



Changes in employment law, even during football fever

SK: Simplified employment
of third-country nationals

CZ: No revolution in
concurrence of functions

EU: Waste Package 2018:
Big changes for citizens
and businesses

Just as all we heard about until recently was the GDPR, now it seems everyone is only talking about the World Cup. While for some it may seem the world has come to a standstill, this is not actually so. Lawmakers, whether national or European, are trying to catch up and approve new rules before the summer break. And the courts aren't far behind. A waste package, employment of foreign nationals, and concurrence of functions of an executive and employee are just some of the news that you should not miss, even in this time of football fever. And, if you're looking for something to read this summer, pick up a copy of our new publication *Current Issues of Succession in Family Business*.

Annamária Tóthová

In summary

CZ: Determining the maturity date of debts

The Supreme Court of the Czech Republic has confirmed that if the maturity date is set on a certain date (e.g. 16 April 2023) or day (e.g. 15th day of the month) and the debtor fails to meet this maturity date, even due to a public holiday, it will be in default. This means that if the maturity date falls on a weekend or public holiday, it is not enough for the debt to be paid on the next business day. (DV)

SK: Major amendment to the Public Procurement Act

An extensive draft amendment to the Public Procurement Act is heading to parliament. The amendment aims to streamline and simplify public procurement procedures for contracting authorities, authorities, and economic operators. The amendment should be effective from 1 October 2018. (SL)

EU: Joint liability of page operator and Facebook

According to the current ruling of the EU Court of Justice, the fact that a fan page (or company or similar page) uses a platform provided by FB does not exempt it from compliance with its privacy obligations and it is liable jointly with FB for properly informing users about the processing of visitor data to this page via cookies (FB Insight). (RM)

SK: Simplified employment of third-country nationals

Employers have long been struggling with a labour shortage, which they resolve by employing third-country nationals (foreigners). From 1 May 2018, the process of employing foreigners has been simplified.

Employers were previously obliged to notify vacant positions to the Labour Office at least 30 business days before submitting an application for temporary residence for a foreign national. This period has been reduced to **20 business days**.

The simplified employment rules for foreigners apply to labour-intensive jobs in areas where the average unemployment rate was below 5%. The Centre for Labour, Social Affairs and Family issued a list of such professions and areas, which is published on its website.

The simplification means that an **employer is no longer required to report a vacancy in advance, provided:**

- 1. the employer does not employ more than 30% of foreign nationals under simplified conditions from the total number of its employees;**
- 2. the employer did not breach the prohibition on illegal employment in the two-year period prior to the application for temporary residence.**

Katarína Liebscherová

CZ: No revolution in concurrence of functions

A judgment by the panel of the Supreme Court, file no. 31 Cdo 4837/2017, changed a 20-year-old practice, whereby, in the case of a single natural person concurrently performing as a member of the statutory body, and in a managerial position in an employment relationship (if part of the business management), the managerial employment contract is invalids.

But this is hardly revolutionary. This case law will have a more significant effect in existing disputes, where concurrence of functions is already present and the parties are claiming some kind of performance from each other. It will no longer be possible for the company to argue that an executive does not have the right to any payment under the employment or management contract because the contract is invalid.

However, it is certainly not advisable to conclude an employment or management contract for the performing as a member of the statutory body. An employment relationship will not arise and it is not clear which provisions of the Labour Code can be applied to such a relationship. There are a few guidelines as to what cannot be used – termination reasons and notice period, employee liability, etc. The safe solution for executives and companies remains the same: to enter into an agreement on the performance of office.

Veronika Odrobinová

CZ: The competence of trade unions

According to the Supreme Court, a trade union is entitled to operate and act at an employer not only if a specific employer is mentioned in its articles, but also if the employer does business in the particular field in which the organisation operates under the articles. (OB)

SK: Amendment to the Energy Act

An amendment to the Energy Act, effective from 1 July 2018, is reflecting the requirements of the European Commission regarding the transposition of the third energy package, application practice requirements and introducing definitions of new concepts related to electromobility. (PSM)

EU: Strengthening national competition authorities

On 30 May 2018, the European Parliament and the Council agreed on a proposal for a directive which should strengthen the powers of national competition authorities, such as sanctions and a leniency programme, to ensure better coordination and financing. The text of the directive should be known by the end of 2018. (PM)

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EU: Waste Package 2018 – Big changes for citizens and businesses

The EU Waste Package, with higher recycling quotas, landfill bans, extended producer liability, and new collection systems for textiles, hazardous household and bio waste, approved on 22 May 2018, will require more effort from businesses, citizens, and public authorities in "landfill states" such as the Czech Republic and Slovakia.

The package amends four directives on waste, packaging, landfills, and batteries. From 2035, states should landfill only 10% of municipal waste. The Czech Republic, which currently landfills about 55% of its waste, has set an even more ambitious target of banning all landfills by 2024. Slovakia, which still landfills more than 75% of its waste, received by the Waste Package a specific date. Another goal is to recycle or reuse 55% of municipal waste by 2025, 60% by 2030, and 65% by 2035.

Recycling targets for packaging have also been increased to 65% in 2025, and 70% in 2030, with higher targets being set for individual types of packaging material, such as paper and cardboard (85%).

By 2025, Member States must ensure the separate collection of textiles and hazardous household waste. Sorted collection of bio waste must be introduced in 2024.

New minimum requirements for collection and take-back systems, and extended producer liability have been defined, with producers having to contribute financially.

Bernhard Hager

New book by Stanislav Servus

Mgr. Stanislav Servus LL.M., a partner at Dvořák Hager & Partners, is the lead author of the new book [Aktuální otázky nástupnictví při rodinném podnikání](#) (*Current Issues of Succession in Family Business*).

The publication is the first Czech professional book on succession and handover in family businesses.

It was published by **Wolters Kluwer** in June 2018.

