

**ACT No. 19/1997**

of 24 January 1997

**On Some Measures Concerning Chemical Weapons Prohibition, and On Amendments to Act No. 50/1976 Coll. 'On Zone Planning and the Building Code' (Building Act), as amended, the Small Businesses Act No. 455/1991 Coll., as amended, and the Penal Code Act No. 140/1961 Coll., as amended.**

**Amended by Act No. 249/2000 Coll.**

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

**PART ONE  
FUNDAMENTAL PROVISIONS**

**§ 1**

**Subject Matter**

(1) This Act governs the rights and obligations of natural persons and legal entities connected with the ban on chemical weapons and toxic chemicals handling and their precursors that might be abused to violate the prohibition of chemical weapons.

(2) State administration and control in this area shall be entrusted to the State Office for Nuclear Safety ("Office") that shall also act as the Office for Control of the Prohibition of Chemical Weapons.

**§ 2**

**Definition of Terms**

For the purposes of this Act the following terms shall have their respective meanings specified below:

a) chemical weapons means:

1. toxic chemicals and their precursors that might be - in view of their toxic character and amount - used as a means for carrying out combat operations, with the exception of those intended for purposes not prohibited hereunder,
2. munitions and devices designed to cause death or other harms to the health of humans or animals or to damage plants or ecosystems<sup>1</sup>, provided such effects

---

<sup>1</sup> § 3 of the Environment Protection Act No. 17/1992 Coll.

are the result of the toxic character of toxic chemicals released from such munitions or devices,

3. any and all facilities for using munitions and devices specified in clause 2;
- b) toxic chemical means a chemical that can, owing to its chemical effect upon life processes, cause death, temporary incapacitation or permanent harm to the health of humans or animals, or destroy plants;
- c) precursor means any chemical reactant involved at any stage in the production of a toxic chemical;
- d) scheduled chemical means a toxic chemical and its precursors in classification according to § 7;
- e) discreet organic chemical means any chemical from the class of chemical compounds comprising all compounds of carbon except for carbon oxides, sulphides, and metal carbonates;
- f) riot control agents means chemicals capable of rapidly invoking in humans a short-term sensory irritation or rapid and short-term physical disablement;
- g) production of scheduled chemical means their creation by a chemical reaction;
- h) processing a scheduled chemical means a physical process whereby it is not converted into another chemical;
- i) consumption of scheduled chemicals means their conversion into another chemical via a chemical reaction;
- j) the scheduled chemicals handling means their development, production, consumption, storage, other acquisition, processing, transfer, import, export, or transit;
- k) facilities means premises housing equipment serving for the production, processing or consumption of scheduled chemicals as well as sites reserved for their storage and sites for their manipulation;
- l) destruction of a chemical weapons means their liquidation;
- m) chemical weapons handling means a transfer of ownership right and any other disposal of chemical weapons resulting in a change of the holder, site, or mode of utilisation.

## **PART TWO PROHIBITION OF CHEMICAL WEAPONS**

### **§ 3**

(1) Development, production, use, and chemical weapons handling are hereby prohibited.

(2) Import of chemical weapons to the Czech Republic or their transit are hereby prohibited.

§ 4

**Chemical Weapons Finding**

(1) Any person finding or having a justified suspicion of chemical weapons finding shall immediately report to the Police of the Czech Republic who shall inform without delay the Office.

(2) A natural person or legal entity that is the owner or holder of a chemical weapon shall dispose of it in a manner and within a period specified by the Office. If the identity of such person or entity is unknown the Office shall arrange for the chemical weapon to be destroyed.

(3) The cost incurred in connection with the activities specified in section 2 shall be borne by the person or entity that violated the ban under § 3. If the identity of such person or entity is unknown or if a claim against such person or entity for paying the cost cannot be asserted or enforced and the cost is not covered voluntarily by another person, the cost shall be borne by the state.

§ 5

**Weapons Production Facilities**

(1) Development, production, import, assembly, and all other forms of acquisition of chemical weapons production facilities, as well as designing, building or using facilities to produce chemical weapons are hereby prohibited.

(2) The provisions of § 4 shall apply *mutatis mutandis* to instances of chemical weapons production facilities finding.

**PART THREE  
SCHEDULED CHEMICALS**

Chapter I

**SCHEDULED CHEMICALS HANDLING  
AND THEIR CLASSIFICATION**

§ 6

(1) Scheduled chemicals may be handled only under conditions set forth in this Act, and only for

- a) industrial, agricultural, research, medicinal, pharmaceutical, and other peaceful purposes,
- b) for protective purposes directly related to protection against chemical weapons ("Protective Purposes").

(2) The Office shall decide by a Decree on the quantities and types of scheduled chemicals that may be handled for the purposes identified in section 1.

§ 7

(1) For the purposes of this Act scheduled chemicals are classified, from the point of view of the danger ensuing from their toxic character or potential abuse for violating the ban hereunder, into

- a) highly dangerous chemicals,
- b) dangerous chemicals,
- c) less dangerous chemicals.

(2) The Office shall decide by a Decree on criteria governing incorporation of scheduled chemicals in the Schedule, and promulgate Schedules of chemicals classified as stated in section 1.

Chapter II

**HIGHLY DANGEROUS CHEMICALS**

§ 8

(1) Highly dangerous chemicals may be handled only on the basis of a licence granted by the Office.

(2) Pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction ("Convention")<sup>2</sup> the overall amount of highly dangerous chemicals present on the territory of the Czech Republic must not exceed one metric tonne per year.

§ 9

**Conditions Governing Granting a Licence**

(1) Licence may be granted only to a legal entity.

(2) Granting a licence to a legal entity shall be conditional upon that entity:

- a) having its seat on the territory of the Czech Republic,
- b) having established a responsible representative.

(3) The Office shall grant the licence provided the overall amount of highly dangerous chemicals on the territory of the Czech Republic does not exceed the limit stated in § 8 section 2, or the number of facilities in which the production is to proceed does not exceed the number specified in a Decree issued by the Office.

---

<sup>2</sup> Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, accepted by the United Nations Members in Paris on 14 January 1993.

(4) The Office shall not grant a licence to an applicant whose licence has been withdrawn during the last ten years.

§ 10

**Responsible Representative**

(1) For the purposes of this Act responsible representative shall be a natural person appointed by a legal entity as responsible for due performance of activities covered by the granted licence.

(2) Prior to appointment the responsible representative shall satisfy the following conditions:

- a) be 21 years of age or more,
- b) be a citizen of the Czech Republic,
- c) reside on the territory of the Czech Republic,
- d) be sound in body and mind,
- e) have a clean criminal record,
- f) have university education, or high school education with chemical specialization completed by graduation certificate.

(3) A person may act as responsible representative on behalf of only one legal entity.

(4) A member of the Supervisory Board or an analogous supervisory body of a legal entity is not eligible to become a responsible representative of that entity.

(5) In the event an appointee ceases to act as the responsible representative during the validity of a granted licence, the Licensee shall apply without delay for a change of the licence.

§ 11

**Clean Criminal Record**

A person shall not be deemed to have a clean criminal record for the purposes hereof if such person was convicted by a judgement having the force of *res judicata*

- a) for an offence whose merits are connected with the activity to be licensed,
- b) for another deliberate offence, if justified misgivings exist that the potential responsible representative, in view of the character of the activities to be licensed and his/her character, may commit the same or an analogous offence while acting as responsible representative, unless he/she is deemed never to have been sentenced.

§ 12

**Licence Application**

(1) A written application for a licence shall contain the following:

- a) name or business name, seat of the legal entity that applies for the licence, identification number,
- b) name and surname, personal identification number, and domicile of the responsible representative,
- c) specifications concerning the expected of highly dangerous chemicals handling to which the licence is applied for,
- d) specification of the production facilities and equipment, if the application seeks to obtain a licence on production facilities or activation of equipment,
- e) the name of the highly dangerous chemical according to the Schedule, its quantity, specifications concerning the intended purpose of use and its final destination,
- f) the proposed term of the licence.

(2) The following shall be attached to the application under section 1:

- a) a copy of the contract or deed on establishment of the legal entity involved and, if a body corporate, an excerpt from the Companies' Register,
- b) an excerpt from the Penal Register, not older than six months, of the responsible representative,
- c) documentation evidencing the expertise of the responsible representative,
- d) documentation about the purpose of highly dangerous chemicals handling,
- e) relevant data items from the records of highly dangerous chemicals in case the applicant is obliged to keep such records pursuant to § 18,
- f) drawings to evidence the data requested in clause 1d),
- g) audited financial statements as of a date no more than six months prior to the application date.

(3) The applicant for a licence shall file a written application with the Office; if the application seeks a licence covering

- a) production of highly dangerous chemicals or activation of facilities for such production, then not later than seven months before the expected start of production,
- b) other activities, then not later than four months before the end of the calendar year in which the highly dangerous chemical is to be handled.

(4) In the event the activities identified in section 1 are to be contracted the application for a licence shall be filed not later than seven months prior to the contract execution.

### § 13

#### **Granting a Licence**

(1) The Office shall grant a licence to a legal entity ("Licensee") provided the conditions imposed in § 9 have been met.

(2) In the event the Office establishes prior to granting the licence that the application is incomplete, it shall extend to the applicant an adequate time for removing the defects.

(3) The decision on granting the licence shall contain:

- a) the name or business name, the seat, and the identification number of the Licensee,

- b) the name and surname, the personal identification number, and domicile of the responsible representative,
- c) the subject matter and scope of the licence,
- d) the purpose of the highly dangerous chemical handling involved and its permitted amount,
- e) other terms and conditions ensuing from international obligations,
- f) the term of the licence.

#### § 14

#### **Licence Termination**

(1) A granted licence shall terminate

- a) upon expiration of its term,
- b) as of the date of dissolution of the legal entity - the Licensee,
- c) by a decision of the Office on withdrawing the licence.

(2) The Office shall withdraw a licence in the event it has established that

- a) the Licensee ceased to meet the conditions of the licence hereunder,
- b) the licence has been granted on the basis of incorrect representations.

(3) Licence withdrawal shall not give rise to claims for damages suffered as a result of the withdrawal.

#### § 15

#### **Licence Modification**

(1) The Office may decide on a licence modification

- a) pursuant to a justified request of the Licensee,
- b) upon a change in the facts that underlie granting the licence.

(2) In the event of a change in the facts specified in § 13 section 3 the Licensee shall file with the Office an application requesting a modification of the licence without delay after becoming aware of such change, but not later than

- a) within seven months prior to commencing to effect the change in the subject matter of the licence, if the licence refers to production of highly dangerous chemicals or activation of facilities for their production,
- b) within four months before the beginning of a calendar year, if the licence modification refers to the remaining facts specified in § 13 section 3.

(3) The application requesting licence modification shall refer to the number of the original decision on granting the licence, and contain duly justified reasons underlying the request.

#### § 16

#### **Location of Control Instruments**

Each holder of a licence on highly dangerous chemicals handling and on facilities for their production shall be obliged to enable

- a) international inspectors of the Organisation for the Prohibition of Chemical Weapons ("International Inspectors") to install control instruments that allow permanent and uninterrupted monitoring of highly dangerous chemicals in the facilities and equipment used for their production,
- b) the inspection authorities immediate access at any time to such instruments.

#### § 17

### **Import and Export of Highly Dangerous Chemicals**

(1) Highly dangerous chemicals may be exported by a Licensee only from the States Parties to the Convention and only for purposes identified in § 6.

(2) Highly dangerous chemicals may be exported by a Licensee only to the States Parties to the Convention and only to be used for the purposes identified in § 6.

(3) The Licensee shall communicate to the Office data concerning envisaged import or export of highly dangerous chemicals not later than 40 days prior to export or import realisation.

#### § 18

### **Records of Highly Dangerous Chemicals**

(1) A Licensee that handles, exports, or imports highly dangerous chemicals shall keep the relevant records.

(2) The records must be kept in classification by types of highly dangerous chemicals, their amounts, and the facilities employed to handle them.

(3) Each Licensee shall be obliged anytime to submit such records to the Office for inspection.

(4) The Office shall specify by a Decree the details concerning the records and the included data items.

(5) Each Licensee under section 1 shall submit to the Office data about highly dangerous chemicals specified in the above Degree referring to the preceding calendar year not later than on 31 January of the current year, and projected data referring to the next calendar year not later than on 31 August of the current year.

(6) Each Licensee shall be obliged to file the written records and submit them upon request to the inspection authorities for a period of five years following the end of highly dangerous chemicals handling.

#### § 19

### **Loss, Theft, or Find of Highly Dangerous Chemicals**

(1) Anybody shall be obliged to inform the nearest department of the Police of the Czech Republic and the Office about loss or theft of highly dangerous chemicals, and at the same time communicate all data that must be known in the event of highly dangerous chemicals escaping to the environment or affecting living organisms.

(2) Anybody shall be obliged to inform without delay the nearest department of the Police of the Czech Republic about a find of highly dangerous chemicals.

## **Chapter III**

### **DANGEROUS CHEMICALS**

#### **§ 20**

#### **Dangerous Chemicals Reporting**

(1) A natural person or legal entity that produces, otherwise acquires, stockpiles, processes, transfers, consumes, imports, or exports dangerous chemicals in quantities exceeding those specified by the Office in a Decree shall be obliged to report to the Office ("Reporting Duty") data referring to the preceding calendar year not later than on 31 January of the current year, and data projected for the next calendar year by 31 August of the current year, in classification by

- a) dangerous chemicals as per the Schedule and their amounts,
- b) production facilities employed in the reported activities.

(2) Upon fulfilling the Reporting Duty such natural person or legal entity shall be entitled to carry out these activities as of the reporting date.

(3) The Reporting Duty refers also to installation of new facilities for production, processing, or consumption of dangerous chemicals.

(4) If a change takes place in the data projected for the following calendar year the natural person or legal entity under section 1 shall be obliged to fulfil the Reporting Duty within 14 days preceding realisation.

#### **§ 21**

#### **Dangerous Chemicals Recording**

The provisions of § 18 sections 1 through 4 and 6 shall apply to recording of dangerous chemicals with the proviso that they apply also to natural persons.

#### **§ 22**

#### **Import and Export of Dangerous Chemicals**

(1) A natural person or a legal entity may import dangerous chemicals only from States Parties to the Convention.

(2) A natural person or a legal entity may export dangerous chemicals only to States Parties to the Convention.

#### Chapter IV

### **LESS DANGEROUS CHEMICALS**

#### § 23

#### **Less Dangerous Chemicals Reporting**

(1) A natural person or legal entity that produces, imports or exports less dangerous chemicals in quantities exceeding 30 tonnes a year shall be obliged to fulfil the Reporting Duty for the preceding calendar year not later than on 31 January of the current year, and for the following calendar year by 31 August of the current year in classification by

- a) less dangerous chemicals according to the Schedule and amount,
- b) facilities to be employed for the reported activities.

(2) Upon fulfilling the Reporting Duty such natural person or legal entity shall be entitled to carry out these activities as of the reporting date.

(3) The Reporting Duty refers also to installation of new facilities for the production of less dangerous chemicals.

(4) If a change takes place in the data projected for the following calendar year the natural person or legal entity under section 1 shall be obliged to fulfil the Reporting Duty within 14 days preceding realisation.

#### § 24

#### **Less Dangerous Chemicals Recording**

The provisions of § 21 shall apply to less dangerous chemicals recording, where however such recording relates only to their production, import or export.

#### § 25

#### **Export of Less Dangerous Chemicals**

When exporting less dangerous chemicals to States Not Parties to the Convention a natural person or legal entity shall be obliged to arrange for the assignor to deliver a representation that they shall not be used for activities prohibited hereunder, shall not be transferred to any other state, and shall be used exclusively for the purposes specified in § 6.

#### Chapter V

### **DISCREET ORGANIC CHEMICALS**

§ 26

(1) A natural person or legal entity that has produced during a calendar year more than 200 tonnes of discreet organic chemicals not included among scheduled chemicals, or more than 30 tonnes of discreet organic chemicals not included among scheduled chemicals but containing phosphorus, sulphur, or fluorine, shall report these facts to the Office not later than on 31 January of the following year.

(2) The Reporting Duty refers to individual facilities in which such discreet organic chemicals are produced and their exact locations.

(3) The provisions of the above sections 1 and 2 do not apply to production of explosives and hydrocarbons.

Chapter VI

**RIOT CONTROL AGENTS**

§ 27

A natural person or legal entity that uses riot control agents shall be obliged to fulfil the Reporting Duty under § 35 section 4 in classification by individual agents, and communicate to the Office any and all changes in the reported data within 10 days after such change becomes effective.

**PART FOUR**

**SUPERVISING COMPLIANCE**

§ 28

(1) All natural persons and legal entities that in any way handle scheduled chemicals or in connection with which a justified suspicion of their so doing has arisen ("Supervised Persons") shall be subject to supervision.

(2) A Supervised Person shall enable the inspection authorities to photograph the facilities that serve for producing, processing, or consuming scheduled chemicals, the corresponding storage facilities, and sites where scheduled chemicals are handled.

(3) Unless provided for otherwise herein, the rights and obligations of the inspection authorities and the Supervised Persons shall be governed by a separate Act.<sup>3</sup>

---

<sup>3</sup> § 8 through 12 and § 14 through 19 of the Czech National Council State Control Act No. 552/1991 Coll., as amended.

§ 29

(1) International Inspectors, pursuant to the Inspection Mandate of the Organisation for the Prohibition of Chemical Weapons, may take part in verification activities together with the inspection authorities.<sup>2)</sup> The Mandate confers to the International Inspectors the right of access to the inspected site in order to establish facts relevant under the Convention.

(2) Supervised Persons shall submit to the International Inspectors all documents relevant for the verification, and enable them to carry out an on-site verification of the facilities, take samples and/or take photographs.

(3) Each Supervised Person shall be entitled to retain a part of all samples taken or take duplicate samples, and be present during their on-site analysis.

(4) The Office shall communicate to the Supervised Person the commencement of verification at least 12 hours prior to the scheduled arrival of the International Inspectors.

§ 30

Inspections pursuant to § 28 and § 29 carried out in objects and facilities of the Ministry of Defence, Ministry of the Interior, Ministry of Justice, and the Security Information Service shall be performed by the Office in a manner agreed upon in advance with the above bodies.

§ 31

The officials of the Office shall be obliged to keep confidential all facts they learn in connection with performing verification activities hereunder also after termination of their respective functions. They may be relieved of this obligation only for material reasons by the Chairman of the State Office for Nuclear Safety in writing.

**Types and Procedure of Imposing Sanctions**

§ 32

**Fines**

(1) For violation of the obligations hereunder the Office may impose a fine of up to CZK 100,000,000.- .

(2) On legal entities the Office may impose a fine of

- a) up to CZK 50,000,000.- for highly dangerous chemicals handling without a licence,
- b) up to CZK 1,000,000.- for violation of the obligations under § 16,
- c) up to CZK 10,000,000.- for violation of the obligations under § 18.

(3) On natural persons or legal entities the Office may impose a fine of

- a) up to CZK 1,000,000.- for violation of the obligations under § 4 section 1, § 5 section 2, and § 19 section 2,

- b) up to CZK 100,000,000.- for violation of the obligations under § 4 section 2 and § 5 section 1,
- c) up to CZK 5,000,000.- for not fulfilling the Reporting Duty under § 20, § 23, § 26, and § 27,
- d) up to CZK 1,000,000.- for violation of obligations under § 21 and § 24.

(4) The seriousness, mode, duration, consequences and extent of the offence shall be taken into consideration in determining the amount of the fine.

(5) A fine shall be due and payable within 15 days after the effective date of the decision on imposing the fine; fines shall inure to the benefit of the state budget of the Czech Republic.

(6) Unless stated otherwise herein, the proceedings underlying the fines shall be governed by the general provisions on administration proceedings.<sup>4</sup> The provisions of a separate Act shall apply to exacting the imposed fines.<sup>5</sup>

### § 33

#### **Ban on Activities**

In the event a natural person or a legal entity subject to the Reporting Duty hereunder materially violates the obligations under § 20, § 23, § 26, and § 27, the Office may ban the relevant activities for a period between one year and ten years.

### § 34

(1) A fine or ban on activities may be imposed within three years after the date on which the violation has been established, but not later than ten years after the date on which the violation took place.

(2) The sanctions specified in § 32 and § 33 may be imposed at the same time.

## **PART FIVE**

### **COMMON AND TRANSITORY PROVISIONS**

### § 35

(1) Unless specified otherwise herein administration proceedings under this Act shall proceed under general regulations governing administration proceedings<sup>4</sup>.

---

<sup>4</sup> The Administration Procedure Act No. 71/1967 Coll.

<sup>5</sup> The Czech National Council Taxes and Charges Administration Act No. 337/1992 Coll., as amended.

(2) Natural persons or legal entities whose activities are governed by this Act shall file the relevant applications for a licence with, and fulfil the Reporting Duty hereunder to, the Office within one month after the effective date hereof.

(3) Upon fulfilling the Reporting Duty the right to proceed with the activities governed by this Act shall be retained.

(4) Natural persons or legal entities obliged to apply for a licence or fulfil the Reporting Duty hereunder shall submit the first report not later than 20 days after the effective date of the Convention for the Czech Republic.

(5) The applications and reports under § 12 section 3, § 15 section 2, § 17 section 3, § 18 section 5, § 20 section 1, § 23 section 1, § 26 section 1, § 27, and § 35 section 4 shall be submitted on forms available from the Office.

(6) Application of this Act to import and export of highly dangerous chemicals, dangerous chemicals, and less dangerous chemicals shall not affect arrangements that are the subject of a separate Act.

(7) The Office shall issue Decrees implementing the provisions of § 6 section 2, § 7 section 2, § 9 section 3, § 18 section 4, and § 20 section 1.

## **PART SIX**

### **AMENDMENT TO ACT No. 50/1976 COLL. ' ON ZONE PLANNING AND THE BUILDING CODE' (BUILDING ACT), AS AMENDED**

#### **§ 36**

Act No. 50/1976 Coll. 'On Zone Planning and the Building Code' (Building Act), as amended by Act No. 103/1990 Coll., the Czech National Council Act No. 425/1990 Coll., Act No. 262/1992 Coll., and Act No. 43/1994 Coll., is hereby amended as follows:

In § 126 section 1 after the words "safety at work" the conjunction "and" is deleted and after the words "business activities" the following text is appended: "and some measures connected with the prohibition of chemical weapons".

## **PART SEVEN**

### **AMENDMENT TO THE SMALL BUSINESSES ACT NO. 455/1991 COLL., AS AMENDED**

#### **§ 37**

The Small Businesses Act No. 455/1991 Coll., amended by Act No. 231/1992 Coll., the Czech National Council Act No. 591/1992 Coll., Act No. 600/1992 Coll., Act No.

273/1993 Coll., Act No. 303/1993 Coll., Act No. 38/1994 Coll., Act No. 42/1994 Coll., Act No. 136/1994 Coll., Act No. 200/1994, Act No. 237/1995 Coll., Act No. 286/1995 Coll., Act No. 94/1996 Coll., Act No. 95/1996 Coll., and Act No. 147/1996 Coll. is hereby amended as follows:

In § 3 section 3 clause v) the full stop at the end of the sentence is replaced by a comma and clause x) is appended to read (including Note 23e):

"x) highly dangerous chemicals handling.<sup>23e)</sup>

---

<sup>23e)</sup> Act No. 19/1997 "On Some Measures Concerning Chemical Weapons Prohibition, and On Amendments to Act No. 50/1976 Coll. ' On Zone Planning and the Building Code' (Building Act), as amended, the Small Businesses Act No. 455/1991 Coll., as amended, and the Penal Code Act No. 140/1961, as amended."

## **PART EIGHT**

### **AMENDMENT TO THE PENAL CODE ACT NO. 140/1961, AS AMENDED**

#### **§ 38**

Act No. 140/1961 (Penal Code), as amended by Act No. 120/1962 Coll., Act No. 53/1963 Coll., Act No. 56/1965 Coll., Act No. 81/1966 Coll., Act No. 148/1969 Coll., Act No. 45/1973 Coll., Act No. 43/1980, Act No. 10/1989 Coll., Act No.159/1989 Coll., Act No. 47/1990 Coll., Act No.84/1990 Coll., Act No.175/1990 Coll., Act No.456/1990 Coll., Act No.545/1990 Coll., Act No.84/1990 Coll., Act No.175/1990 Coll., Act No.457/1990 Coll., Act No.545/1990 Coll., Act No.490/1991 Coll., Act No.557/1991 Coll., the Award of the Constitutional Court of the Czech and Slovak Federative Republic dated 4 September 1992 promulgated in Volume 93/1992 Coll., Act No. 290/1993 Coll., Act No.38/1994 Coll., Award No. 91/1994 Coll., and Act No. 152/1995 Coll. is hereby amended as follows:

1. In § 185 after section 2 a new section 3 is appended to read:  
"(3) As under section 2 a person who designs, builds, and uses facilities for production of chemical weapons."

The existing section number 3 is replaced by section number 4.

2. § 185 section 4 clause a) reads:  
"a) upon committing the offences specified in section 2 and 3 as a member of an organised group, "

3. The heading to § 186 reads: "Unauthorised Production and Storage of Radioactive Materials and Highly Dangerous Chemicals".
4. In § 186 section 1 after "material" the following text is inserted: "or a highly dangerous chemical or facilities for its production".

**PART NINE**

**ENTRY INTO FORCE**

§ 39

This Act shall enter into force and effect on the date of its promulgation.

Notice: This Act entered into force on 26 February 1997.