

Abstract

Ministry of Health Decision Practice in the area of Administrative Offences according to The Act on Pharmaceuticals

Key Words: Medicinal Products, Administrative Offence, Ministry of Health

In the first chapter of this master thesis I dealt with the general issue of administrative offences. I also introduced the Act on Pharmaceuticals and explained the fundamental term “a pharmaceutical,” which includes medicinal products and active substances. The state administration is provided by State Institute for Drug Control which adjudicates in administrative offences in the first instance, and Ministry of Health that hears appeals against these decisions.

In the second chapter, there is interpreted a material law part of the Act on Pharmaceuticals. I also introduced the elements of administrative offences, responsibility for them, sanctions, speciality and subsidiarity, analogy within the administrative sentencing etc.

The third chapter is dedicated to procedural matters concerning the Act on Pharmaceuticals. The whole procedure starts with a control of an operator. If he/she does not abide the relevant rules of law, State Institute for Drug Control will initiate an administrative procedure and after finding necessary facts this institution renders a meritorious decision. If the operator was not satisfied with the result of the procedure, he/she would be able to appeal to Ministry of Health. This appeal body renders another decision, in which confirms, changes or cancels the State Institute for Drug Control’s decision and returns it to a new hearing, or the procedure can be also be stopped. Against the second instance decision there is one way to defend - a claim to the administrative court.

Finally, in the last chapter I dealt with the interpretation of selected criminal offences, there is presented decision practise of Ministry of Health and State Institute for Drug Control. Then I analysed the activity of these administrative bodies and added considerations *de lege ferenda*.