

Business

Apart from employment, owning a limited liability company (*společnost s ručením omezeným* or s.r.o. for short) or working independently from a trade license (*živnostenský list*) are two of the more common ways to legally conduct business in the Czech Republic.

S.R.O.s

If you are looking to stay for a while in the Czech Republic, and you have a particular skill or experience in a certain industry or field, you may want to consider opening your own business. The most common way of doing this is by owning an s.r.o. which is a Czech limited liability company. s.r.o. stands for *společnost s ručením omezeným* and the main advantage of opening one is it will protect your personal assets in case a lawsuit is filed against your company. If you would like to buy real estate in the country and are a non-EU citizen, you can open an s.r.o. and have the company "buy" the property for you. An s.r.o. must have one founder, one director and a starting capital of 200,000 CZK.

It's highly recommended to get a lawyer. It is better to appoint someone from the beginning to handle all the ins and outs and make sure the process not only goes smoothly, but you do everything legally and correctly.

A few facts you should think about before starting the process: first, as noted above, you must have 200,000 CZK as your company capital. Second, you must also have a business address. The owner of this business location must confirm for the Czech business court that your business can be registered there. The owner of the property must sign, in person, before a notary, papers attesting to this fact. There are a variety of companies out there who will provide this service for you, for a fee of course. Some even include secretarial services, like phone answering and message taking, collecting your mail, etc.

Once you have the address sorted, you can register your business, which, surprisingly, only takes about ten days. You, and any other directors, also must have a clean criminal record. You'll need to confirm that no partners have any outstanding tax payments, submit a license application to the trade licensing office and make an application for registration in the Commercial Register. When you do this, you must show bank information (including that the bank account can receive deposits,) copies of the trade license(s), documents regarding your business address and clean extracts from the police records.

Documents must be in the Czech language, notarized, and submitted to the relevant authority in the Czech Republic, known as the Commercial Register (*Obchodní rejstřík*). You also must register with the Social Security Administration and a health insurance company.

Another point depends on the type of business you are looking to start. Some businesses require a guarantor who is skilled or experienced in your business' field. This person must also be Czech or have permanent residence status. Take the example of a restaurant – you'll need to have proof that there is someone, on your payroll who has restaurant experience. There are certain requirements like these that you'll need to fulfill through the license office. Every s.r.o. will need to have at least one of these "trades" and you may need to prove a certain educational level or have a special state license or certificate.

If you are an EU citizen the process is much easier – the conditions are the same as for a Czech citizen. You don't need any type of visa or a Czech residence address. Non-EU citizens must have a visa, residence address and funds in their personal bank account.

As always, laws and requirements change. It is best to consult a lawyer or other knowledgeable person and pay a visit to your local trade license office to ensure you gather the proper documentation and provide the correct information when making your application.

The list of items and documents required to establish a company in the Czech Republic depends on whether or not the s.r.o. you seek to establish is entirely new or an off-the-shelf s.r.o. (a pre-existing company that is being repurchased).

List of Items Required for a New S.R.O.:

- **Founding Deed:** a document containing basic data about the company founders and the activities that the s.r.o. will be involved in. Founders are either physical or legal persons, according to Czech law.
- **Registered Capital:** a minimum of 200,000 CZK.
- **Notarial Record:** an ongoing ledger of transactions in relation to the s.r.o. in question, including things like:
 - the lease contract covering the premises of the s.r.o. in question.
 - the bank account which contains the s.r.o.'s registered capital.
 - documents like the clean criminal records, affidavits, and specimen signatures of the s.r.o.'s signing authorities.
 - the consent of the Commercial Register that the s.r.o. has in fact been registered.
 - a confirmation from the bank that the registered capital has in fact been deposited.

List of Items Required for a Pre-Existing S.R.O.:

- **S.R.O. Share Transfer:** from the pre-existing executive(s) to the new 3rd-party/buyer, which includes a notarized contract for the share transfer in question.
- **Notarial Record of Transfer:** includes things such as whether the board of directors approved the transfer of the shares during a duly-called general meeting, who will become the new executive(s) and if there will be a change to the s.r.o.'s activities or a change in the company's name.
- **Notarial Record** (as in the case of a new s.r.o.): an ongoing ledger of transactions in relation to the s.r.o. in question, especially if there have been any changes to the lease contract, the bank account, or personal documents
- **Petition to the Commercial Registry:** advising it of the above changes.
- **Clearance Statement from Existing Executives:** that there are no financial obligations or other burdens which might hamper the operation of the new business.

Lastly, in the case of the purchase of a pre-existing company, the purchase cost is generally the amount of the s.r.o.'s registered



capital plus a margin which goes to the intermediary assisting in the sale of the controlling shares. Historical experience suggests that this amount is generally in the range of 40,000 CZK.

CZECH COMPANY TITLES

An s.r.o. is private limited company, equivalent to an Ltd.

An a.s. is publicly traded company, comparable to a Plc. in the UK.

Company Formation



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Trade Licenses

One option for people wanting to work in the Czech Republic is to get a trade license or *Živnostenský list*. The definition of "trading" here means you are performing an activity (work), doing it independently, in your own name with the purpose of making a profit. This differs from an s.r.o., where if something goes wrong you are protected by your limited liability status. With a *Živnostenský list*, it's all your. For the most part, securing a trade license is fairly straightforward, and thanks to some new laws that came into effect July 1, 2008 - it's a bit clearer, and cheaper.

If looking to do this process on your own, it is best if you speak Czech or can bring along a Czech speaking person to help you. Alternatively, hire someone to do it for you.

Your first stop should be the trade license office in city hall. Previously, if you live in Prague, you had to go to "your" district (i.e., you live in Prague 4, you had to go to the Prague 4 municipal office) to take care of business, but the new changes say you can now apply at any trade license office in the city. Here, you can talk with the people who will be processing your application, pick up any needed forms, and do a walkthrough of the process before you get started. In a typical bureaucratic way, documents, signatures, stamps, etc., may differ from office to office. Checking first will save you time and headaches.

The documents you need to have are fairly similar to what you need for other legal papers, like a long-term visa. You'll need to have a clean criminal record from your home country, as well as from any other country in which you have legally lived. You also need a signed statement from your landlord that you can use your home address for business purposes. You'll also need to get the land registry form that says the person who is your landlord is the legal owner of the

building or flat in which you are renting. If you plan on applying for a *Živnostenský list*, it is best to get the okay from a potential landlord first.

Two important things to remember: All documents not in Czech must be officially translated into Czech and legalized and nothing must be older than 90 days.

Depending on what you are getting your *Živnostenský list* for, you may need to show proof of education or professional experience. A big improvement that came into play with the new law is that you now only need one trade license (based on a list that can be found at the trade license office.) Previously, depending what you wanted to do, you may have had to buy two, three, four or more licenses - all at 1,000 CZK a pop. Now, for 1,000 CZK you'll receive a "certificate of incorporation" which will be one document listing all your licensed areas.

If you are using a *Živnostenský list* as your legal purpose of stay upon which to apply for a long-term visa, you will need to get the paperwork going here first. After your application has been approved (it usually only takes 1-2 weeks,) you will receive a statement to that effect which you can then submit with your visa application. You have 180 days after your *Živnostenský list* application has been approved in order to get your visa.

The next step only applies for non-EU citizens: After receiving your visa, you must register at the business court. First, bring your visa back to the trade license office where you will receive documents to bring with you to the business court. This is where you'll get your **ICO**, which is basically your business number. You will need to go back to the trade license office with your **ICO** - this part of the procedure is usually the most confusing and time-consuming, so make sure you receive clear instructions from both administrators on what needs to be done next.

After you have registered at the business court (or for EU citizens, after you have received your trade license) there are two more very important steps. Before you start doing business you must register at the tax office to receive your **DIČ**, or Tax I.D. number. You then must also register at the social security office to pay social insurance every month. Here, you will receive another number, as well as payment slips in which you must pay your social fees. The amount is set by law and there is a minimum amount. The fee you pay is based on your income, so after your first year in business it may go up or down.

Don't forget about taxes! The accounting year here is January to December, and taxes are due by March 31 every year.

As with all legal procedures, if you are unsure about something or have an unusual situation, it is best to discuss it with a qualified person or lawyer. And don't forget, every situation is different, so what works for one person may not be the case for someone else.

Trade License or Limited Company? The trade license certificate is particularly useful if you are thinking of setting up in the country independently and offering a particular service. It's fairly cheap to apply for a certificate, and the paperwork involved is not too difficult. If you set up a limited liability company (s.r.o. or *společnost s ručením omezením*), you can buy property and have it registered under the company name, though setting up a company can be expensive and time-consuming.



More information: www.expats.cz/companies



Chambers of Commerce

Chambers of commerce are non-profit, non-politically oriented organizations. Generally, there are two kinds of chambers: country specific chambers work to promote foreign trade (among other goals), and business or economic-related chambers act more as business advocacy associations in specific fields.

Some chambers are open to all to join and will provide help and advice regardless of nationality. To receive support from the chambers, you will probably have to become a member. Most chambers have

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annual membership fees with two options: a price for businesses and a (usually considerably lower) price for individuals. A representative from a company will often use an individual membership to find out first-hand what a chamber can offer before bringing their corporation into the chamber. You can expect to pay anywhere between 3,500 CZK and 15,000 CZK for membership depending on the chamber.

So, once you're a member, what can you expect? The larger a chamber is, the more they can provide. Large chambers will have numerous events, seminars, lectures, etc., that will focus on improving business in the Czech Republic. Chambers can also be powerful lobby groups that act on behalf of their members – again, the larger a chamber is, the more likely that they will be able to successfully have an influence on government policy. Subscriptions to business periodicals and other benefits can be expected, as well as any specific help or advice a chamber can offer to its members.

One of the greatest benefits of the chambers is the social aspect – something that any chamber, large or small, can offer. Through benefit events, parties, and other activities, chamber members meet and discuss. Business contacts that are made through a chamber cocktail party are likely to turn out to be of more importance than the business contacts one may make at a bar or club in Prague.

Chambers of Commerce



American Chamber of Commerce Dušní 10, Prague 1	www.amcham.cz +420 222 329 430
Australian Trade Commission Klimentská 10, Prague 1	www.austrade.gov.au +420 296 578 350
British Chamber of Commerce Pobřežní 3, Prague 8	www.britishchamber.cz +420 224 835 161
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Translators

During your stay in the Czech Republic you will need documents translated into Czech, whether for official purposes or otherwise. As elsewhere, translations here are usually performed by freelance translators. They work for agencies, their own clients, or both. Sometimes they work in particular fields and may have gained their knowledge by working in the areas they specialize in, such as finance.

Quality is still an issue in the Czech Republic: many translations are still not checked by a native speaker, and there is still no body overseeing adherence to any quality standards. Any person can set up as a translator. **The Czech Union of Translators and Interpreters (Jednota tlumočnicků a překladatelů or JTP)** is the professional body and trade union for translators in the Czech Republic, but its members do not need to undergo professional examinations or training to prove their competence.

Finding the right translator

You can choose an agency or an individual translator. Some translators work closely together as a team but are not an actual company. If you require translations frequently, finding the right person, company, or group at the start is especially important. Whatever you decide, you should define the conditions at the outset (usually this does not involve contracts).

If you decide on an agency as your supplier, there are numerous firms to choose from, especially in Prague. The larger firms may be more able to cope with more demanding requirements, although a smaller, more specialized firm may be able to offer more personal and better quality service. Find out about the agency before making a decision, and ask other expats for their opinions.

You should ask various questions, such as: how much experience the translator has; how quickly he or she is able to work (6 standard pages is seen as the daily standard); is he or she comfortable with express translations (see below – some translators do not accept this type of work); and what computer packages the translator is familiar with. If the translator has studied at the **Institute of Translation Studies of Charles University**, an internationally recognized institution and unique in the Czech Republic, then you have a far better guarantee of quality, although it is not a 100% guarantee. There are, however, extremely good translators who have learned their craft simply through years of experience and continuous learning.

Translation rates and payment

In the Czech Republic translators are usually paid per page rather than per word. In this context, a page means a Word document of 1500 characters without spaces, or 1800 characters including spaces. This is referred to as a standard page (*normostrana*). The number of pages that a translator can deliver in a specified timescale varies, and this will obviously depend on the type of text, text quality, etc. Once the translation is done the translator will send you an invoice for the work. Rates vary considerably, depending on the translator. They typically range from 250 CZK to 450 CZK, possibly more, for a standard page. Surcharges may be applied in certain

situations: express translations (regarded as more than 10 standard pages per day), weekend translations, or extremely complex texts. Remember that the final cost is based on the number of standard pages in the target language.

Court Interpreters

As an expatriate, you may need the services of a court interpreter (*soudní tlumočník*); in the Czech Republic this term covers both translators and interpreters) at some point for translations of official documents such as birth certificates. You can obtain a list of court translators at www.kstcr.cz. As with non-official translations, there are rules regarding price per page, express translations, and deadlines.

Translators

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Lawyers

Very often, foreign nationals who are looking for business support services immediately consider long-established international firms like **Deloitte, Ernst & Young, KPMG** and **PricewaterhouseCoopers**. However, although they may not have the international backing of global firms, many Czech law firms are equally professional and reputable. Lawyers are generally trained to a high standard, and finding a professional who speaks English shouldn't be difficult.

Finding a Lawyer

It's often the case that international companies operating here will still tend to use the services of a large, international law firm such as **Clifford Chance** or **Linklaters**. Clients see these companies as having a solid reputation and a presence on the international scene that the local firm may not have. But if you are looking for legal advice bear in mind that choosing a local firm can have definite advantages too, and over the last few years Czech law firms have further developed the range of services that they offer. Another advantage of a Czech firm is that it can offer you advice at a competitive rate and provide the same level of quality as an international firm.

When choosing a company you have a number of options to consider. Firstly, word of mouth and the personal recommendation of others in business circles can be a good way of finding a company. You may want to choose a firm based in your own country and which has representation here; companies from the EU nations and the US operate in the Czech Republic, so contacting the commercial section from the relevant embassy may be a good idea. Another option is to contact the **Czech Bar Association (Česká advokátní komora)**. This

body is the professional association of lawyers in the Czech Republic and like similar organizations elsewhere, is concerned with ensuring that professional standards are maintained. It acts as a regulatory body to ensure standards and quality. The Association has a database of individual lawyers as well as firms, and it also gives details of specializations of firms and lawyers. Thirdly, there are the usual sources, such as the **Yellow Pages (Zlaté stránky)** or the internet; though it will be impossible to gauge the quality of a firm from its listing in a phone book, almost all companies will have detailed websites giving an overview of their services.

Lawyers

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Tradesmen

A burst pipe in your flat? Problems with electricity? Such problems can be tricky to deal with in your home country; coping with them abroad can be even worse, particularly if you don't speak the language. How do you find a good plumber, electrician, handyman or locksmith?

One thing that should be borne in mind from the start is the vocabulary for the professions. The Czech word *instalatér* (plural *instalatéři*) means a plumber, but it can be used also for electrician, heating engineer or gas fitter. Often an instalatér can carry out both plumbing and central heating jobs, and elsewhere you'll notice that *voda* (plumbing), *plyn* (gas) and *topení* (heating) can all be services provided by one firm. One word for handyman in Czech is *údržbář*, but in some cases an instalatér can do the work of a handyman. A locksmith in Czech is a *zámečnick* (*zámečnictví* is the profession).

Deal with potential problems before they happen

If you live in rented accommodation you can simply call the landlord and he will deal with any problems, but if he is away then you can be stuck. It's a good idea therefore to ask your landlord beforehand

about the procedures in such a situation. In many cases the landlord will deal with a specific company/person for electricity/plumbing etc and this company/person should be called if there is a problem.

The right person/company?

If you own your own property or have to find a workman yourself, choosing the right company/person can be difficult. Perhaps the more reliable source is the tried and tested expat method of word of mouth. Talk to others and find out which companies they have used, which are good and which are not. A personal recommendation is not foolproof, but can be particularly useful, especially if you don't speak Czech.

Professional Associations

Perhaps the next best way to find a good company/individual is to try its relevant professional association. This organization will set standards that any company has to meet, and if a firm is a member of the association then you know that it meets some quality standards.

The language issue

It's fairly safe to assume that most Czech tradesmen won't speak English, and this can obviously be a problem if your electricity is not working and you are trying to explain what the problem is. The best solution is to have a Czech to mediate if possible.

Payments

Prices are generally lower than what you would expect for similar services at home. The builder/plumber etc., will often issue a receipt on the spot, or he will send you an invoice. For bigger jobs the workman may ask for a down payment, followed by installments.

Electricians



Czech Heating Engineers' Association www.cechtop.cz
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Elektrikáři Bašta Jan www.elektrikari-basta.cz
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Plumbers



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Vladimír Pírko www.volny.cz/instalaterstvpirko/
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Jeseniova 79, Prague 3 ☎ +420 777 015 289

Handymen



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Locksmiths

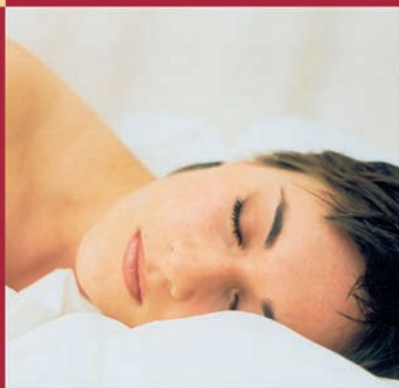


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