**Access Conditions for Performance of the Tax Adviser’s Profession**

**in the Czech Republic for Foreign Tax Advisers**

In the following text we would like to inform persons from the Member States of the EU interested in performance of the tax consultancy profession in the Czech Republic about detailed aspects concerning the conditions and procedure associated with recognition of their professional qualification of a Tax Adviser in the Czech Republic.

The issues of access of foreign Tax Advisers to the market of the Czech Republic are generally resolved by the Act no. 18/2004 Coll., on the recognition of professional qualifications, with special details described in the Act no. 523/1992 Coll., on tax advisory services and on the Chamber of Tax Advisers of the Czech Republic. Both the Acts regulate conditions of access of these persons to the market of the Czech Republic, as well as the process of recognition of their professional qualification.

The Act no. 523/1992 Coll. specifies that tax advisory services can be provided in the Czech Republic also by a national of a Member State of the EU as an Established Tax Adviser or as a Guest Tax Adviser, after fulfilment of legislative conditions. Since not all the conditions of access of foreign Tax Advisers to the profession in the Czech Republic are regulated by the Act no. 523/1992 Coll., such conditions not regulated by that Act are governed by appropriate provisions of the Act no. 18/2004 Coll. The recognition authority for the Tax Adviser’s profession in the Czech Republic is the Chamber of Tax Advisers of the Czech Republic (hereinafter referred to as “the Chamber”).

Guest Tax Advisers can only provide services on a temporary or occasional basis, and the right to provide consultancy arises to them on the day of registration in the List. Guest Tax Adviser does not become a member of the Chamber by the registration in the List.

In the case of a breach of the conditions for temporary or occasional performance of tax advisory services, the providers can be fined by a fine amounting up to CZK 10,000.-, and at the same time they can be penalised with the ban on the activity for up to 1 year.

Established Tax Advisers can provide tax consultancy on a continual basis, and this authorisation arises to them on registration in the List of Tax Advisers, when they become, at the same time, a member of the Chamber.

Both the groups of Tax Advisers are authorised to use the Czech title of the Tax Adviser with all rights and obligations.

The activity of both the forms of provision of tax consultancy is governed by the legal order of the Czech Republic, including the Act no. 523/1992 Coll. and Statute regulations of the Chamber. The diplomas, certificates and other documents evidencing professional qualification, as well as professional experience, are recognised pursuant to the Act no. 18/2004 Coll.

**One-stop shop**

The Chamber of Tax Advisers of the Czech Republic is included into the project of the Ministry of Industry and Trade entitled “One-stop Shops” (JKM). On the web site [www.businessinfo.cz](http://www.businessinfo.cz/) it is possible to find information concerning accession to the [Tax Adviser’s](http://www.businessinfo.cz/cz/clanek/financnictvi-jkm/danovy-poradce/1001839/55179/) profession.

The One-stop Shops were established on the basis of the Act on the free movement of services, whereby the Directive of the European Parliament and of the Council on services on the internal market has been transposed into the Czech legal order, as a part of the European-wide network of One-stop Shops.

The main goal of the JKM is to make it easier for starting entrepreneurs to enter into business activities or to mitigate obstacles for existing entrepreneurs, who are interested in extending their business activities not only in the territory of the Czech Republic, but also in other Member States of the EU, EEA or the Swiss Confederation.

**Established Tax Adviser**

Nationals of a Member State of the EU must file an application for recognition of their professional qualification at the Chamber (or at the Ministry of Education, Youth and Sports of the Czech Republic, which passes the same without any unnecessary delay to the Chamber). The application must include:

* First name and surname
* Birth number, if any birth number has been assigned, otherwise date of birth
* Place of residence
* Place of business, including all the countries where they provide tax advisory services and time of their provision
* Commercial name, if different from the first name and surname of the applicant
* Identification number, if there has been assigned any
* State citizenship
* Mailing address in the territory of the Czech Republic

Besides, it is necessary to submit, together with the application, also relevant documents (a copy thereof being sufficient, with the below-specified exceptions). The documents are submitted with translation into Czech, in case of doubts concerning correctness of the translation it is possible for the Chamber to ask for a certified translation.

The following documents shall be submitted (with translations into Czech):

* Applicant’s identity document, document confirming state citizenship of the Applicant
* Professional qualification document (see below) or a document confirming professional experience (see below) – the formal qualification document must clearly indicate its degree and the length and content of education and training evidenced by that document must imply from it.
* Document confirming payment of the fee amounting to CZK 2,000 (to the account opened with UniCredit Bank Czech Republic, a.s., account no. 2107491443/2700)
* Document confirming the insurance covering liability for damage caused in connection with provision of tax advisory services in the Czech Republic, concluded in such a way that the amount of insurance sums can be proportional to possible damage which can be reasonably presupposed.

The Chamber can require submission of the original identity document and of the state citizenship document for a visual check. In the case of doubts concerning genuineness of the copies, and if genuineness cannot be verified through administrative cooperation, the Chamber can require submission of the original or of a certified copy of the professional qualification document or of the document confirming professional experience. The documents which are submitted in the original, certified transcription or as a certified copy and foreign-language documents must be translated into the Czech language (in case of doubts concerning correctness of the translation, the Chamber is authorised to require their certified translation).

Performance of tax advisory services in a Member State of the EU shall be evidenced by means of a document issued by the competent body or institution of the Member State of origin, if tax advisory services are a regulated activity in its territory or if they are subjected to supervision by an administrative body. If tax advisory services are not regulated in the state of origin, it is not subject to supervision and there is not even an authority issuing a similar document, the document confirming performance of tax consultancy may be also another document proving that the Applicant was carrying out tax advisory services in the Member State of origin. The document confirming performance of tax advisory services contains the data necessary for assessment of an application for recognition of professional qualification, especially the data concerning the length, content and form of performance of tax advisory services. In the case of doubts, the Chamber may require submission of an affidavit relating to the facts stated in the present paragraph.

**Assessment of qualification prerequisites**

Diplomas, certificates and other documents confirming professional qualification, as well as professional experience are recognised for enabling the access to performance of tax advisory services in the Czech Republic.

The term **“Professional qualification**” shall denote eligibility of a natural person to performance of tax advisory services, which shall be proven especially by the document confirming the qualification achieved or by a document confirming performance of tax advisory services (hereinafter referred to as “professional qualification document”).

The *document of the qualification achieved* then means a diploma, degree certificate or another document or a set of such documents obtained by the Applicant after completion of their education and specialised training, which

1. makes them professionally qualified for performance of tax advisory services in the Member State of origin, or
2. confirms completion of education and training courses which have prepared the Applicant in the corresponding professional area for performance of tax advisory services, in the case when the activity is not regulated

Pursuant to the Act on the recognition of professional qualifications, a state citizen of a Member State can apply for recognition of Tax Adviser’s qualification in the Czech Republic and for registration into the List if

1. they have acquired professional qualification for provision of tax advisory services in another Member State if that state requires professional qualification for provision of these services, or
2. they were providing, for the term of 1 year during the previous 10 years (preceding the day of submission of the application), on a full-time basis, tax advisory services in another state where tax advisory services are not a regulated activity, and they are a holder of the document of the qualification achieved, evidencing that the Applicant has completed appropriate education and training which prepare them professionally in that Member State for performance of tax advisory services

The Applicant shall then attach to their application also:

* Document proving their integrity in the Member State of origin (Extract from the Criminal Register or another corresponding document proving their integrity), which is not older than 6 months.
* Affidavit proving fulfilment of the conditions as follows
	+ They do not perform in the Czech Republic any employment, position or activity of such a type that a special legal regulation does not permit doing business simultaneously with them
	+ They do not have any labour-law, duty or any similar relation to a state authority or local self-government authority whose competence includes inspections and decision-making in the matter of taxes in the Czech Republic.

The Chamber of Tax Advisers must decide, within 60 days from submission of a complete application, including all the documents. In the case of determination of the condition of the passing of a differential examination, the decision shall state the conditions of the passing of such a differential examination.

In the case of determination of the condition of the passing of a differential examination, the Applicant must submit an application for the differential examination. The differential examination shall take place in the Czech language and only in those areas necessary for execution of tax advisory services, i.e. especially knowledge in the fields of financial, administrative, civil and commercial laws, finance and economy, accounting and professional regulations, whose knowledge is not evidenced by the Applicant with documents confirming fulfilment of qualification prerequisites for tax consultancy.

The result of the differential examination is decided about by the Examination Board, while the details concerning the content and course of the differential examination, announcement of the result and its delivery shall be regulated by the Examination Rules. No fee is collected for the differential examination. If the Applicant fails to pass the differential examination, they can sit for this examination again, but not sooner than after three months from the end of the month in which the examination was ended. In such a case it is necessary to file a new application for recognition of qualification.

The Applicant who has proven fulfilment of qualification prerequisites and has passed the differential examination shall be registered by the Chamber in the List, not later than by the end of the month following after the month in which the Applicant has passed the differential examination, and the Chamber shall issue a certificate of their registration in the List.

If

* the Applicant fails to properly submit their qualification prerequisites, which persists even in the specified substitutive period
* the Applicant fails to pass the differential examination,

the Chamber shall decide about refusal of registration in the List. The Applicant can then file a complaint at the Regional Court in Brno.

The form of the application for recognition of professional qualification is available for downloading in the footer of the present Article.

**Guest Tax Adviser**

Guest Tax Adviser can, after fulfilment of the conditions, only provide tax advisory services in the Czech Republic on a temporary or occasional basis and is obliged to notify the Chamber of this fact. The fact whether tax advisory services are performed on a temporary or occasional basis is assessed especially with regard to the term of duration, frequency, regularity and continuity of its performance.

The notification shall be filed in the Czech language and must contain:

* First name and surname of the Notifying Person
* Birth number
* Place of residence
* Place of business
* Commercial name, if different from the first name and surname of the Notifying Person
* Identification number, if there has been assigned any
* State citizenship
* Mailing address in the territory of the Czech Republic
* Specification whether tax advisory services are a regulated activity or not in the Member State of origin, or information on the activity nearest in terms of contents
* Information about professional qualification and information on performance of concerned activities or regulated education
* Information about the employer established in another Member State of the EU, if the Applicant is sent to the territory of the Czech Republic within the framework of provision of services by this employer, in the extent: -

- First name(s) and surname, date of birth, Member State of establishment, address of the place of business, if the employer is a natural person, or
- Commercial name, registered office and State of establishment, if the employer is a legal entity.

The Notifying Person must submit, together with the notification, the following documents (in a simple copy, in case of documents in a foreign language it is necessary to submit their translation into the Czech language; in the case of doubts, the Chamber is authorised to require the original document for a visual check as well as a certified translation):

* Notifying Person’s identity document and document confirming state citizenship
* A document confirming that the Notifying Person is established in the Member State of origin and that in accordance with its legal regulations they perform tax advisory services and that the authorisation to perform tax advisory services in the Member State of origin has not been withdrawn or temporarily suspended for them,
* Document of the professional qualification achieved which must clearly indicate its degree, and the length and content of education and training evidenced by that document must imply from it,
* Document of performance of tax advisory services, unless tax advisory services are a regulated activity in the Member State of origin,
* Document confirming the insurance covering liability for damage caused in connection with provision of tax advisory services, concluded in such a way that the amount of insurance sums can be proportional to the term of provision of tax advisory services in the territory of the Czech Republic and to possible damage which can be reasonably presupposed

The condition of professional qualification must be fulfilled by a Guest Tax Adviser at the same level as in the case of an Established Tax Adviser, i.e. it is necessary to prove that

1. they have acquired professional qualification for provision of tax advisory services in another Member State if that state requires professional qualification for provision of these services, or
2. they were providing, for the term of at least 1 year during the previous 10 years (preceding the day of submission of the application), tax advisory services in another state if that state does not require any professional qualification for provision of these services.

The Chamber shall immediately register the Notifying Person who has filed a notification meeting statutory requirements and evidenced fulfilment of qualification prerequisites by submitting appropriate documents, in the List and shall issue a certificate of registration to the Notifying Person, where its term of validity shall be stated. Guest Tax Adviser does not become a member of the Chamber by the registration in the List.

If the Chamber has justified doubts concerning genuineness of the documents submitted, it can ask the competent body of the Member State in which the documents were issued for confirmation of their genuineness.

If the Notifying Person fails to properly submit their qualification prerequisites, which persists even in the specified substitutive period, the Chamber shall decide about refusal of registration in the List and shall inform the Notifying Person about the reasons for such a refusal.

Pursuant to the Act no. 523/1992 Coll., the Chamber shall inform the competent body of the other Member State in which the Tax Adviser provides tax advisory services, about deletion of that Tax Adviser from the List for all the reasons except for death of the Tax Adviser. In the same way, the Chamber shall inform such a competent body of the other Member State about suspension of performance of tax advisory services. No deadline is specified for compliance with these obligations by the Act no. 523/1992 Coll.

The Notification form is available for downloading in the footer of the present Article.