

# Rules of Procedure of the Chamber of Deputies

Content of the Rules of Procedure

Act no. 90/1995 Coll.

of April 19, 1995

## on the Rules of Procedure of the Chamber of Deputies\*

*The act is currently valid in the Czech Republic. This is an unofficial English translation provided by the Chancellery of the Chamber of Deputies of the Czech Parliament. The text reflects subsequent amendments to the act, as introduced by acts no. 47/2000 Coll., 39/2001 Coll., 78/2002 Coll., 192/2002 Coll., 282/2004 Coll., 359/2004 Coll., 359/2004 Coll. (part), 482/2004 Coll., 167/2005 Coll., 205/2006 Coll., 205/2006 Coll. (part), 573/2006 Coll., 162/2009 Coll., 402/2009 Coll., 265/2011 Coll., 375/2011 Coll., 275/2012 Coll., 265/2014 Sb. – this translation is up to date as of March 1, 2015.*

The Parliament has resolved on the following act of the Czech Republic:

### Part One

#### Initial Provisions

##### § 1

(1) The Rules of Procedure of the Chamber of Deputies specify the principles according to which the Chamber of Deputies, its bodies and its officials act, as well as the rules governing joint sessions of both chambers of the Parliament, the external relations of the Chamber of Deputies as well as the position of its members, bodies and officials.

(2) The internal affairs of the Chamber of Deputies and more detailed procedural rules regarding the deliberations of the Chamber of Deputies and its bodies shall be defined by resolutions of the Chamber of Deputies adopted on the basis on this law.

### Part Two

#### Deputies

The Mandate of a Deputy

##### § 2

The mandate of every Deputy commences upon election. The mandate of a replacement Deputy commences on the date on which the mandate of the outgoing Deputy came to an end [Article 6, Subsections a), c), d) and f)].

##### § 3

By making a declaration in person at a meeting of the Chamber of Deputies, any Deputy may resign his or her mandate. If such a declaration cannot be made in person for to serious reasons, the Deputy may resign his or her mandate by means of a written declaration delivered to the President of the Chamber of Deputies, provided that it was drafted in the form of a notarial deed and that it is not dated more than one month earlier.

##### § 4

The Oath of a Deputy

A Deputy shall take the oath provided for by the Constitution at the first plenary session of the Chamber of Deputies which her or she attends. The oath is taken by saying "I swear" and by shaking the hand of the person to whom the oath is delivered. The chairing person shall have the full text of the oath read before the oath is taken and the Deputy shall confirm having taken the oath by written signature.

##### § 5

A Deputy's identification card

(1) Each Deputy shall receive an identification card containing his photograph, the official seal of the Chamber of Deputies and the signature of the President of the Chamber of Deputies.

(2) The identification card serves as a confirmation of the fact that its holder is a member of the Chamber of Deputies and has the rights and obligations of a Deputy, and also as an official identity card serving to verify the Deputy's identity.

End of the Mandate

#### **§ 6**

The mandate of a Deputy shall end upon the following events occurring:

- a) when a Deputy refuses to take the oath of a Deputy or when a Deputy takes the oath with reservations,
- b) at the end of the term of office of the Chamber of Deputies,
- c) when a Deputy resigns in person at a meeting of the Chamber of Deputies or when a Deputy's written resignation in the form of a notarial deed (as per Article 3) is delivered to the President of the Chamber of Deputies,
- d) at the moment a Deputy loses his right to be elected,
- e) upon dissolution of the Chamber of Deputies,
- f) at the moment a Deputy assumes an office or position that is incompatible with the office of a Deputy pursuant to the Constitution or an act of law.

#### **§ 7**

If a Deputy has assumed an office that is incompatible with the mandate of a Deputy, as per applicable law, he or she shall immediately inform the President of the Chamber of Deputies of such.

#### **§ 8**

A special law<sup>2</sup> shall be apply in case of doubt arising as to loss by a Deputy of the right to be elected and in case of doubt as to the incompatibility of an office with the mandate of a Deputy.

Participation in the Sittings of the Chamber of Deputies and its Bodies

#### **§ 9**

(1) A Deputy participates in sittings of the Chamber of Deputies and of those of its bodies to which he has been elected or appointed.

(2) At the beginning of every meeting of the Chamber of Deputies or its bodies, its chairing person shall announce the names of all Deputies who have requested to be excused from attending.

(3) If a Deputy is unable to take part in any sitting of the Chamber of Deputies or any of its bodies, he shall excuse himself by addressing the chairperson of the relevant body.

(4) A Deputy shall excuse himself by addressing the President of the Chamber of Deputies or the chairperson of the appropriate body, as the case may be, in advance of the sitting in question, if possible.

(5) The attendance of individual Deputies at the meetings of the Chamber of Deputies and at meetings of bodies of the Chamber of Deputies, as well as the reasons for absence of a Deputy, if provided, shall be kept by the President of the Chamber of Deputies or the chairperson of the relevant body.

#### **§ 10**

(1) Any address made by the Deputies in the Chamber of Deputies may be published without restriction, except for those made at the sessions closed to the public or at the parts of sessions closed to the public.

(2) Any group sent to deliver a petition<sup>3</sup> to the seat of the Chamber of Deputies or to the building<sup>3</sup> where the Chamber of Deputies or its bodies are sitting may have five members at the most.

#### **§ 11**

The Right to Request Information and Explanations

(1) A Deputy is entitled to ask any cabinet member and any director of an administrative body for any and all information and explanations that are needed in connection with the performance of his function.

(2) All requested information and explanations must be provided by the relevant cabinet member or the director of the administrative body within 30 days, unless they may not be provided due to an obligation of confidentiality or other restriction imposed by law<sup>4)</sup>.

## § 12

Waiving the immunity of a Deputy for Criminal Prosecution

(1) When requesting the Chamber of Deputies to waive the immunity of a Deputy so as to allow for his or her criminal prosecution or when reporting that a Deputy has been arrested in the course of committing a criminal offence or immediately afterwards, the relevant authority must primarily describe the act that has been committed and the nature of the criminal offence that is suspected of having been committed.

(2) The President of the Chamber of Deputies shall decide without delay on whether the Deputy may be handed over to a court and shall inform the relevant authority without unnecessary delay. At the same time, the president shall forward the request or notification concerned to the Mandate and Immunity Committee for consideration and preparation of a report and recommendation to the Chamber of Deputies. The Chamber of Deputies shall pass a resolution on each such request or notification at its next meeting and send it to the relevant authority within five days following the date of its adoption.

## 9">Disciplinary Proceedings

## § 13

(1) Disciplinary proceedings shall be held against any Deputy whose speech in the Chamber of Deputies, in the Senate or in their bodies is characterized as an act that could otherwise result in criminal prosecution.

(2) Disciplinary proceedings may also be held against a Deputy whose speech in the Chamber of Deputies, in the Senate or in their bodies offends a Deputy, Senator or constitutional judge or another person authorized by the law to take part in the sessions of the Chamber of Deputies or its bodies.

(3) Disciplinary proceedings shall also be applied against any Deputy who violates the law and asks the competent body to consider such violation to do so in the form of disciplinary proceedings.

(4) The Mandate and Immunity Committee shall initiate disciplinary proceedings on the disciplinary offences specified in Section 1 herein on the motion of the President of the Chamber of Deputies or at its own instance, on the disciplinary offences specified in Section 2 herein on the motion of the person offended and on the violations specified in Section 3 herein in response to a transfer of the case by the relevant authority in compliance with a special legal regulation<sup>4a)</sup>.

## § 14

(1) In the course of disciplinary proceedings, the Mandate and Immunity Committee shall carry out all necessary investigations and shall give the Deputy against whom the disciplinary proceedings have been initiated an opportunity to state his opinion and to defend himself. After completing its investigation, the Committee shall decide to impose a disciplinary measure or to discontinue the disciplinary proceedings.

(2) In the case of all offences whose consideration must be requested, the Mandate and Immunity Committee shall find out whether the request has been presented by a qualified person and whether all other conditions specified by a special legal regulation<sup>5)</sup> have been met before initiating disciplinary proceedings.

(3) Each Deputy is entitled to be represented by another Deputy or an attorney at law.

(4) The Steering Committee shall decide on all pleas of the prejudice and if necessary, shall refer the case to another committee.

(5) All members of the committee conducting the disciplinary proceedings in which they are involved shall be excluded from the consideration of such disciplinary proceedings.

## § 15

(1) Any Deputy guilty of the disciplinary offences specified in Article 13, Sections 1 and 2 can be ordered to apologize for his statement within a specified time limit or to pay a fine totaling up to his monthly salary.

(2) For any offence specified by Article 13, Section 3 a Deputy may be sanctioned in compliance with a special legal regulation<sup>6)</sup>.

(3) The time limit and the method of apology to be executed pursuant to Section 1 herein shall be specified in the resolution imposing such disciplinary measure.

(4) Any disciplinary measure against a Deputy may only be imposed one year after the disciplinary offence or violation has been committed at the latest.

#### § 16

(1) The Deputy against whom the disciplinary proceedings have been initiated is entitled to challenge the disciplinary decision of the relevant committee and to appeal to the Chamber of Deputies within 15 days after receiving such decision in writing.

(2) In a debate the Chamber of Deputies shall decide to confirm, amend or cancel the challenged disciplinary measure, to discontinue all proceedings or to return the case for further proceedings.

#### § 17

If the Deputy ordered by a disciplinary measure imposed in compliance with Article 15, Section 1 herein to apologize fails to do so within the specified time limit and in the specified way, the committee conducting the disciplinary proceedings against such Deputy shall decide on a suitable way of publication of the disciplinary measure or shall impose a fine on the Deputy totaling up to his monthly salary.

#### § 18

All fines imposed are regarded as revenues of the state budget.

#### 10">Procedural Measures

#### § 19

(1) The chairing person may reprehend any Deputy guilty of indecent behavior in the Chamber. In the event of repeated indecent behavior, the chairing person may banish the guilty Deputy from the Chamber up until the end of the same day.

(2) The reprehended or banished Deputy may appeal against the chairing person's decision to the Chamber of Deputies immediately after the imposition of either of the said procedural measures. In such a case, the Chamber of Deputies shall confirm or revoke the chairing person's decision without debate. The Chamber's decision is final.

(3) The banished Deputy must be given the opportunity to vote.

#### § 20

The procedural powers of the chairing person extend over all Deputies as well as to all other persons taking part in a meeting and to all persons present during the meeting within the premises reserved for guests, the public and media representatives. If such persons are behaving in a disorderly way, the chairing person may interrupt the meeting, have the violators taken out by the Guards and have the reserved premises cleared.

## Part Three

### The Session of the Chamber of Deputies

#### § 21

##### **The Session of the Chamber of Deputies**

(1) The session of the Chamber of Deputies is permanent. The session of the Chamber of Deputies is summoned by the President of the Republic in a way ensuring that it begins no later than 30 days after elections. If the President fails to do so, the Chamber of Deputies shall meet on the 30<sup>th</sup> day following elections. The Deputies are informed of such a circumstance in writing by the Secretary General of the Chamber of Deputies (hereinafter only the "Secretary General").

(2) The session of the Chamber of Deputies may be put into recess by a resolution. The overall period of such recess may not exceed 120 days in one year.

(3) When the session of the Chamber of Deputies is in recess, the time limit for the consideration of bills in committees pursuant to Article 91, Sections 1 and 2 and the minimum time limit for the consideration of any assigned chapter of the draft Law on the State Budget are suspended.

(4) The session of the Chamber of Deputies ends at the end of its term of office or upon its dissolution.

## Part Four

# The Constitutive Meeting of the Chamber of Deputies

## § 22

(1) All elected Deputies meet at the constitutive meeting of the Chamber of Deputies.

(2) The constitutive meeting of the Chamber of Deputies may take place one day after the end of the previous electoral term of the Chamber of Deputies at the earliest.

(3) The constitutive meeting of the Chamber of Deputies shall be summoned by the preceding President of the Chamber of Deputies if he is a Deputy. Otherwise, the constitutive meeting of the Chamber of Deputies shall be summoned by the oldest preceding vice-President of the Chamber of Deputies if he is a Deputy. If neither of them is a Deputy, the constitutive meeting of the Chamber of Deputies shall be summoned by the oldest member of the newly elected Chamber. If the oldest member of the newly elected Chamber refuses to do so, the constitutive meeting shall be summoned by the next oldest member.

(4) The Deputy summoning the constitutive meeting of the Chamber of Deputies shall open it and chair it until its new President of the Chamber of Deputies is elected.

## § 23

(1) The Deputy chairing the constitutive meeting of the Chamber of Deputies shall take his oath before the assembly of all Deputies.

(2) All other Deputies shall take their oath before the Deputy chairing the constitutive meeting of the Chamber of Deputies (Article 4).

## § 24

The Deputy chairing the constitutive meeting shall ask the Chamber of Deputies to acknowledge the election commission for the elections held at the constituting meeting established in accordance with the proposals presented by individual political groups (Article 116, Section 2). Having had the number of its members determined, he shall also establish the Mandate and Immunity Committee.

## § 25

The Chamber of Deputies shall elect the President of the Chamber of Deputies.

## § 26

The new President of the Chamber of Deputies shall assume the chair of the constitutive meeting. At his proposal, the Chamber of Deputies shall determine the number of vice-presidents and elect them.

## § 27

On the motion of the President of the Chamber of Deputies, the Chamber of Deputies shall determine the number of verifiers and decide on their nomination.

## § 28

The Chamber of Deputies shall establish its committees and determine the numbers of their members.

## Part Five

### Officials of the Chamber of Deputies

## § 29

President of the Chamber of Deputies

(1) The President of the Chamber of Deputies shall above all

a) represent the Chamber of Deputies in external affairs,

b) nominate the Prime Minister to be appointed by the President of the Republic in compliance with the second sentence of Section 4, Article 68 of the Constitution,

- c) accept the oath of the members of the Supreme Audit Office,
- d) forward all bills and all international treaties that have to be approved by the Parliament to the Senate after their adoption/ratification by the Chamber of Deputies,
- e) forward all adopted bills to the President of the Republic for signing,
- f) forward all adopted bills to the Prime Minister for signing,
- g) sign the acts of law and declarations adopted by the Chamber of Deputies and/or other documents issued by the Chamber of Deputies.

(2) The President of the Chamber of Deputies shall also

- a) call an alternate member if a mandate becomes vacant and issue a certificate verifying that he has become a Deputy,
- b) approve the extradition of any Deputy apprehended in the course of a criminal offence or immediately afterwards,
- c) specify the order, in which the vice-presidents of the Chamber of Deputies are entitled to deputize for him,
- d) summon, open and close the meetings of the Chamber of Deputies and the joint meetings of the Chamber of Deputies and the Senate,
- e) summon the Chamber of Deputies before the agreed date if it is in recess,
- f) interrupt the meetings of the Chamber of Deputies in the event of disruptions or if the Chamber of Deputies does not constitute a quorum,
- g) appoint and recall the Secretary General.

(3) The President of the Chamber of Deputies also has other duties specified by the law or by the Chamber of Deputies. Unless specified otherwise by the law, he also acts in matters that according to the legislation adopted by the Czech National Assembly fall within the competence of the Chamber's presidium<sup>7</sup>.

#### **§ 30**

Vice-Presidents of the Chamber of Deputies

(1) The vice-presidents act on behalf of the President of the Chamber of Deputies, in accordance with his instructions or in the specified order.

(2) When deputizing for him, the vice-presidents have the same rights and obligations as the President of the Chamber of Deputies.

(3) The vice-presidents take their turns as chairing persons of the session of the Chamber of Deputies in the order agreed with the President of the Chamber of Deputies; if no agreement is reached, the order shall be specified by the President of the Chamber of Deputies.

#### **§ 31**

The President of the Chamber of Deputies or a vice-president may only be removed from office upon a written request of at least two-fifths of all Deputies.

## **Part Six**

### **The Bodies of the Chamber of Deputies**

13">Committees

#### **§ 32**

The Chamber of Deputies establishes the following committees formed by its members: the Mandate and Immunity Committee, the Committee on Petitions, the Committee on the Budget, the Oversight Committee, the Steering Committee, the Electoral Committee, the Committee on European Affairs and other committees agreed upon.

#### **§ 33**

(1) In addition to the Mandate and Immunity Committee, the Committee on Petitions and the Steering Committee, each Deputy may be a member of two more committees at the most.

(2) Each Deputy may chair one committee only.

(3) The Deputies that serve as government ministers may not be members of the Chamber's committees. The President of the Chamber of Deputies and vice-presidents are members of the Steering Committee only.

Committee meetings

#### § 34

(1) The committees are responsible for their activities to the Chamber of Deputies.

(2) Each committee discusses issues specified by the Chamber of Deputies as well as issues determined by its own resolutions.

(3) When the session of the Chamber of Deputies is put in recess, the committees do not meet.

#### § 35

(1) The constituting meetings of individual committees are summoned by the President of the Chamber of Deputies. Until the persons elected to chair the committees are approved by the Chamber of Deputies, the committees shall be chaired by their members appointed by the President of the Chamber of Deputies.

(2) At its constituting meeting, each committee shall elect its chairperson. If the Chamber of Deputies does not approve any elected chairperson, it shall ask the relevant committee to elect a new chairperson within a specified time limit. If no such person is elected within the specified time limit or if the Chamber of Deputies refuses to approve the new chairperson, the committee's chairperson shall be elected by the Chamber of Deputies.

(3) The Chamber of Deputies may ask any committee to elect a new chairperson within a specified time limit. If no such person is elected within the specified time limit or if the new chairperson is not approved, the Chamber of Deputies shall ask the committee for the second time to present its proposal for a new chairperson. If the committee fails to do so within the specified time limit even for the second time or if the proposed person is not approved by the Chamber of Deputies, the committee's chairperson shall be elected by the Chamber of Deputies.

(4) Each committee is entitled to elect a new chairperson upon a written request of at least two-fifths of its members. The elections may take place seven days after the presentation of such request at the earliest. If the Chamber of Deputies does not approve the new chairperson, the original chairperson shall remain in office.

(5) Each chairperson shall take up his office after being approved by the Chamber of Deputies or after being elected by the Chamber of Deputies. As soon as the new chairperson is approved or elected by the Chamber of Deputies, the term of office of the preceding chairperson shall expire.

(6) Each committee shall then elect its vice-presidents and verifiers.

#### § 36

(1) The committee's meetings are summoned and chaired by its chairperson or by an authorized Deputy chairperson. When its chairperson is absent, the committee's meetings are summoned and chaired by one of the vice-chairpersons. When both its chairperson and its Deputy chairpersons are absent, the committee's meetings are chaired by a member appointed by the committee or its chairperson.

(2) The chairperson shall be obligated to convene a meeting if asked to do so by the Chamber of Deputies, the President of the Chamber of Deputies or at least two-fifths of the committee's members. In such a case, a meeting must be summoned within the time limit specified by the Chamber of Deputies or within 15 days after the request of the President of the Chamber of Deputies or the committee's members. Unless a simple majority of its members decides otherwise, the committee's meetings shall be summoned on the days designated as meeting days.

(3) The committee's chairperson draws up the programme of each meeting and when and how its individual issues will be discussed. However, any member may propose that the programme be expanded or changed. The committee shall decide on which day and at what time during its meeting the item "The Proposed Term and Programme of the Committee's Next Meeting" will be discussed.

(4) Once the proposed programme of the committee's meeting has been approved, any resolution expanding its original content by additional issues and any resolution changing the time schedule of discussions must be voted for by at least three-fifths of all members. Any proposal whose objective is to delete an item or a part thereof from the committee's approved programme must be voted for by a simple majority of all present members.

#### § 37

All meetings of the committees shall be open to the public, unless specified otherwise by this act of law or unless a committee resolves that its meeting or a part thereof will be closed to the public. All disciplinary proceedings are always closed to the public. The meetings of any committee closed to the public or any part thereof can be attended by the Deputies, the President of the Republic, any cabinet member and all persons entitled to take part in the meetings of the Chamber of Deputies and its bodies in accordance with the law; other personnel may be present only with the committee's prior consent.

#### § 38

(1) A committee constitutes a quorum if at least one-third of its members are present. Unless specified otherwise by the law, in order to become effective, a resolution must be approved by simple majority of all present committee members.

(2) The Deputies that are not members of the committee and take part in its meetings have only an advisory function; they are entitled to state their opinions on the discussed issues and present proposals, but cannot vote.

#### § 39

(1) The committee's meetings may be attended by all Deputies that are its members. Other personnel entitled to attend include the President of the Republic, all cabinet members and other persons entitled to be present at the meetings of the Chamber of Deputies and its bodies in accordance with the law; the committee's meetings may also be attended by the Secretary General and all employees of the Office of the Chamber of Deputies specified by the Secretary General.

(2) If asked, every cabinet member or director of a central public administration authority must be present personally at the committee's meeting and provide all requested information and explanations, unless such information or explanations are subject to confidentiality laws or unless their disclosure is prohibited by the law<sup>4)</sup>.

(3) Every cabinet member is entitled to be represented by another cabinet member or his cabinet deputy, unless the committee insists on his personal presence.

(4) Any cabinet member, his representative and any director of a central public administration authority attending the committee's meeting may be accompanied by experts.

(5) With the committee's consent, its chairperson may also call upon other persons to speak.

#### § 40

(1) For each issue to be debated, the committee's chairperson shall appoint a rapporteur who shall have the duty to inform all other members.

(2) Any minority group consisting of at least one-fifth of the committee's members may appoint its own rapporteur and present its own report to the committee (hereinafter only the "opposition report"); such a report may also be presented to the Chamber of Deputies.

#### § 41

(1) Every committee adopts a resolution on the results of each debated issue. It is co-produced by the appointed rapporteur(s) and signed by the committee's chairperson, rapporteur and verifier.

(2) Unless proceeding in compliance with Article 109a, Section 3, the committee shall present its resolution to the Chamber of Deputies or the relevant cabinet member or director of another central public administration authority, depending on its nature. Every cabinet member or director of another central public administration authority shall forward all information and explanations requested by the committee's resolution within 30 days, unless the committee specifies a longer time limit and unless such information and explanations are subject to confidentiality regulations or their disclosure is prohibited by the law<sup>4)</sup>.

(3) If a committee does not adopt a resolution after debating an issue, the chairperson of the committee shall issue a record of the deliberation in which he shall inform of the fact that the matter has been deliberated in the committee. The record shall be signed by the chairperson, the rapporteur and the verifier of the committee.

#### § 42

(1) Committees may hold joint meetings, appoint joint rapporteurs and adopt joint resolutions. However, they always vote separately.

(2) If the committees do not agree on a joint resolution, each committee shall adopt its own resolution.

#### § 43

(1) It is necessary to produce written minutes of every committee meeting featuring the following information: its programme, the name of its chairperson, a list of all presented proposals with the name of the proponent, the names of all persons taking part in the deliberations, the names of all Deputies who voted on final resolutions on individual items on the programme, including an indication of how each Deputy voted, and the results of all votes. In case of a vote on a matter other than on a final resolution, the minutes shall indicate how each Deputy voted on the matter only if a member of the committee has requested for this information to be recorded, prior to the vote being called. The minutes must also contain the complete text of every written amendment tabled, of every new proposal, of every adopted resolution, of every record of the deliberations that was issued, of every statement or document that was the subject of committee deliberations.

(2) The minutes must be verified by the verifier and approved and signed by the committee's chairperson within 14 days. Any and all objections against the minutes shall be presented and resolved at the committee's next meeting. If the committee meeting was open to the public, then the minutes shall be published in a manner allowing for remote access. The approved minutes, together with all presented objections and all attachments, shall be forwarded for archiving within two months. All minutes of joint meetings of several committees shall be signed by the chairpersons and verifiers of each individual committee.



(3) Each committee meeting is also recorded in an audio version. Such recordings are archived for six months. However, any committee may decide to archive the audio recordings of its meetings for a longer period of time. In exceptional cases, a committee may decide to produce no audio recording of its meeting. Such a decision and its justification must be included in the meeting's written minutes.

(4) The committee's meeting may also be recorded by a stenographer and later transcribed. Such a procedure must be approved by the committee in advance.

#### § 44

(1) Each committee is entitled to establish a subcommittee dealing with a particular issue or a set of issues. Only Deputies may be members of subcommittees.

(2) Each subcommittee shall present the result of its work to its founder.

(3) All activities and proceedings of the subcommittees are governed by the same provisions as the activities and proceedings of the committees. Unless resolved otherwise, the meetings of all subcommittees shall be closed to the public.

#### § 45

The Mandate and Immunity Committee

(1) The Mandate and Immunity Committee above all

a) analyses whether the Deputies and alternate members have been elected in compliance with the law and presents its findings, depending on their nature, to the Chamber of Deputies or the President of the Chamber of Deputies,

b) analyses whether a Deputy's mandate has not expired; if in any doubt as to whether or not a Deputy's mandate has expired as a result of the Deputy's loss of right to be elected or due to incompatibility of the Deputy's parliamentary services and his other appointments, it presents its findings and recommendation to the President of the Chamber of Deputies,

c) analyses whether the immunity-related conditions allowing criminal prosecution of a Deputy have been met, conducts all necessary investigations as soon as possible and allows the Deputy to be present personally and to state his opinion; all investigation results and recommendations are then forwarded to the Chamber of Deputies,

d) conducts disciplinary proceedings against the Deputies and decides on its outcome.

(2) The meetings of the Mandate and Immunity Committee are always closed to the public. They can be attended only by its members and other persons specified by the Constitution. Other personnel may be present at the Committee's meetings only with its consent.

#### § 46

The Steering Committee

(1) The Steering Committee is formed by the President of the Chamber of Deputies who acts as its chairperson, by the vice-presidents of the Chamber of Deputies who act as its Deputy chairpersons and other members delegated by individual political groups and appointed in compliance with the principle of proportional representation.

(2) The Steering Committee is entitled to elect two additional Deputy chairpersons out of its members.

(3) Unless resolved otherwise, all meetings of the Steering Committee are closed to the public.

(4) The Steering Committee organizes and coordinates the work of all bodies of the Chamber of Deputies to the extent specified by this act of law and the Chamber's resolutions. The Steering Committee above all

a) prepares all meetings of the Chamber of Deputies and all joint meetings of the Chamber of Deputies and the Senate and suggests their date and programme to the President of the Chamber of Deputies,

b) specifies the time reserved for regular sittings of the Chamber's bodies through a resolution,

c) recommends that bills, international treaties that have to be approved by the Parliament, the Senate's legal measures and other proposals be included in the Chamber's programme by the President of the Chamber of Deputies and recommends the committee(s) that should deal with them,

d) recommends that the President of the Chamber of Deputies present resolutions requiring cabinet members to be personally present at the Chamber's meetings to the Chamber of Deputies for approval,

e) approves the plan of foreign relations of the Chamber's delegations and bodies as well as individual Deputies,

f) decides on the acceptance of foreign visitors and on the sending of delegations of the Chamber of Deputies, its bodies and individual Deputies abroad outside the scope of the approved plan of foreign relations,

g) asks the political groups to present evidence supporting their utilization of expense contributions drawn from the Chamber's budget.

#### § 46a

#### The Electoral Committee

(1) For the purpose of elections of the members of the Czech Television Council and the Czech Radio Council (hereinafter only the "Council") the Chamber of Deputies establishes an electoral committee in compliance with the principle of proportional representation.

(2) If the number of candidates nominated by individual qualified organizations and associations is higher than three times the number of the Council's members to be elected, the Electoral Committee shall consider all presented proposals and from the group of the candidates meeting the terms and conditions defined by this act of law shall select three times the number of the Council's members to be elected. The selected candidates are then presented to the Chamber of Deputies. If the number of candidates nominated by individual qualified organizations and associations is not higher than three times the number of the Council's members to be elected, the Electoral Committee shall present all nominated candidates meeting the terms and conditions defined by this act of law to the Chamber of Deputies.

(3) The Chamber of Deputies shall specify additional procedural details in a special resolution. The resolution shall also determine to what extent the Rules of Electoral Procedure (Appendix No. 2) will be applied to the provisions of Sections 1 and 2 herein.

#### § 47

##### Commissions

(1) The Chamber of Deputies may establish permanent or temporary commissions formed by the Deputies and other personnel and specify their duties. Each commission is always chaired by a Deputy elected by the Chamber of Deputies. No Deputy serving as a cabinet minister may become a commission member.

(2) The activities and procedures of individual commissions shall be governed by the same provisions as the activities and procedures of the Chamber's committees.

#### 19">Commission of Inquiry

#### § 48

(1) On the motion of at least one-fifth of all its members, the Chamber of Deputies may establish a commission of inquiry investigating issues of public interest. The commission's chairperson and members are elected by the Chamber of Deputies. The Commission of Inquiry may only be formed by the members of the Chamber of Deputies. No Deputy serving as a cabinet minister may become a member of the Commission of Inquiry.

(2) The Chamber's resolution establishing the Commission of Inquiry shall determine the issue to be investigated and the deadline within which the Commission must present its findings and recommendation to the Chamber of Deputies. The Chamber of Deputies shall decide on the Commission's recommendation in a special resolution.

(3) The Rules of Procedure to be followed by each Commission of Inquiry form Appendix 1 of this act of law.

(4) In order to clarify important facts, the Commission of Inquiry may secure all necessary source documents, request all necessary explanations, interrogate witnesses and, if necessary, use the services of an interpreter and/or expert. The Rules of Procedure of the Commission of Inquiry features more detailed information on the obligation to testify and to surrender materials, on summons and arraignments, on the prohibition of interrogation, on the right to refuse to testify, on the entitlement to a witness fee, on the use of an interpreter or expert and on their rights and obligations.

(5) In order to carry out and document its duties and objectives specified in Section 4 herein, the Commission of Inquiry may engage the necessary number of professionals and experts, especially investigators and technicians, whose executive powers are delegated by the Commission of Inquiry and who are bound by the Commission's instructions.

(6) The meetings of the Commission of Inquiry are usually open to the public. However, at a request of any of its members, the Commission may decide that its meeting or a part thereof will be closed to the public. Such a procedure is always applied when the discussed issues are classified and/or confidential, including defense matters or state security matters.

(7) The meetings or their parts that are closed to the public may be attended only by the members of the Commission of Inquiry and other personnel whose presence is permitted by the law or by the Commission.

(8) The members of the Commission of Inquiry and all other personnel present at the meetings or their parts closed to the public are obligated to keep all information learnt during such meetings or their parts strictly confidential, unless they are relieved from this obligation by the Chamber of Deputies.

(9) If the facts established by the Commission of Inquiry indicate that a criminal offence has been committed, the Commission may report such facts to the authorities responsible for criminal proceedings.

(10) Unless specified otherwise by their Rules of Procedure, all activities and meetings of the Commissions of Inquiry are governed by the same provisions as the activities and meetings of the Chamber's committees.

#### § 49

The amount of compensation for the necessary expenses resulting from the participation in proceedings and the amount of compensation for lost earnings of the persons called to take part in proceedings shall be specified by the Commission's chairperson. The entitlement to compensation shall expire, if it is not claimed from the Commission within three days of the entitled person's presence at the Commission's meeting or if the person is informed that no proceedings are taking place; all entitled personnel must be informed of this provision.

# Part Seven

## The subject-matter of deliberations and rules applicable to meetings of the Chamber of Deputies

### § 50

#### Powers

(1) The Chamber of Deputies has power to:

- a) discuss and adopt bills,
- b) adopt, in conjunction with the Senate, the Electoral Act, the Act on the Principles of Mutual Collaboration and Communication between both Houses of the Parliament and of Collaboration and Communication between both Houses of the Parliament and Third Parties and the Act on the Rules of Procedure of the Senate,
- c) adopt a resolution on the Act on the State Budget,
- d) adopt a resolution on the Final State Account,
- e) approve legal measures adopted by the Senate,
- f) deliberate international treaties which require parliamentary approval and express such approval,
- g) adopt a joint resolution with the Senate on the declaration of war,
- h) authorize operations of foreign armed forces within the territory of the Czech Republic (in conjunction with the Senate),
- i) authorize operations of Czech armed forces outside the territory of the Czech Republic (in conjunction with the Senate),
- j) adopt a joint resolution with the Senate that the President of the Republic can no longer exercise his office for serious reasons,
- k) supervise governmental activities, discuss confidence in government and take a vote on no-confidence in the government,
- l) discuss the response of the government and its members to written interpellations of the Deputies included in the Chamber's programme,
- m) recommend the appointment and dismissal of the president and vice-president of the Supreme Audit Office to the President of the Republic,
- n) elect and dismiss the members of the Supreme Audit Office,
- o) elect and dismiss the president and vice-presidents of the Chamber of Deputies and specify the number of vice-presidents,
- p) establish committees and specify the number of their members,
- q) establish commissions and specify the number of their members,
- r) establish commissions of inquiry and specify the number of their members,
- s) approve the persons to chair individual committees after they have been elected by the committees,
- t) elect the chairpersons of committees and propose the election of new chairpersons of committees if the committees do not elect their chairpersons themselves,
- u) agree with the extradition of a Deputy for criminal proceedings,
- v) ascertain the Deputies' appeals against the results of disciplinary proceedings (Article 16) or against the decisions of the President of the Chamber of Deputies to impose disciplinary measures (Article 19, Section 2),
- x) approve the principles applicable to the use of allowances granted to individual political groups in compliance with Article 78, Sections 2 and 4,
- y) adopt resolutions on opinions concerning the acts and documents proposed by the European Communities and the European Union,
- z) to approve the acquisition of assets by the Czech Consolidation Agency in return for payment proposed by the government if the amount of such payments exceeds CZK 1 billion in one calendar year.

(2) The Chamber of Deputies shall also execute other duties specified by the law.

## § 51

Convocation of meetings of the Chamber of Deputies

(1) All meetings of the Chamber of Deputies shall take place during its session.

(2) The Chamber's meetings shall be convoked by the President of the Chamber of Deputies if such procedure is specified by the law or approved by the Chamber of Deputies.

(3) If the Chamber's resolution does not specify when the meeting is to take place the President of the Chamber of Deputies shall summon it within 30 days after the adoption of such resolution.

(4) If a meeting of the Chamber of Deputies is requested by at least one-fifth of all members, the President of the Chamber of Deputies shall summon it no later than 10 days after receiving the Deputies' request; any such request must be presented in writing and must feature the meeting's proposed programme.

(5) If the session of the Chamber of Deputies is in recess and a meeting is summoned by the President of the Chamber of Deputies before the specified date, the session shall be regarded as renewed. This procedure shall be always deployed at a request of the President of the Republic, the government or at least one-fifth of all Deputies. In such cases, a meeting shall be summoned no later than 10 days after a request has been received by the President of the Chamber of Deputies. Each request must be in written form and must feature the proposed meeting programme.

(6) The Deputies must be informed of the fact that a meeting has been summoned at least five days in advance. If this time limit is not observed, any Deputy may propose that the meeting be adjourned; such a proposal is then voted on by the Chamber of Deputies without debate.

22">Meetings of the Chamber of Deputies

## § 52

(1) Deputies are allocated permanent seats in the Chamber in accordance with their membership in individual political groups. The resulting sitting order must be approved by the Chamber of Deputies.

(2) The Chamber's meetings are attended by the Deputies. Other personnel that may be present include the President of the Republic, cabinet members, the persons entitled to attend the meetings of the Chamber of Deputies and its bodies in accordance with the law, the Secretary General and the employees of the Office of the Chamber of Deputies appointed by the Secretary General.

(3) The Chamber may also authorize other personnel to take part in its meetings; the President of the Chamber of Deputies may allow such personnel to speak.

(4) Apart from the persons specified in Sections 2 and 3, all other people entering the Chamber must be expressly authorized to do so by the President of the Chamber of Deputies.

(5) In addition, the number of other persons present at the Chamber may not exceed the amount of seats situated in the premises reserved for guests, the public and media representatives.

## § 53

(1) The Chamber's daily meetings start no earlier than at 9 a.m. and end at 9 p.m. at the latest. Any voting on bills, on amendments of bills and on international treaties that have to be approved by the Parliament must begin at 7 p.m. at the latest. The same applies to any change of the aforementioned deadline. However, the Chamber of Deputies may resolve otherwise at a request of at least one-fifth of all Deputies or at least two political groups.

(2) Before the end of each meeting day the President of the Chamber of Deputies shall announce the day, hour and programme of its next meeting.

(3) Unless resolved otherwise by the Chamber of Deputies, no meetings shall be held on Mondays, Saturdays and Sundays.

## § 54

(1) The meetings are opened by the President of the Chamber of Deputies at the specified hour regardless of the number of Deputies present.

(2) The Chamber's meetings are chaired by the President of the Chamber of Deputies or vice-presidents in the agreed order.

(3) The Chamber of Deputies usually appoints two verifiers for each meeting.

(4) On the motion of the President of the Chamber of Deputies, the Chamber of Deputies specifies its programme and the method of deliberation of individual items, if necessary. If the Chamber of Deputies meets on a Thursday, its daily programme shall include replies to written interpellations. If the Chamber of Deputies meets on a Thursday, its daily programme shall include "Oral Interpellations". If the Chamber of Deputies does not meet on a Thursday, its meeting programme shall include neither replies to written interpellations nor verbal interpellations. If the Chamber of Deputies meets on a Wednesday and a Friday, its programme shall include the third readings of bills. The time limit specified in Article 95, Section 1 must be observed. The Chamber of Deputies shall decide on the possible inclusion of the third readings of bills in another meeting day's programme. No such decision may be taken if at least two political groups raise objections.

(5) Any committee, political group or Deputy may propose that the Chamber's daily programme be changed or expanded. The Chamber's programme, including its possible amendment or expansion, shall be voted on without debate.

(6) During a meeting, the Chamber may vote, without debate, to change the order of deliberation of an individual item of the approved programme, to change the approved programme or add items to it. The presentation of a motion for such a vote must not exceed 5 minutes; this does not apply to those Deputies defined in Article 67. A Deputy's speech may be interrupted and ended in the manner that is prescribed for ending a Deputy's presentation of a factual comment (Article 60). The Chamber's approved programme may be expanded during its meetings in exceptional cases only. The Chamber may not consider any such expansion if at least two political groups or 20 Deputies raise an objection.

(7) If its meeting is summoned in compliance with Article 51, Section 4 or Article 51, Section 5, the Chamber of Deputies shall only decide on the programme specified in application. The provisions of the second and third sentences of Section 4 concerning written and verbal interpellations and the provisions of Sections 5 and 6 concerning programme changes shall not be applied. Nor shall the following be applied: the provisions of the first sentence of Article 97, Section 3 concerning presentation of a bill rejected by the Senate, the provisions of the first sentence of Article 97, Section 4 concerning presentation of a bill returned by the Senate with amendments and the provisions of the second sentence of Article 98, Section 2 on presentation of a bill returned by the President of the Republic.

(8) At any time during a meeting, the Chamber of Deputies may vote, without debate, on the joining of the discussion of two or more items of its daily programme. It may also interrupt and postpone further discussion of any item of its daily programme.

(9) The President of the Chamber of Deputies and the chairman of any political group may propose that the Chamber's meeting be suspended. Such a proposal shall be voted on by the Chamber of Deputies without debate.

#### § 55

If asked to do so by the Chamber of Deputies, any cabinet member must be present personally at its meeting.

#### § 56

(1) The Chamber's meetings are usually open to the public. On the motion of the government or any Deputy, the Chamber of Deputies may decide to close its meeting or any part thereof to the public, especially if its programme includes classified issues related to state security, defense or other confidential areas. The Chamber's debates concerning the Act on the State Budget, final state account balance or tax and charge laws are always open to the public.

(2) The Chamber's meetings closed to the public or any part thereof can be attended by the Deputies, the President of the Republic and any cabinet member; other persons may take part in the meetings of the Chamber of Deputies or be present at the premises reserved for guests, the public and media representatives only with the Chamber's prior consent. The presence of other personnel shall be voted on by the Chamber of Deputies without debate.

#### § 57

(1) Any programme item whose discussion is based on the Chamber's own press materials may be discussed only on condition that all such materials have been delivered to all Deputies on time. Except for bills, any and all press materials must be delivered to all Deputies at least 24 hours before their discussion. If this time limit is not met, any Deputy may propose that the discussion be adjourned. The Chamber of Deputies shall vote on such proposal without debate.

(2) Individual items included in the Chamber's meeting programme are usually introduced by the proposing party. The Senate, the government and the councils of higher self-governing units may be represented only by their members having special authorization for this purpose. If an item is proposed by a group of Deputies, it shall be introduced by its member appointed for this purpose.

(3) The proposing party is followed by a rapporteur informing on the nature of the item to be discussed and the results of its discussions in the relevant committee. If the item to be discussed has not been discussed in any committee or if no rapporteur has been appointed, the Chamber of Deputies shall specify a rapporteur. The rapporteur specified by the Chamber must be approved by the proposing party. If the item has been discussed by more than one committee, the rapporteurs of every committee involved shall make an address, unless the committees agree on a joint rapporteur.

#### § 58

(1) After the rapporteur's address the chairing person shall initiate discussions, first general and then specific. During the general part it is possible to propose that the item be adjourned, rejected or forwarded to another body of the Chamber of Deputies or that another version be discussed. During the specific part it is possible to propose that the item be adjourned, rejected or forwarded to another body of the Chamber of Deputies or that another version be discussed, and to present amendments and prospective, additional and conditional proposals (Article 63, Section 1).

(2) The Deputies shall apply for their participation in debate in writing, either to the President of the Chamber of Deputies before its beginning or to the chairing person at any time before its end. The Deputies may also apply by raising their hand. Written applications shall be given priority.

(3) At its beginning the chairing person shall announce the names of all registered speakers. Once the debate is in progress, its chairperson shall allow the rapporteur to address the Chamber whenever he asks to do so. The chairperson shall allow any Deputy appointed to present the opinion of a political group to speak at any time before the end of the debate. Only the Deputies permitted to do so by the chairperson may speak.

(4) If a Deputy is not present at the Chamber when it is his turn to speak, he shall lose his right to speak at that moment. If he is not present even just before the end of the debate, his right to speak shall expire.

(5) If the chairing person wants to take part in discussions, he shall pass the chair to another person.

#### **§ 59**

(1) The Chamber of Deputies may resolve without debate to restrict the time limit of every speech on any given issue. The minimum time limit must be at least ten minutes. This restriction, however, shall not apply to the Deputies authorized to present the opinions of political groups.

(2) The Chamber of Deputies may resolve without debate that any Deputy may speak on the same issue twice at the most.

(3) In the course of debates, no Deputy shall address other Deputies directly. He/she shall ask all questions through the chairing person.

(4) The Deputies should speak about the discussed issue. If their speech departs or if they exceed the specified time limit, the chairperson may point out this fact to the Chamber and call upon them to speak to the point. If their speech breaches the principles of decency, the chairperson may reprimand them. If no result is obtained even after two reprimands, the guilty Deputy's speech may be interrupted and ended by the chairperson. Any objection of such Deputy against the chairperson's interruption shall be resolved by the Chamber of Deputies without debate.

#### **§ 60**

(1) Any Deputy may ask to present a factual comment in reaction to the running debate. Factual comments also include procedural proposals concerning the way of discussion of any programme item. However, factual comments may not include factual opinions on the discussed issue. The Deputy intending to present a factual comment shall be allowed to speak immediately after the current speaker finishes.

(2) The time limit for presentation of a factual comment and for the reply to such factual comment may not exceed two minutes.

(3) If the Deputy's address is not a factual comment or a response to such comment or if the Deputy exceeds the time limit specified for his presentation of a factual comment or a response to such comment, the chairperson may interrupt and end the Deputy's speech. The chairperson's decision to interrupt and end the speech of any Deputy pursuant to the previous sentence shall be final.

#### **§ 61**

No speaker may be interrupted by any person, except for the chairperson proceeding in compliance with Article 59, Section 4 and Article 60, Section 3.

#### **§ 62**

If the chairperson leaves his desk, the meeting shall be interrupted.

#### **§ 63**

(1) Any Deputy may, in the course of the debate, present motions regarding proposals being deliberated. They should concern a certain aspect of the debated issue and should clearly specify what resolution the Chamber of Deputies should adopt. The chairperson may ask any Deputy to clarify his motion or to present it in writing. It is possible to present the following types of motions:

##### **1. Motion for adjournment**

a) by presenting a motion for adjournment, a Deputy proposes that no resolution on the discussed proposal be adopted immediately and that the matter be discussed later, after a certain period of time, that the proposal be discussed only when a certain condition has been met or that the debate be adjourned for an indefinite period of time,

b) any Deputy may present a request that the time limit or condition of any motion for adjournment be amended,

c) if adopted, this type of motion may be revoked at any time; however, such revocation may only be proposed by one of the Deputies originally voting for its adoption.

##### **2. Motion for rejection**

a) if a motion for rejection is adopted, the discussed proposal shall not be subject to any further debate or voting,

b) it is not possible to request that a motion for rejection be amended,

c) if adopted, this type of motion cannot be revoked.

##### **3. Motion for assignment to another body of the Chamber of Deputies**

- a) if this type of motion is adopted, the discussed proposal shall be assigned to another body of the Chamber of Deputies for consideration; any such motion must include the time limit, within which the specified body of the Chamber of Deputies is to complete its consideration,
- b) any Deputy may present a request that the body, which is to consider the proposal in question, or the time limit, within which the consideration is to be completed, be changed,
- c) if adopted, this type of motion cannot be revoked; however, it is possible to propose that the proposal in question be returned to the Chamber of Deputies if the specified time limit is not met by the relevant body.

#### **4. Motion for another version**

- a) if more than one version of a bill or proposed resolution is tabled, the Chamber of Deputies shall decide which version shall be deliberated,
- b) if adopted, this type of motion cannot be revoked; however, if the approved version is not passed, it may be proposed that one of the versions originally rejected by the Chamber of Deputies be deliberated.

#### **5. Motion for amendment**

- a) if a motion for amendment is adopted, the original proposal shall be changed or expanded or some of its parts deleted according to such motion,
- b) it is possible to propose amendments to any proposed amendments; however, it is not possible to propose that an amendment to an amendment be further amended,
- c) if adopted, this type of motion may be revoked; however, such revocation may only be proposed by one of the Deputies originally voting for its adoption.

#### **6. Prospective, additional or conditional motion**

- a) if during the debate it becomes clear that the decision on the discussed issue depends on a decision on another issue, a prospective motion may be presented; an additional motion expands or amends the original proposal in cases when it is not possible to do so through an amendment proposal; if a conditional motion is approved, the Chamber's resolution shall become valid only when a certain condition has or has not been met; conditional motions may not be used for the purpose of consideration of bills,
- b) the proposing party shall specify the type of motion presented; only the chairperson is entitled to question the designation of such motion; if there is any doubt, the motion's type shall be specified by the Chamber of Deputies through a ballot,
- c) it is possible to request that the motions presented in compliance with Subsection a) herein be amended,
- d) if adopted, this type of motion may be revoked; however, such revocation may only be proposed by one of the Deputies originally voting for its adoption.

#### **7. Motion for deletion of a part of a proposal**

- a) if this motion is adopted, an entire part of the proposal, such as a chapter, article, section, etc., shall be deleted,
  - b) it is possible to request an amendment of the extent of the part to be deleted,
  - c) if adopted, this type of motion may be revoked; however, such revocation may only be proposed by one of the Deputies originally voting for its adoption.
- (2) If any of the aforementioned motions is presented in the course of a debate, any Deputy or the party presenting such motion may propose that the debate be interrupted until the committee designated by the Chamber of Deputies or a political group has stated its opinion. At the same time, it is possible to propose the date of such interruption. Having approved such proposal, the Chamber of Deputies may specify the time limit, within which a designated committee is to present its opinion.
- (3) A Deputy may present a proposal in writing, if, in the course of the debate, he refers to a copy published in electronic format and at the same time, if he hands over a hard copy of the motion to the rapporteur and to the chairing person.

#### **§ 64**

Any Deputy who presented a proposal may withdraw it before the end of the debate. However, bills may only be withdrawn in compliance with Article 86, Section 6.

#### **§ 65**

(1) The Deputies are entitled to speak and present motions in their native language. If a Deputy cannot speak Czech, his speech shall be translated into Czech on condition that the translation is requested by at least one Deputy. All written motions presented in other than the Czech language shall be translated into Czech.

(2) If another speaker cannot speak Czech, the provision of the previous Section shall be applied accordingly.

#### **§ 66**

(1) When there are no more Deputies registered in the debate, the chairperson shall end it.

(2) When the debate is ended, the chairperson shall ask the proposing party and the rapporteur to make their concluding addresses. Either of them may waive his right to do so.

(3) The Chamber of Deputies may resolve without debate to reopen the debate at any time before it begins to vote on its final resolution. The debate shall also be reopened if a cabinet member speaks before the Chamber of Deputies begins to vote on its final resolution. When the reopened debate ends, the provisions of Section 2 herein shall be applied accordingly.

#### **§ 67**

The following persons shall be allowed to address the plenary whenever they so request:

a) the President of the Republic.

b) a cabinet member,

c) the President of the Chamber of Deputies and a Vice-President of the Chamber of Deputies,

d) the Chairperson of a Political Group,

e) a Deputy who is the Chairperson of a political party or political movement whose members are Deputies who are members of a Political Group established at the beginning of the electoral term (§ 77 odst. 1 a 5).

#### **§ 68**

Minutes of the Meetings of the Chamber of Deputies

(1) Each meeting of the Chamber of Deputies shall be recorded in writing. The record shall specify the meeting's programme and chairperson, the proposals presented, the names of all speakers, the number of present Deputies and all voting results. The record shall feature complete versions of all presented written motions, adopted resolutions and declarations and other discussed documents. If the voting is public and its results are recorded (Article 76, Section 2), this information shall be attached to the record.

(2) Each record verified by the verifier must be approved and signed by the President of the Chamber of Deputies no later than 15 days after the end of the relevant meeting. Every approved record is regarded as an authentic meeting record and must be archived, together with all relevant attachments, two months after the end of the relevant meeting at the latest.

(3) The course of every meeting of the Chamber of Deputies is also recorded in a stenographic report. Each speaker may check whether his speech has been correctly recorded within ten working days after the end of the relevant meeting. Although the speakers may point out grammatical errors and discrepancies that occurred in the course of recording, they must not change the language, content and meaning of their speeches. Any transcription of stenographic minutes not verified within the aforementioned time limit shall be regarded as duly verified. The correction of errors and discrepancies falls within the competence of the Chamber's verifiers. Any and all disputes shall be decided by the President of the Chamber of Deputies.

(4) Every meeting of the Chamber of Deputies is also recorded in audio form. Audio recordings are archived for at least six months.

(5) If a meeting of the Chamber of Deputies is closed to the public, it shall be recorded in stenographic form only upon resolution of the Chamber of Deputies; in such a case, the Chamber of Deputies shall also resolve whether the stenographic record shall be published and in what extent and what manner.

## **Part Eight**

### **Voting in the Chamber of Deputies and its Bodies**

Voting at plenary meetings of the Chamber of Deputies

#### **§ 69**

(1) Each Deputy is given an identification card designated for the Chamber's voting system. If necessary, the Deputies may be issued with duplicates through the President of the Chamber of Deputies. Any duplicate issued must be reported to the Chamber of Deputies.

(2) After entering the Chamber, each Deputy shall log on through its voting system. When leaving the Chamber, each Deputy shall log off through its voting system.

(3) When voting through the Chamber's voting system, the Deputies shall be regarded as present if they are registered by the system in the specified voting interval. The chairperson may cancel the registration of any Deputy and ask him to re-register, if having any doubt concerning the number of registered Deputies present in the Chamber or if such procedure is proposed by any other Deputy.



(4) When the voting is conducted through ballot papers, all Deputies issued with ballot papers shall be regarded as present.

(5) Every motion is decided by the Chamber of Deputies through a ballot supervised by the chairing person. Commencement of voting must be announced by the chairing person.

(6) First, the chairperson shall let the Deputies vote for a motion, then against it.

#### § 70

(1) The Chamber of Deputies forms a quorum if at least one-third of all Deputies are present.

(2) Except when otherwise provided by the Constitution, in order to be valid, every resolution of the Chamber of Deputies must be voted for by a simple majority of all present Deputies.

(3) In order to be passed/ratified, every constitutional act of law and every international treaty specified in Article 10a, Section 1<sup>9)</sup> of the Constitution must be approved by at least three-fifths of all Deputies.

(4) Any resolution concerning the state of emergency, belligerency, missions of the armed forces of the Czech Republic outside the territory of the Czech Republic, missions of foreign armed forces within the territory of the Czech Republic or participation of the Czech Republic in defense systems of any international organization of which the Czech Republic is a member<sup>9)</sup> must be approved by a simple majority of all Deputies. The same provision shall be applied if the Chamber is to vote on bills rejected by the Senate<sup>10)</sup> and on bills returned by the President of the Republic<sup>11)</sup> and to pass the vote of no-confidence in the government<sup>12)</sup>.

(5) The expression of consent with the bringing of a constitutional charge against the President of the Republic before the Constitutional Court for high treason or gross violation of the Constitution or other segment of the Constitutional order must be approved by at least three-fifths of all Deputies. If the Chamber of Deputies does not express such consent within 3 months of having been requested by the Senate, it shall be presumed that such consent was not expressed.<sup>12b)</sup>

#### § 71

The Chamber of Deputies specifies its internal relations and more detailed procedural regulations in a resolution. The draft of any such resolution must be delivered to all Deputies at least 24 hours before it is to be voted on.

#### § 72

(1) At the end of debate, the rapporteur shall announce the order, in which individual motions are to be voted on. If there are more motions, they shall be voted on in groups in the same order in which they have been presented as follows:

1. motion for adjournment,
2. motion for rejection,
3. motion for assignment to another body of the Chamber of Deputies,
4. motion for another version,
5. motion for amendment,
6. prospective, additional and conditional motion,
7. motion for deletion of a part of a proposal.

(2) If more motions concerning the same matter are presented and if they differ only in terms of the amount, time, person or place involved, the Chamber shall first establish how many Deputies support individual versions and then vote on them, starting with the version having the highest support and ending with the version having the lowest support.

(3) If an adopted motion renders another motion moot, the motion rendered moot shall not be voted on. Any and all disputes regarding this matter shall be resolved by a decision of the Chamber of Deputies.

(4) The exact wording of any motion must be repeated before it is voted, unless the motion has been tabled in writing. The rapporteur may point out its connection to any other motions.

(5) The Chamber may resolve that any motion or proposal shall be discussed and voted on separately. After discussing and voting on individual parts and after adopting or rejecting possible amendments, the Chamber shall vote on the proposal as a whole.

#### § 73

##### Polling Methods

Voting may have an open or a secret form. All acts of law must be voted on only in open form. Unless it is defined by the law, the particular polling method is always proposed by the chairing person.

#### § 74

##### Open Vote

- (1) Except when otherwise provided by the law or unless the Chamber of Deputies approves another form of polling, the Deputies votes through the Chamber's voting system or by raising their hands.
- (2) When using the Chamber's voting system, each Deputy votes for or against the relevant proposal by pressing a button at any time during the specified voting interval and raises his hand. All other actions are regarded as abstention.
- (3) If the Chamber's voting system breaks down, the voting must be repeated. If the system's defect cannot be eliminated immediately, the Chamber shall determine an alternate voting method.
- (4) When the voting takes place by names, individual Deputies are called in alphabetic order, starting with a name drawn by the chairperson. Each Deputy whose name is read should say "for the proposal", "against the proposal" or "abstaining". Every answer is repeated by the chairperson. All other actions of the Deputies are regarded as abstention.
- (5) If not using the Chamber's voting system, the Deputies usually vote by raising their hands. The result of such voting is recorded by scrutinizers appointed by the Secretary General. Any and all objections concerning the scrutinizers shall be resolved by the Chamber of Deputies without debate.

#### § 75

##### Secret Vote

- (1) When this form of polling is used, the Deputies vote through ballot papers. A secret vote is used to elect the President of the Chamber of Deputies and vice-presidents and the chairperson of individual commissions and committees; other cases of secret voting are specified by the law or determined by the Chamber.
- (2) For the purpose of secret voting, the amount of issued ballot papers shall be regarded as the number of present Deputies.

#### § 76

##### Voting Results

- (1) The chairman or another person specified by the law shall announce the result of every voting as follows: the serial number of voting, the number of present Deputies, the amount of votes for the proposal and against the motion and whether the proposal has been passed or rejected.
- (2) The Chamber's voting system shall print a configuration showing how the individual Deputies voted.
- (3) The results of a vote shall be made public in electronic format. This provision does not apply to meetings or their parts that are closed to the public.
- (4) If the result of any open vote on a procedural proposal is obvious, it is not necessary to count the votes. However, this provision shall not be applied if any of the Deputies requests that the Chamber proceed in compliance with Section 1.
- (5) Any Deputy may object to its results or proceedings during the vote or immediately afterwards. The Chamber of Deputies shall resolve on any such objection without debate.
- (6) If the Chamber agrees with the Deputy's objection, the vote must be retaken. If the Chamber's voting system is not used for the purpose, the chairperson shall ask the verifiers to count all votes and to determine the results.

## Part Nine

### Political Groups

#### § 77

- (1) The Deputies may associate in political groups in accordance with the political parties and political movements (hereinafter only the "political party") for which they stood in the elections. The Deputies of one political party may create one political group only. Individual political groups may be merged.
- (2) In the course of an electoral term it is possible to establish a new political group associating the Deputies that are members of different political parties than those for which they were elected or a new political group associating the Deputies that left the political parties for which they were elected and became independent members. Any such newly established political group shall have at least ten members and shall not be subject to the provisions of Article 78, Sections 2 and 3. Should the number of its members drop below the aforementioned limit at any time during electoral term, the political group shall be dissolved. Its members may become members of any other political group or decide not to join any political group at all.
- (3) Unless determined otherwise by the Chamber of Deputies, the political groups established in compliance with Section 2 shall not be entitled to proportional representation in its bodies.

(4) Each Deputy may become a member of one political group only.

(5) All Deputies elected to the Chamber of Deputies for independently standing political parties are entitled to establish political groups at the beginning of every new electoral term. In order to be established in compliance with the previous sentence, any such political group must have at least three members.

(6) The establishment of every political group shall be supported by a record signed by all of its members.

(7) Following its establishment, each political group shall forward the following information to the secretariat of the President of the Chamber of Deputies in writing: its name, the first name and surname of its chairperson, the first names and surnames of his deputies in the same order in which they are entitled to act on his behalf in the Chamber of Deputies and its bodies in his absence and the names of all its members. During the electoral term each political group shall inform the President of the Chamber of Deputies of all its new as well as leaving members. The fact that a Deputy is leaving a political group may also be reported to the President of the Chamber of Deputies by the Deputy himself.

(8) Each political group is represented by its chairperson. If he is absent, all his rights resulting from and/or related to this act of law shall be exercised and the political group shall be represented by his Deputy.

#### **§ 78**

(1) Each political group is entitled to use rooms located within the Chamber's premises for its activities, including all technical means. The Chamber of Deputies may specify more detailed regulations in its resolution.

(2) All political groups are entitled to financial contributions from the Chamber's budget covering operating expenses, their exact amount depending on the number of their members. Each calendar year, the Steering Committee prepares and the Chamber of Deputies authorizes a set of economic regulations specifying the amount, provision terms, utilization conditions, evidence, accounting and control of such contributions that have to be followed by individual political groups.

(3) All political groups are obligated to record all provided contributions in a specified way. Upon a request of the Steering Committee, all political parties shall present their current evidence and account statement.

(4) The approved amount of contributions for the political groups associating members of non-governmental political parties shall be multiplied by 1.3 and the resulting sum paid out.

## **Part Ten**

### **Joint Session of the Chamber of Deputies and the Senate**

#### **§ 79**

(1) A joint session of both houses of the Parliament is summoned by the President of the Chamber of Deputies.

(2) The joint session of both houses of the Parliament is governed by this act of law.

#### **§ 80**

*repealed*

#### **§ 81**

The President of the Chamber of deputies shall convene, after the election of the President of the Republic a joint session of the Chamber of Deputies and the Senate, where the President of the Republic shall take the oath of office which shall be administered by the President of the Senate.

## **Part Eleven**

### **Vote of Confidence in the Government**

#### § 82

(1) After the appointment of a new government, the President of the Chamber of Deputies shall include in the programme of its next meeting the government's request for the vote of confidence in a way allowing its consideration no later than 30 days after the government's appointment.

(2) The Chamber of Deputies shall adopt a resolution reflecting its vote of confidence in the government.

#### § 83

(1) The government may ask the Chamber of Deputies for a vote of confidence.

(2) The government shall have the right to ask the Chamber of Deputies to complete its consideration of any governmental bill combined with a request for the vote of confidence within three months following its presentation.

(3) If the government asks for the vote of confidence pursuant to Section 1, the President of the Chamber of Deputies shall summon a meeting in a way allowing the Chamber of Deputies to adopt a resolution within 14 days following the government's request.

#### § 84

Proposal for a Vote of No-confidence in the Government

A group of at least 50 Deputies may present a proposal for the vote of no-confidence in the government. If such a proposal is presented, the President of the Chamber of Deputies shall summon a meeting to discuss it immediately.

#### § 85

Request for the Vote of Confidence in the Government and Proposal for the Vote of No-confidence in the Government

(1) All political groups and committees must be informed of every request for a vote of confidence in the government or proposal for a vote of no-confidence in the government immediately.

(2) Any resolution on a vote of confidence in the government must be approved by a simple majority of all present Deputies. Any resolution on a vote of no-confidence in the government must be approved by a simple majority of all Deputies.

(3) If the Chamber of Deputies does not pass a vote of confidence in the government or if it passes a vote of no-confidence, the President of the Chamber of Deputies shall inform the President of the Republic immediately.

## Part Twelve

### Deliberation of Bills

Presentation of Bills

#### § 86

(1) Any Deputy, a group of Deputies, the Senate, the government or the councils of higher self-governing units (hereinafter only the "sponsor") may present a bill. The Senate, the government and the councils of higher self-governing units may only be represented by their specially authorized members. If a bill is prepared by a group of Deputies, the group shall appoint one of its members to present a rationale.

(2) Every bill must contain the exact wording that is to be adopted by the Chamber of Deputies.

(3) An explanatory report justifying the new legislation principles must be attached to every bill. It should analyze the current legal situation and explain the necessity of the new legislation as a whole (general part) as well as in terms of its individual provisions (special part). Each explanatory report must also feature all anticipated economic and financial effects of the new legislation, especially on the State Budget and regional and municipal budgets, and an assessment of its compliance with international treaties (see Article 10 of the Constitution) and with the constitutional order of the Czech Republic.

(4) If the new bill is to be accompanied by an implementary regulation, the Steering Committee may ask the sponsor for its proposed text. If the implementary regulation is to become effective at the same time as the bill, both texts must always be supplied by their sponsor together.

(5) When proposing an amendment of an existing bill, the sponsor shall also supply the text of the act of law or a part thereof to be amended and mark out all proposed changes and additions.

(6) **The sponsor may withdraw his bill until the commencement of the debate on the bill in the third reading.** After that time, the sponsor may do so only with the Chamber's consent.

#### § 87

(1) All bills shall be tabled with the President of the Chamber of Deputies who shall forward them to the Steering Committee.

(2) A bill is delivered to all Deputies. If the bill is not tabled by the government, the President of the Chamber of Deputies shall ask the government to deliver its opinion regarding such a bill within 30 days.

(3) The government shall send its opinion on the bill to the President of the Chamber of Deputies.

#### § 88

(1) Within 15 days of receipt of the government's opinion or within 15 days of the end of the aforementioned 30-day time limit, regardless of whether the government's opinion was received or not, the Steering Committee shall recommend to the President of the Chamber of Deputies to place the presented bill, together with the government's opinion, if the opinion was delivered on time, on the programme of the Chamber's next meeting. **At the same time, the Steering Committee shall propose which committee shall act as the main committee and, which (if any) other committees the bill should be referred to, and shall also specify a rapporteur for its first reading of the bill.**

(2) The President of the Chamber of Deputies – taking into account the recommendation of the Steering Committee – shall decide on the bill's inclusion in the proposed programme of the Chamber's next meeting.

(3) If the Steering Committee fails to act in accordance with Section 1 above, then the President of the Chamber of Deputies shall place the bill on the proposed programme of the Chamber's next meeting even without the recommendation of the Steering Committee and shall specify a rapporteur for the first reading and **shall propose which committee shall act as the main committee and, which (if any) other committees the bill should be referred to.**

#### § 89

Each bill, together with the government's opinion, if submitted on time, must be forwarded to all Deputies and political groups at least 10 days before its first reading in the Chamber of Deputies.

#### The First Reading of a Bill

#### § 90

(1) Each bill is introduced by its sponsor; his introduction is followed by a rapporteur specified by the Steering Committee or the President of the Chamber of Deputies (Article 88). The addresses of the sponsor and the rapporteur are followed by general debate.

(2) When presenting a bill, its sponsor may propose that it be sanctioned by the Chamber of Deputies in the course of its first reading. The rationale of such procedure must be featured in an explanatory report. If such procedure is proposed in order to meet the obligations of the Czech Republic resulting from international treaties, the sponsor shall present the Czech translation of all legal regulations that have to be implemented.

(3) It is not possible to consider a bill in compliance with Section 2 if at least two political groups or 50 Deputies raise an objection or if its subject is a constitutional act of law, the Act on the State Budget or an international treaty pursuant to Article 10 of the Constitution.

(4) A bill may not be discussed at a meeting the summoning of which has not been announced in compliance with Article 51, Section 6.

(5) If a bill is presented in compliance with Section 2, the Chamber of Deputies shall decide at the end of general debate whether to proceed in a way enabling the bill's passing in the course of its first reading. If such proposal is approved by the Chamber of Deputies, the chairperson shall initiate a detailed debate.

(6) During the detailed debate pursuant to Section 5, it is not possible to present amendments or other motions. It is only possible to propose that the effective date be changed and/or the detected technical, legislative, grammatical, spelling or printing errors be corrected. At the end of the first reading, after the respective addresses of the sponsor and the rapporteur, the Chamber of Deputies shall decide whether to approve the bill or not.

(7) If no motion has been presented pursuant to Section 2, if such motion has not been approved by the Chamber of Deputies or if a bill has not been passed by the Chamber of Deputies pursuant to Section 6, the Chamber of Deputies may decide to return the bill to its sponsor for completion or to reject it. If no such decision is adopted, the Chamber of Deputies shall refer the bill to the **main committee and, if applicable, to the other committee or committees that were recommended by the Steering Committee or by the President of the Chamber of Deputies. Any Deputy may propose that the bill be referred to committees differently; any such proposal shall be voted on by the Chamber of Deputies without debate. Once a bill has been referred to a main committee for consideration, it cannot be returned to its sponsor for completion.**

#### § 91

(1) Each bill must be considered by the Chamber's committee(s) within 60 days after being referred.

(2) The Chamber of Deputies may reduce the time limit specified in Section 1 herein by up to 30 days. The Chamber of Deputies may not reduce the time limit by more than 30 days if at least 2 political groups or 50 Deputies raise an objection.

(3) The Chamber of Deputies may extend the time limit specified in Section 1 herein by up to 20 days. The said time limit may be extended by more than 20 days only after the sponsor's prior consent. The time limit reduced by the Chamber of Deputies in compliance with Section 2 herein may not be extended.

(4) The committees to which the bill has not been referred for consideration may state their opinion on the bill to the Chamber of Deputies and to the committee(s) considering it; the same provision applies to all individual Deputies.

#### The Second Reading of a Bill

##### § 92

(1) The main committee, and if applicable, the other committee or committees, to which a bill was referred, shall consider its text and shall present a resolution to the President of the Chamber of Deputies containing a recommendation concerning the approval or rejection of the bill by the Chamber of Deputies. If the committee proposes to the Chamber the approval of any amendments to the bill, then the proposed amendments must be formulated precisely. Opposing reports, having the same properties as resolutions, may be presented to the President of the Chamber of Deputies, if agreed upon by at least one-fifth of all members of any committee.

(2) The President of the Chamber of Deputies shall have all resolutions of all relevant committees on the bill, including opposing reports, printed and delivered to all Deputies at least 24 hours before its second reading.

##### § 93

(1) The second reading of each bill is introduced by its sponsor. The sponsor's introduction is followed by the rapporteur of the main committee, and if applicable, by the rapporteur of other committees, who shall provide information regarding the deliberation of the bill in the committee. If the committee recommended to the Chamber the adoption of any amendments to the bill, the committee's rapporteur shall explain them.

(2) Their respective addresses are followed by a general debate. After it ends, the Chamber of Deputies may return the bill to the main committee for reconsideration.

##### § 94

(1) If the bill is not returned by the Chamber of Deputies to the main committee for reconsideration during the general debate in compliance with Article 93, Section 2, a detailed debate shall follow. In its course, the Chamber of Deputies may decide to consider some of the provisions of the bill separately. In the course of the detailed debate it is also possible to propose amendments and/or other motions. If such a proposal was not presented in writing or if the written proposal does not include an explanatory report, then the Deputy shall give reasons for the proposal in the course of the detailed debate.

(2) A compilation of all tabled amendments and other proposals shall be delivered to all Deputies.

(3) After the end of detailed debate, the Chamber of Deputies may return the bill to the main committee for reconsideration.

(4) If a proposal for rejection of the bill is presented in the course of the second reading, the Chamber of Deputies shall vote on it during its third reading taking place after the end of debate (Article 95, Section 3).

##### § 94a

(1) The main committee shall deliberate the bill after the second reading and shall present to the President of the Chamber of Deputies its resolution, in which it shall either recommend or not recommend the approval of each of the proposals that had been tabled and it shall also recommend the order in which the tabled proposals should be voted on by the Chamber in the third reading.

(2) The resolution of the main committee and, if applicable, the opposition report and record of deliberation, shall be delivered to Deputies no later than 24 hours before the commencement of the third reading of the bill.

(3) One fifth of all members of the main committee may present an opposition report to the President of the Chamber of Deputies, such a report must meet the same requirements of form as a resolution of the main committee.

(4) In the course of the detailed debate in the second reading, it may be proposed that the main committee should not deliberate the bill. The Chamber not vote on such a proposal if at least two political groups or 20 Deputies raise an objection.

(5) The Chamber of Deputies may deliberate a bill in the third reading even if the main committee has not yet deliberated the bill, unless an objection is raised by at least two political groups or 20 Deputies. Such an objection shall not be taken account of, if at least 30 days has lapsed following the delivery of the compilation of tabled amendments and/or other proposals to Deputies.

##### § 95

#### The Third Reading of a Bill

(1) The third reading of a bill may begin no earlier than 14 days after the delivery of the compilation of tabled amendments and/or other proposals to all Deputies. The time period stated in the first sentence may be reduced to a minimum of 7 days. Such a proposal to reduce the time period stated in the first sentence must be tabled in the second reading in the course of the detailed debate.

(2) During the debate held as a part of the third reading it is only possible to propose corrections of the bill's legislative, technical, grammatical, spelling or printing mistakes, changes logically resulting from amendments or a repetition of the second reading.

(3) At the end of the third reading the Chamber of Deputies first votes on rejection proposals presented during the second reading and then on amendments and/or other motions. After that the Chamber of Deputies adopts a resolution in which the bill is passed or rejected.

## § 95a

Unless resolved otherwise by the Chamber of Deputies (Article 54, Section 4), the third reading of bills takes place between 9 a.m. and 2 p.m. on the Wednesdays and Fridays specified as meeting days. The Chamber of Deputies may also decide to reserve other times for this purpose, unless an objection is raised by at least two political parties. In such a case, no voting may take place. This provision in no way affects Article 95, Section 1.

## § 96

(1) If the government asks the Chamber of Deputies to complete the consideration of a governmental bill combined with a request for the vote of confidence within three months following its presentation, the Steering Committee shall propose that the Chamber of Deputies adopt a special consideration time schedule; all time limits specified in Article 89, Article 91, Sections 1 and 2, Article 92, Section 2a, and Article 95, Section 1, must be observed.

(2) The Chamber of Deputies shall decide on any proposal presented in compliance with Section 1 herein during the first reading, immediately after the bill's introduction by its sponsor.

The Participation of the Senate and the President of the Republic in Legislative Process

## § 97

(1) Every bill approved by the Chamber of Deputies shall be sent by the President of the Chamber of Deputies to the Senate without unnecessary delay, in three hard-copies and in electronic format.

(2) If the Senate approves a bill approved by the Chamber of Deputies, if the Senate adopts no resolution within 30 days following its receipt from the Chamber of Deputies or if the Senate adopts a resolution in which it refuses to be concerned with the bill, the bill shall be adopted.

(3) If the Senate adopts a resolution in which it rejects the bill, the bill shall be presented by the President of the Chamber of Deputies to Deputies for a repeated vote at the next meeting of the Chamber, held no earlier than ten days after delivery of the Senate's resolution to all Deputies. If the bill is approved again by a simple majority of all Deputies, the bill shall be adopted as law.

(4) If the Senate returns the bill to the Chamber of Deputies with amendments, the President of the Chamber of Deputies shall present the amended bill at its next meeting, but no earlier than ten days following its receipt by the Deputies. The Chamber of Deputies shall then vote on its amended version approved by the Senate. If the Chamber of Deputies approves the version amended by the Senate, the bill shall be passed.

(5) If the Chamber of Deputies does not approve the version amended by the Senate, it shall vote again on its original version forwarded to the Senate. The original bill shall be passed if it is voted for by a simple majority of all Deputies.

(6) During the reconsideration of any bill rejected by the Senate or returned to the Chamber of Deputies it is not possible to present amendments.

## § 98

(1) The President of the Chamber of Deputies shall forward every adopted act of law to the President of the Republic in three hard-copies.

(2) If any adopted act of law is returned to the Chamber of Deputies by the President of the Republic within 15 days of receiving it, the law shall be delivered to Deputies, together with the President's reasons. The President of the Chamber of Deputies shall present such a returned act of law to the Chamber of Deputies at the next meeting, but no earlier than ten days following its delivery to Deputies. No amendments may be presented. If voted for by a simple majority of all Deputies, the act of law shall be published in the Collection of Laws. Otherwise, the act of law shall be regarded as if it had not been adopted.

## § 99

The Legislative Process during a State of Legislative Emergency

(1) Under exceptional circumstances, when principal human rights and liberties or the state's security are in jeopardy or the state may suffer considerable economic losses, the President of the Chamber of Deputies shall – at the government's request – declare a state of legislative emergency for a definite period of time. The Chamber of Deputies may cancel the state of legislative emergency or reduce its duration.

(2) When the state of legislative emergency has been declared, the President of the Chamber of Deputies may – at the government's request – decide to conduct summary consideration of any bill presented by the government.

(3) Any bill designated for summary consideration shall be referred by the President of the Chamber of Deputies to one of the committees. At the same time, the President of the Chamber of Deputies shall specify a deadline for the presentation of the committee's resolution that may not be broken. In its resolution the committee shall specify whether a general debate is necessary and what parts should become subject to detailed debate; it shall also propose the time limit within which the Chamber of Deputies should complete its consideration.

(4) During a state of legislative emergency, the Chamber of Deputies shall review whether the circumstances on which the state of legislative emergency is based still persist before discussing the programme of its meeting. If it comes to a conclusion that the conditions have already passed, it shall cancel the state of legislative emergency.

(5) During the state of legislative emergency, the Chamber of Deputies shall review whether the conditions of summary consideration persist before considering every governmental bill. Should it come to a conclusion that there is no reason for summary consideration, it shall not apply it.

(6) The provisions of Articles 90 and 91 addressing the first reading of bills shall not be applied to summary consideration.

(7) The Chamber of Deputies may decide to cancel the general debate that is to take place during the second reading of a bill and to reduce the speech limit of individual Deputies to as little as five minutes. The second reading of a bill may be followed by its third reading immediately. The fifth, sixth and seventh sentence of Article 54, Section 4, Article 94a and Article 95a shall not be applied to the third reading of a bill subjected to such summary consideration.

(8) The Chamber of Deputies shall apply summary consideration even if the specified committee does not present its resolution within the time limit defined in Section 3 herein; in such a case, a rapporteur shall be appointed by the President of the Chamber of Deputies.

(9) The provisions of Article 53 and the ten-day time limit specified in Article 97, Sections 3 and 4, and Article 98, Section 2, shall not be applied.

#### **§ 100**

The Legislative Process Implementing Resolutions of the UN Security Council on Actions Securing International Peace and Security

(1) If any resolution of the UN Security Council on actions securing international peace and security issued in compliance with Article 41 of the Charter of the United Nations requires immediate adoption of an act of law implementing such resolution, the government may ask for summary consideration of such an act of law when presenting it to the Chamber of Deputies.

(2) The provisions of Article 99, Sections 2 and 3 and 5 through 9 shall be applied accordingly to any summary consideration of an act of law pursuant to Section 1 herein.

#### **§ 100a**

The Legislative Process during a State of Emergency or Belligerency

(1) If the government asks the Chamber of Deputies for summary consideration of any of its bills during a state of emergency or belligerency, the President of the Chamber of Deputies shall without unnecessary delay simultaneously refer such bill to one of the committees and specify the final time limit within which the committee is to present its opinion in the form of a resolution.

(2) In its resolution the committee shall propose whether a general debate should take place and what parts should be subjected to a detailed debate.

(3) The President of the Chamber of Deputies shall immediately summon a meeting to consider the bill; if a meeting is under way, the President of the Chamber of Deputies shall include the bill in its programme. The following provisions shall not be applied: Article 51, Section 6, Article 53, Article 54, Section 4, sentences two to eight, Article 94, Sections 2 and 3, Article 94a, Article 95, Section 1, the 24-hour time limit specified in Article 57, Section 1, and Article 92, Section 2, the reservation defined by Article 95a, Article 111, Section 1 and Article 112, Section 4, and the ten-day time limit specified in Article 89 and Article 97, Sections 3 and 4.

(4) The provisions of Articles 90 and 91 on the first reading of a bill shall not be applied in the course of summary consideration. The Chamber of Deputies may decide to cancel the general debate that is to take place during the second reading of a bill and to reduce the speech limit of individual Deputies to as little as five minutes. The second reading of a bill may be followed by its third reading immediately. It is not possible to propose that the second reading be repeated. Each Deputy may speak twice at the most in a general or detailed debate during the second reading and once at the most in a general debate during the third reading.

(5) The Chamber of Deputies shall apply summary consideration even if the specified committee does not present its resolution within the time limit defined in Section 1 herein; in such a case, a rapporteur shall be appointed by the President of the Chamber of Deputies.

(6) The Chamber of Deputies shall adopt a resolution of such act of law within 72 hours following its presentation.

(7) Constitutional acts of law cannot be subject to summary consideration in compliance with Sections 1 through 6 herein.

## **Part Thirteen**

### **Deliberation of the Law on the State Budget**

#### **§ 101**

Tabling of the draft Law on the State Budget

(1) The government shall table its draft Law on the State Budget with the President of the Chamber of Deputies at least three months before the beginning of a new fiscal year. All amendments must be presented 15 days before the first reading of the draft in the Chamber of Deputies at the latest.

(2) The President of the Chamber of Deputies shall refer the draft Law on the State Budget to the Committee on the Budget.



(3) The Act on the State Budget may not provide for changes, amendments or cancellations or other acts of law.

The First Reading of the draft Law on the State Budget

#### **§ 102**

(1) The draft Law on the State Budget is introduced by its sponsor; his introduction is followed by the rapporteur of the Committee on the Budget.

(2) In the first reading the Chamber of Deputies shall discuss basic parameters of the Act on the State Budget, such as the amount of revenues and expenditures, the amount of final balance, the way the balance is to be settled, general relations with the budgets of higher self-governing units and municipalities and the extent of competencies of individual executive bodies.

(3) The Chamber of Deputies shall approve the draft Law on the State Budget or propose changes and specifies a time limit in which the government should present its new draft. The time limit may not be shorter than 20 days and longer than 30 days following the date of delivery of the Chamber's resolution to the Prime Minister.

(4) Once approved by the Chamber of Deputies, the basic parameters of the draft Law on the State Budget cannot be changed without further consideration. The Chamber of Deputies shall also refer all individual chapters of the draft Law on the State Budget to its committees.

#### **§ 103**

(1) The committees shall consider all individual referred chapters of the draft Law on the State Budget and present their respective resolutions to the Committee on the Budget within a time limit specified by the Chamber of Deputies.

(2) The minimum time period for the consideration of any chapter of the draft Law on the State Budget is 5 days.

(3) Each committee may propose changes only in the chapter of the State Budget referred to it. If it wants to put through any change concerning other chapters, it must ask the committee to which the particular chapter has been referred to consider such change. The committee is obligated to ask the opinion of the administrator of the relevant chapter on every change proposed.

#### **§ 104**

(1) The resolutions of individual committees, or the opposing reports to individual chapters of the draft Law on the State Budget, shall be considered by the Committee on the Budget in the presence of individual rapporteurs. The Committee on the Budget shall then express its opinion in the form of a resolution.

(2) The Committee on the Budget shall deliver the resolution it has adopted and/or an opposition report and/or record of deliberation, as the case may be, to the President of the Chamber of Deputies. The resolution, and/or opposition report and/or record of deliberation shall be delivered to all Deputies at least 24 hours prior to the commencement of the second reading of the draft Law on the State Budget. The same procedure shall be applied to any resolution of another committee which disagrees with the resolution of the Committee on the Budget.

#### **§ 105**

The Second Reading of the draft Law on the State Budget

(1) The second reading of the draft Law on the State Budget is introduced by its sponsor. His introduction is followed by the rapporteur of the Committee on the Budget.

(2) The draft Law on the State Budget and the resolution of the Committee on the Budget are subject to a detailed debate, in the course of which it is possible to table amendments and/or other motions.

(3) The entirety of all tabled proposed amendments and/or other motions is delivered to all Deputies and to the sponsor of the Act.

#### **§ 106**

The Third Reading of the draft Law on the State Budget

(1) The third reading of the draft Law on the State Budget may be initiated 48 hours after the end of its second reading at the earliest. The fifth, sixth and seventh sentences of Article 54, Section 4 and Article 95 shall not be applied to the third reading of the draft Law on the State Budget.

(2) During the debate taking place in the course of the third reading it is only possible to propose correction of legislative, technical, grammatical, spelling or printing mistakes, modifications logically resulting from presented amendments or repetition of the second reading.

(3) At the end of the third reading the Chamber of Deputies votes on all amendments and/or other motions. After that a resolution is adopted specifying whether the Chamber of Deputies approves or rejects the draft Law on the State Budget.

## Part Fourteen

### The Publication of Acts of Law

#### § 107

(1) All acts of law shall start with the following sentence: "The Parliament has resolved on the following act of the Czech Republic:".

(2) The President of the Chamber of Deputies shall sign each adopted act of law and forward it to the President of the Republic for his signature.

(3) If an act of law is signed by the President of the Republic or if it is returned by the President of the Republic to the Chamber of Deputies and the Chamber of Deputies persists on it, the President of the Chamber of Deputies shall send it to the Prime Minister for his signature.

(4) In order to enter into force, each adopted act of law must be published. The method of publication is specified by a special act of law. <sup>13)</sup>

## Part Fifteen

### Deliberation of International Treaties

#### § 108

(1) The Chamber of Deputies deliberates all international treaties which require ratification by the Chamber of Deputies as well as all international treaties that have already been ratified by the Chamber of Deputies which are to be repudiated. At least one copy of the original version of any such international treaty as well as its Czech translation must be presented to the Chamber of Deputies.

(2) The provisions regulating the consideration of bills shall be applied to the deliberation of international treaties mutatis mutandis. Articles 92 and 96 shall not apply to the deliberation of international treaties.

(3) After the deliberation of each international treaty in the course of its first reading, the committee to which such treaty has been referred shall present to the President of the Chamber of Deputies a resolution containing primarily the committee's opinion regarding the ratification of such treaty, or the committee's opinion regarding the repudiation of such previously ratified treaty.

(4) The committee resolution regarding the proposal for consideration of the international treaty and/or the committee opposition report and/or the record of the deliberation of the committee shall be delivered to all Deputies, at least 24 hours before the commencement of the second reading of the international treaty.

(5) The second reading of every international treaty is opened by its sponsor. His address is followed by a rapporteur who is to substantiate the opinion of the relevant committee.

(6) Each international treaty and the proposal of the relevant committee on its ratification/repudiation are subject to a debate. At the end of it the Chamber of Deputies adopts a resolution concerning its ratification or resolution concerning its repudiation, if the international treaty has previously been ratified. The Chamber of Deputies may also decide to postpone its debate.

#### § 109

In order to valid, each international treaty approved by Parliament must be published. The method of publication is specified by a special act of law. <sup>13)</sup>

## Part Fifteen A

### Deliberation of European Union Affairs

#### § 109a

(1) The Government shall submit draft acts of the European Communities and the European Union to the Chamber via the Committee for European Affairs. The Government shall submit its preliminary opinion on the draft acts specified in the preceding sentence. The Government shall submit legal acts of the European Communities and the European Union to the Chamber at the same time they are submitted to the Council of the European Union (hereinafter "Council"). The Government shall also submit other acts and documents of the European Communities and the European Union if it so decides or if requested by the Chamber or its bodies.

(2) Draft acts and other documents of the European Communities and the European Union shall be deliberated by the Committee for European Affairs based upon the Government's preliminary opinion without undue delay. The Committee for European Affairs may relay such drafts to other competent committee and may at the same time specify the time period in which draft is to be deliberated.

(3) The Chairperson of the Committee for European Affairs or the Chairperson of the competent committee shall forward resolutions on draft acts, personnel nominations to the European Union bodies and other documents pursuant to paragraph (2) to the President of the Chamber of Deputies and may, within 8 days from the adoption of such resolution, request the President of the Chamber of Deputies to include it on the agenda for the next session of the Chamber. The inclusion of such resolution on the agenda for the session of the Chamber may also be requested by the Government. Resolutions as defined by the preceding sentences shall be delivered to all deputies at least 24 hours prior to their deliberation in the Chamber.

(4) If a resolution is not included on the agenda for the next session pursuant to paragraph (3) or section 46 paragraph (4) (c), or if the Chamber has not decided on its inclusion pursuant to section 54 paragraphs (4) to (6), it shall be deemed to be the Chamber's opinion.

(5) In cases referred to paragraph (4), resolutions by the Chamber or the committees on the draft acts and other documents of the European Communities and the European Union shall be sent to the Government, which shall take them into account when laying down its opinion for deliberation in the bodies of the European Communities and the European Union.

(6) If the resolution of the Chamber or the resolution of a committee pursuant to paragraph (4) contains a timely adopted and reasoned opinion that states that the draft act of the European Union contradicts the principle of subsidiarity, the President of the Chamber shall forward the resolution to the Government, the President of the Senate, the President of the European Parliament, the President of the Council and the President of the European Commission without delay.

(7) All members of the European Parliament elected for the Czech Republic may attend meetings of the Committee for European Affairs or any other committee deliberating drafts pursuant to paragraphs (1) and (2). The provisions of Section 39 shall apply accordingly.

#### **§ 109b**

(1) Prior to the Council meeting in which the draft acts or other documents pursuant to section 109a are to be deliberated a member of the Government shall attend the meeting of the Committee for European Affairs if so requested by the Committee and shall provide information on the position the Czech Republic will adopt on the matter being deliberated in the Council. The member of the Government shall further provide information or explanations for draft acts or other documents of the European Committees and the European Union at the Committee meeting if the Government was so demanded by an earlier Committee resolution. The Government may request that a meeting of the Committee for European Affairs or a part thereof, at which matters are to be discussed pursuant to the preceding sentences, be held in camera section 37 shall apply accordingly.

(2) The Government or a competent member thereof shall send a report on the Council meeting to the Committee for European Affairs immediately after the Government has approved or acknowledged a report.

(3) With the exception of acts or other documents of considerable urgency, the Government shall not adopt its final opinion in the Council deliberations until the procedure in the Chamber pursuant to the preceding paragraphs has been completed.

#### **§ 109c**

(1) The Government shall submit to the Committee for European Affairs for deliberation its staff nominations for the European Commissioner, judges of the European Court of Justice and its nominations to the governing bodies of the EIB and the EBRD for the Czech Republic.

(2) The staff nominations to European Union bodies shall be deliberated in the Chamber before the Government adopts a final decision about them.

## **Actions on the Grounds of Infringement of the Principle of Subsidiarity by an Act of the European Union**

#### **§ 109d**

(1) The Committee for European Affairs, or a group of at least 41 deputies may propose to the Chamber in writing to adopt a resolution to file an action on the grounds of infringement of the principle of subsidiarity by an act of the European Union (hereinafter referred to as "draft action"). A draft action must contain the exact wording of the action upon which the Chamber is to resolve.

(2) A draft action shall be submitted to the President of the Chamber the fifteenth day at the latest prior to the expiration of the term for filing the action, which is laid down in the European Union law. The President of the Chamber shall include the timely submitted Draft Action on the agenda for the next session of the Chamber or, alternatively shall call a session of the Chamber for its deliberation so that he enables a timely deliberation of a draft action.

(3) The draft action shall be delivered to all the deputies at least 72 hours prior to its deliberation in the Chamber.

#### **§ 109e**

(1) If the Chamber approves a draft action, it shall authorize a Deputy or, alternatively, other suitable person, to represent it in proceedings before the European Court of Justice (hereinafter referred to as "Authorized representative"). The authorization is not tied to the term of office of the Deputy.

(2) The Authorized representative is bound by the wording of the action, and he is not entitled to withdraw the action.

(3) Should it find grounds the Chamber may change its valid resolution on the authorization.

#### § 109f

(1) The President of the Chamber shall immediately pass on the resolution of the Chamber that contains the wording of the action to the Government, and for information also to the President of the Senate.

(2) The Government shall submit the action to the European Court of Justice without undue delay.

#### § 109g

(1) The Government, members of the Government, Government Commissioners and the heads of central and other public administration authorities shall provide the Authorized Representative with all the necessary co-operation for his course of action in the proceedings.

(2) The Authorized representative shall inform the Committee for European Affairs of the course of the proceedings in terms and in a manner laid down by the Committee.

#### § 109h

The status of the Chamber as a party to the proceedings before the European Court of Justice and the status of the Authorized representative will remain unaffected by the elapse of the electoral term of the Chamber or by its dissolution.

Prior consent of the Chamber with some decisions made in the bodies of the European Union

#### § 109i

The consent on behalf of the Czech Republic may not be declared without a prior approval of the Chamber of Deputies,

1. in the European Council when deciding pursuant to Article 31 paragraph (3) of the Treaty on European Union;
2. in the European Council when deciding on the amendment of the provisions of Part Three of the Treaty on the Functioning of the European Union pursuant to Article 48 paragraph (6) of the Treaty on European Union;
3. in the European Council when deciding on the application of the ordinary legislative procedure or on acting by a qualified majority pursuant to Article 48 paragraph (7) of the Treaty on European Union;
4. in the Council when deciding on determination of the aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure pursuant to Article 81 paragraph (3) of the Treaty on the Functioning of the European Union;
5. in the Council or, alternatively in the European Council, when deciding in other cases on the application of the ordinary legislative procedure or on acting by a qualified majority, pursuant to Article 153 paragraph (2), Article 192 paragraph (2), Article 312 paragraph (2) and Article 333 paragraphs (1) and (2) of the Treaty on the Functioning of the European Union;
6. in the Council when deciding on appropriate measures to attain the objectives laid down in the founding treaties of the European Union pursuant to Article 352 of the Treaty on the Functioning of the European Union, save for measures necessary for the functioning of the internal market.

#### § 109j

(1) The Government shall submit the proposal for granting the Chamber's prior consent pursuant to Section 109i without undue delay so as to allow its timely deliberation in the Chamber; it shall do so at the latest on the day of announcement of the draft decision of the body of the European Union to the Parliaments of the Member States in line with the procedure set by the European Union law.

(2) The Government shall submit the proposal together with the valid wording of the relevant provisions of the European Union law with the proposed changes and amendments marked and with its opinion on them.

(3) The Government shall submit the proposal to the President of the Chamber. The proposal of the Government shall be delivered immediately to all the deputies. The President of the Chamber shall pass it on to the Committee for European Affairs for deliberation and set an adequate period of time for it, which may not be shorter than 5 days.

(4) After deliberation of the proposal of the Government, the Committee for European Affairs shall submit its resolution to the President of the Chamber, in which it shall recommend, in particular, whether the Chamber should pronounce its prior consent pursuant to Section 109i.

(5) The resolution of the Committee and, alternatively a Dissenting report, shall be delivered to all the deputies no later than 24 hours before the deliberation of the proposal of the Government is commenced in the Chamber. The proposal of the Government might be deliberated in the Chamber even if the Committee has not adopted any resolution in the set period of time.

(6) The President of the Chamber shall include the proposal of the Government on the agenda for the next session of the Chamber or, as the case may be, he shall summon a session of the Chamber so as to allow for a timely deliberation of the proposal.

(7) The Chamber shall decide on the proposal of the Government pursuant to Section 109i Subsections (a), (b), (e) and (f) without undue delay. In cases referred to in Section 109i Subsections (c) and (d), the Chamber shall decide on the proposal of the Government within the period of 6 months since the announcement of the draft decision of the European Union authority to the parliaments of the Member States in line with the procedure set by the European Union law.

#### **§ 109k**

(1) Merely the proposal on rejection of the proposal of the Government or the proposal on adjournment of its deliberation may be submitted in the debate.

(2) Having finished the debate, the Chamber first takes a vote on the submitted proposal on rejection. If no proposal on rejection was not approved by the Chamber or if no such a proposal was submitted, the Chamber shall resolve whether it approves the proposal of the Government.

(3) The President of the Chamber shall communicate the results of the deliberation to the Government and the President of the Senate immediately.

(4) In cases set forth in Section 109i Subsections (c) and (d), timely rejection of the proposal of the Government by the Chamber shall be deemed an expression of disapproval of the draft decision of the European Union authority as foreseen in the European Union law<sup>39a</sup>. The President of the Chamber shall notify the Government, the President of the Senate, the President of the Council, the President of the European Council and the President of the European Commission immediately thereof.

Consent of the Chamber with Decisions of the European Council to amend provisions of part Three of the Treaty on the Functioning of the European Union

#### **§ 109l**

(1) The approval of decisions by the European Council amending Part Three of the Treaty on the Functioning of the European Union pursuant to Section 48 paragraph (6) of the Treaty on European Union requires the consent of the Chamber.

(2) Proposal for the consent of the Chamber with the decisions of the European Council pursuant to paragraph 1 is submitted by the Government. The decision of the European Council is submitted with a valid wording of the relevant part of the Treaty on the Functioning of the European Union with the proposed changes and amendments marked therein. The deliberation of the proposal of the Government in the Chamber shall be governed by the provisions on the deliberation of international treaties accordingly.

(3) The President of the Chamber shall communicate the results of deliberation to the Government and the President of the Senate immediately.

## **Part Fifteen A**

### **EXPEDITED DELIBERATION IN MATTERS RELATED TO THE SECURITY OF THE CZECH REPUBLIC**

#### **§ 109m**

1. If a proposal is tabled in the Chamber of Deputies pertaining to:

a) declaring a state of war,

b) declaring a state of emergency,

c) expressing consent with the prolongation of a state of emergency,

d) terminating a state of emergency prior to the lapse of the time for which it was declared,

e) expressing consent with the sending of Czech military forces abroad or with the presence of foreign military forces on Czech territory, or approving the participation of the Czech Republic in common defense systems of an international organization of which the Czech Republic is a member, if the proposal was tabled during a state of emergency or during a state of war,

the Chamber of Deputies shall resolve on that proposal in expedited proceedings.

(2) In order to deliberate a proposal tabled according to paragraph 1 above, the President of the Chamber of Deputies shall convene a meeting of the Chamber of Deputies without delay. If a meeting of the Chamber of Deputies is already taking place, the deliberation of the tabled proposal shall be added to the meeting agenda as a matter of priority. Article 51(6), 53, 54(4)(second to eighth sentences), 54(6)-(7), 59(1)-(2), 60, and the provision regarding the time delay of 24 hours in article 57(1) and the provision regarding the time for deliberation in article 95a, 111(1), 112(4) do not apply to such expedited proceedings.

(3) In the course of expedited proceedings according to paragraph 1 above, committee deliberation of the tabled proposal do not take place. A Deputy may address the plenary at most twice in the course of the debate that is held regarding the tabled proposal. The Chamber of Deputies may limit the time for a Deputy to address the plenary session to no less than 5 minutes.

## Part Sixteen

### Interpellations

#### § 110

(1) Every Deputy is entitled to question the government or any of its members about the issues falling within their competence.

(2) Interpellations may be presented by the Deputies verbally at the Chamber's meetings or in writing to the President of the Chamber of Deputies.

#### § 111

##### Verbal Interpellations

(1) The Chamber of Deputies shall reserve the period between 2:30 p.m. and 6:00 p.m. on every Thursday (Article 54, Section 4) that is also its meeting day for verbal interpellations. In particular, the period between 2:30 p.m. and 4:00 p.m. shall be reserved for verbal interpellations designated for the Prime Minister and the period between 4:00 p.m. and 6:00 p.m. – or between the last interpellation designated for the Prime Minister and 6:00 p.m., if the verbal interpellations designated for the Prime Minister are completed before 4:00 p.m. – shall be reserved for verbal interpellations designated for other cabinet members. The last interpellation may be presented at 5:55 p.m. at the latest.

(2) The Deputies may register their verbal interpellations with the President of the Chamber of Deputies in writing on the day on which they are to be presented at 11:00 a.m. at the latest (Article 54, Section 4). When registering their interpellations, the Deputies shall also announce the subject to which their interpellations refer. If a Deputy wants to present more than one verbal interpellation, he shall separate those designated for the Prime Minister and those designated for other cabinet members, creating two groups and numbering the interpellations in each of them.

(3) The order of all registered interpellations shall be drawn at 11:30 a.m. on the day they are to be presented as follows: first, the order of all registrations to verbal interpellations marked with number one, and then the order of registrations to verbal interpellations marked with number two, and so on until all registrations have been processed in this way.

(4) The Deputies not present at the Chamber when it is their turn to speak lose the right to present their interpellations at the given moment and their registration is cancelled. The registration of all Deputies not able to present their interpellations within the time limit specified in Section 1 shall expire.

(5) Each verbal interpellation is answered by the Prime Minister or another questioned cabinet member immediately after its presentation. After that, additional questions may be asked by the same Deputy. All such questions are also answered immediately.

(6) The presentation of any verbal interpellation may not exceed 2 minutes and the presentation of any additional question may not exceed 1 minute. The presentation of answers to verbal interpellations may not exceed 5 minutes and the presentation of additional answers may not exceed 2 minutes. It is not possible to present interpellations after the time limits specified in Section 1; however, it is possible to ask an additional question concerning the last presented interpellation even after the end of the aforementioned time limits.

(7) If the person to be questioned is not present or if he states that it is not possible to respond to a verbal interpellation or to an additional question immediately, an answer shall be provided in writing within 30 days.

#### **§ 112**

##### Written Interpellations

- (1) All written interpellations are sent by the President of the Chamber of Deputies to the Prime Minister of the relevant cabinet member immediately.
- (2) All written interpellations are answered by the government or the relevant cabinet member verbally at the Chamber's meeting or in writing within 30 days following their presentation.
- (3) Should the government or any of its members fail to meet their interpellation-related obligations specified in Section 2, the Deputy concerned may report this fact to the President of the Chamber of Deputies who will inform the Chamber of Deputies at its next meeting.
- (4) Any Deputy not satisfied with the answer to his interpellation may ask the President of the Chamber of Deputies to include it in the relevant daily programme of the Chamber's meeting (Article 54, Section 4). If such a request is made, the written interpellation and answer to it is delivered to all Deputies. The President of the Chamber of Deputies schedules the deliberation of the written interpellation for the first next meeting of the Chamber of Deputies on the meeting day falling on a Thursday between 9:00 and 11:00 AM.
- (5) The answer to any written interpellation included in the Chamber's programme shall be discussed. On the motion of the author of such interpellation the Chamber of Deputies may express its affirmative or negative opinion in the form of a resolution. If the Chamber's resolution features a negative opinion, the questioned cabinet member shall produce a new response within 30 days.
- (6) The answer to an interpellation whose author is not present at the Chamber shall not be discussed. In addition, no resolution on such an answer shall be adopted and no further debate shall be held by the Chamber of Deputies.

## **Part Seventeen**

### **Petitions and other Proposals Presented by Citizens**

#### **§ 113**

##### Petitions

- (1) All petitions addressed to the Chamber of Deputies or its bodies and officials shall be forwarded to the Committee on Petitions. The Committee on Petitions shall assess whether they meet the conditions specified by the Act on Petitions<sup>14</sup>. A copy of any petition not falling within the competence of the Committee on Petitions shall be forwarded to the body of the Chamber of Deputies competent to deal with the petition.
- (2) The competent body of the Chamber of Deputies shall decide whether to question the petition's author or a representative of the petition committee presenting the petition and whether to report its content to the relevant cabinet member, director of another public administration authority or representative of a self-governing territorial unit.
- (3) At the end of the aforementioned process the competent body of the Chamber of Deputies shall inform the person/subject presenting the petition. The body's statement shall feature its opinion on the petition and the way of its processing. One copy of the statement is forwarded to the Committee on Petitions.
- (4) The Committee on Petitions presents reports on all received petitions, their content and the way of their processing to the Chamber of Deputies. In each report, the Committee shall above all specify by whom the petitions were presented, when they were delivered, what they concerned and by whom, when and how they were discussed and dealt with. Unless specified otherwise by the Chamber of Deputies, the Committee shall present its report for the first half of each year by 15 August of the same year and for the second half of each year by 15 February of the following year at the latest.
- (5) The Chamber of Deputies may ask the Committee on Petitions at any time to present a current report on the content and the way of processing of all presented petitions.

#### **§ 114**

##### Other Proposals Presented by Citizens

All proposals not classified as petitions shall be forwarded by the Committee on Petitions to the Office of the Chamber of Deputies. The Office shall forward them to individual competent committees or commissions or to relevant authorities or institutions. The author(s) of each proposal shall always be informed of its processing or forwarding.

## **Part Eighteen**

### **Election and Nomination Methods**

#### § 115

(1) The officials of the Chamber of Deputies, its individual committees and commissions and the Commission of Inquiry are elected in accordance with the principle of majority; the same principle is applied to the election of the Chamber's bodies established in accordance with the law and its officials<sup>15)</sup>.

(2) All committees are established in accordance with the principle of proportional representation, unless specified otherwise by this act of law.

(3) The Chamber of Deputies decides which commissions will be established in accordance with the principle of proportional representation and which will be elected in accordance with the principle of majority; it also determines the method(s) of election of its Commissions of Inquiry.

(4) The officials and bodies elected by the Chamber of Deputies in compliance with special legal regulations<sup>16)</sup> are also elected in accordance with the principle of majority.

#### § 116

(1) The candidates for the posts of the President of the Chamber of Deputies and vice-presidents, the chairpersons of the Chamber's committees and commissions and the Chamber's verifiers are nominated in writing by individual political groups; the political groups also nominate the members of the Chamber's committees and commissions and propose their numbers.

(2) The members of the Electoral Commission are nominated by individual political groups. The Electoral Commission is established in compliance with the principle of proportional representation by a group of Deputies delegated by individual political groups pursuant to the principle of parity. The members of the Electoral Commission take up their posts after the Chamber's acknowledgment of the Commission's establishment.

(3) The Electoral Commission proceeds in compliance with the Rules of Electoral Procedure attached to this act of law as Appendix No. 2. The Rules of Electoral Procedure feature detailed regulations governing the elections taking place in the Chamber of Deputies and the nominations requiring the Chamber's consent.

## Part Nineteen

### The Office of the Chamber of Deputies

#### § 117

The Tasks of the Office of the Chamber of Deputies

(1) The Office of the Chamber of Deputies provides professional, organizational and technical support for the activities carried out by the Chamber of Deputies, its bodies and offices, the Deputies, political groups and the members of the European Parliament elected within the territory of the Czech Republic.

(2) The Office of the Chamber of Deputies is an organization funded from the State Budget. As a part of its duties, it manages the Chamber's budget, representing the Chamber and acquiring rights and making obligations on its behalf in various areas, including economic, labor, legal and other relations.

(3) The Office of the Chamber of Deputies is managed by Secretary General who is responsible for all activities to the President of the Chamber of Deputies.

(4) The Organizational Chart of the Office of the Chamber of Deputies, designed by the Secretary General and published by the Steering Committee, specifies its organization and tasks.

#### § 118

Selected Employment-Related Provisions

(1) The employees of the Office of the Chamber of Deputies and the Office of the Chamber of Deputies usually conclude standard employment contracts. In exceptional cases, it is possible to conclude other types of contracts, such as contracts on work, etc. All labor relations are governed by the Labor Code and other labor-related regulations, unless specified otherwise by this act of law.

(2) The salary and standby compensation of the employees of the Office of the Chamber of Deputies are determined by a special act of law<sup>17)</sup> and the Salary Code of the Office of the Chamber of Deputies. The Salary Code of the Office of the Chamber of Deputies is designed by the Secretary General and issued by the Committee on the Budget.

(3) The Secretary General of the Chamber of Deputies is appointed and recalled by the President of the Chamber of Deputies, upon approval of the President's proposal by the Steering Committee. All other employees of the Office of the Chamber of Deputies are recruited by the Secretary General.



# Part Twenty

## The Parliamentary Guard

### § 119

(1) The building in which the Chamber of Deputies is located or in which the Chamber of Deputies meets is guarded by the Parliamentary Guard. The Parliamentary Guard is in charge of security and order.

(2) The tasks, organization and management of the Parliamentary Guard, including the rights and obligations of its members, are specified by a special act of law.

# Part Twenty-One

## General, Transitional and Concluding Provisions

### § 120

(1) All written source materials designated for the Chamber's meetings (printouts) and shorthand reports on the Chamber's meetings featuring all addresses, adopted resolutions and voting results are regarded as publications of the Chamber of Deputies.

(2) All publications of the Chamber of Deputies are public; it is possible to search in them or make duplicates and excerpts in the Office of the Chamber of Deputies.

(3) Publications of the Chamber of Deputies are made public in electronic format.

### § 120a

(1) Chamber of Deputies documents are delivered to Deputies by means of publication in electronic format.

(2) The date, hour and minute of publication is published together with the Chamber of Deputies document in electronic format. This time is considered as the moment on which the document was delivered to all Deputies. Posterior interruptions in remote access to the electronic version of the Chamber of Deputies document have no effect on the running of time limits according to this Act, unless the Chamber of Deputies resolves otherwise, in special situations which so warrant.

(3) If any corrections or other changes are made to a Chamber of Deputies document which has been delivered to Deputies, the document is delivered to them again. The time periods according to this Act shall commence anew in such a case; paragraphs 1 and 2 shall apply *mutatis mutandis*.

(4) In case of any discrepancy between a Chamber of Deputies document in paper and electronic format, the electronic version shall prevail.

(5) Publication in electronic format shall, for the purposes of this Act, mean publication in a manner which allows remote access, which is ensured by the Chancellery of the Chamber of Deputies.

### § 120b

(1) Bills, international treaties, government opinions, reports, information and other materials for the deliberations of the Chamber of Deputies are tabled with the President of the Chamber of Deputies in three hard copies and in one electronic copy.

(2) Where this Act requires a proposal to be submitted in writing, the party submitting it shall submit it in hard copy and in electronic format.

### § 120c

(1) Submitting an electronic copy of any material shall be read to mean as submitting to the Chancellery of the Chamber of Deputies, which is responsible for publication of documents in electronic format, an electronic copy in a format which allows for publication, in accordance with this Act, without any further modifications.

(2) The party submitting such a material shall be bound to inquire with the Chancellery of the Chamber of Deputies what the technical requirements are for submitting any material in hard copy and in electronic format, so that the requirement set in paragraph 1 above can be met.

(3) If a copy submitted in hard copy or electronic format does not fulfil the requirements set by this Act, it shall be considered that it was not submitted; the President of the Chamber of Deputies shall request the party making the submission to remedy any deficiencies within 5 working days of the date of original submission.

#### **§ 120d**

(1) When necessary, the Chamber of Deputies shall declare an extraordinary situation in connection with delivery of Chamber of Deputies documents.

(2) For the duration of the extraordinary situation, written proposals are submitted, and Chamber of Deputies documents are delivered to Deputies only in hard copy. A written proposal or Chamber of Deputies document which was not delivered in hard copy to Deputies can not be deliberated for the duration of the extraordinary situation.

(3) The President of the Chamber of Deputies shall terminate the extraordinary situation if the reasons for its declaration have ceased to persist. If the President of the Chamber of Deputies does not do so, the Chamber of Deputies shall terminate the extraordinary situation.

#### **§ 120e**

Materials for meetings of the Chamber of Deputies that are closed to the public shall be delivered to Deputies and written proposals shall be submitted only in hard copy. In managing documents containing classified information, special acts of law pertaining to the protection of classified information shall be respected.

#### **§ 121**

(1) In a new electoral term the Chamber cannot deliberate any proposals that have not been discussed and decided upon in its previous electoral term. With the exception of a provision that does not apply to proposals and motions that may be decided pursuant to a constitutional act by the Senate after the Chamber's dissolution, and proposals of the Government pursuant to Section 109i.

(2) Should the Deputy lose his mandate, his proposals therefore cannot be discussed.

#### **§ 122**

(1) All bills presented to the Chamber of Deputies prior to the effective date of this act of law shall be discussed in compliance with previous regulations<sup>18)</sup>.

(2) The President of the Chamber of Deputies shall communicate the opinion of the Chamber of Deputies on the principles of all acts of law considered as of the effective date of this act of law to their sponsors; the other presented principles shall not be discussed.

#### **§ 123**

The Chamber's bodies and its officials, the Chamber's officials and verifiers and all political groups and their officials elected or appointed in compliance with previous legal regulations<sup>18)</sup> are regarded as bodies and officials elected and appointed in compliance with this act of law.

#### **§ 124**

Until the adoption of an Act on the Parliamentary Guard, all functions of the Parliamentary Guard shall be carried out by the Police of the Czech Republic.

#### **§ 125**

Smoking is prohibited within all common premises of the Chamber of Deputies. Smoking is allowed only in the smoking room selected by the Office of the Chamber of Deputies and marked and equipped as such.

#### **§ 126**

Until the adoption of an Act on the Rules of Procedure of the Senate, this act of law shall be applied to the Senate's activities accordingly.

#### **§ 127**

Act No. 371/1990 Coll. of the Czech National Council on the salaries and expense compensation of the members of the Czech National Council, as amended by Act No. 267/1991 Coll. of the Czech National Council, Act No. 10/1993 Coll. of the Czech National Council and Act No. 331/1993 Coll., is amended as follows:

"Part Five, including its heading, is deleted".

#### **§ 128**

Annuling Provisions

The following acts of law are annulled:

1. Act No. 35/1989 Coll. of the Czech National Council on the Rules of Procedure of the Czech National Council, as amended by Act No. 249/1990 Coll. of the Czech National Council, Act No. 97/1991 Coll. of the Czech National Council, Act No. 280/1991 Coll. of the Czech National Council and Act No. 42/1993 Coll. of the Czech National Council.
2. Act No. 36/1989 Coll. of the Czech National Council on the members of the Czech National Council, as amended by Act No. 371/1990 Coll. of the Czech National Council and Act No. 280/1991 Coll. of the Czech National Council.

**§ 129**

Effective Date

This act of law shall become effective on 1 August 1995.

Footnotes:

- <sup>1)</sup> Article 44, Section 7, of Act No. 54/1990 Coll. of the Czech National Council on the elections to the Czech National Council.
- <sup>2)</sup> Article 92 of Act No. 182/1993 Coll. on the Constitutional Court of Justice.
- <sup>3)</sup> Article 6, Section 7 of Act No. 84/1990 Coll. on the right to hold public meetings. Article 6 of Act No. 85/1990 Coll. on petitions.
- <sup>4)</sup> For instance, Act No. 102/1971 Coll. on the protection of state secrets, as amended, Act No. 256/1992 Coll. on the protection of personal data in information systems, Act No. 337/1992 Coll. of the Czech National Council on the administration of taxes and charges, as amended.
- <sup>4a)</sup> Article 71, Subsection d) of Act No. 200/1990 Coll. on offences, as amended.
- <sup>5)</sup> Article 68 of Act No. 200/1990 Coll. of the Czech National Council on offences.
- <sup>6)</sup> For instance, Act No. 200/1990 Coll. of the Czech National Council, as amended, Act No. 13/1993 Coll. of the Czech National Council, the Customs Act, as amended by Act No. 35/1993 Coll. of the Czech National Council, Act No. 528/1990 Coll., the Foreign Exchange Act, as amended.
- <sup>7)</sup> For instance, Act No. 484/1991 Coll. of the Czech National Council on the Czech Radio, as amended, Act No. 483/1991 Coll. of the Czech National Council on the Czech Television, as amended, Act No. 367/1990 Coll. of the Czech National Council on municipalities (municipal establishment), as amended, Act No. 418/1990 Coll. of the Czech National Council on the City of Prague, as amended, Act No. 102/1971 Coll., as amended.
- <sup>8)</sup> Article No. 39 Section 4 of the Constitution.
- <sup>9)</sup> Article No. 39 Section 3 of the Constitution.
- <sup>10)</sup> Article No. 47 Section 1 of the Constitution.
- <sup>11)</sup> Article No. 50 Section 2 of the Constitution.
- <sup>12)</sup> Article No. 72 Section 2 of the Constitution.
- <sup>12a)</sup> Article No. 65 Section 3 of the Constitution..
- <sup>13)</sup> Act No. 545/1992 Coll. of the Czech National Council on the Collection of Laws of the Czech Republic.
- <sup>13a)</sup> Article 48 paragraph (7) of the Treaty on European Union.  
Article 81 paragraph (3) of the Treaty on the Functioning of the European Union.
- <sup>14)</sup> Act No. 85/1990 Coll.
- <sup>15)</sup> For instance, Articles 18 through 21 of Act No. 154/1994 Coll. on the Czech Security Information Service.
- <sup>16)</sup> For instance, Act No. 166/1993 Coll. on the Supreme Audit Office, as amended, Act No. 103/1992 Coll. of the Czech National Council on the Council for Radio and TV Broadcasting, as amended, Act No. 484/1991 Coll. of the Czech National Council, Act No. 483/1991 Coll. of the Czech National Council.
- <sup>17)</sup> Act No. 143/1992 Coll. on the salaries and standby compensations in organizations funded from the State Budget and other selected organizations and bodies, as amended.
- <sup>18)</sup> Act No. 35/1989 Coll. of the Czech National Council on the Rules of Procedure of the Czech National Council, as amended.

# Appendix No. 1

## The Rules of Procedure of the Commissions of Inquiry

### Article 1

#### General Provisions

- (1) Each Commission of Inquiry (hereinafter only the "Commission") is formed by its chairperson, vice-chairperson, verifiers and other members.
- (2) The Commission elects one vice-chairperson and two verifiers. Either of the personnel may also be dismissed by the Commission.
- (3) The Commission's vice-chairperson and verifiers must be elected and/or dismissed by a simple majority of all its members.
- (4) The Commission's members may not be represented by another person.
- (5) All organizational and administrative tasks are taken care of by the Commission's secretary, who is not a member of it; the secretary is appointed and recalled by the Commission's chairperson after consultations with the Chamber's Secretary General.

### Article 2

#### The Commission's Chairperson

- (1) The Commission's chairperson above all
  - a) summons, opens, directs and ends its meetings,
  - b) proposes the programme of its meetings,
  - c) organizes its activities,
  - d) takes responsibility for its activities in relation to the Chamber of Deputies (hereinafter only the "Chamber"),
  - e) represents it in relation to external subjects,
  - f) fulfils other tasks specified by the Commission.
- (2) If asked to do so by the President of the Chamber of Deputies or by at least two-fifths of the Commission's members, the Commission's chairperson shall summon a meeting within 15 days following his receipt of such a request. Each request must feature the proposed programme of the Commission's meeting.

### Article 3

#### The Commission's Vice-Chairperson

The Commission's vice-chairperson deputizes for its chairperson. When doing so, the Commission's vice-chairperson shall have the same rights and obligations as the Commission's chairperson, excluding those expressly reserved by the Commission's chairperson.

### Article 4

#### The Commission's Secretary

The Commission's secretary above all

- a) takes care of all organizational aspects of the Commission's activities, especially of the course and preparation of its individual meetings,

b) takes responsibility for the elaboration of meeting records and their distribution among all members of the Commission,

c) records all measures and tasks adopted at the Commission's meetings and informs the Commission of their implementation and fulfillment in accordance with instructions received from the Commission's chairperson,

d) takes care of all relations with the Office of the Chamber of Deputies.

## Article 5

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### Basic Principles of the Commission's Meetings

(1) If the Commission's chairperson and vice-chairperson are absent, its meetings shall be summoned, opened, directed and ended by one of its members appointed by the Commission or the Commission's chairperson.

(2) The Commission's meetings are open to the public. If the Commission decides to close any meeting or any part thereof to the public, such meeting shall be attended only by the Commission's members. Other personnel, especially those investigated by the Commission, witnesses, experts, interpreters and other professionals or technicians may be present at or take part in a meeting closed to the public only with the Commission's consent or if their presence or participation is specified by the law.

(3) The Commission shall quickly discuss the issue that is to be investigated and present its findings, together with a recommendation, to the Chamber.

(4) All members of the Commission must be informed of its meetings at least three days in advance.

(5) The Commission tries to establish facts on which its decision could be based. The Commission is obligated to determine all circumstances very carefully, securing evidence on its own accord and/or on the motion of other parties.

(6) The Commission's members assess any and all evidence in accordance with their own opinion based on careful consideration of all circumstances, both individually and as a whole.

(7) The testimony of the person whose activities are the subject of the Commission's investigation does not affect the Commission's obligation to review all circumstances of the investigated issue.

(8) All proceedings before the Commission are verbal.

(9) When adopting its decisions, the Commission shall take into account only the presented evidence.

(10) The Commission shall inform all witnesses, experts and other personnel of their rights and obligations at any stage of its investigation; the Commission shall enable all aforementioned personnel to exercise their rights.

(11) The Commission shall make sure that the personnel taking part refrain from anything that could disrupt or decry the course of proceedings.

(12) The Commission collaborates above all with ministries, other public administration authorities, public prosecution offices and the councils of territorial self-governing units.

## Article 6

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### Provision of Information

(1) When holding meetings closed to the public, the Commission provides information above all through the media, making sure that its clarification of all facts related to the investigated issue is not jeopardized, that the information published about the personnel taking part in its investigation cannot damage such personnel frivolously and that no information not related directly to the investigated issue is published.

(2) Because of the reasons specified in Section 1 herein, the Commission may refuse to provide information.

(3) The provisions of Section 1 herein in no way affect the obligation to protect all state, economic and professional secrets and to observe all confidence-related regulations specified and/or acknowledged by the state.

### Article 7

#### Voting

(1) The Commission decides on every proposal through a ballot. The particular method is proposed by the Commission's chairperson. The vote may be open or secret, with the Commission's members voting by raising their hands or by using voting papers.

(2) The vote is overseen by the person chairing the Commission's meeting who is obligated to inform the Commission that the vote is about to take place.

(3) The Commission constitutes a quorum if at least one-third of all its members are present. In order to become valid, each resolution must be voted for by a simple majority of all present members.

(4) When announcing the result of the vote, the Commission's chairperson shall state the number of the Commission's members present, the amount of votes for and against the resolution in question and whether or not the resolution has been passed.

(5) Any member of the Commission may object to the method or the result of the vote in its course or immediately afterwards. Any such objection shall be decided on by the Commission without debate.

(6) If the Commission accommodates the objection, the vote must be retaken.

(7) The Commission adopts a resolution on the result of every discussion that is to be signed by its chairperson and verifier.

## Article 8

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(1) Any member may present a proposal concerning the Commission's programme or any of the issues to be discussed. Each proposal must be clearly formulated and specify what resolution should be adopted. The Commission's chairperson may ask such member to supply more details or to present his proposal in writing.

(2) A Deputy may withdraw his proposal at any time before it is voted on. After that, a proposal may be withdrawn only with the Commission's consent.

### Article 9

(1) The Commission may change the order of the items to be discussed, combine individual items or cancel any item at any time during its meeting without debate; the Commission may also suspend any debate and adjourn it.

(2) The Commission may vote on suspension of any meeting without debate. At the same time, the Commission may specify when such meeting will be resumed.

## Article 10

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(1) All members of the Commission are entitled to speak and present proposals in their native languages.

(2) Any address of any member of the Commission not presented in Czech shall be translated into Czech if such translation is requested by at least one member of the Commission. All written proposals presented in other languages shall be translated into Czech. The use of an interpreter shall be determined by the Commission.

(3) If another speaker cannot speak Czech, the provisions of Section 2 shall be applied accordingly.

(4) The appointment of an interpreter, his qualification, the exclusion of an interpreter, the right to refuse to translate, the oath taken and the information received by an interpreter before his provision of translation services, the reimbursement of cash expenses and the remuneration for translation services are governed by special regulations<sup>1)</sup>.

## Article 11

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### Meeting Minutes

(1) All meetings of the Commission shall be recorded in stenographic or audio format.

(2) Each record shall feature the programme of the Commission's meeting, the name of its chairperson, the names of all speakers and the result(s) of the Commission's voting. Attached to the record shall be all presented written proposals, elaborated protocols and adopted resolutions and declarations as well as all other documents discussed by the Commission.

(3) Each record, verified by the Commission's verifier, shall be authorized and signed by the Commission's chairperson within seven days. Each verified record, including all attachments, shall be forwarded within two months after the end of the given meeting for archiving.

(4) Each record, including all attachments, is available to the public. It may be duplicated and used to produce excerpts. However, the records of meetings or parts thereof closed to the public, including their attachments, may only be searched by the Commission's members. The same provision applies to duplication and production of excerpts. In such cases, however, the Commission may decide to also allow other personnel to search in meeting records, including their attachments, and/or to duplicate them and produce excerpts.

(5) All corrections or amendments of meeting records or other records as well as all objections against such records fall within the Commission's competence; the Commission's decision is final.

(6) The Commission's chairperson is entitled to correct spelling errors or other obvious mistakes in meeting records or other records. The original version, however, must remain readable. Each correction must be signed by the Commission's chairperson and verifier.

## Witnesses

### The Obligation to Testify

#### Article 12

At the Commission's summons everybody is obligated to testify as a witness about facts related to the issue investigated or about circumstances important for investigation purposes.

## Article 13

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In the course of meetings closed to the public or parts thereof the summoned witnesses may be questioned even about classified facts<sup>2</sup>. The provisions of special regulations on the obligation to keep all classified information confidential and the exemption from this obligation<sup>3</sup> shall not be applied to interrogations of witnesses before the Commission.

#### Article 14

### Interrogation Prohibition

(1) No witness bound by any confidentiality obligation specified or acknowledged by the state may be interrogated, unless he is released from such obligation by a competent body or by the subject protected by such obligation.

(2) The provision of Section 1 herein does not apply to testimonies concerning criminal offences that are subject to notification duty pursuant to the Criminal Code.

## Article 15

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### The Right to Refuse to Testify

(1) The right to refuse to testify as a witness applies to any relative of the person whose actions are being investigated by the Commission in direct line of descent, his sibling, adoptive parent, adoptive child, spouse and partner; if several persons are being investigated and a witness is related in the aforementioned way to one of them only, he shall be entitled to refuse to testify against the remaining persons only on condition that his testimony concerning such persons cannot be separated from his testimony concerning the person to which he is related.

(2) A witness shall also be entitled to refuse to testify if his testimony might result in criminal proceedings against himself, his relative in direct line of descent, sibling, adoptive parent, adoptive child, spouse or partner, other persons that are members of his family or other persons in a similar relation whose prejudice could be rightfully regarded as his own.

(3) However, a witness may not refuse to testify in a criminal case if his testimony is regarded as notification duty in compliance with the Criminal Code.

## The Interrogation of a Witness

#### Article 16

(1) Before questioning any witness, it is always necessary to establish his identity and his relation to the person whose activities are being investigated by the Commission, to inform him of his right to refuse to testify, the right to proceed accordingly to Article 55, Section 2 of the Criminal Code and – if necessary – of the prohibition of interrogation, and to warn him that he is obligated to state the whole truth and to withhold no information. Every witness must also be informed of the importance of his testimony in terms of public interest and of all possible criminal consequences of a false statement. If a person younger than fifteen years of age is to be questioned, he must be informed accordingly to his age.

(2) At the beginning of interrogation each witness must be asked about his relation to the discussed issue and the persons taking part in proceedings and also about other important facts establishing his credibility, as necessary. Each witness must be given an opportunity to state everything he knows about the discussed issue and where he learnt about the presented facts without interruption.

(3) Each witness may be asked additional questions eliminating possible discrepancies or clarifying and completing his testimony. It is prohibited to ask questions already containing answers that are to be established from his testimony.

(4) If necessary, any witness may be asked to provide a specimen of his handwriting.

## Article 17

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The Commission's decision stating that there is no reason to produce an interrogation protocol in accordance with the provisions of Article 55, Section 2 of the Rules of Criminal Procedure shall be final.

## Article 18

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(1) If a person younger than fifteen years of age is to be questioned as a witness of circumstances whose recollection might have a negative effect on his psychical and moral development because of his age, the interrogation must be conducted very delicately and in a way ensuring that the questioning will be repeated only in exceptional cases; the interrogation should be attended by a pedagogue or another specialist experienced in the area of education of young people whose task is to coordinate the process of questioning with regards to the level of intellectual development of the interrogated person. If necessary and/or desirable, the person's parents may also be present.

(2) Any such person should be questioned again in exceptional cases only. If necessary, the professional presented to the interrogation may also be asked by the Commission to verify whether the resulting record is complete and correct and to testify about the way the interrogation has been conducted and about the character of the interrogated person's answers.

## Article 19

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### **Witness Fee**

(1) Every witness is entitled to be compensated for his necessary expenses and lost earnings. This entitlement shall expire if it is not claimed by the witness from the Commission within three days following his participation in proceedings or three days after he is informed that no proceedings are taking place; each witness must be informed of this fact.

(2) The amount of compensation for necessary expenses and lost earnings shall be specified by the Commission's chairperson.

## Article 20

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### **Surrender of Items**

(1) Anyone holding an item important for the purpose of investigation must present it at the Commission's request; if it is necessary to secure such item, its holder shall surrender it at the Commission's request. The holder must be warned that should he fail to accommodate the Commission's request, he might become subject to judicial proceedings.

(2) The obligation defined in Section 1 herein shall not apply to documents whose content is subject to interrogation prohibition (Article 14), unless the witness is released from his obligation to keep classified information confidential.

(3) Only the Commission's chairperson is entitled to request the surrender of such items.

(4) If a surrendered item is no longer necessary, it shall be returned to its original holder. Articles 80 and 81 of the Criminal Code shall be applied to this process accordingly.



## Experts

### Article 21

#### The Use of an Expert

(1) The Commission may decide to use an expert if the explanation of important details requires expert knowledge. In simple cases the Commission may use a professional verification or a written expert opinion whose correctness is not questioned instead.

(2) Each expert must be informed in the Commission's summons that he is obligated to report any and all facts excluding him or otherwise preventing him from providing expert services in the given case immediately. Every expert must also be informed of the importance of his opinion in terms of public interest and of all possible criminal consequences of a false statement or a deliberately untrue expert opinion.

## Article 22

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#### The Preparation of an Expert Opinion

(1) The Commission shall give the expert all necessary information from the file and determine his tasks. If necessary, the Commission shall allow the expert to search even in files related to proceedings closed to the public or lend such files to the expert. In addition, the Commission may allow the expert to be present when the person whose activities are being investigated and/or individual witnesses are questioned even if such questioning or a part thereof is closed to the public. The Commission may also allow the expert to question the person whose activities are being investigated and/or individual witnesses about the subject of his expert opinion.

(2) The Commission usually asks the expert to produce his opinion in writing.

## Article 23

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#### The Interrogation of an Expert

An expert may only refer to his expert opinion and to confirm it during the Commission's interrogation if such expert opinion has been produced in writing. Otherwise, the expert shall dictate his opinion to the protocol as a part of his testimony.

### Article 24

#### Defective Expert Opinions

If having doubts concerning any expert opinion or if regarding any expert opinion as unclear or incomplete, the Commission shall ask its author for an explanation. If not satisfied with his explanation, the Commission shall use another expert.

### Article 25

#### Institutional Expert Opinions

(1) In exceptional, especially complicated cases, requiring highly qualified opinions the Commission may decide to use a state authority or a state institute to provide an expert opinion or to review an expert opinion provided by an expert.

(2) The opinion of every state authority or state institute shall be provided in writing. It shall also feature the name of its author, so he can be summoned by the Commission to testify, if necessary.

## Article 26

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The appointment of an expert, his qualification, the exclusion of an expert, the right to refuse to produce an expert opinion, the oath taken and the information received by an expert before his provision of services, the reimbursement of cash expenses and the remuneration for his services (surveyor's fee) are governed by special regulations<sup>1)</sup>.

## Summons and Arraignment

### Article 27

(1) If a witness – although duly summoned – fails to appear, without excusing himself, he may be arraigned. Each witness must be informed of this fact as well as of other consequences of his failure to appear in the Commission's summons. If necessary, the Commission shall ask the relevant police authority to arraign such a witness<sup>4</sup>.

(2) If a member of the Armed Services or another armed force in active service fails to appear, the Commission shall ask his commanding officer to state the reason of such a situation and/or to have him arraigned.

(3) If wishing to summon a person serving a term of imprisonment or held in custody, the Commission shall contact the relevant prison or remand prison and send an arraignment request. If such person is held in custody because of another matter, the Commission must enclose a written consent issued by the relevant prosecutor, presiding judge or single judge.

(4) A hospital in-patient shall be summoned through the medical facility which shall also ensure his arraignment. If the security of medical facility employees so requires, the medical facility shall itself adopt all measures to ensure the safety of its employees in the course of arraignment of such a person.

## Delivery

### Article 28

(1) All written documents not delivered in the course of the Commission's meeting are usually delivered by post.

(2) If necessary, especially in the case of arraignment, if personal delivery through another method is not successful and the consignment cannot be left at a post office for collection by its addressee or if further delays may result in obstruction of legal proceedings, the Commission may ask the Police<sup>4</sup> or local authorities for assistance.

(3) If the addressee is not reached even though he stays/works at the place of delivery, documents may be accepted by another adult living in the same flat or house or working at the same workplace and willing to secure their delivery.

(4) If no such person is available, documents shall be deposited and their addressee shall be informed in a suitable way that they are ready for collection. The documents shall be regarded as delivered on the date of their deposition regardless of whether the addressee learns about it or not.

## Article 29

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(1) Personal delivery is required in the following cases:

- a) summons to the Commission's meeting,
- b) other written documents, if the Commission's chairperson regards this type of delivery as necessary.

(2) If the addressee is absent, the consignment shall be deposited and the addressee informed in a suitable way of where it can be collected.

(3) If personal delivery is required in compliance with Section 1 herein, the consignment cannot be deposited pursuant to section 2 herein.

(4) Any consignment that may not be deposited must be clearly marked as such by its sender.

## Article 30

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(1) Should the addressee refuse to accept any document sent by the Commission, this fact shall be stated on the receipt of delivery, together with the date and reason for such refusal, and returned to the sender.

(2) Should the Commission come to the conclusion that the addressee's refusal has been ungrounded, the document shall be regarded as delivered on the date of its rejection; the addressee must be informed of this consequence.

## Article 31

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(1) Any document designated for a person serving a term of imprisonment or held in custody shall be delivered through the prison or remand prison in which the person is placed.

(2) The persons undergoing hospital treatment are sent documents through the management of the relevant facility. The same provision shall be applied to inmates of foster care homes or other collective facilities for juveniles.

(3) Any document designated for persons enjoying immunities or privileges in accordance with international law and any document sent to a private flat shall be forwarded to and delivered by the Ministry of Justice.

(4) All documents designated for members of the Armed Services and other armed forces in active services, except for those living in collective accommodation facilities of the Armed Services or other armed forces, shall be delivered directly. In all other cases, documents shall be delivered through the addressee's commanding officer. If the addressee's unit is not known, documents shall be delivered through garrison administration; if the garrison administration is not known, documents shall be delivered through the relevant District Army Directorate.

## Protocol

### Article 32

(1) All important acts conducted in the course of investigation, especially all interrogations of witnesses, experts and other personnel, shall be recorded in a protocol, featuring above all the following information:

a) the Commission's title,

b) the place, time and subject of the conducted act,

c) the first name and surname of every person present,

d) brief description of the conducted act and its course,

e) all objections of the present persons against its content.

(2) The testimony of any person not familiar with the Czech language shall be recorded in Czech. If it is important to record the testimony word for word, it should be included in a protocol in Czech as well as in the language used by the questioned person.

(3) In justified cases, if such a procedure is approved by the Commission's chairperson, a testimony may be recorded in a protocol and also in a stenographic form. The stenographic version shall be then attached to the protocol. A testimony may be also recorded in another suitable way, especially on an audio medium. All such records must be archived and this fact stated in the relevant meeting's minutes.

(4) Each protocol must be signed immediately by the person supervising the process of questioning and the questioned person, and, if possible, also by the person actually asking the questions. If the protocol consists of more than one page, it is necessary to sign all of them. If the questioned person or any other person refuses to sign the protocol, this fact must be stated therein, together with such person's reason(s).

(5) The provisions of Article 11, Sections 3, 4 and 6 shall be applied to the process of archiving of protocols, their availability to uninvolved persons, production of duplicates and excerpts and correction of errors and mistakes accordingly.

(6) Each protocol must be dictated clearly and aloud. The questioned person, especially if such a person is an expert, may be allowed by the Commission's chairperson to dictate his testimony directly to a protocol. This fact, however, must be included in the protocol.

### Footnotes:

<sup>1)</sup> Act No. 36/1967 Coll. on experts and interpreters.

<sup>2)</sup> Act No. 102/1971 Coll. on the protection of state secrets, as amended.

<sup>3)</sup> Article 13, Subsection a), and Article 16 of Act No. 102/1971 Coll.

<sup>4)</sup> Article 12, Section 2, of the Rules of Criminal Procedure.

## Appendix No. 2

The Rules of Electoral Procedure Applicable to all Elections Organized by the Chamber of Deputies and to all Nominations Requiring the Chamber's Consent

## Article 1

### The Electoral Commission

1. The elections organized by the Chamber of Deputies (hereinafter only the "Chamber") as well as all nominations requiring its consent are prepared by the Electoral Commission of the Chamber of Deputies (hereinafter only the "Electoral Commission"). The elections taking place at the joint session of both houses of the Parliament are organized by the Joint Electoral Commission of the Chamber of Deputies and the Senate (hereinafter only the "Joint Electoral Commission") whose activities are governed by these Rules of Electoral Procedure.
2. The establishment of the Electoral Commission is prepared by a group of Deputies delegated by individual political groups in compliance with the principle of parity. The Commission's proposal is based on the proposals presented by individual political groups.
3. The Electoral Commission is established by the said group of Deputies in compliance with the principle of proportional representation (Article 5, Section 5).
4. The Electoral Commission's chairperson, vice-chairperson and two verifiers are elected out of its members; the election of the Commission's officials is conducted in compliance with the principle of majority.
5. The Electoral Commission constitutes a quorum if a simple majority of all its members is present.
6. In order to become effective, the Electoral Commission's resolutions must be approved by a simple majority of all present members.
7. The Electoral Commission's establishment in compliance with Article 1, Section 3 is reported by its chairperson to the Chamber of Deputies.
8. All elections taking place in the Chamber shall be directed by the chairperson of the Electoral Commission, unless specified otherwise by these Rules of Electoral Procedure.
9. Article 1, Sections 2 through 7 of these Rules of Electoral Procedure shall be applied to the establishment and activities of the Joint Electoral Commission accordingly.

## Article 2

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repealed

## Article 3

### The Election of the Chamber's President and Vice-Presidents and the Chairpersons of the Chamber's Committees and Commissions

1. The candidates for the offices of the President of the Chamber of Deputies and vice-presidents may be nominated by any political group. The candidates for the offices of the chairpersons of the Chamber's committees and commissions may be nominated by any political group and by any Deputy.
2. All candidates for the offices of the President of the Chamber of Deputies and vice-presidents and the chairpersons of the Chamber's committees and commissions must be presented to the Electoral Commission 24 hours before the date of election at the latest.
3. The election may have two rounds at the most.
4. The election shall be regarded as valid if in each round voting tickets are issued for at least one-third of the Deputies.
5. Before the beginning of the vote in each round the Electoral Commission shall check all ballot boxes and seal them. It shall also check whether all voting tickets with the candidates' pre-printed names are ready. The voting tickets for individual ballots have different colors. The Electoral Commission shall also check whether all voting tickets for individual ballots are stamped with the Chamber's official stamp and endorsed by two verifiers of the Electoral Commission.
6. The names of all candidates are stated in alphabetic order. Each candidate is allocated a running number. The bottom part of each voting ticket specifies the number of candidates that may be voted for.
7. A special area, guaranteeing that the Deputies may complete their voting tickets in compliance with the principle of secret ballot, shall be reserved; the Deputies shall enter this area individually.
8. Only members of the Electoral Commission may be present in the room where the votes are being counted; other personnel may be present only with the Commission's consent.
9. The following procedure shall be followed by any and all Deputies taking part in the election of the President of the Chamber of Deputies:

- a) the Deputies shall express their approval of one of the candidates featured in their voting ticket, by circling the running number stated before his name; the running numbers of all other candidates must be crossed out as follows: "X";
- b) if the Deputies do not approve of any of the candidates featured in their voting ticket, they shall cross out the running numbers stated before the names of all candidates as follows: "X".

10. The following procedure shall be followed by any and all Deputies taking part in the election of the Chamber's vice-presidents:

- a) the Deputies shall express their approval of the candidates featured in their voting ticket, by circling the running numbers stated before their names; the maximum number of approved candidates may not exceed the number of vice-presidents to be elected; the running numbers of all other candidates must be crossed out as follows: "X";
- b) if the Deputies do not approve of any of the candidates featured in their voting ticket, they shall cross out the running numbers stated before the names of all candidates as follows: "X".

11. The following procedure shall be followed by any and all Deputies taking part in the election of the chairpersons of the Chamber's committees or commissions:

- a) the Deputies shall express their approval of one of the candidates featured in their voting ticket, by circling the running number stated before his name; the running numbers of all other candidates must be crossed out as follows: "X";
- b) if the Deputies do not approve of any of the candidates featured in their voting ticket, they shall cross out the running numbers stated before the names of all candidates as follows: "X".

12. Any returned voting ticket not printed on an official form and any returned voting ticket completed in any other way than that defined in Sections 9 through 11 of this Article shall be regarded as invalid. Should any Deputy add any name that has not been nominated to the names pre-printed on his voting ticket, his voting ticket shall not be regarded as invalid but the added name shall be disregarded.

13. The Electoral Commission shall assess any and all voting tickets whose validity is questioned, stating this fact in its record of election results.

#### The Election of the Chamber's President

14. A candidate for the office of the President of the Chamber of Deputies acquiring an absolute majority of the votes of all present Deputies shall be elected in the first round.

15. If no candidate acquires an absolute majority of the votes of all present Deputies, the second round shall be organized.

16. Two candidates acquiring the highest numbers of votes in the first round shall proceed to the second round. If more candidates acquire the same highest numbers of votes, they shall all proceed to the second round.

17. A candidate acquiring an absolute majority of the votes of all present Deputies shall be elected in the second round.

18. If the President of the Chamber of Deputies is not elected in the second round, new elections shall be held in compliance with these Rules of Electoral Procedure within ten days.

## The Election of the Chamber's Vice-Presidents

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19. Candidates for the office of the Chamber's vice-presidents acquiring an absolute majority of the votes of all present Deputies shall be elected in the first round.

20. If the number of candidates acquiring an absolute majority of the votes exceed the number of the posts to be occupied, the candidates acquiring the highest number of votes shall be elected. Candidates acquiring the same number of votes shall be voted on again. If no result is achieved in this way, the winners shall be determined by a draw.

21. If the number of candidates acquiring an absolute majority of the votes is lower than the number of the posts to be occupied, the remaining vice-presidents shall be elected in a second round.

22. The unelected candidates from the first round that acquired the highest number of votes shall proceed to the second round. The number of candidates proceeding to the second round may exceed the number of unoccupied posts twice at the most; in the event of an even vote, all candidates with the same number of votes shall proceed to the second round.

23. Candidates acquiring an absolute majority of the votes of all present Deputies shall be elected in the second round.

24. If the number of candidates acquiring an absolute majority of the votes exceeds the number of the posts to be occupied, the candidates acquiring the highest number of votes shall be elected. Candidates acquiring the same number of votes shall be voted on again. If no result is achieved in this way, the winners shall be determined by a draw.

25. If the number of elected candidates after the second round is still lower than the number of the posts to be occupied, the remaining vice-presidents shall be elected in new elections organized in compliance with these Rules of Electoral Procedure.

# The Election of the Chairpersons of the Chamber's Committees and Commissions

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26. Candidates for the office of the chairpersons of the Chamber's committees or commissions acquiring an absolute majority of the votes of all present Deputies shall be elected in the first round.

27. If no candidate acquires an absolute majority of the votes of all present Deputies, the second round shall be organized.

28. Two candidates acquiring the highest number of votes in the first round shall proceed to the second round. If more candidates acquire the same highest number of votes, they shall all proceed to the second round.

29. A candidate acquiring an absolute majority of the votes of all present Deputies shall be elected in the second round.

30. If no chairperson of any of the Chamber's committees or commissions is elected in the second round, new elections pursuant to these Rules of Electoral Procedure shall take place.

Joint Provisions for the Elections Pursuant to Sections 14 through 30

31. The result of voting in each round of the election of the President of the Chamber of Deputies and vice-presidents and the chairpersons of the Chamber's committees and commissions shall be recorded in a protocol signed jointly by all members of the Electoral Commission. Each voting protocol shall include the following information:

- a) the number of issued voting tickets,
- b) the number of returned valid and invalid voting tickets,
- c) the number of voting tickets not returned,
- d) the number of valid votes for the nominated candidates,
- e) final result, i.e. whether the candidate has or has not been elected.

32. The Chamber shall be informed of the result of each round of voting in compliance with the previous Section by the chairperson of the Electoral Commission.

## Article 4

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### **Nomination of the Chamber's Verifiers**

1. The Chamber's verifiers are nominated by individual political groups in compliance with the principle of parity. The Chamber must have at least ten verifiers. The names of all nominated candidates are forwarded to the Electoral Commission.

2. The chairperson of the Electoral Commission officially presents the names of all nominated candidates to the Chamber of Deputies for approval.

3. If any of the nominated candidates is not approved by the Chamber of Deputies, he shall be replaced by another of the candidates nominated by individual political groups. Such candidates are officially presented by the Electoral Commission.

## Article 5

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### **The Establishment of Committees and Commissions and the Election of Commissions**

The establishment of committees (commissions) in compliance with the principle of proportional representation

1. All committees (commissions) are established by the Chamber of Deputies in accordance with candidate lists presented by the Electoral Commission.

2. The members of all committees (commissions) are nominated by individual political groups. Each political group specifies its candidates for individual committees (commissions) in binding order and forwards its nomination to the Electoral Commission.

3. The names of all candidates for individual committees (commissions) must be presented to the Electoral Commission no later than 24 hours before the date of elections.

4. Deputies that are not members of any political group may offer their mandate to any political group.

5. The Electoral Commission shall establish the Chamber's committees (commissions) as follows:

- a) the number of all Deputies elected to the Chamber of Deputies shall be divided by the overall number of committee/commission members to be elected and the result shall be increased by one; the resulting number is the electoral number;
- b) the number of members of individual political groups shall be divided by the electoral number; the amount of seats in each committee (commission) shall then be allocated to individual political groups in accordance with the resulting proportions (rounded to integers);
- c) if the resulting number of allocated committee (commission) seats is higher by one than the overall number of available seats, one seat shall be deducted from the number of seats allocated to the political group recording the lowest residual number after division. All remaining seats that have not been allocated (if any) shall be allocated to those political groups recording the highest residual numbers after division. If more political groups record the same residual numbers after division, the remaining seats shall be allocated to the political party having more members;
- d) if it is not possible to follow the aforementioned procedure and the seats in committees (commissions) are not allocated, the number of committee (commission) members shall be increased by one and the provisions of Sections a) through d) of this Article shall be applied again.

6. The Deputies not included in any committee shall be offered membership in one of the committees. Such a member shall be elected by the Chamber of Deputies in accordance with the Electoral Commission's proposal pursuant to the principle of majority.

7. The Electoral Commission shall present its proposal for the establishment of individual committees (commissions) to the Chamber of Deputies for approval. The committees whose personnel structure is approved by the Chamber of Deputies shall be duly established. Any personnel change during the same electoral period shall be subject to the Chamber's consent. If the establishment of any committee (commission) is rejected by the Chamber of Deputies, the political group shall be invited to discuss the situation and present new nominations. At the end of such discussions the Electoral Commission shall present its new proposal produced in compliance with the previous principles to the Chamber of Deputies.

8. Should the Chamber fail to approve the newly proposed committee (commission), its session shall be suspended until all disputed issues have been resolved.

#### The Election of Commissions Pursuant to the Principle of Majority

9. Should the Chamber of Deputies decide to elect its commissions pursuant to the principle of majority, each commission shall be elected by the Chamber of Deputies in compliance with the Electoral Commission's proposal.

10. The members of all commissions are nominated by individual political groups. Each political group specifies its candidates for individual commissions in binding order.

11. The names of all candidates for individual commissions must be presented to the Electoral Commission no later than 24 hours before the date of elections.

12. The Electoral Commission shall produce a list of commission candidates as follows:

- a) the number of all Deputies elected to the Chamber of Deputies shall be divided by the number of commission members to be elected and the result shall be increased by one; the resulting number is the electoral number;
- b) the number of members of individual political groups shall be divided by the electoral number; the number of seats in the commission shall be allocated to individual political groups in accordance with the resulting proportions (rounded to integers);
- c) if the resulting number of allocated commission seats is higher by one than the overall number of available seats, one seat shall be deducted from the number of seats allocated to the political group recording the lowest residual number after division. All remaining seats that have not been allocated (if any) shall be allocated to those political groups recording the highest residual numbers after division. If more political groups record the same residual numbers after division, the remaining seats shall be allocated to the political party having more members;
- d) if it is not possible to follow the aforementioned procedure and the seats in the commission are not allocated, the number of commission members shall be increased by one and the provisions of Sections a) through d) of this Article shall be applied again.

13. The number of seats acquired in accordance with the previous Section shall be multiplied by two. The resulting figure represents the number of seats to be allocated to the members of each political group. The names of such members are to be stated in candidate lists in an order defined by each political group.

14. The person chairing the Chamber's meeting shall let the Deputies vote on all nominated candidates individually.

15. Candidates acquiring an absolute majority of the votes of all present Deputies shall be elected in the first round.

16. If the number of candidates acquiring absolute majority of the votes exceeds the number of the posts to be occupied, the candidates acquiring the highest number of votes shall be elected. The candidates acquiring the same number of votes shall be voted on again. If no result is achieved in this way, the winners shall be determined by a draw.

17. If the number of candidates acquiring an absolute majority of the votes is lower than the number of the posts to be occupied, the remaining members shall be elected in a second round.

18. The unelected candidates from the first round that acquired the highest number of votes shall proceed to the second round. The number of candidates proceeding to the second round may exceed the number of unoccupied posts twice at the most; in the event of an even vote, all candidates with the same number of votes shall proceed to the second round.

19. Candidates acquiring an absolute majority of the votes of all present Deputies shall be elected in the second round.

20. If the number of candidates acquiring an absolute majority of the votes exceeds the number of the posts to be occupied, the candidates acquiring the highest number of votes shall be elected. Candidates acquiring the same number of votes shall be voted on again. If no result is achieved in this way, the winners shall be determined by a draw.

21. The results of each election round shall be announced by the chairing person.

#### Joint Provision Applicable to the Establishment of the Chamber's Committees (Commissions) and the Election of the Chamber's Commissions

22. The results of the establishment of each committee (commission) or the election of each commission shall be announced by the chairing person.

23. If any seat in any of the committees (commissions) becomes vacant during the electoral period, the new member of such committee (commission) shall be elected by the Chamber of Deputies in compliance with the principle of majority. The only subject authorized to nominate such member is the Electoral Commission. The Electoral Commission shall proceed in compliance with the principle of proportional representation.

#### The Establishment of the Steering Committee

24. The Steering Committee is formed by its chairperson, who is also the President of the Chamber of Deputies, vice-chairpersons, who are also the Chamber's vice-presidents, and other members appointed in compliance with the principle of proportional representation (Article 5, Sections 1 through 8).

### Article 6

#### The Election Pursuant to Special Regulations

1. Special regulations define who is elected by the Chamber of Deputies and who is authorized to present election proposals; in all other cases, proposals are presented by individual political groups.

2. All proposals must be presented to the Chamber's Electoral Commission no later than 10 days before the date of elections.

3. Special regulations or the Chamber of Deputies define who is elected through a secret ballot; in all other cases, an open ballot is used.

#### Secret Ballot

4. The election shall have two rounds at the most.

5. The election shall be regarded as valid if voting tickets are issued to at least one-third of all Deputies in each round.

6. Before the beginning of the vote in each round the Electoral Commission shall check all ballot boxes and seal them. It shall also check whether all voting tickets with the candidates' pre-printed names are ready. The voting tickets for individual ballots have different colors. The Electoral Commission shall also check whether all voting tickets for individual ballots are stamped with the Chamber's official stamp and endorsed by two verifiers of the Electoral Commission.

7. The names of all candidates are stated in alphabetic order. Each candidate is allocated a running number. The bottom part of each voting ticket specifies the number of candidates that may be voted for.

8. A special area, guaranteeing that the Deputies may complete their voting tickets in compliance with the principle of secret ballot, shall be reserved; the Deputies shall enter this area individually.

9. Only members of the Electoral Commission may be present in the room where the votes are being counted; other personnel may be present only with the Commission's consent.

10. The following procedure shall be followed by any and all Deputies taking part in the election:

- a) the Deputies shall express their approval of the candidates featured on their voting ticket, by circling the running number stated before his name; the overall number of approved candidates may not exceed the overall number of persons that can be elected; the running numbers of all other candidates must be crossed out as follows: "X";
- b) if the Deputies do not approve of any of the candidates featured on their voting ticket, they shall cross out the running numbers stated before the names of all candidates as follows: "X".

11. Any returned voting ticket not printed on an official form and any returned voting ticket completed in any other way than that defined in these Rules of Electoral Procedure shall be regarded as invalid. Should any Deputy add any name that has not been nominated to the names pre-printed on his voting ticket, his voting ticket shall not be regarded as invalid but the added name shall be disregarded.

12. The Electoral Commission shall assess any and all voting tickets whose validity is questioned, stating this fact in its record of election results.

13. Candidates acquiring an absolute majority of the votes out of the amount of all issued voting tickets shall be elected in the first round.

14. If the number of candidates acquiring an absolute majority of the votes exceeds the number of the posts to be occupied, the candidates acquiring the highest number of votes shall be elected. Candidates acquiring the same number of votes shall be voted on again. If no result is achieved in this way, the winners shall be determined by a draw.



15. If the number of candidates acquiring an absolute majority of the votes of all present Deputies is lower than the number of the posts to be occupied, the remaining members shall be elected in a second round.

16. The unelected candidates from the first round that acquired the highest number of votes shall proceed to the second round. The number of candidates proceeding to the second round may exceed the number of unoccupied posts twice at the most; in the event of an even vote, all candidates with the same number of votes shall proceed to the second round.

17. The candidates acquiring an absolute majority of the votes out of the amount of all issued voting tickets shall be elected in the second round.

18. If the number of candidates acquiring an absolute majority of the votes exceeds the number of the posts to be occupied, the candidates acquiring the highest number of votes shall be elected. Candidates acquiring the same number of votes shall be voted on again. If no result is achieved in this way, the winners shall be determined by a draw.

19. All posts remaining vacant even after the second round of elections shall become subject to new elections in compliance with these Rules of Electoral Procedure.

20. The result of voting in each round shall be recorded in a protocol signed jointly by all members of the Electoral Commission. Each voting protocol shall include the following information:

- a) the number of issued voting tickets,
- b) the number of returned valid and invalid voting tickets,
- c) the number of voting tickets not returned,
- d) the number of valid votes for the nominated candidates,
- e) final result, i.e. whether the candidate has or has not been elected.

21. The Chamber shall be informed of the result of each election round in compliance with the previous Section by the chairperson of the Electoral Commission.

Open Ballot

22. The provisions of Article 5, Sections 14 through 20 shall be applied to the election through open ballot pursuant to special regulations accordingly.

## **Article 7**

### **Joint Provisions**

1. The Deputies and political groups may associate for the purpose of elections in compliance with these Rules of Electoral Procedure.
2. The term "political group" used throughout these Rules of Electoral Procedure shall also mean any association of political groups formed by several political groups.

# Selected Amended Provisions

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## **Article IV of Act No. 78/2002 Coll.**

### **Transitory Provision**

Any act having the character of an offence committed by a Deputy or a Senator before the effective date of this act of law shall be considered in compliance with previously effective legal regulations.

## **Article II of Act No. 573/2006 Coll.**

### **Transitory Provision**

The provision of Article I, Section 2 shall, for the first time, be applied to the establishment of political groups pursuant to Article 77, Section 1 by the Deputies elected to the Chamber of Deputies on 2 June and 3 June 2006. This means that after the effective date of this act of law it will be possible to establish even political groups that could not be established in compliance with previous legal regulations.