty of the receiving organization to inform the delegating organization on risks which could pose a threat to the life or health of volunteers during the performance of volunteer services and the duty to immediately adopt measures eliminating or (in case of non-removable risks) limiting these risks.
- (2) A delegating organization must not enter into an agreement with the receiving organization, the subject of which would be activities of enterprising nature or activities, the purpose of which would be to replace the work performed otherwise by employees or members of the receiving organization or activities provided to the receiving organization by other persons under the framework of its business.
- (3) Delegating organizations are obliged to publish annual reports on their activities in an appropriate form, at latest by 30 June of the following calendar year.

Article 9

- (1) If the Ministry finds out that a delegating organization, which was granted an accreditation, does not meet conditions stipulated by this Act for the issuance of accreditation (Art. 5, para 2) any more or that it continues to fail to meet the obligations stipulated by this Act even though it was duly notified by the Ministry, the accreditation of this organization shall be cancelled after a discussion in the Accreditation Committee. The Ministry shall make sure that the fulfilment of obligations resulting from contracts concluded is not affected.
- (2) If a volunteer concluded a contract with a delegating organization and this delegating organization ceased to exist, the rights and obligations resulting from this contract are transferred to the legal successor of this organization or, if there is no such successor, to the State. The Ministry shall then without unnecessary delay transfer these rights and obligations to another suitable delegating organization.

- (3) The Ministry, acting on its own or on somebody else's incentive, is entitled to check if a delegating organization meets the requirements stipulated by this Act; the activities of the Ministry are then governed by the Act on State Control.

Article 10
The use of volunteer services by the State
and territorial self-governing units

State authorities, organizational units of the State, authorities and administrative bodies of territorial self-governing units may use volunteer services within the extent of its lawful legality for the purposes stipulated in Art. 2; in such a case, their status is that of receiving organization, as stipulated by this Act. They may also, especially during organization of volunteer services abroad, mediate (free of charge) the conclusion of agreements between a delegating organization located in the Czech Republic and a receiving organization.

Article 11
Subsidy

- (1) The Ministry may provide to a delegating organization a subsidy covering
- a) insurance payments on the basis of an insurance contract concluded by a delegating organization under Art. 7, para 1;
 - b) part of expenses related to the record-keeping on volunteers, their preparation for rendering volunteer services and organization of the performance of the volunteer services,
 - c) insurance payments for pension insurance paid under Art. 5, para 3 for a volunteer derived from a minimum basis⁴ where long-term volunteer services are performed at least in the extent exceeding in average 20 hours per week.
- (2) During a calendar year, subsidies as per paragraph 1 are forwarded to delegating organizations in advance payments and after the end of the calendar year, delegating organizations shall account for it on the basis of real expenses occurred, numbers of volunteers sent off to render volunteer services and the real amount of pension insurance payments in the amount as per para 1, letter c). Delegating organizations shall provide the Ministry (upon its request) with information needed for the calculation of subsidies and advances for the subsidies.
- (3) During a calendar year, subsidies as per paragraph 1 shall not be provided to organizations, which have agreed upon or which have received from receiving organizations payments or other financially measurable benefits.

⁴ Art. 3, Art. 5b and 16 of the Act No. 589/1992 Coll., on insurance payments for social insurance and contribution to the State Employment Policy as amended by later regulations.

PART TWO
Amendment of the Act on Public Medical Insurance
Article 12

In Art. 7, para 1 of the Act No. 48/1997 Coll., on Public Medical Insurance amending and changing certain related regulations, as amended by the Act No. 242/1997 Coll., Act No. 127/1998 Coll. and Act No. 155/2000 Coll., the dot after letter m) is being replaced by a comma and a new letter n) is being inserted which shall read as follows:

"n) persons rendering long-term volunteer services on the basis of a contract with a delegating organization, which has been granted accreditation by the Ministry of Interior, in the extent of at least 20 hour per week, unless the volunteer pays insurance payments under Art. 5 or unless the State covers his/her insurance payments under the previous letters a) to m)."

PART THREE
Amendment of the Act on Pension Insurance
Article 13

Act No. 155/1995 Coll., on Pension Insurance, as amended by the Act No. 134/1997 Coll., Act No. 289/1997 Coll., Act No. 224/1999 Coll., Act No. 18/2000 Coll., Act No. 118/2000 Coll., Act No 132/2000 Coll., Act No. 220/2000 Coll., Act No. 166/2001 Coll., Act No. 188/2001 Coll. and Act No. 353/2001 Coll. is amended as follows:

1. In Art. 6, para 1, the dot after letter c) is being replaced by a comma and a new letter d) is being inserted (including a footnote), which shall read as follows:

"d) performance of long-term volunteer services on the basis of a contract concluded with a delegating organization under special legal regulations;^{6a)} for period before the submission of a registration form, participation on insurance is possible for maximum of two years immediately before this day.

^{6a)} Act No. 198/2002 Coll., on Volunteer Services, amending certain regulations (Volunteer Services Act)"

2. In Art. 6, letter 2, the first sentence is being replaced by the following sentence: "Participants on the insurance are also people over 18 years of age if they submitted a registration form for the participation on insurance."
3. Paragraph 4 in Art. 107 is being cancelled.

PART FOUR
Amendment of the Act on Employment
Article 14

In Art. 13, para 2 of the Act No. 1/1991 Coll., on Employment, as amended by the Act No. 578/1991 Coll. And Act No. 160/1995 Coll., the dot after letter g) is being replaced by a comma and a new letter h) is being inserted which shall read as follows:

"h) of performance of long-term volunteer services in the extent exceeding in average a minimum of 20 hours per week on the basis of a contract between a

volunteer and a delegating organization, which has been granted accreditation by the Ministry of Interior.”.

PART FIVE
Amendment of the Act on Income Tax
Article 15

Act No. 586/1992 Coll., on Income Tax, as amended by the Act No. 35/1993 Coll., Act No. 96/1993 Coll., Act No. 157/1993 Coll., Act No. 196/1993 Coll., Act No. 323/1993 Coll., Act No. 42/1994 Coll., Act No. 85/1994 Coll., Act No. 114/1994 Coll., Act No. 259/1994 Coll., Act No. 32/1995 Coll., Act No. 87/1995 Coll., Act No. 118/1995 Coll., Act No. 149/1995 Coll., Act No. 248/1995 Coll., Act No. 316/1996 Coll., Act No. 18/1997 Coll., Act No. 151/1997 Coll., Act No. 209/1997 Coll., Act No. 210/1997 Coll., Act No. 227/1997 Coll., Act No. 111/1998 Coll., Act No. 149/1998 Coll., Act No. 168/1998 Coll., Act No. 333/1998 Coll., Act No. 63/1999 Coll., Act No. 129/1999 Coll., Act No. 144/1999 Coll., Act No. 170/1999 Coll., Act No. 225/1999 Coll., finding of the Constitutional Court published under No. 3/2000 Coll., Act No. 17/2000 Coll., Act No. 27/2000 Coll., Act No. 72/2000 Coll., Act No. 100/2000 Coll., Act No. 103/2000 Coll., Act No. 121/2000 Coll., Act No. 132/2000 Coll., Act No. 241/2000 Coll., Act No. 340/2000 Coll., Act No. 492/2000 Coll., Act No. 117/2001 Coll., Act No. 120/2001 Coll., Act No. 239/2001 Coll., Act No. 453/2001 Coll., Act No. 483/2001 Coll., Act No. 50/2002 Coll., Act No. 128/2002 Coll. and Act No. 210/2002 Coll., is being amended as follows:

1. In Art. 4, para 1, the dot after letter zi) is being replaced by a comma and a new letter zj), which shall read as follows (including footnote), is being inserted:

“zj) benefits provided in connection with the performance of volunteer services under special legal regulations.^{4h)}

^{4h)} Act No. 198/2002 Coll., on Volunteer Services, amending certain regulations (Volunteer Services Act).”.

2. In Art 19, para 1, the dot after letter zb) is being replaced by a comma and a new letter zc), which shall read as follows, shall be inserted:

“zc) income related to the performance of volunteer services rendered under special legal regulation.^{4h)}”.

PART SIX
Amendment of the Act on Inheritance Taxes, Gift Taxes and Real Estate Transfer Taxes
Article 16

In Art. 20, para 15 of the Act No. 357/1992 Coll., on Inheritance Taxes, Gift Taxes and Real Estate Transfer Taxes, as amended by the Act No. 117/2001 Coll., the term “free gain of property in connection with performance of volunteer services rendered under special legal regulation^{13b)}” is being inserted after the term “purposes”.

Footnote No. 13b) shall read:

^{4h)} Act No. 198/2002 Coll., on Volunteer Services, amending certain regulations (Volunteer Services Act).”.

The current footnote No. 13b) shall be marked as footnote No. 13c), including reference to the footnote.

PART SEVEN
Effectiveness
Article 17

This Act comes into effect as of 1 January 2003.

Klaus
Havel
Rychetský