

Press release on the judgment of the Regional Court in Prague in the dispute between DEKRA CZ and Mr. Libor Fleischhans

The Regional Court in Prague ruled on 2.11.2021 in the dispute between DEKRA CZ and Libor Fleischhans, a board member of ASEM, regarding his statements in a TV program Štrunc! in relation to how MOT and Emission Testing Stations in the Czech Republic are operated.

The court partially accepted the claim of DEKRA, but nevertheless concluded that the statement made by Libor Fleischhans, in which he implied that the DEKRA Emission software application used by MOT stations was "cracked" and that the software allowed the manipulation with the emission tests results was duly justified.

As part of the evidence, the court judged among other things the security of the DEKRA Emissions software application. An important role in this was the analysis of the software, the data obtained from the Information System for Technical Inspections (ISTP) and other evidence provided to the court by ASEM, and the questioning of another board member of ASEM Petr Novák, who demonstrated the shortcomings of the software directly at the hearing.

According to the Regional Court in Prague, it was established that prior to the modifications, which were only made in 2021 during the course of the court proceedings, it was easy to acquire a password to the database, use the acquired password to enter the database and gain access to all the data in it. The data contained in the database could then be freely modified, including the possibility to change the test result record of the vehicle from failed to passed, also other data could be edited, including specific measurements, visual inspection results and any recorded fault codes. It was also possible to prevent the application from proceeding with the checksum function which is used to verify the data validity. According to the court, it was these findings made by ASEM that contributed to modifications to the software application to improve its security.

Although the lawsuit is still pending as a result of Libor Fleischhans appeal against the verdicts that partially accepted the DEKRA CZ claims, the ruling is now final regarding the facts that the application software was "cracked".

ASEM, nevertheless continues to analyze the ISTP data and makes every effort to get hold of the results of an analysis of the same data, which the Ministry of Transport of the Czech Republic has asked TÜV SÜD Czech to prepare and which it refuses to provide, in order that ASEM can support activities aimed at systemic improvement of the emission testing system in the Czech Republic. As a result of this refusal, ASEM has at the end of last year filed administrative action against the decision of the Minister of Transport.

Michal Fleischhans

Director, Asociace emisních techniků a opravářů, z.s.