

# The Standing Rules of the Senate

## Act N. 107/1999 Sb

as amended by Act N. 78/2002 Sb., and Act N. 172/2004 Sb., and Act N. 625/2006 Sb.

The Parliament has resolved on the Act of the Czech Republic hereunder:

### **PART ONE**

#### **INTRODUCTORY PROVISIONS**

##### Section 1

(1) The Standing Rules of the Senate shall regulate the position of Senators, Senators' Groups, bodies and officials of the Senate, Rules of Order of the Senate, and bodies therein.

(2) Within the Act herein, and by means of a resolution, the Senate may regulate, in more detail, its internal relations and the Rules of Order of the Senate and its bodies.

### **PART TWO**

#### **SENATORS**

##### **The Mandate of a Senator**

##### Section 2

The mandate of a Senator shall be established upon his or her election <sup>1)</sup>.

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1) Art.19 (3) of the Constitution of the Czech Republic Act N.1/1993 Coll.

##### Section 3

A Senator may waive the mandate thereof by means of a statement made in person at a meeting of the Senate<sup>2)</sup>. Should any serious circumstances hinder the Senator in waiving the mandate in the manner above described, he or she may do so by means of a written mandate waiver made in the form of a notarial act and served to the President of the Senate; the mandate, however, shall not be terminated if the statement was made earlier than 30 days before the service of the written mandate waiver. Once the mandate is waived the Senator may not withdraw from his or her waiver statement.

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2) Art.24 of the Constitution.

##### Section 4

##### **The Senatorial Oath of Office**

A Senator shall take the Oath of Office provided for by the Constitution<sup>3)</sup> at the first meeting of the Senate. The Senator shall do so uttering the phrase "I promise" and shaking hands with the person administering the Oath of Office. Before that, the Presiding Senator shall have the Oath of Office read. Each Senator shall confirm the promise by his or her signature.

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3) Art.23 (2) and (3) of the Constitution.

##### Section 5

##### **The Senator's Identity Card**

(1) A Senator shall receive a Senator's Identity Card bearing his or her photo, seal of the Senate and signature of the President of the Senate. The form of the Card is provided for in Schedule 1 of the Act herein.

(2) A Senator's Identity Card shall certify that its holder is a member of the Senate, that he or she possesses the rights and duties of a Senator, and the Card shall also serve as a personal card verifying the identity of the Senator.

##### **The Termination of the Mandate of a Senator**

##### Section 6

The mandate of the Senator shall terminate <sup>4)</sup>

- a) upon refusal to take a Senator's Oath of Office or upon the taking of the Oath with reservations;
- b) upon the termination of the term of office of the Senator;
- c) upon a statement made by the Senator at the Senate meeting, by which the Senator waives his or her mandate, or upon the service of a written mandate waiver made in the form of a notarial act to the hands of the President of the Senate (s.3);
- d) upon the occurrence of circumstances causing the impossibility of the Senator's being elected;
- e) on the date of the Senator's engaging in an office or post which the Constitution determines as being inconsistent or in conflict with the office of a Senator.

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4) Art.25 of the Constitution.

##### Section 7

Should a Senator commence performing an office that the Constitution determines as being inconsistent or in conflict with the Senator's office, the Senator shall notify the President of the Senate of this fact without undue delay.

##### Section 8

Should there be any doubt with respect to circumstances causing the impossibility of a Senator's being elected, or with respect to an office or post inconsistent or in conflict with a Senator's office, procedure shall be taken in accordance with special legislation.<sup>5)</sup>

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5) S.92 of the Constitutional Court Act N.182/1993 Coll.

Section 9

The procedure whereby the mandate of a Senator is terminated during the course of his or her term of office shall be regulated by special legislation<sup>6)</sup>.

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6) S.80 of the Elections to the Parliament of the Czech Republic and the Amendment of Relevant Laws Act N.247/1995 Coll.

Section 10

**The Inconsistency of Offices in the Senate and Its Bodies with the Office in the Government**

A Senator who serves as a member of the Government may not become President or Vice-President of the Senate, nor may he or she become a member of a Senate Committee or Commission.<sup>7)</sup> The performance of the office of President or Vice-President of the Senate or membership in a Senate Committee or Commission shall terminate on the date of the Senator's being appointed a member of the Government.

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7) Art.32 of the Constitution.

Section 11

**Participation in the Activities of the Senate and Its Bodies**

(1) A Senator shall participate in the meetings of the Senate and those bodies thereof in which he or she is a member, and in the Senate's business.

(2) Should a Senator find it impossible to be present at a meeting of the Senate or its bodies he or she shall apologise for his or her absence to the President of the Senate, or to the Chairperson of the body the meeting of which he or she is unable to attend.

(3) A Senator shall apologise in such a way that the President of the Senate, or the Chairperson of the body the meeting in question, shall be notified of the apology before the commencement of the meeting, or the part thereof, if possible.

(4) The records of participation of Senators in meetings of the Senate, and meetings of its bodies, including reasons for their absence, if submitted by Senators, shall be kept by the President of the Senate, or the Chairperson of the body the meeting of which is in question.

Section 12

**The Right of a Senator to Request Information and Explanation**

(1) A Senator shall have the right to request such information and explanations from the members of the Government, chief officials of administrative bodies and local authorities, which he or she considers to be indispensable for the discharge of their duties.

(2) The members of the Government and chief officials of administrative bodies and local authorities shall be obliged to provide the requested information and explanations not later than within 30 days of a request, unless such provision thereof is prevented by laws regulating confidentiality or a ban on publication<sup>8)</sup>.

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8) For example, The Protection of Classified Information and Amendments to Relevant Legislation Act, N.148/1998 Coll.

Section 13

**Decisions Concerning the Criminal Prosecution of a Senator**

(1) An application lodged by investigative, prosecuting or adjudicating bodies for the approval of the Senate for a Senator to be criminally prosecuted<sup>9)</sup> (hereinafter called "Application for the Approval of the Prosecution of a Senator"), as well as the notification of the Senate by such bodies of the detention of a Senator apprehended when committing an offence or immediately after committing an offence<sup>10)</sup> (hereinafter called "Notification of the Detention of a Senator"), shall be delivered to the President of the Senate. An Application for the Approval of the Prosecution of a Senator, as well as a Notification of the Detention of a Senator shall contain, in particular, the statement of the offence in question and its presumed legal qualification thereof.

(2) If the President of the Senate receives an Application for the Approval of the Prosecution of a Senator, he or she shall pass the application on to the Mandate and Immunities Committee. If the President of the Senate receives a Notification of the Detention of a Senator he or she shall decide, without undue delay, whether or not the approval for the detained Senator to be committed to court shall be issued; the President shall report his or her decision without delay to the respective investigative, prosecuting or adjudicating body that has produced the Notification of the Detention of a Senator; the President shall, at the same time, pass the Notification as well as his or her decision on to the Mandate and Immunities Committee.

(3) The Mandate and Immunities Committee shall consider the Application for the Approval of the Prosecution of a Senator, or the Notification of the Detention of a Senator, and shall submit a report to the Senate containing the draft decision to be taken by the Senate. At the first immediate meeting, the Senate shall decide by resolution on approval of the criminal prosecution of the Senator named in the Application, or on the admissibility of a criminal prosecution of the Senator named in the Notification of the Detention. The decision shall be final. Where an Application for the Approval of the Prosecution of a Senator, or a Notification of the Detention of a Senator, contain more than one charge, the Mandate and Immunities Committee shall submit a draft decision, and the Senate shall decide, on each charge separately. The resolution shall be

delivered to the respective investigative, prosecuting or adjudicating body within five days of the passage thereof.

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9) Art.27 (4) of the Constitution.

10) Art.27 (5) of the Constitution.

### **Disciplinary Procedure**

#### Section 14

(1) Disciplinary action shall be taken against a Senator who by means of his or her speech delivered in the Senate or the Chamber of Deputies or bodies thereof, or at a joint meeting of both Houses or bodies thereof, has conducted him or herself in a way that would otherwise lead to his or her criminal prosecution<sup>11)</sup>.

(2) Disciplinary action may be taken against a Senator, who, by means of his or her speech delivered in the Senate or the Chamber of Deputies or bodies thereof, or at a joint meeting of both Houses or bodies thereof, affronted a Senator, a Deputy, another person eligible to participate in the meetings of the Senate or bodies thereof, or a Justice of the Constitutional Court.

(3) Disciplinary action shall also be taken against a Senator should he or she have committed an administrative infraction, and ask the body in charge of administrative proceedings that he or she be subject to the disciplinary jurisdiction of the Senate<sup>12)</sup>.

(4) The Mandate and Immunities Committee shall commence with the hearing of a disciplinary violation provided for in subsection (2) upon the motion of the affronted person, and of a disciplinary violation provided for in subsection (1) and the disciplinary infractions provided for in subsection (3) upon a motion proposed by the President of the Senate, or upon its own initiative.<sup>12a)</sup>

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11) Art.27 (2) of the Constitution

12) Art.27(3) of the Constitution.

12a) S. 71 (d) of Act N. 200/1990 Sb., providing for administrative delicts, as amended.

#### Section 15

(1) The Mandate and Immunities Committee shall carry out necessary investigation in the course of the disciplinary procedure. The Senator against whom the procedure is taken shall be provided with an opportunity to express his or her opinion and defend him or herself. After the completion of the investigation the Committee shall decide on the awarding of a disciplinary measure, or on a permanent stay of proceedings.

(2) In the case of infractions heard upon a motion, the Mandate and Immunities Committee shall ascertain, before the commencement of a disciplinary hearing, whether or not the motion was proposed by an eligible person and whether or not other preconditions provided for by special legislation have been complied with<sup>13)</sup>.

(3) A Senator shall have the right to be represented by another Senator or by an attorney-at-law during the course of disciplinary procedure.

(4) The Organization Committee shall decide on any motion of bias and may assign the case to a different committee.

(5) Those members of the Committee who are affected by the disciplinary procedure shall be excluded from considerations by the Committee and from the meritorious decision-making.

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13) S.68 of the Infractions Act N.200/1990 Coll., as amended by Act N. 82/1998 Coll.

#### Section 16

(1) In the case of a disciplinary violation under s.14(1) and (2) a Senator may have imposed upon him/her the obligation to apologise, in a prescribed manner and within a determined period of time, for his or her improper communication, or may have imposed upon him/her a fine of up to the maximum amount of the Senator's salary for one month.

(2) In the case of an infraction under s.14(3), a Senator may be admonished or have imposed upon him/her a fine of up to the maximum amount determined for the infraction under special legislation<sup>14)</sup>.

(3) The period of time and the manner of apology under subsection (1) shall be stated in the verdict of the decision imposing a disciplinary measure.

(4) A disciplinary measure may be imposed on a Senator within one year of his or her committing a disciplinary breach or infraction.

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14) For example, the Act N.200/1990 Coll., as amended, and the Customs Duty Act N.13/1993 Coll., as amended.

#### Section 17

(1) A Senator, against whom a disciplinary hearing is held, shall have the right of appeal against the disciplinary decision of the respective Committee, to be executed within 15 days of the service of the decision in writing.

(2) The Senate shall decide by resolution, upon debate on the appeal, that the disciplinary measure be confirmed, or that it be altered or repealed, and whether the procedure be permanently stayed or repealed, or the case be returned for further hearing.

#### Section 18

Should a Senator, who had imposed upon him/her the obligation to apologise in a prescribed manner and within a determined period of time under s.16(1), fail to perform such obligation, the Committee in charge of the disciplinary action shall determine a suitable way of publishing the failure, and may impose a fine upon the Senator of, at maximum, one month's salary.

#### Section 19

(1) Should the Senator fail to pay the fine voluntarily within the determined period of time, the Office of the Senate shall subtract the respective amount from the Senator's salary. The execution of the decision shall be ordered by the Committee in charge of the disciplinary procedure within which the fine was imposed. Should it be that a decision imposing the fine did not contain a time-limit for payment, the time-limit shall consequently be determined by the Committee ordering execution of the decision. The decision imposing a fine shall be enforceable if it is final and without appeal (i.e. legally effective) and if the time-limit for payment has run out to no effect or has been exceeded.

(2) The proceeds from the payment of fines shall go to the revenue of the state budget.

### **Senators' Groups**

#### **Section 20**

(1) Senators may congregate in Senators' Groups according to their political parties or those political movements (hereinafter called a "political party") which had put Senators on their slates as candidates for election to the Senate. Those Senators who ran as independent candidates for election to the Senate, as well as Senators listed for election to the Senate on the slate of a political party, that failed to comply with the precondition of having a sufficient number of Senators so that its Senators' Group could be established, may congregate together in a Senators' Group.

(2) Those Senators who ran as independent candidates for election to the Senate, as well as Senators listed for election to the Senate on the slate of a political party that failed to comply with the precondition of having a sufficient number of Senators so that its Senators' Group could be established, may become members of any of the established Senators' Groups. A Senator shall submit a written application in order to be admitted to any existing Senators' Group. A Senator shall become a member of a Senators' Group upon the resolution of the Group.

(3) Unlisted Senators and Senators deprived of their membership in a Group set up under subsection (1), may establish a new Senators' Group. Unless the Senate decides otherwise, such a Group shall not have the right to be proportionally represented in the bodies of the Senate.

#### **Section 21**

(1) Five Senators shall be the minimum number to establish a Senators' Group. Each Senator may be a member of only one Senators' Group. Senators who were listed on the slate of one political party may establish only one Senators' Group. The amalgamation of Senators' Groups shall be permissible.

(2) A statement shall be written upon the foundation of a Senators' Group and it shall be signed by all founding members of the Group. Should the number of members of the Group drop below the sufficient number of Senators required for the establishment of a Senators' Group, the Group shall cease to exist.

(3) A Senators' Group shall, upon its establishment, notify in writing the President of the Senate of the name of the Group, the name and surname of its Chairperson, the names and surnames of Deputy Chairs, and the order of its representation thereby in the Senate and bodies thereof in the case of absence of the Chairperson, as well as a list of names of its members. The notification shall be appended with the statement of the establishment of the Group. The Group shall make public the names of Senators who have ceased to be members of the Group, or have become new members of the Group. A Senator shall be obliged to notify his or her disaffiliation from the Group in writing to the Chairperson of the Group as well as to the President of the Senate.

(4) The Chairperson shall act on behalf of the Senators' Group. In his or her absence, a Deputy Chair shall act on behalf of the Group and shall perform the office of the Chairperson in accordance with the provisions of the Act herein.

#### **Section 22**

(1) Senators' Groups and unlisted Senators shall be entitled to use the premises, including necessary technology, of the Senate to carry out their activities. The Senate may determine details by resolution.

(2) The costs of Senators' Groups shall be covered by the Senate Budget depending upon the number of Senators in individual Groups. The rules of financial management with respect to financial contributions from the budget to Senators' Groups, containing the amount of the contribution, conditions of the payment thereof, rules of spending and the keeping of files, accounts and auditing, shall be proposed by the Organization Committee and approved by the Senate for every calendar year.

(3) Senators' Groups shall keep records of received financial contributions from the Senate Budget in a prescribed manner. Should the Organization Committee so decide by resolution, Senators' Groups shall submit running files and accounts to the Committee.

## **PART THREE**

### **SESSION OF THE SENATE**

#### **Section 23**

(1) The Session of the Senate shall be permanent.<sup>15)</sup>

(2) The Session of the Senate may be recessed by resolution. The total period of recess may not exceed 120 days a year.<sup>16)</sup>

(3) Should the Chamber of Deputies be dissolved, the Session of the Senate may not be put in a recess.

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15) Art.34(1) of the Constitution

16) Art.34 (2) of the Constitution

#### **Section 24**

- (1) The Session of the Senate shall be subdivided into subsequent terms depending upon regular elections to the Senate.
- (2) The term of the Senate shall commence with the opening of the first meeting of the Senate, held as soon as the new Senators elected in the regular election to the Senate<sup>17)</sup> are awarded a certificate of election<sup>18)</sup>; at the same time, the previous term of the Senate shall terminate.
- (3) The Senate shall establish its bodies for the duration of the term thereof. Officials of the Senate and officials of the bodies of the Senate shall be elected, as well as Senator-Verifiers approved for the duration of the term of the Senate.
- (4) The order of subsequent terms of the Senate shall be expressed in ascending numbers.

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17) Art.16 (2) of the Constitution.

18) S.78 of the Act N.247/1995 Coll.

#### Section 25

Should the mandate of a Senator serving as the President of the Senate be terminated due to the end of his or her term before the termination of the Senate term, the Senate shall decide, upon the motion of the Organization Committee proposed at its last meeting before the end of the President's term, which of those Vice-Presidents, whose mandate will last through the following Senate term, shall discharge the powers of the President of the Senate until a new President of the Senate is elected. Should the mandate of only one Vice-President continue in the following term, he or she shall discharge the powers of the President of the Senate until a new President of the Senate is elected. Should the mandate of no Vice-President continue in the following term, the powers of the President of the Senate shall be performed by the most senior Senator, whose mandate will continue in the following term, until a new President of the Senate is elected.

#### Section 26

- (1) The first meeting in the term of the Senate shall assemble not later than within 30 days of the publication of the results of the election to the Senate<sup>19)</sup>.
- (2) The first meeting in the term of the Senate shall be called by the President of the Senate, or the Vice-President of the Senate performing the powers of the President, or the most senior Senator whose mandate will continue in the following term.
- (3) The first meeting in the term of the Senate shall be opened and presided over, until a new President of the Senate is elected, by the Senator who called the meeting.

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19) S.77 of the Act N.247/1995 Coll.

#### Section 27

Newly elected Senators shall take the oath of office before the Senator presiding over the first meeting of the Senate in its term.

#### Section 28

The Senator presiding over the first meeting in the term of the Senate shall request the Senate to take note of the establishment of the Election Commission of the Senate upon the motions of Senators' Groups (s.48(2)). Then the Senator shall request that the number of members of the Mandate and Immunities Committee be determined and the Committee established.

#### Section 29

The Senate shall elect its President.

#### Section 30

The President-Elect of the Senate shall assume the chair of the meeting. The Senate shall decide, upon the motion of the President, on the number of Vice-Presidents, and shall elect them.

#### Section 31

Upon the motion of its President, the Senate shall decide on the number of Senator-Verifiers, and shall approve their nomination; two Senator-Verifiers from amongst the nominees shall be designated to act at the first meeting in the Senate term.

#### Section 32

The Senate shall establish its Committees, determine the number of their membership, and constitute them. If provided by the Act herein, the Senate shall specify the scope of jurisdiction of the Committees (s.36(3)).

## **PART FOUR OFFICIALS AND BODIES OF THE SENATE**

### Section 33

#### **President of the Senate**

- (1) The President of the Senate shall
  - a) represent the Senate externally,
  - b) undersign the statutory measures of the Senate and resolutions of the Senate,
  - c) approve that a detained Senator or a Constitutional Court Justice apprehended in the course of committing a crime, or immediately after committing the crime, be called before the court,
  - d) summon, open and close meetings of the Senate,
  - e) set the order in which the Vice-Presidents of the Senate will represent the President during the term of the Senate,
  - f) call the meeting of the Senate during suspension of the business of the Senate before the termination of recess,

- g) recess a meeting of the Senate due to disorder or the absence of a quorum,
  - h) decide on the use of national flags on the premises of the Senate,
  - i) appoint and discharge the Head of the Office of the Senate upon the approval of the Organization Committee, and
  - j) notify the President of the Czech Republic and Minister of the Interior that the mandate of a Senator has terminated during his or her term, with the exception of any case where the mandate of a Senator terminated in the last year before the regular expiry date of a Senator's term.<sup>6)</sup>
- (2) The President of the Senate shall perform other tasks provided for by legislation, or the tasks for the discharge of which the President shall be authorized by the Senate.

#### Section 34

##### **Vice-Presidents of the Senate**

- (1) Vice-Presidents of the Senate shall represent the President of the Senate in the order determined by the President, unless in individual cases specified otherwise by the President.
- (2) When representing the President of the Senate, Vice-Presidents of the Senate shall possess the rights and duties of the President.
- (3) Vice-Presidents of the Senate shall take turns in presiding over meetings of the Senate.

#### Section 35

The removal of the President or Vice-Presidents of the Senate from their office during a term, shall be possible only upon a written motion carried by a minimum of one third of all Senators.

##### **Committees of the Senate**

#### Section 36

- (1) The Senate shall establish the Organization Committee, Mandate and Immunities Committee and other Committees as approved by resolution.
- (2) The Committees shall be accountable to the Senate for their activities.
- (3) The Senate shall determine which Committee or Committees will be responsible for considering proposals of legislative acts and binding measures of European Union bodies, which Committee will be responsible for dealing with petitions, and which Committee will be responsible for determining special proprieties linked with the performance of office in accordance with special legislation.<sup>20)</sup> The Senate shall also determine which Committee will be responsible for the approval of the Budget of the Office of the Senate, and control over its financial management.

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20) S.8 to 10 of the Act N.236/1995 Coll., regulating the salary and other proprieties connected with the performance of office of the representatives of State power and some State bodies and judges.

#### Section 37

- (1) A Senator shall be obliged to become a member of one Committee. A Senator may only become a member of another Committee if the other Committee is the Organization Committee or the Mandate and Immunities Committee. The provision of s. 10 shall not be hereby prejudiced.
- (2) A Senator may be the Chairperson of only one Committee.
- (3) The President of the Senate and Vice-Presidents of the Senate shall only be members of the Organization Committee.

#### Section 38

##### **The Constituting Meeting of Committees**

- (1) The President of the Senate shall convene the Constituting Meeting of a Committee. The Committee shall be chaired by the Committee member authorised by the President of the Senate, until the nomination of a newly elected Committee Chairperson is confirmed by the Senate.
- (2) The Committee shall elect its Chairperson at the constituting meeting. Should the Senate fail to confirm the nomination of the newly elected Chairperson, it shall request the Committee to elect a new Chairperson within a prescribed period of time. Should the Committee fail to elect a new Chairperson within the prescribed period of time, or the Senate fail to confirm the newly elected Chairperson, the Senate shall elect a new Chairperson of the Committee.
- (3) The Committee shall elect its Deputy Chairmen and Senator-Verifiers of the Committee.

#### Section 39

##### **Alteration of the Chairperson of a Committee**

- (1) A Committee may, upon a written motion proposed by a minimum of one third of its membership, elect a new Chairperson of the Committee. The election may not be held earlier than seven days from the submission of the proposal. Should the Senate fail to confirm the newly elected Chairperson, the original Chairperson shall remain in office.
- (2) The Senate may request the Committee to elect a new Chairperson within a designated period of time. Should the Committee fail to do so within the time-limit, or the Senate fail to confirm a new Chairperson, the Senate shall request for the second time the Committee to elect a new Chairperson. Should the Committee fail to do so within the prescribed time for the second time, or the Senate fail to confirm a newly elected Chairperson, the Senate shall elect a new Chairperson of the Committee.
- (3) The Chairperson of the Committee shall commence his or her office after confirmation by the Senate of his or her election, or after election by the Senate. The holding of office of the previous Chairperson shall terminate upon the confirmation or election of the new Chairperson by the Senate.

#### Section 40

##### **The Organization Committee**

(1) The Organization Committee shall consist of the President of the Senate acting as the Chairperson of the Committee, Vice-Presidents of the Senate acting as Deputy Chairmen of the Committee, and other members whose nomination is proposed by individual Senators' Groups and who shall be established upon the principle of proportional representation. Any other Senator may participate in the business of the Committee, with the right of expressing advisory opinions only.

(2) Unless decided otherwise by resolution of the Committee, conferences of the Committee shall be closed to the public (held *in camera*).

(3) The Organization Committee shall organize and coordinate the work of the bodies of the Senate within the scope provided for by the Act herein and by resolutions of the Senate. Performing this task, the Committee shall, in particular,

a) prepare meetings of the Senate and propose the dates and agenda thereof to the President of the Senate, as well as participate in the preparation of joint meetings of the Senate and the Chamber of Deputies,

b) determine by resolution periods of time to be devoted to regular conferences of the Senate and its bodies,

c) recommend to the President of the Senate the inclusion in the agenda of bills and treaties whose ratification should be supported by the consent of both chambers of Parliament, statutory measures of the Senate, or other motions to be included in the agenda of the meeting of the Senate, unless the Act herein provides otherwise,

d) assign motions to individual Committees and determine which Committee will act as a guarantor should a motion be assigned to more than one Committee,

e) approve plans for foreign activities of the Senate, its bodies, and individual Senators,

f) decide on the hosting of foreign delegations and sending abroad of delegations of the Senate, its bodies, and Senators, including events outside the scope of the approved plan of foreign activities,

g) request Senators' Groups to submit documents proving the spending of financial contributions allocated to them from the Senate Budget and assigned to cover their expenditures.

Section 41

#### **The Mandate and Immunities Committee**

(1) The Mandate and Immunities Committee shall, in particular,

a) examine whether the election of individual Senators is valid, and shall present its conclusions to the Senate,

b) examine whether or not the mandate of a Senator still exists, and shall present its conclusions to the Senate should there be doubt with respect to the termination of the mandate of a Senator due to the loss of his or her eligibility to be elected, or due to the inconsistency of his or her office with that of a Senator,

c) ascertain, with respect to immunities, whether or not there are sufficient grounds for the criminal prosecution of a Senator or of a Constitutional Court Justice; the Committee shall, without undue delay, carry out all necessary investigation, and enable the Senator or the Constitutional Court Justice to participate in person in all actions, and to explain his or her point; the report on the investigation along with the proposal to decide, shall be submitted to the Senate,

d) pursue disciplinary procedure against a Senator and award a decision therein,

e) perform tasks provided for by special legislation<sup>21)</sup>.

(2) The conference of the Mandate and Immunities Committee shall always be held *in camera*. Only the members of the Committee and those persons provided for by the Constitution<sup>22)</sup> shall be allowed to participate in the conference. Other persons may participate in the conference of the Mandate and Immunities Committee only upon its consent.

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21) For example, the Conflict of Interests Act N.238/1992 Coll., regulating some measures linked to the protection of public interests, and the inconsistency of certain offices, as amended.

22) Art.38(1) and art.64 (1) of the Constitution.

Section 42

#### **Subcommittees**

(1) Each Committee may establish, upon the consent of the Senate, a Subcommittee in order to solve certain questions, or a group of questions. Only a Senator may be a member of a Subcommittee. The Chairperson of the Subcommittee shall be elected by the Committee.

(2) The Subcommittee shall be accountable for its activities to the Committee which established the Subcommittee, and shall present the results of its work to this Committee.

Section 43

#### **Commissions of the Senate**

(1) The Senate may establish standing or temporary Commissions from amongst Senators and other persons outside the Senate, and assign tasks to them. The Commissions shall be established only if the tasks in question fall within the jurisdiction of more than one body of the Senate, or if the respective tasks fall beyond the jurisdiction of any body constituted by the Senate.

(2) The Chairperson of a Commission shall always be a Senator who shall be elected to the office by the Senate.

(3) The Commission shall be accountable to the Senate for its activities.

#### **The Representation of the Senate in Permanent Delegations of the Parliament of the Czech Republic to Interparliamentary Organizations and Other International Institutions**

Section 44

(1) The Senate shall elect members of Permanent Delegations of the Parliament of the Czech Republic to interparliamentary organizations.

(2) Only a Senator may become a member of a Permanent Delegation of the Parliament of the Czech Republic.

#### Section 45

(1) The Senate may constitute its representation from amongst its members in order to maintain permanent interaction with international organizations and other international institutions.

(2) The representation to maintain permanent interaction with international organizations and other international institutions may be established only upon a proposal of the Organization Committee.

#### Section 46

##### **The Right of the Senate Bodies to Request Information and Explanation**

(1) The bodies of the Senate shall be eligible to request that members of the Government, chief officers of administrative authorities and chief officers of local government bodies provide information and explanations as the Senate sees necessary for the pursuit of its activities.

(2) The said members of the Government and chief officers of administrative authorities and local government bodies shall be obliged to provide the requested information and explanations not later than within 30 days of the request, unless the provision thereof is barred by statutes regulating confidentiality or a ban on publishing.<sup>23)</sup>

##### **Modes of Elections and Nominations**

#### Section 47

(1) Officials of the Senate, Committees, Commissions, members of Permanent Delegations of the Parliament of the Czech Republic to interparliamentary organizations elected to represent the Senate, as well as members of the representation constituted in order to maintain permanent interaction with international organizations and other international institutions, shall be elected by majority voting; elections to the bodies of the Senate established under law, and the election of their officials, shall be held accordingly.

(2) Committees shall be established upon the principle of proportional representation unless the Act herein provides otherwise.

(3) The Senate shall decide which Commissions will be established upon the principle of proportional representation, and which will be elected by majority voting.

(4) Majority voting shall be used in the election of officials and bodies should a special statute provide for their being elected by the Senate.

#### Section 48

(1) Nominations of candidates for the election of the President of the Senate, Vice-Presidents of the Senate, and Chairs of Committees and Commissions of the Senate, shall be proposed in writing to the Election Commission by Senators' Groups and individual Senators. Nominations of members of permanent delegations of the Parliament of the Czech Republic to interparliamentary organizations elected to represent the Senate, and nominations of Senator-Verifiers, shall be proposed in writing to the Election Commission by Senators' Groups; Senators' Groups shall also propose the number of members of individual Committees and Commissions of the Senate as well as nominations of members of Committees and Commissions of the Senate.

(2) Senators' Groups shall propose the nomination of members of the Election Commission. The Election Commission shall be established upon the principle of proportional representation by a group of Senators, delegated by their Senators' Groups according to the parity principle. The members of the Election Commission shall commence the performance of their office after the Senate takes the establishment of the Commission officially into account.

(3) The Election Commission shall follow the Rules of Elections regulating details of election to the Senate and nominations requiring the consent of the Senate, which shall be Schedule 2 of the Act herein.

## **PART FIVE**

### **MEETINGS OF THE SENATE**

#### Section 49

##### **Summoning of Meetings**

(1) Meetings of the Senate shall be summoned by the President where the law so provides, or upon the proposal of the Organization Committee.

(2) Should at least one third of all Senators request that a meeting be summoned, the President shall summon a meeting not later than within five days of the service of the request; the request shall be in writing and shall contain the proposed agenda of the meeting.

(3) In a recess period, the President of the Senate may summon the Senate for a meeting, thus resuming the session. The President of the Senate shall do so if requested by the President of the Czech Republic, the Government, or by at least one fifth of all Senators,<sup>23)</sup> not later than within 10 days of the service of the request. The request shall be presented in writing and shall contain the proposed agenda of the meeting.

(4) Senators shall be notified of the summons not later than three days before the meeting. Should the deadline fail to be complied with, a Senator may move for an adjournment of the meeting; the motion shall be decided by the Senate without debate.

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23) Art.34 (3) of the Constitution

#### Section 50

##### **Attendance at Meetings**

(1) Senators shall participate in meetings of the Senate. The President of the Czech Republic, members of the Government and other persons entitled under the law to participate in meetings of the Senate and its bodies may do so; the Head of the Office of the Senate and employees of the Office designated by the Head, may be present at meetings.

(2) Notable foreign political representatives and other persons may participate in meetings of the Senate should the Senate give its consent; the Presiding Senator may call upon them to address the meeting.

(3) In addition to those persons provided for under (1) and (2), only persons for whom explicit consent is given by the President of the Senate shall have access to the conference hall of the Senate.

(4) The presence of other persons shall be permissible, up to the number of seats in the benches, for guests, the public and mass media.

Section 51

### **Seating**

(1) The seating of Senators shall be approved by the Senate. Each Senator shall be assigned a permanent seat in the conference hall of the Senate.

(2) There shall be seats in the conference hall reserved for the President of the Czech Republic and members of the Government.

Section 52

### **The Public Character of Meetings**

(1) Meetings of the Senate shall be public. The Senate may resolve, upon a proposal of the Government or a Senator, that a meeting, or a part thereof, be held *in camera*, particularly where the agenda of the meeting contains classified information relating to the defence or security of the State or any other classified facts. Debates on bills and statutory measures of the Senate shall always be held in public.

(2) Meetings of the Senate, or parts thereof, which have been announced as closed to the public (held *in camera*) may be attended, in addition to by Senators, by the President of the Czech Republic and the members of the Government; other persons may participate in such meetings, or be present in the conference hall of the Senate or on benches for visitors, the public and mass media, only upon the consent of the Senate. The Senate shall decide on the participation and presence of other persons at the meeting by voting without debate. Should the meeting be held *in camera* due to the fact that the agenda contains classified information, other persons present in the hall shall be eligible for exposure to classified information in accordance with special legislation<sup>24)</sup>.

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24) Ss.17 and 43 of the Protection of Classified Information and the Amendments to Relevant Legislation Act N.148/1998 Coll.

### **Measures to Maintain Order**

Section 53

(1) The Presiding Senator may impose upon a Senator, due to his or her improper conduct, a sanctioning measure for breach of order, which shall be an admonition; should the Senator repeat his or her inappropriate conduct he or she shall be compelled to quit the conference hall for a determined time but for no longer than by the end of the business day, during which the expulsion occurred.

(2) The Senator may appeal against the decision of the Presiding Senator on the measures of an admonition or compelling the Senator to quit the conference hall, immediately after the imposition thereof. The Senate shall confirm or repeal the decision of the Presiding Senator without debate. The decision of the Senate shall be final.

(3) The expelled Senator shall have the opportunity to participate in voting.

Section 54

The powers of the Senator presiding over a meeting of the Senate to call the Senators to order shall apply to all Senators, other participants in the business of the Senate and persons present at the meeting of the Senate on the benches for guests, the public and mass media. Should those persons conduct themselves in an inappropriate manner, the Presiding Senator may suspend the business of the meeting, have undisciplined persons removed by the Parliament Guards, and have the reserved benches emptied and cleared.

Section 55

### **The Business Day and Timing of Meetings**

(1) The Senate shall begin its daily business at 9 a.m. at the earliest, and terminate at 9 p.m. at the latest. Voting on bills, drafts of statutory measures of the Senate, amendments and alterations thereof, treaties whose ratification should be supported by the consent of both chambers of the Parliament, and the alteration of voting times, shall be commenced before 7 p.m. The Senate may decide by resolution otherwise.

(2) The Presiding Senator shall announce the day, timing and agenda of the next business day before the termination of each business day.

(3) Mondays, Saturdays and Sundays shall not be business days unless the Senate decides otherwise by resolution.

Section 56

### **The Opening of and Chairing over the Meeting**

(1) The meeting of the Senate shall be opened by the Presiding Senator at a designated time regardless of the number of Senators present.

(2) The meeting shall be chaired by the President of the Senate, or Vice-Presidents of the Senate in an order agreed with the President of the Senate; should there fail to be agreement, the President of the Senate shall set the order.

(3) After the opening of the meeting of the Senate, the Presiding Senator shall read the names of Senators who have requested their absence to be excused.

(4) For each meeting, the Senate shall designate at least two Senator-Verifiers from amongst approved Senator-Verifiers.

Section 57

#### **The Agenda of a Meeting**

(1) The Senate shall, upon the proposal of its President, set the agenda of a meeting, and/or determine the manner of debate on items on the agenda.

(2) The Senate shall decide without debate on the agenda, or a motion for the alteration of or amendments thereto, or the alteration of the mode of debate on an item on the agenda.

(3) The approved agenda may be altered only exceptionally during the course of a meeting of the Senate. A motion to alter the approved agenda of the meeting of the Senate may not be discussed should at least one Senators' Group or ten Senators object.

(4) Should the meeting be summoned under s.49(2) or (3), the Senate shall decide only on the agenda contained in the application. The provisions of subsections (2) and (3) herein above with regard to the alteration of the agenda shall not apply.

(5) The Senate may postpone items on the agenda, or join debate on two or more items, by voting without debate during the course of the meeting. The Senate may also suspend consideration of an item on the agenda for a fixed period of time during the meeting.

Section 58

#### **The Recess of a Meeting**

(1) Should the Presiding Senator leave the chair the meeting shall be recessed.

(2) The Head of a Senators' Group or the Presiding Senator may move for a recess of the meeting of the Senate to be taken. Such a motion shall be decided on by the Senate without debate.

#### **Consideration of an Item on the Agenda**

Section 59

(1) The consideration of an item on the agenda, whereby a Senate print-out serves as the source document, shall commence if all Senators have been served the document in time. The Senate print-out shall be served to all Senators not later than 24 hours before the discussions. Should the time limit fail to be complied with, a Senator may move, before the opening of the debate, to postpone the item after the time limit expires. The motion for the postponement of the item shall be decided on by the Senate without debate.

(2) An item put on the agenda of a meeting of the Senate shall ordinarily be introduced by the mover thereof. Only the members of the Chamber of Deputies, the Government and Councils of Regional Self-Government may act on behalf of their respective bodies. Should a motion be presented by a group of Senators, a Senator who is a member of the group and authorised by the group, shall provide reasons for the motion.

(3) The mover shall be ordinarily followed by a Senator-Reporter, who will report on the content of the discussed measure and on the conclusions of the Committee debate on that issue. Should the Committee fail to debate the issue, or fail to designate a Reporter, the Senate shall designate the Reporter unless the Senate decides otherwise. The Senator designated as Reporter shall express his or her consent to the motion. Should the issue be debated by more than one Committee, the Reporters of all the Committees shall report unless the Committees agree on a joint Senator-Reporter.

Section 60

(1) The Presiding Senator shall open the debate after the appearance of the Senator-Reporter. Senators may propose motions with respect to the debated issue. The motions should clearly signify what resolution should be adopted by the Senate. The Presiding Senator may request the Senator to specify his or her motion, or to reduce the motion to writing.

(2) Motions on the debated issue shall be made:

a) to pass;

b) to dismiss;

c) to adjourn;

d) to commit to a body of the Senate;

e) to amend;

f) to make the passage of a motion conditional upon the fulfilment of or failure to fulfill certain condition (conditional motion); or

g) to take note of the issue.

(3) A motion under (2) c) shall contain the time-limit by which the issue under consideration must be put on the agenda of the meeting of the Senate. An adjourned issue shall be considered again in the manner determined for consideration of any item on the agenda of the meeting of the Senate.

(4) Resolutions adopted upon motions provided for in subsection (2) c), e) and f) may be revoked.

Resolutions adopted upon motions provided for in subsection (2) d) may be revoked after the lapse of time to no effect prescribed for a body of the Senate to submit its opinion. The motion to revoke may be proposed only by a Senator who had voted for the draft resolution.

(5) It shall be impossible to propose motions to amend with respect to motions under (2) a) and b).

(6) A motion to amend may be followed by other motions to amend. Motions to amend other motions to amend shall be impermissible.

Section 61

Should a motion be made during the debate, a Senator, or a mover, may move for a recess of business until a designated Committee, or Senators' Groups, produce their opinion on the presented motion. Simultaneously, a

Senator, or a mover, may move for a duration of recess. A motion for the recess of business shall be decided on by the Senate which may determine the deadline for the designated Committee to submit its opinion on the presented motion.

#### Section 62

A Senator who proposed a motion on the debated issue may withdraw from his or her motion before the termination of the debate, unless the Act herein in any case provides otherwise.

#### Section 63

(1) Senators shall apply for participation in the debate in writing either to the President of the Senate before the meeting is opened, or to the Presiding Senator until the meeting terminates. Senators may apply for participation in the debate by raising their hands. Written applications shall take preference.

(2) At the opening of the debate the Presiding Senator shall read a list of those who have applied for participation in the debate. The Presiding Senator shall invite them to the floor in the order in which they applied, to be followed by other speakers. The Reporter shall be given the floor any time he or she requests. The speaker authorised to present the opinion of a Senators' Group shall be given the floor anytime before the termination of the debate. The Presiding Senator shall, along with calling a speaker to the floor, notify the next speaker that his or her speech will follow. Only a person invited by the Presiding Senator to take the floor may do so.

(3) Whoever is absent from the hall of conference at the moment of being called to the floor shall lose his or her turn. Should he or she fail to be present immediately before the termination of the debate, his or her application shall be annulled.

(4) Should the Presiding Senator intend to participate in the debate, he or she shall pass the chairing of the meeting.

#### Section 64

(1) The Senate may decide by resolution, without debate, that the time for a speech be limited with respect to the discussed issue, however, the time may not be shorter than ten minutes. The limitation of time for speeches shall not apply to a Senator authorised to present the opinion of a Senators' Group on the issue.

(2) The Senate may decide by resolution without debate that a Senator may speak as often as twice on one issue.

(3) A Senator shall not address other Senators directly and shall ask questions through the Presiding Senator.

(4) A Senator shall be expected to speak on the considered issue. Should he or she deviate from the issue, or exceed the prescribed time for his or her speech, the Presiding Senator may remind him or her of the fact and call him or her back to the issue. Should a Senator depart from ethical standards in his or her speech the Presiding Senator may call him or her to order. Should a double call fail to change the attitude of the respective Senator, the Presiding Senator may deny the Senator further speech. The Senate shall, without debate, decide on objections of the Senator to such denial.

#### Section 65

(1) A Senator may apply to make a comment on the relevant facts, thus reacting to the course of debate. A procedural motion relating to the manner of consideration of an item on the agenda shall also be considered to be comments on the relevant facts. Opinions on the issue in question, however, shall not be admissible as comments on the relevant facts. The Senator applying for expressing his or her comment on the relevant facts shall be preferred for being called to the floor, however, the person speaking shall not be interrupted.

(2) Neither the presentation of a factual comment, nor any potential answer to a factual comment of another Senator may exceed two minutes.

(3) Should it be considered that a speech is not a comment on the relevant facts, neither an answer to such comments, or should a Senator exceed the time-limit for his or her presentation, the Presiding Senator may deny the Senator further speech. The decision of the Presiding Senator on the denial in accordance with the above shall be final.

#### Section 66

A speaker may be interrupted by no one, with the exception of the Presiding Senator upon authorisation under s.64 (4) and s.65 (3).

#### Section 67

(1) Senators shall possess the right to speak and move in their mother tongue. Should a Senator not speak Czech, his or her speech shall be interpreted into the Czech language if so requested by at least one Senator. Written motions submitted in a language other than Czech shall be translated into the Czech language.

(2) Should another speaker not speak Czech, subsection (1) shall apply accordingly.

#### Section 68

(1) The Presiding Senator shall close the debate if no speaker remains on the list.

(2) The Presiding Senator shall call the mover and the Reporter on the floor for the closing speech. The mover as well as the Reporter may waive the closing speech.

(3) The Senate may resolve, without debate, on the reopening of a debate (reconsideration) not later than before the commencement of voting on the final resolution. The debate shall also reopen should a member of the Government take the floor before voting on the final resolution. The provision of subsection (2) shall apply accordingly with respect to termination of the re-opened debate.

#### Section 69

The President of the Czech Republic, members of the Government, President and Vice-Presidents of the Senate and Chairmen of Senators' Groups shall have the floor any time they so require.

### **Voting at Meetings**

#### Section 70

### **Capacity of the Senate to Adopt Resolutions**

(1) The Senate shall be eligible to adopt resolutions should a minimum of one third of all Senators be present.<sup>25)</sup>

(2) A valid resolution of the Senate shall be given consent by a majority of Senators present unless the Constitution provides otherwise.<sup>26)</sup>

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25) Art.39 (1) of the Constitution.

26) Art.39 (2) to (4) of the Constitution.

Section 71

#### **Modes of Voting**

(1) The vote shall be taken by either public or secret ballot.

(2) Public ballot shall apply to bills, statutory measures of the Senate, approval of the ratification of international treaties, a declaration of belligerency and the endangering of the State, the extension or abolition of a situation of destitution, the giving of consent to the placement of foreign troops in the territory of the Czech Republic, and the giving of consent to national armed forces being sent outside the Czech Republic. Secret ballot shall apply to the election of the President and Vice-Presidents of the Senate, the Chairmen of Committees and Commissions, and members representing the Senate in permanent delegations of the Parliament of the Czech Republic to interparliamentary organizations; a secret ballot shall apply should special legislation so provide or should the Senate so decides by resolution.

#### **Voting on Motions**

Section 72

Each motion shall be decided by voting. The voting procedure shall be governed by the Presiding Senator.

Section 73

After the termination of the debate, the Reporter shall announce the order of voting on individual motions. Should more than one motion be carried, the vote shall follow the order in which the motions were presented in the groups as follows:

1. motion to adjourn,
2. motion to dismiss,
3. motion to commit to a body of the Senate,
4. motion to amend,
5. motion to condition,
6. motion to pass,
7. motion to take note of the issue.

Section 74

(1) Should more motions be made on the same issue with respect to quantity, time, persons or place, the number of Senators seconding individual motions shall be ascertained, and the vote shall be taken in the descending order of seconding votes.

(2) Should a passed motion exclude another motion, the latter shall not be put to the vote. Should a conflict occur, the Senate shall decide upon the matter.

(3) Two or more motions to amend, where one contains the amendment and other reflects its consequences in further provisions of the motion, shall be put to a joint vote.

(4) The Senate may decide by resolution that separate parts of a motion be discussed and put to a separate vote. As soon as the separate voting is finished, or motions to amend are passed or dismissed, the motion as a whole shall be put to the vote.

Section 75

(1) The Presiding Senator shall be obliged to announce that voting has commenced.

(2) Where the Senators are not served a motion in writing the full wording of the motion shall be read. The Reporter may point out its connections with other motions.

(3) The Presiding Senator shall put the motion to a vote, starting with those in favour of the motion and followed by those against.

#### **Public Ballot**

Section 76

(1) Public ballot shall be carried out by raising hands or by a roll call vote. The latter shall be applied if provided for by law or so decided by the resolution of the Senate.

(2) Before the vote commences the Presiding Senator shall have the presence of Senators in the conference hall ascertained. Consequently, the Presiding Senator shall notify the Senate of the number of Senators present, and communicate the number of votes required for the passage of the resolution.

Section 77

A public ballot by raising hand shall be managed by the Presiding Senator who shall, subsequently, have the result of voting ascertained.

Section 78

The presence of Senators for voting, and the results of the vote by raising hands, shall be ascertained by scrutineers designated by the Head of the Office of the Senate. The Senate shall, without debate, rule on objections to the result of the ballot ascertained by the scrutineers.

Section 79

(1) A ballot by raising hands may be accompanied by the use of an electronic voting device, if installed in the conference hall.

(2) Should the electronic voting device be used, a Senator shall be assigned an identification card enabling him or her to vote by means of the device. A Senator may be, through the Presiding Senator, given a substitute identification card, which fact the Senate shall be notified of by the Presiding Senator.

(3) A Senator shall check in by means of the electronic voting device after he or she enters the conference hall. He or she shall check out when leaving the hall.

(4) For the purposes of voting by means of an electronic voting device, a Senator shall be considered as present if he or she is present in the conference hall and has been checked in by means of the electronic device within the interval for voting. Should the Presiding Senator have any doubt with respect to the number of checked-in Senators present in the conference hall, or upon a motion made by any Senator, the Presiding Senator may cancel the original check-in and call the Senators to check in again.

(5) Should the electronic voting device be broken the ballot shall be repeated. Should the defect fail to be mended without delay, the ballot shall be carried out without the use of the electronic device.

(6) When voting by means of the electronic device is carried out, a Senator shall vote in favour of or against a motion by pressing the button of the device any time during the interval set for voting, and by raising his or her hand. Any other action by a Senator shall be considered an abstention from voting.

(7) Should the voting device be used, the provisions of section 76 (2) and section 78 shall not apply.

#### Section 80

When voting by roll call is ordered the names of Senators shall be called in alphabetical order starting with a Senator whose name shall be chosen by a lot drawn by the Presiding Senator. The Senator called shall declare his or her assent to the question, saying "in favour of the motion" or his or her dissent, saying "against the motion". Should a Senator abstain from voting he or she shall say "abstaining". The Presiding Senator shall repeat each and every answer. Any other action by a Senator shall be considered an abstention from voting.

#### Section 81

##### **Secret Voting**

(1) Secret voting shall be carried out by the use of ballot papers.

(2) The number of distributed ballot papers shall be considered to be the number of Senators present at the time of holding the secret voting.

#### Section 82

##### **The Announcement of the Results of the Vote**

(1) The Senator Presiding over the meeting, or another person, if so provided by legislation, shall announce the result of the vote in such a manner that the number of votes, the number of present Senators, and the number of votes cast in favour and the number cast against the motion be communicated, and he or she shall declare whether or not the motion has been passed.

(2) Where the result of open voting on a motion on procedure is fully apparent there shall be no need to ascertain the exact number of votes. This rule shall not apply should even only one Senator require that the provision of subsection (1) herein above be followed.

(3) Should an electronic voting device be used the information shall be printed out by means of the device where it shall be clear which vote was cast by which individual Senator.

(4) The information on the result of the vote shall be accessible by the public and mass media upon request. This provision shall not apply should the meeting, or a respective part thereof, be considered as being held *in camera*.

#### Section 83

##### **Objections**

(1) Any Senator may make an objection, during the vote or immediately after its termination, to the course of voting or results thereof. The Senate shall decide on such objection without debate.

(2) Should the Senate accept the objection the vote shall be retaken.

##### **The Closing of the Meeting**

#### Section 84

If the agenda of the meeting is exhausted the Presiding Senator shall close the meeting.

#### Section 85

Resolutions adopted at the meeting of the Senate shall be signed by the President of the Senate and designated Senator-Verifiers.

#### Section 86

##### **Minutes of the Meetings**

(1) Minutes of the meetings of the Senate shall be taken where the agenda is stated as well as the name of the Presiding Senator, filed motions, names of speakers participating in the debates, number of present Senators, and a list of the results of voting. The minutes shall be appended with full texts of submitted written documents, adopted resolutions, statements and other documents which were a part of business. Should open voting by raising hands be complemented with the use of an electronic device the minutes shall be appended with information clarifying which vote was cast by which individual Senator.

(2) The minutes, having been verified by a Senator-Verifier, shall be approved and signed by the President of the Senate not later than within 15 days of the closing of the meeting. The verified minutes shall be an authentic record of the meeting and shall be deposited along with appendices and annexes not later than within two months of the closing of the meeting.

(3) A stenographic report shall be made of the meeting of the Senate in order to record the exact course of business. Each speaker may, within ten working days after the meeting is closed, verify the accuracy of the record of his or her own speech. A speaker may propose the correction of grammatical mistakes and imperfections which occurred during recording. A speaker may not, however, alter the language, content and

meaning of his or her presentation. Should the speaker fail to verify the stenographic report within the prescribed period of time the report shall be considered verified. The Senator-Verifiers shall decide on the proposed corrections. The President of the Senate shall decide should any conflict occur with respect to the corrections.

(4) An audio record of the meeting of the Senate shall be made which will be stored for at least six months.

(5) The stenographic report on the meeting of the Senate shall be printed with the exception of a report on business heard *in camera*.

## **PART SIX**

### **MEETINGS OF THE BODIES OF THE SENATE**

#### **Meetings of Committees**

##### Section 87

(1) A Committee shall discuss business referred to it, and business which the Committee decides by resolution that should be considered.

(2) A Committee shall not carry any business during a time of recess of the Senate.

##### Section 88

#### **Call for Meetings**

(1) A meeting of a Committee shall be called and chaired by the Chairperson of the Committee or the Deputy Chair authorised to do so by the Chairperson. Should the Chairperson of the Committee be absent, the meeting shall be called and chaired by any Deputy Chair. Should both the Chairperson and Deputy Chairs be absent the Committee shall be called by a member of the Committee authorised to do so by the Chairperson or the Committee.

(2) The Chairperson shall be obliged to call a meeting of the Committee should the Senate so order, or should the President of the Senate or at least one third of all the Committee members so require. In such a case the Chairperson shall call the meeting of the Committee within the period of time set by the Senate, or within 15 days of service of the request by the President of the Senate or the Senators. In other cases the Chairperson shall call the meeting to be held on those days assigned for regular discussion of business of Committees unless the Committee in question resolves otherwise upon a majority vote.

##### Section 89

#### **Participation in Meetings**

(1) Senators, who are members of the respective Committee, shall participate in its meetings. The President of the Czech Republic, members of the Government, and other persons authorised to participate in meetings of the Senate and the Senate bodies, may attend the meeting; the Head of the Office of the Senate and those employees of the Office, designated by the Head, may attend the meeting.

(2) Senators, who are not members of the respective Committee, may participate in meetings, having the right of advisory opinions; they may express their opinion on the discussed question and move on it.

(3) A Member of the Government, or a representative of the Government may invite experts to participate in the meeting.

(4) Persons other than those provided for under (1) to (3) may be called to the floor by the chairing Senator only upon the consent of the Committee.

##### Section 90

#### **Publicity of Meetings**

Meetings of Committees shall be open to the public unless the Act herein provides otherwise, or the resolution of the Committee in question declares the meeting, or a part thereof, as being held *in camera*. The business of disciplinary procedure shall always be held *in camera*. A Committee meeting, or a part thereof, resolved as being held with *in camera*, may be attended by Senators, the President of the Czech Republic, members of the Government, and other persons authorised by statute to participate in meetings of the Senate and the Senate bodies; other persons may be present at meetings only upon the consent of the Committee. Should it be decided by resolution that the meeting, or a part thereof, be held *in camera* due to classified information being discussed, other persons present at the meeting shall be authorised to deal with the classified information under a special statute<sup>24)</sup>.

##### Section 91

#### **Order, Dates and Time of Business of the Meeting**

(1) The Chairperson of the Committee shall propose the order of business, and time and manner of discussion of individual items on the agenda of meetings. A member of the Committee may move an amendment or alteration to the order of business. The Committee shall decide the date and time of the Committee meeting when the "Motion for the date of the next committee meeting" is put on the agenda.

(2) As soon as the order of business of the meeting is approved the consent of a majority of all members of the Committee shall be required in order to pass a motion to amend the agenda of the meeting and to alter the time assigned for the discussion of individual items. The consent of a majority of members of the Committee present at the meeting shall be sufficient to pass a motion to strike out an approved item, or a part thereof, on the agenda.

##### Section 92

#### **Discussion of Items on the Agenda**

(1) The Chairperson of the Committee shall designate Senator-Reporters who will each report on one item on the agenda of the Committee to be discussed.

(2) A minority of members of the Committee consisting of at least one third of all the Committee members may designate their own Senator-Reporter who will report on an opposing opinion of the minority; the Committee minority may submit the report to the Senate.

(3) Debate on the question shall be open as soon as the presentation by a Senator-Reporter or Senator-Reporters has terminated.

Section 93

#### **Resolutions**

(1) The Committee shall pass a resolution on the results of the business discussed.

(2) The Committee shall be competent to pass resolutions where more than a half of its membership is present. To adopt a valid resolution it shall be necessary for the resolution to be agreed by a simple majority of present members of the Committee unless the Act herein provides otherwise.

(3) The resolution shall be signed by the Chairperson of the Committee, the designated Senator-Reporter, and the Senator-Verifier of the Committee. The resolution shall be submitted to the Senate when so required because of the nature of the discussed business.

Section 94

#### **A Joint Meeting of Committees**

(1) Committees may hold joint meetings, designate joint Senator-Reporters, and adopt joint resolutions.

(2) A joint meeting of Committees shall be presided over by the Chairperson of the Committee that proposed that a joint meeting take place. The Committees, shall, however, always carry out a separate vote.

(3) Should the Committees fail to agree on a joint resolution each Committee shall adopt its own resolution.

Section 95

#### **Minutes of the Meetings**

(1) The minutes of a Committee meeting shall contain the order of the business of the meeting, the name of the Senator chairing the meeting, the motions being made, if any moving Senator so requires, names of speakers in the debate, the list of names of Senators casting their vote with respect to resolutions on individual items on the agenda as well as the information on the result of the vote. Full texts of the filed written amendments, passed resolutions, declarations and other documents which were the subject of the Committee business shall be annexed to the minutes.

(2) The minutes, having been verified by the Senator-Verifier, shall be approved and signed by the Chairperson of the Committee not later than within seven days of the closing of the meeting. Objections against the verified, approved and signed minutes may be made at the next Committee meeting which shall decide on the objections. The verified, approved and signed minutes along with the resolution on the objections made against shall be deposited along with all annexes not later than within two months of the termination of the Committee meeting in question. Should the meeting be a joint meeting of several Committees the minutes of such meeting shall be signed by the Chairmen and Senator-Verifiers of the respective Committees.

(3) The course of each meeting shall be audio-taped, and the audio-taped recording shall be kept for a period of at least six months. The Committee may, in special circumstances, pass a resolution that a meeting not to be audio-taped. The justification for such a resolution shall be a component part of the minutes of the Committee meeting in question.

(4) Should the Committee pass a resolution a stenographic report on the meeting and the transcript thereof shall be made.

Section 96

The provisions of ss. 50 (4), 57 (5), 58-60, 62, 64 (4), 65-69, 71-84 applying to the meetings of the Senate shall apply to the meetings of Committees accordingly; in addition, all resolutions of Committees may be revoked. A motion to revoke a resolution may be made only by one who has voted in favour of the draft resolution.

Section 97

#### **Meetings of Commissions**

Provisions applying to the meetings of Committees shall apply to the meetings of Commissions accordingly.

Section 97a

#### **Meetings of Subcommittees**

Provisions for the meetings of Committees shall apply to the meetings of Subcommittees accordingly.

## **PART SEVEN**

### **CONSIDERATION OF BILLS**

Section 98

#### **Reference of a Bill**

(1) The President of the Senate shall, without delay, hand the Bill, committed by the Chamber of Deputies to the Senate, over to the Organization Committee and distribute it among all Senators and Senators' Groups.

(2) The Organization Committee shall, not later than within three days of the committal of the Bill by the Chamber of Deputies, refer the Bill to a Committee or Committees, and advise the President of the Senate that the Bill should be included in the agenda of the meeting of the Senate, as a rule not later than five days before the expiration of the time provided for in the Constitution for debate on a Bill in the Senate.<sup>27)</sup>

(3) Should the Organization Committee refer the Bill to more than one Committee it shall designate which Committee will act as Committee-Guarantor. The Organization Committee shall, without delay, communicate

to all Senators which Committee or Committees have been referred the Bill for discussion, and which Committee has been designated to act as Committee-Guarantor.

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27) Art.46(1) of the Constitution.

#### **Procedure before the Committee**

##### Section 99

The Chairperson of the Committee shall designate a Senator-Reporter from amongst the members of the Committee for the consideration of the Bill. The Chairperson of the Committee may invite experts in various fields and subject-areas before or in the course of consideration of the Bill.

##### Section 100

(1) The sponsor of a Bill shall participate in its consideration by the Committee-Guarantor. As a rule, Senator-Reporters of other Committees which have been referred the Bill, will participate in consideration by the Committee-Guarantor where the sponsor presents the Bill.

(2) The sponsor, or a specialist representative of the sponsor, may be invited to take part in consideration of a Bill by a Committee other than the Committee-Guarantor, particularly in cases where the contents of the Bill require that more detailed reasoning be presented.

(3) The sponsor, or a specialist representative of the sponsor, shall give the reasoning for the Bill, have the right to take part in its consideration by the Committee, and express his or her opinion on motions made with respect to the considered Bill.

(4) The appearance of the sponsor, or a specialist representative of the sponsor if present in the Committee meeting, shall be followed by a presentation made by the Senator-Reporter of the Committee who will submit the report on the considered Bill.

##### Section 101

(1) The presentation of the Senator-Reporter shall be followed by general debate whereby the Bill as a whole shall be considered, including all proposed material alterations to the draft legislation. Circumstantial (or more detailed) debate shall follow the termination of the general debate on the Bill, whereby the Bill may be considered in individual parts and sections and amendments may be moved.

(2) In the course of both stages of debate it shall be possible to propose that the Senate express its intention not to consider the Bill, or to pass it, or to dismiss the Bill, or to return the Bill with amendments to the Chamber of Deputies.

(3) A Senator, whether or not he or she is a member of a Committee which has been referred the Bill for consideration, shall express his or her opinion on the Bill and move proposals ordinarily in the course of consideration by the Committee, or before the commencement of the Committee consideration, in writing and with his or her reasoning.

(4) A motion to amend shall contain the full prose of the proposed altered provision or provisions of the Bill including the projection of the proposed amendments into other provisions of the Bill. The Senator presiding over the meeting shall, if need be, call the moving Senator to submit his or her amendment in writing.

(5) As soon as the circumstantial debate terminates, all the filed amendments, should the Committee so decide, shall be printed in one document and served on each Senator present during the course of consideration of the Bill by the Committee and also on the sponsor, so that the material will be at their disposal at the time of voting.

##### Section 102

(1) The vote shall be taken after the termination of the circumstantial debate. Should a motion have been proposed that the Senate refuse to deal with the Bill, such motion shall go to the vote first. Should such a motion not have been proposed, or fail to be passed, a motion that the Bill be passed in the wording in which it was committed to the Senate by the Chamber of Deputies shall be put to the vote. Should such a motion not have been proposed, or fail to be passed, a motion to dismiss the Bill shall be put to the vote if such a motion has been proposed.

(2) Should the Committee have adopted a motion to express the intention of the Senate not to deal with the Bill, or a motion to pass the Bill in the wording in which it was committed to the Senate by the Chamber of Deputies, or a motion to dismiss the Bill, consideration of the Bill by the Committee shall terminate.

##### Section 103

(1) Where no motion under s.102 (2) has been passed or where no motion has been proposed, the individual amendments of the Bill, if moved, shall go to the vote consecutively, as a rule, provision after provision of the Bill.

(2) A Senator who has moved an amendment may clarify his or her amendment before voting on the motion. Such clarification of a moved amendment may be presented by any Senator should the Senator having moved the amendment agree with such clarification.

(3) The sponsor of the Bill, if present at the meeting, may express his or her opinion on each moved amendment before the vote is taken. The Senator-Reporter shall always express his or her opinion with respect to each amendment.

(4) Where more than one amendment has been moved with respect to one provision of the Bill these will go to the vote in the order of the submission thereof.

(5) As soon as the voting on amendments terminates and at least one of them is adopted, the Committee shall decide by resolution whether or not the Senate should be advised to return the Bill to the Chamber of Deputies with the amendments passed.

##### Section 104

The Committee, which has been referred the Bill for consideration, shall pass a resolution for the Senate that will contain the recommendations of the Committee. In the resolution the Committee shall designate which of the members of the Committee will act as Senator-Reporter for the purposes of the consideration of the Bill by the Senate. Where the Committee decides by resolution that the Bill be returned with amendments to the Chamber of Deputies an annex to the resolution shall contain the exact wording of the amendments, or the reasoning thereof. The resolution shall be submitted by the Committee to the Organization Committee. The same rule shall apply to joint resolutions passed at joint meetings of Committees.

#### Section 105

The Senator-Reporter of the Committee-Guarantor shall produce a joint report for the Senate if the Reporters of all the Committees, which have considered the Bill so agree. The joint report shall contain recommendations of the Committees which have considered the Bill. An outline of all amendments, if recommended, shall be a part of the report. Senator-Reporters of other Committees having considered the Bill shall also contribute to the preparation of the report. Where the recommendations of all the Committees for the Senate have been consented to the Senator-Reporter of the Committee-Guarantor shall be the Senator-Reporter for the purposes of consideration of the Bill at the Senate meeting. Where the recommendations of all the Committees for the Senate express dissenting opinion the Senator-Reporter of the Committee-Guarantor shall present the joint report at the meeting of the Senate, and the dissenting recommendations may be reasoned at the meeting by the Senator-Reporters of the respective Committees.

#### **Procedure before the Senate**

#### Section 106

(1) The meeting of the Senate considering the Bill shall be attended by the sponsor of the Bill who will give the reasoning for it and have the right to participate in further discussions of the Senate as well as to express his or her opinions on the proposed motions relating to the Bill under consideration.

(2) The sponsor of the Bill shall be followed by the Senator-Reporter, or Senator-Reporters of the Committees who have had the Bill committed to them for consideration.

#### Section 107

After the Senator-Reporter terminates his or her presentation and if his or her recommendation does not contain the motion that the Senate express their will not to deal with the Bill, the Presiding Senator shall call Senators to communicate whether or not they wish to propose such a motion. Should such a motion have been a part of the recommendation of the Committee or proposed by Senators the motion shall be put to the vote without debate. If the motion is passed the consideration of the Bill by the Senate shall terminate.

#### Section 108

(1) Where consideration of the Bill fails to terminate under s.107 the Presiding Senator shall open a general debate on the Bill where a motion may be proposed that the Bill be adopted in the wording in which it was committed to the Senate by the Chamber of Deputies, or be dismissed. Motions resulting from resolutions of Committees on the considered Bill shall also be regarded as motions made therein.

(2) After the termination of the general debate the Bill shall go to the vote. Should a motion be proposed that the Bill be passed in the wording in which it was committed to the Senate by the Chamber of Deputies such a motion shall be put to the vote first. Should such a motion not have been proposed or fail to be passed, a motion to dismiss the Bill, if proposed, shall be put to the vote. Should any of the motions be passed, consideration of the Bill by the Senate shall be brought to a close.

#### Section 109

(1) Where no motion under s.108 (2) has been passed or submitted the Presiding Senator shall open circumstantial debate wherein motions to amend the Bill may be proposed which shall be at the same time presented in writing. Motions to amend resulting from resolutions of Committees on the considered Bill shall be also regarded as motions made therein.

(2) Where an amendment has been proposed, that has not been listed in any annex to any resolution of any Committee, and where a Chairperson of a Committee or the Reporter of the Committee-Guarantor moves so, the business of the Senate shall be suspended for the shortest time possible so that the Committee may assume a position with respect to the amendment in order to inform the Senate. A motion to set the time of suspension proposed by the Chairperson of a Committee or the Committee-Guarantor Reporter shall be decided by the Senate without debate.

#### Section 110

(1) As soon as the circumstantial debate is brought to a close, individual amendments shall be put to the vote following individual provisions of the Bill. The Senate may, upon a motion by the Committee-Guarantor Reporter, decide without debate on a different order of voting.

(2) A Senator who has moved an amendment, may make clarify the amendment before the vote is taken. Such clarification of the amendment may be proposed by any Senator if the Senator, who has moved the amendment, agrees.

(3) The mover of an amendment may express his or her opinion on the amendment before the vote is taken; the Committee-Guarantor Reporter shall inform the Senate of the results of consideration by Committees which have discussed the amendment.

(4) As soon as the vote on individual amendments is over, and at least one of them has been passed by the Senate, the Senate shall take a vote on whether or not the Bill be returned to the Chamber of Deputies with those amendments that have been passed. Should no amendment have been submitted or passed, or no resolution passed to return the Bill with the passed amendments to the Chamber of Deputies, a motion to dismiss the Bill or to pass the Bill in the wording in which it was referred to the Senate by the Chamber of Deputies may be proposed unless such a motion had already been submitted to a vote after the termination

of the general debate. Should no such motion have been proposed or passed the consideration of the Bill by the Senate shall be brought to an end.

Section 111

Should the Senate accept an objection put forward by a Senator that the business be adjourned under s.59(1), the consideration of the Bill may be adjourned until as late as the next day of business of the Senate.

Section 112

#### **Common Provision for Consideration of Bills**

Unless ss. 98 - 111 provide otherwise, provisions for the meetings of the Senate and meetings of Committees shall apply to the consideration of Bills accordingly.

## **PART EIGHT**

### **CONSIDERATION OF CONSTITUTIONAL BILLS AND BILLS THE PASSAGE OF WHICH REQUIRES THE APPROVAL OF THE CHAMBER OF DEPUTIES AND THE SENATE**

Section 113

Provisions applicable to consideration of bills shall apply accordingly to consideration of constitutional bills and bills the passage of which requires the approval of the Chamber of Deputies and the Senate; however, a motion that the Senate should express its intention not to deal with the bill may not be made.

## **PART NINE**

Repealed

Section 114

Repealed

## **PART TEN**

### **CONSIDERATION OF TREATIES**

Section 115

The Senate shall consider international treaties where their ratification requires the approval of both chambers of Parliament, or where a treaty whose ratification has been approved by Parliament, should be withdrawn from. International treaties shall be submitted to the Senate in at least one authentic language and in their Czech translation.

Section 116

(1) An international treaty submitted to the Senate by its sponsor shall be immediately committed by the President of the Senate to the Organization Committee and distributed among all Senators and Senators' Groups.

(2) The Organization Committee shall refer the treaty to a Committee or Committees at the meeting immediately following the submission thereof, and shall recommend to the President of the Senate that the treaty be put on the agenda of a Senate meeting.

(3) Where the Organization Committee has referred the treaty to more than one Committee, it shall determine which of those shall act as the Committee-Guarantor.

(4) The sponsor may withdraw the treaty from consideration up until the time the Senate has put the treaty to the vote.

Section 117

(1) The time-limit for consideration of an international treaty in Committees shall be 60 days from the decision on its committal to a Committee for consideration.

(2) The time-limit provided for in subsection (1) above may be shortened or extended by the Organization Committee, however by a maximum of 30 days, unless the Senate decides otherwise. The time-limit may be extended by more than 30 days only with the consent of the Sponsor.

Section 117a

#### **Procedure before Committees**

(1) The following motions may be proposed in the course of consideration of an international treaty by Committees:

1. A motion to consider the compatibility of the international treaty with the constitutional order;
2. A motion to adjourn.

(2) Motions provided for in subsection (1) above shall be put to the vote in the order stated therein.

(3) Where no motion under subsection (1) above has been proposed or passed, the Committee shall vote on a recommendation that the Senate should approve ratification of the respective international treaty.

Section 117b

#### **Procedure before the Senate**

(1) The following motions may be proposed in the course of debate on an international treaty by the Senate:

1. A motion to consider the compatibility of the international treaty with the constitutional order;
2. A motion to return the international treaty to the Committee for reconsideration;
3. A motion to adjourn.

(2) A motion under subsection (1) 2. herein must determine to which Committee or Committees the international treaty should be returned to for reconsideration; the time-limit for reconsideration by a

Committee shall not exceed 30 days after the return thereof by the Senate. A motion under subsection (1)3. must contain a time-limit by which the international treaty shall be put again on the agenda of a meeting of the Senate.

(3) Motions provided for in subsection (1) above shall be put to the vote in the order stated therein.

(4) Where a motion under subsection (1) 1. has been passed, consideration by the Senate of the international treaty shall be suspended until the first meeting following the award of judgment by the Constitutional Court.

(5) Where no motion under subsection (1) has been proposed or passed the Senate shall put to the vote its approval of ratification of the international treaty.

(6) The President of the Senate shall inform the Speaker of the Chamber of Deputies, the President of the Republic and the Government of the results of the Senate's consideration of the international treaty.

#### Section 117c

Consideration of a proposal to withdraw from an international treaty shall be governed by ss. 116 and 117b accordingly, however a motion to consider the compatibility of the treaty with the constitutional order may not be proposed.

## **PART ELEVEN FAST-TRACK CONSIDERATION OF BILLS AND INTERNATIONAL TREATIES**

### Section 118

#### **Fast-track consideration of bills**

(1) The Senate may apply fast-track consideration of a Bill committed to it by the Chamber of Deputies should the Bill have been already considered by the Chamber of Deputies within fast-track proceedings under special legislation<sup>31)</sup> and should the Government have so requested.

(2) The President of the Senate shall commit a Bill to be considered within fast-track proceedings to the Organization Committee, and shall distribute the Bill among all Senators and Senators' Groups without delay.

(3) The Organization Committee shall commit the Bill, without delay, to a Committee or Committees, and shall determine the time-limit by which the Committee (or Committees) must consider the Bill. The Organization Committee shall, at the same time, advise the President of the Senate that the Bill should be laid before the Senate as the first item on the agenda of a meeting of the Senate. The meeting shall be called by the President of the Senate so that the opening thereof will be held not later than within ten days of the committal of the Bill to the Senate.

(4) Unless subsections (1) - (3) provide otherwise, the provisions for the consideration of bills shall apply to fast-track consideration of a bill by the Senate accordingly.

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31) Ss.99 and 100 of the Standing Rules of the Chamber of Deputies Act N.90/1995 Coll.

### Section 118a

#### **Fast-track consideration of treaties**

(1) In extraordinary circumstances, in particular, where fundamental rights and freedoms of citizens, or the security of the State are materially at risk, or significant economic damage to the State is imminent, the President of the Senate may decide, upon request by the Sponsor, that the international treaty be considered within fast-track proceedings.

(2) Provisions of s. 118 (2) and (3) shall apply accordingly to fast-track consideration of an international treaty.

(3) Before the commencement of considering an international treaty, the Senate shall check whether or not all conditions for fast-track consideration have been complied with. Where the Senate finds no grounds for such extraordinary procedure, the international treaty shall not be considered within fast-track proceedings.

Otherwise, the Senate shall follow provisions governing consideration of international treaties.

### Section 119

(1) Where the Government, in the case of menace to the State<sup>32)</sup> or a state of belligerence<sup>33)</sup>, requests that a Government Bill be considered within fast-track proceedings<sup>34)</sup>, the Government shall serve the Government Bill on the President of the Senate to take account of it. The President of the Senate shall, without delay, distribute the Government Bill among all Senators for information. The President of the Senate shall, at the same time, call a meeting of the Senate so that the Bill may be considered; should the meeting of the Senate be already in progress the President of the Senate shall move that the agenda of the meeting be complemented with the consideration of the Bill. The President of the Senate shall call the meeting or move that the agenda be complemented with the Bill to be considered so that the Senate may decide by resolution on the Bill within 24 hours of having been committed with it by the Chamber of Deputies. As soon as the Bill has been committed by the Chamber of Deputies to the Senate the President of the Senate shall, without delay, distribute the Bill among all Senators and designate a Senator-Reporter for consideration of the Bill at the meeting of the Senate.

(2) The Bill shall not be considered by Committees of the Senate within the process of fast-track consideration under subsection (1). Unless the Senate otherwise resolves during the course of the fast-track consideration, the time-limit for speeches of Senators shall be reduced to five minutes in the general debate, and each Senator may speak only twice on the same issue.

(3) Unless subsections (1) and (2) provide otherwise the provisions for the consideration of Bills shall apply to fast-track consideration of a Bill by the Senate accordingly; the following provisions shall not apply to the course of the general debate: s.49(4), s.55(1) and (3), s.57(3) second sentence, s.59(1) and (3) second through fourth sentence, and s.64(1); s.64(2) shall not apply to the meeting of the Senate.

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- 32) Art.7 of the Security of the Czech Republic Act N.110/1998 Coll. (Constitutional act)  
33) Art.43(1) of the Constitution.  
34) Art.8(1) and (2) of the Security of the Czech Republic Act N.110/1998 Coll. (Constitutional act)

## **PART TWELVE**

### **COOPERATION OF THE SENATE WITH THE GOVERNMENT ON ISSUES RELATING TO OBLIGATIONS RESULTING FROM MEMBERSHIP OF THE CZECH REPUBLIC IN THE EUROPEAN UNION**

#### Section 119a

(1) The Senate shall consider issues relating to obligations resulting from the membership of the Czech Republic in the European Union; the Senate shall be informed of such issues regularly and in advance by the Government pursuant to Art. 10b (1) of the Constitution. The Senate shall consider, in particular:

- a) the report on the development of the European Union during the preceding year and its further development, which shall be submitted by the Government at least once a year;
- b) the report on incorporating into the legal order obligations resulting from membership in the European Union, particularly on the implementation of legislative acts requiring transposition, which shall be submitted by the Government at least once a year;
- c) preliminary Government information on the agenda of any meeting of the European Council, and subsequent information on the results thereof;
- d) Government information on the commencement and course of negotiations on altering the treaties upon which the European Union is established;
- e) proposals of legislative acts of the EU which shall be submitted by the Government without undue delay after they have been referred by the European Commission or by any other EU body; and
- f) preliminary opinions submitted by the Government on proposals of legislative acts of the EU.

(2) The Senate shall further consider proposals of binding measures of EU bodies, and up-to-date information and opinions of the Government on legislative acts or other EU documents, including information on the stage of their consideration, which are submitted by the Government upon its own motion or upon the request of the Senate or a committee thereof designated to consider legislative acts and binding measures of EU bodies (hereinafter referred to as "Designated Committee").

(3) The Senate shall consider documents which have been referred to the Senate directly by the bodies of the European Union, in particular, communication documents.

#### Section 119b

The Designated Committee shall keep files on proposals of legislative acts and binding measures issued by the bodies of the European Union, as well as on documents directly referred to the Senate by those bodies; the files shall be open to other bodies of the Senate and Senators.

#### Section 119c

Members of the European Parliament elected in the Czech Republic may attend meetings of the Designated Committee, and they shall be entitled to an advisory vote; they may express their opinion on the matter under consideration and submit proposals thereon.

#### **The Designated Committee Procedure**

#### Section 119d

(1) The Designated Committee shall, upon the motion of its Chairperson, decide within five working days of receipt whether or not the proposal of a legislative act should be taken note of without consideration. In order to consider the proposal of a legislative act which has not been taken into account by the Designated Committee without consideration, the Chair of the Designated Committee shall appoint a Reporter from amongst the members of the Designated Committee; the process of consideration of the proposal of a legislative act shall be thereby commenced. The Chairperson of the Designated Committee shall notify the President of the Senate of the commencement and the President shall inform the Government.

(2) The commencement of considering the proposal of a legislative act shall constitute an impediment to participation of a Government member in decision-taking with respect to the act proposed by a European Union body. The impediment shall not apply where the period of thirty five days from the receipt of the proposal by the Senate has elapsed to no effect.

(3) The Designated Committee may request that the Government, or a member thereof, provide information on the proposal of a legislative act under consideration; requested information shall be provided by the Government, or a member thereof, not later than within 14 days of the delivery of the request of the Designated Committee.

(4) The Designated Committee may request that the body of the Senate which would have subject-matter jurisdiction should a bill be considered, submit its opinion on the proposal of a legislative act under consideration within a time-limit agreed on by the Chair of the Designated Committee and the Chair of the Senate body in question.

#### Section 119e

(1) The Designated Committee shall decide, upon the motion of its Chair, whether a proposed binding measure of the European Union bodies adopted within common foreign and security policy (hereinafter referred to as "draft decision") shall be taken note of by the Designated Committee without consideration. The Chairperson of the Designated Committee shall appoint a Reporter from amongst the members of the

Designated Committee in order to consider the draft decision which has not been taken note of without consideration by the Designated Committee,

(2) The Designated Committee may request that the Government, or members thereof, provide information on the draft decision under consideration. Information shall be provided by the Government, or members thereof, without undue delay upon delivery of the Designated Committee's request.

Section 119f

(1) The process of consideration of the proposal of a legislative act or a draft decision shall be attended by a Government representative, reporters of those bodies of the Senate which have considered the proposal of the legislative act or draft decision, and other persons who are able provide information on the issue under consideration and have been invited by the Designated Committee to do so.

(2) The reasoning for the proposal of a legislative act or a draft decision shall be given by a Government representative, followed by the Reporter of the Designated Committee. Debate shall commence where a motion may be proposed either to take note of the proposal of the legislative act or draft decision, or to recommend that the issue be referred to the Senate for its consideration.

(3) After closing the debate the Designated Committee shall decide on the submitted motion. Where a motion has been passed by the Designated Committee to recommend that the issue be referred to the Senate for its consideration, the motion shall be sent to the Government for its information, and submitted to the President of the Senate. The President of the Senate shall place the motion on the agenda of the next immediate meeting; if the proposal of a legislative act where the time limit during which Member States should express their opinion, will not exceed six weeks and it will therefore be handled in compliance with Section 119d (2) is in question, the President of the Senate shall be obliged to call the meeting so that it may commence not later than within thirty two days of the delivery of the proposal of the legislative act to the Senate.

Section 119g

#### **Procedure before the Senate**

(1) The Senate shall consider the proposal of a legislative act or a draft decision where such motion has been submitted by the Designated Committee, or a minimum of 17 Senators have so moved in writing before the adoption of the closing resolution by the Designated Committee; the President of the Senate shall immediately inform the Chair of the Designated Committee of such motion. In order to commence the meeting called upon the motion of a minimum of 17 Senators, the third sentence of Section 119 (3) shall apply accordingly.

(2) The Senate may decide that the proposal of a legislative act or a draft decision be taken note of, or should be considered. The President of the Senate shall immediately inform the Government of the result of such consideration.

Section 119h

#### **Fast-track procedure relating to proposals of legislative acts**

(1) Where the proposal of a legislative act has been designated as urgent it shall be considered within fast-track procedure if the Government so requests. The request shall be appended with a preliminary opinion. The provisions of s. 119d (2), s. 119f (3) (second and third sentences) and s. 119g shall not apply, and actions for which time limits are set in s. 119d shall be executed without undue delay.

(2) Where, within fast-track procedure, the Designated Committee passes a motion to recommend that the issue be referred to the Senate for consideration, such resolution shall be sent immediately to the Government. Such resolutions shall be concurrently sent by the Chair of the Designated Committee to the President of the Senate who shall resend them to all Senators.

## **PART THIRTEEN**

### **CONSIDERATION OF STATUTORY MEASURES OF THE SENATE**

Section 120

(1) The draft of a statutory measure of the Senate submitted by the President of the Senate shall be, without delay, referred to the Organization Committee, and served on all Senators and Senators' Groups.

(2) The Organization Committee shall, without delay, commit the draft of a statutory measure to a Committee or Committees, and determine the time-limit within which the Committee (or Committees) shall consider the draft. The Organization Committee shall, at the same time, advise the President of the Senate that the Bill should be laid before the Senate not later than within five days of consideration thereof by Committees.

(3) Should the draft of a statutory measure be committed to more than one Committee of the Senate the Organization Committee shall designate which of the Committees will serve as Committee-Guarantor. The Organization Committee shall also, without delay, notify all Senators which Committee or Committees have been committed with the draft of a statutory measure for consideration and which Committee has been designated the Committee-Guarantor.

Section 121

#### **Procedure before a Committee**

(1) The following motions may be laid before the Committee during the course of consideration of the draft of a statutory measure during both stages of debate:

1. a motion to return the draft of the statutory measure of the Senate to the Government for further elaboration,
2. a motion to pass,
3. a motion to dismiss,
4. a motion to amend.

(2) Those motions under subsection (1) shall be put to the vote in the order herein before. Upon the termination of the vote on moved amendments, should at least one of them have been passed, the Committee shall decide by resolution whether or not the Senate should be advised to pass the draft of the statutory measure along with the amendments adopted by the Committee.

Section 122

#### **Procedure before the Senate**

(1) The following motions may be laid before the Senate during the course of consideration of the draft of a statutory measure of the Senate during general debate:

1. a motion to return the draft of the statutory measure of the Senate to the Government for further elaboration,
2. a motion to pass,
3. a motion to dismiss.

(2) Those motions under subsection (1) shall be put to the vote in the order herein before.

(3) Should no motion under subsection (1) be proposed or passed the Presiding Senator shall open the circumstantial debate on the draft of the statutory measure of the Senate where amendments may be submitted. Should at least one amendment be proposed the Presiding Senator shall suspend the consideration of the draft of the statutory measure of the Senate. The motions to amend shall be printed and served, without delay, on all Senators. Consideration may be resumed not earlier than 24 hours of the suspension of business. Only motions to correct technical legislative, grammatical and typing mistakes and motions with respect to adjustments resulting from the submitted amendments may be laid on the table when the consideration is resumed after the suspension of business.

(4) After the termination of the vote on individual motions to amend, should at least one motion have been passed, the Senate shall put to the vote whether or not the draft of the statutory measure of the Senate be passed as amended by the adopted amendments.

(5) Should no amendment be submitted or passed, or no resolution to pass the draft of the statutory measure of the Senate as amended by adopted amendments passed, the Senate shall take a vote as to whether or not the draft of the statutory measure of the Senate should be passed.

Section 123

#### **Fast-track Consideration**

(1) Should the Government, in the case of menace<sup>33</sup> to the State or a state of belligerence,<sup>33</sup>) submit the draft of a statutory measure of the Senate the President of the Senate shall, without delay, distribute the draft among all Senators, and designate the Senator-Reporter for the consideration of the draft of the statutory measure of the Senate at the meeting of the Senate. The President shall, at the same time, call a meeting of the Senate so that the draft of the statutory measure of the Senate may be considered; should a meeting already be in progress the President of the Senate shall move that the draft be included in the agenda. The President of the Senate shall call a meeting, or move that the draft be included in the agenda so that the Senate will be able to decide by resolution on the draft of the statutory measure of the Senate within 72 hours of the submission thereof by the Government.

(2) A draft of the statutory measure of the Senate shall not be considered by the Committees of the Senate in the period of menace to the State or a state of belligerence. Unless decided by resolution otherwise by the Senate, the time-limit for speeches during the general debate shall be reduced to five minutes, and each Senator may speak only twice on the same issue; the provisions of s.122(3) for the suspension of business shall not apply.

Section 124

A mover may withdraw the draft of a statutory measure of the Senate until a vote on it is taken by the Senate.

Section 125

Unless ss. 120 - 124 provide otherwise, the provisions for the consideration of bills shall apply accordingly to the consideration of drafts of statutory measures of the Senate; the following provisions shall not apply with respect to the drafts of statutory measures of the Senate under s. 123: s. 49 (4), s. 55 (1) and (3), s.57 (3) second sentence, s. 59 (1) and (3) second through fourth sentences and s. 64 (1) for the course of the general debate, and s. 64 (2) with respect to a meeting of the Senate.

Section 126

#### **Subscribing the Statutory Measures of the Senate**

(1) Statutory measures of the Senate shall commence with the sentence: "The Senate has decided by resolution on the hereunder statutory measure of the Senate."

(2) The President of the Senate shall sign the passed statutory measures of the Senate, and refer them to the President of the Czech Republic.

(3) As soon as the President of the Czech Republic signed the statutory measure of the Senate the President of the Senate shall serve the statutory measure of the Senate on the Prime Minister for his or her signature thereof.

## **PART FOURTEEN**

### **PREPARATION OF BILLS SUBMITTED BY THE SENATE TO THE CHAMBER OF DEPUTIES AND CONSIDERATION THEREOF**

Section 127

(1) A Bill submitted to the Chamber of Deputies by the Senate (hereinafter called a "Senate Bill") may be submitted for consideration by the Senate by a Senator, a group of Senators, a Committee or a Commission of the Senate (hereinafter called the "Sponsor of a Senate Bill").

(2) A Senate Bill shall contain the elements of a Bill as provided for under special legislation.<sup>35)</sup>

(3) The Sponsor of a Senate Bill shall submit the Senate Bill to the President of the Senate, who will refer it to the Organization Committee and, without delay, serve the Bill on all Senators and Senators' Groups. The Organization Committee shall, at its first immediate meeting following the submission of the Senate Bill, advise the President of the Senate that the Bill should be put on the agenda of the immediately following meeting of the Senate. At the same time, the Organization Committee shall recommend which Committee or Committees the Bill should be referred to, and shall designate the Reporter for the first reading.

(4) The Sponsor of a Senate Bill may withdraw the Bill until such time as the Senate takes a final vote on it.

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35) S.86(2) through (5) of Act N.90/1995 Coll.

Section 128

#### **The first reading of the Senate Bill**

(1) The Senate Bill shall be introduced by the Sponsor or his or her representative; they shall be followed by the Reporter.

(2) The performance of the Reporter shall be followed by a general debate where it shall be possible to propose that the Senate Bill should be returned to the Sponsor for further clarification or be dismissed. Where no motions have been proposed or passed the Senate shall commit the Senate Bill to a Committee or Committees for consideration. Where the Senate Bill has been referred to more than one Committee the Senate shall determine which of them shall act as Committee-Guarantor.

(3) The time for consideration of the Senate Bill by Committees shall be for 60 days from the decision being taken on the referral of the Bill to the Committee for consideration.

(4) The time-limit provided for under subsection (1) may be shortened or extended by the Senate, however, by 30 days at a maximum. The time may be extended by more than 30 days only upon the consent of the Sponsor of the Senate Bill.

Section 129

#### **Procedure before Committees**

(1) The following motions may be laid before the Committee the course of consideration of a Senate Bill during both stages of the debate:

1. a motion to pass,
2. a motion to dismiss,
3. a motion to amend,
4. a motion to adjourn.

(2) Motions under subsection (1) shall be put to the vote in the order stated above. Upon the termination of the vote on moved amendments, should at least one of the amendments have been adopted, the Committee shall decide by resolution whether or not the Senate should be advised to pass the Senate Bill along with the amendments adopted by the Committee.

Section 130

#### **Second reading of the Senate Bill**

(1) The Sponsor of the Senate Bill shall provide reasoning for the Senate Bill at the meeting of the Senate.

(2) In the course of consideration of the Senate Bill, the following motions may be submitted during both stages of the debate:

1. a motion to return the Senate Bill to the respective Committee for reconsideration,
2. a motion to pass,
3. a motion to dismiss,
4. a motion to adjourn.

(3) A motion under (2) 1. herein above shall determine to which Committee or Committees the Senate Bill shall be returned for reconsideration; the time-limit for reconsideration of a Senate Bill by a Committee shall be a maximum of 30 days from the return thereof by the Senate.

(4) The motions under (2) shall go to the vote in the order given herein above.

(5) Should no motion under subsection (2) be submitted or passed, the Presiding Senator shall open the circumstantial debate where amendments may be moved. Where an amendment has been moved that has not been listed in any annex to resolutions of any Committee and where any Chair of any Committee or the Reporter of the Committee-Guarantor so proposes, consideration by the Senate of the Senate Bill shall be suspended for the necessary time so that the Committee may take a position with respect to the amendment to be presented to the Senate. The proposal of the Chair of a Committee or the Reporter of the Committee-Guarantor to determine the length of suspension shall be decided by the Senate without debate.

(6) After the termination of the vote on individual amendments, should at least one of these have been passed, the Senate shall put to the vote whether or not the Senate Bill should be passed as amended by the adopted amendments.

(7) Where no amendment has been submitted or passed, or no resolution to pass the Senate Bill as amended by the adopted amendments has been passed, the Senate shall take a vote on whether or not the Senate Bill should be passed, unless a vote was taken after the termination of the general debate.

(8) Where the Senate Bill has been passed the Senate shall authorise the President of the Senate to commit the Senate Bill to the Chamber of Deputies. The Senate shall also authorise one Senator to provide the reasoning for the Senate Bill in the course of consideration thereof by the Chamber of Deputies.

Section 131

Unless ss. 127 through 130 provide otherwise the provisions for consideration of bills shall apply to consideration of Senate Bills accordingly.

**PART FIFTEEN**

**CONSIDERATION OF ISSUES OF SECURITY OF THE CZECH REPUBLIC**

Section 131a

(1) Where the Senate has been submitted

a) a proposed decision on the participation of the Czech Republic within the defence systems of an international organization of which the Czech Republic is a member, or  
b) a proposal to approve the dispatch of armed forces of the Czech Republic outside the territory of the Czech Republic, or the placement of armed forces of foreign states on the territory of the Czech Republic, the President of the Senate shall immediately refer the proposal to the Organization Committee and distribute it to all Senators and Senators' Groups.

(2) Where the Senate has been provided with

a) information on the decision of the Government to dispatch armed forces of the Czech Republic outside the territory of the Czech Republic or the placement of armed forces of foreign states on the territory of the Czech Republic, or

b) information on the decision of the Government on the passage of armed forces of other states across the territory of the Czech Republic or their flight over the territory of the Czech Republic, or the participation of armed forces of the Czech Republic in military training outside the Czech Republic and/or the participation of armed forces of other states in military training in the Czech Republic, the President of the Senate shall follow subsection (1) accordingly.

(3) The Organization Committee shall refer the proposal under subsection (1) or information under subsection (2) to a Committee or Committees. Where a proposal under subsection (1) is in question the Organization Committee shall recommend to the President of the Senate that the proposal be put on the agenda of a meeting of the Senate.

(4) Where the Organization Committee refers the proposal under subsection (1) to more than one Committee, it shall determine which of them shall act as Committee-Guarantor.

(5) The time-limit for considering a proposal provided for under subsection (1) by Committees shall be within 30 days of the decision on its referral to a Committee for consideration. Where the Government has designated the proposal as urgent the Organization Committee may shorten the time-limit.

**Procedure before Committees**

Section 131b

(1) Where the Committee considers a proposal under s. 131a (1) a), a motion to adjourn may be proposed. Where such a motion has not been proposed or passed the Committee shall vote on a recommendation that the Senate should decide in favour of the Czech Republic participating in the defence systems of an international organization of which the Czech Republic is a member.

(2) Where the Committee considers a proposal under s. 131a (1) b), a motion to adjourn may be proposed. Where such a motion has not been proposed or passed the Committee shall vote on a recommendation that the Senate should approve the dispatch of armed forces of the Czech Republic outside the territory of the Czech Republic or the placement of armed forces of other states on the territory of the Czech Republic.

Section 131c

Where information under s. 131a (2) has been considered by a Committee it may be moved that the Senate should disapprove the respective decision of the Government.

**Procedure before the Senate**

Section 131d

(1) The following motions may be proposed when the Senate considers a proposal under s. 131a (1):

1. A motion to return the proposal under s. 131a (1) to the Committee for reconsideration,
2. A motion to adjourn.

(2) A motion under subsection (1) 1. must determine to which Committee or Committees should the proposal under s. 131a (1) be returned for reconsideration; the time-limit for reconsideration shall be a maximum of 30 days from its return by the Senate.

(3) Motions under subsection (1) shall be put to the vote in the order stated herein above.

(4) Where no motion under subsection (1) has been proposed or passed, the Senate shall take a vote on the following issues:

- a) whether or not the Czech Republic should participate in a defence system of an international organization of which it is a member (s. 131a (1) a)), or
- b) whether or not the Senate approves the dispatch of armed forces of the Czech Republic outside the territory of the Czech Republic or the placement of armed forces of other states on the territory of the Czech Republic (s. 131a (1) b)).

Section 131e

(1) Information under s. 131a (2) shall be included in the agenda of a meeting of the Senate where such inclusion has been moved to the President of the Senate by the Committee to which the information has been referred, or by a minimum of five Senators.

(2) When the Senate considers information under s. 131a (2) it may be moved that the Senate disapprove the respective decision of the Government.

## **PART SIXTEEN**

### **FAST-TRACK CONSIDERATION OF ISSUES OF SECURITY OF THE CZECH REPUBLIC**

#### Section 132

(1) Where the Senate has been submitted

a) a motion to declare a state of belligerence<sup>36)</sup>,

b) a motion to declare a menace to the State<sup>37)</sup>,

c) a motion to extend the period of a state of emergency<sup>38)</sup>,

d) a motion to abolish a state of emergency before the expiration of the period declared<sup>38)</sup>, or

e) a motion to approve the dispatch of Czech armed forces outside the territory of the Czech Republic or the placement of foreign troops within the territory of the Czech Republic, or to decide on the participation of the Czech Republic in the defence systems of an international organization of which the Czech Republic is a member during a period of menace to the State or belligerence<sup>39)</sup>,

the Senate shall decide on the motion in fast-track procedure.

(2) The President of the Senate shall, upon receipt of any motion under subsection (1) and without delay, call a meeting of the Senate for their consideration; where the meeting of the Senate is already in progress the President of the Senate shall move that the order of the meeting be complemented with the issue. The President of the Senate shall, at the same time, serve the grounds for consideration on all Senators, and shall designate a Senator-Reporter to report the motion at the meeting of the Senate.

(3) Where fast-track consideration of motions under subsection (1) takes place there shall not be consideration by Committees. Unless resolved otherwise by the Senate, the time-limit for speeches during consideration shall be reduced to five minutes, and each Senator may speak only twice on the same issue. After the termination of the debate the Senate shall vote on motions provided for under subsection (1).

(4) The following provisions shall not apply to the fast-track consideration of the motions provided for under subsection (1) herein above: s. 49 (4), s. 55 (1) and (3), s. 57 (3) second sentence, and s. 59 (1) and (3) second through fourth sentences; s. 64 (1) and (2) shall not apply to the meeting of the Senate.

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36) Art.43(1) of the Constitution; art.11 of the Constitutional Act N.110/1998 Coll.

37) Art.7 and 11 of the Constitutional Act N.110/1998 Coll.

38) Art.11 of the Constitutional Act N.110/1998 Coll.

39) Art.39(3) and art.43(2) of the Constitution; Art.11 of the Constitutional Act N.110/1998 Coll.

## **PART SEVENTEEN**

### **THE ELECTION OF THE PRESIDENT OF THE REPUBLIC**

#### Section 133

Senators shall participate in the election of the President of the Republic who shall be elected by the Parliament at a joint meeting of both Chambers having been called by the Speaker of the Chamber of Deputies.

#### Section 134

(1) The Constitution shall regulate the election of the President of the Czech Republic<sup>40)</sup>; the details shall be governed by special legislation<sup>41)</sup>.

(2) The Senate, upon agreement with the Chamber of Deputies, shall determine the number of Senators – Members of the joint Election Commission. The Senators – Members of the joint Election Commission shall be established under the Rules of Elections applicable to the election held by the Senate and nominations requiring the consent of the Senate, which shall be Schedule 2 of the Act herein.

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40) Art.54(2), art.56 through 58 of the Constitution.

41) Schedule 2 of Act N.90/1995 Coll.

#### Section 135

Senators shall attend the joint meeting of both Chambers where the President Elect of the Republic shall take the oath of office.

## **PART EIGHTEEN**

### **CONSIDERATION OF A CHARGE BROUGHT BY THE SENATE AGAINST THE PRESIDENT OF THE REPUBLIC**

#### Section 136

The Senate may bring a charge before the Constitutional Court against the President of the Republic for high treason<sup>42)</sup>.

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42) Art.65(2) of the Constitution; ss.96 and 97 of Act N.182/1993 Coll.

#### Section 137

(1) A motion that the Senate bring a charge before the Constitutional Court against the President of the Republic for high treason (hereinafter called "motion to bring a constitutional charge") may be submitted by at least one third of Senators.

(2) A motion to bring a constitutional charge shall contain an accurate and exact description of actions that seem to have been the committing of high treason by the President of the Republic, along with proof of evidence upon which the constitutional charge should rely<sup>43</sup>.

(3) A motion to bring a constitutional charge shall be submitted to the Organization Committee and may not be withdrawn from.

(4) The Organization Committee may return a motion to bring a constitutional charge back to the movers thereof for elaboration of elements provided for under (2) herein above. The elaborated motion may not be returned.

(5) The Organization Committee shall conclude on the position thereof with respect to the motion to bring a constitutional charge, and shall advise the Senate that the motion be passed or dismissed, and recommend at the same time to the President of the Senate that the motion be put on the agenda at the soonest possible meeting of the Senate.

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43) S.97(2) of Act N.182/1993 Coll.

Section 138

(1) Should the Senate pass a motion to bring a constitutional charge it shall decide whether or not a person other than the President of the Senate should be authorised to represent the Senate in the hearing of the constitutional charge before the Constitutional Court.

(2) The constitutional charge may be withdrawn upon a motion of at least one third of Senators. The constitutional charge may be withdrawn during the hearing thereof until the Constitutional Court retires for final deliberation<sup>44</sup>.

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44) S.98(1) of Act N.182/1993 Coll.

Section 139

(1) Consideration by the Senate of a motion to bring a constitutional charge as well as of a motion to withdraw shall be held *in camera*. Only a motion to pass or a motion to dismiss may be made in the course of consideration by the Senate of the motion to bring a constitutional charge or to withdraw. The motions shall be put to a roll-call vote according to the names of Senators.

(2) A resolution of the Senate that the constitutional charge be brought, or a resolution that the motion to bring the constitutional charge be withdrawn, shall be delivered without delay to the Constitutional Court.

## **PART NINETEEN**

### **CONSIDERATION OF CONSENT TO NOMINATION OF A CONSTITUTIONAL COURT JUSTICE AND CONSENT TO THE CRIMINAL PROSECUTION AND DETENTION OF A CONSTITUTIONAL COURT JUSTICE**

Section 140

(1) The President of the Senate shall refer a request by the President of the Republic that a consent of the Senate be given to the nomination of a Constitutional Court Justice, to the Organization Committee and shall serve the request on all Senators and Senators' Groups.

(2) The Organization Committee shall commit the request under (1) to a Committee or Committees and shall advise the President of the Senate that the request should be put on the agenda of the next immediate meeting of the Senate, and be considered so that the Senate may close the vote on the consent to the nomination of a Constitutional Court Justice not later than within 60 days of the submission of the request by the President of the Republic<sup>45</sup>.

(3) A simple majority of Senators present shall be necessary for the consent of the Senate to the nomination of a Constitutional Court Justice.

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45) S.6(2) of Act N.182/1993 Coll.

Section 141

(1) An application of investigative, prosecuting and adjudicating bodies for consent of the Senate to the criminal prosecution of a Constitutional Court Justice<sup>46</sup> (hereinafter called an "application for consent to the criminal prosecution of a Constitutional Court Justice") as well as the notification by such bodies of the detention of a Constitutional Court Justice having been apprehended during his or her committing an offence or immediately after committing the offence<sup>47</sup> (hereinafter called a "notification of the detention of a Constitutional Court Justice") shall be submitted to the President of the Senate. Both an application for consent to the criminal prosecution of a Constitutional Court Justice and a notification of the detention of a Constitutional Court Justice shall contain, in particular, a statement of facts in question and the assumed legal qualification thereof.

(2) Where the President of the Senate has received an application for consent to the criminal prosecution of a Constitutional Court Justice he or she shall refer it to the Mandate and Immunities Committee. Where the President of the Senate has received the notification of the detention of a Constitutional Court Justice he or she shall decide, without delay, whether or not he or she shall give his or her consent to the committal of the detained Justice before court; the President of the Senate shall, without delay, notify the investigative, prosecuting and adjudicating bodies of his or her decision, having submitted the notification of the detention of a Constitutional Court Justice, and, at the same time, he or she shall refer the notification and his or her decision thereon to the Mandate and Immunities Committee.

(3) The Mandate and Immunities Committee shall consider the application for consent to the criminal prosecution of a Constitutional Court Justice or a notification of the detention of a Constitutional Court Justice, and shall report thereon to the Senate and propose a decision. The Senate shall, at its first immediate meeting, conclusively decide by resolution on giving its consent to the criminal prosecution of the respective Constitutional Court Justice named in the application, or on the admissibility of criminal prosecution of the respective Constitutional Court Justice named in the notification of the detention. Where the application for consent to the criminal prosecution of a Constitutional Court Justice, or the notification of his or her detention, contain more than one charge, the Committee shall propose decision and the Senate shall decide on each of them separately. The resolution shall be submitted to the investigative, prosecuting and adjudicating bodies within five days of its being passed.

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46) Art.86(1) of the Constitution.

47) Art.86(2) of the Constitution.

## **PART TWENTY**

### **PETITIONS AND OTHER SUBMISSIONS BY CITIZENS**

#### Section 142

##### **Petitions**

(1) Petitions addressed to the Senate, its bodies and its officials, shall be served on the Committee in charge of dealing with petitions. The Committee shall consider whether or not the petition meets requirements provided for under special legislation<sup>48)</sup>. Should the Committee not be competent to deal with the respective petition in accordance with the first sentence herein before, the Committee shall refer a duplicate of the petition to the body of the Senate having subject-matter jurisdiction over the petition.

(2) The body of the Senate which is competent to deal with the subject-matter of the petition shall decide whether or not the authors of the petition, or the representative of the petition committee, be heard<sup>49)</sup>, and whether or not the content of the petition should be reported to the respective member of the Government or a representative of another administrative authority or a representative of territorial self-government.

(3) Having examined the issue, the body of the Senate competent to deal with the subject-matter of the petition shall notify those who submitted the petition of their conclusions. The answer shall contain an opinion with respect to the content of the petition and the manner of handling therewith. A duplicate of the answer shall be submitted to the Senate Committee responsible for dealing with petitions.

(4) The Committee referred to under (1) first sentence herein above, shall submit a report on the accepted petitions, the content thereof and the manner of handling therewith. The report shall contain, in particular, who submitted the petitions, the date of the delivery thereof, the subject-matter of the petitions, how, and when and by whom the petitions were dealt with and disposed of. Unless the Senate in any case provides otherwise, the Committee shall submit such a report covering the preceding calendar year not later than on February 15.

(5) A report from the Committee referred to under (1) first sentence herein above on the content and manner of dealing with petitions, or the final disposal thereto may be requested by the Senate any time the Senate thinks fit.

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48) The Right to Petition Act N.85/1990 Coll.

49) S.3 of Act N.85/1990 Coll.

#### Section 142a

(1) Where a petitions has been signed by 10,000 persons or more, consideration of the petition shall be put on the agenda of the first following meeting of the Senate as soon as the petition has been examined by the Committee competent to deal with the subject-matter of the petition.

(2) A person who represents members of the petition committee shall have access to the conference hall and the right to speak on the considered petition.

(3) A petition, according to its subject-matter, shall be dealt with and disposed of by the Senate, or by a respective Senate body competent to deal the subject-matter after the petition has been considered by the Senate.

#### Section 143

##### **Other submissions by citizens**

Submissions other than petitions shall be transferred by the Senate Committee competent to deal with petitions to the Committees or Commissions responsible for the respective subject-matter, and/or they shall be referred to the competent authorities or institutions. Authors of submissions shall always be notified of the handling therewith or the referral thereof.

## **PART TWENTY ONE**

### **PUBLIC HEARING**

#### Section 144

##### **Public Hearing by the Senate**

(1) Upon a motion submitted by a group of at least 5 Senators or by a Senate Committee, the Senate may resolve that a public hearing by the Senate be held. A public hearing by the Senate shall be held in order to consider certain questions within the responsibilities of the Senate along with experts and other persons who may provide information on the issue under consideration.

(2) A motion to hold a public hearing by the Senate shall contain the subject of consideration, the range of participants and the day of the hearing. The public hearing by the Senate shall be announced by the President or Vice-President of the Senate by means of publicizing the letter of invitation to the Senate and/or through the mass media. The letter of invitation shall be served on the participants in the public hearing upon the decision of the Senate.

(3) The President of the Senate, or a Senator authorised thereby, shall open, chair and close the public hearing of the Senate.

(4) Section 50 regulating participation in the Senate meetings shall apply to the participation in the public hearing by the Senate accordingly. The invited participants shall have access to the conference hall, the right to speak during the debate on the considered issues, and the right to submit written motions and opinions on the discussed questions. The time of speeches in the debate may be reduced to a maximum of five minutes.

(5) An audio-recording and stenographic report shall be made of the public hearing by the Senate. A report shall be made on the public hearing by the Senate that shall contain information on the hearing, participation therein, full texts of speeches in the debate and written submissions and opinions of the participants. The report shall be made public.

Section 145

#### **The Public Hearing by a Committee**

(1) A Senate Committee may decide by resolution that a public hearing by the Committee shall be held.

(2) Provisions regulating the public hearing by the Senate shall apply to the public hearing by the Committee accordingly.

## **PART TWENTY TWO**

### **THE OFFICE OF THE SENATE**

Section 146

(1) The Office of the Senate, established under special legislation 50), shall perform tasks relating to  
a) specialist, organizational and technical support of activities of the Senate, its bodies and officials, Senators and Senators' Groups. and

b) the use of the Seat of the Senate 50a) for the public unless the objects are not directly used for securing tasks according to the paragraph a).

(2) The Head of the Office shall be the chief officer of the Office of the Senate who shall be accountable for the activities of the Office to the President of the Senate.

(3) Details of the organization and duties of the Office of the Senate shall be regulated by the Rules of Organization of the Office of the Senate which shall be issued by the Organization Committee upon the proposal of the Head of the Office of the Senate. The Organization Committee may authorize the Head of the Office of the Senate to decide on amendments to the Rules of Organization unless they regulate the establishment and abolition of individual departments and positions.

50) The Seat of the Parliament of the Czech Republic Act N.59/1996 Coll.

50a) Annex N.2 to the Seat of the Parliament of the Czech Republic Act N.59/1996 Coll.

Section 147

#### **Relevant Employment Provisions**

(1) The employees of the Office of the Senate shall enter into an employment relationship with the Office by means of a contract of employment, or, exceptionally, by means of an agreement for work to be performed outside the scope of employment. Their employment relations shall be regulated by the Labour Code and other employment legislation unless the provisions of the Act herein provide otherwise.

(2) Salary and remuneration for emergency availability (on-call duty) of the employees of the Office of the Senate shall be governed by special legislation<sup>51)</sup> and by the Rules of Salary Payments of the Office of the Senate. The Rules of Salary Payments of the Office of the Senate shall be issued, upon the proposal of the Head of the Office of the Senate, by the Senate Committee whose responsibilities include the preparation of documentary grounds for the proposal of the budget of the Senate to be submitted to the Chamber of Deputies.

(3) The Head of the Office of the Senate shall be appointed and removed by the President of the Senate upon the approval of the Organization Committee of the nomination submitted by the President of the Senate. Other employees of the Office of the Senate shall be appointed and removed by the Head of the Office of the Senate.

51) Act N.143/1992 Coll., regulating wages and remuneration for emergency availability in institutions fully funded by the state budget and some other institutions, as amended.

## **PART TWENTY THREE**

### **THE PARLIAMENTARY GUARD**

Section 148

The Parliamentary Guard established by special legislation<sup>52)</sup> shall discharge the duty to protect order and safety within the premises of the Senate, or where the Senate or bodies thereof carry out business.

52) S.119 of Act N.90/1995 Coll.



2. Nominations of the Election Commission shall be prepared, upon proposals from Senators' Groups, by a group of Senators delegated by the Senators' Groups based on the parity principle.
3. The Election Commission shall be established by a group of Senators upon the principle of proportionate representation (art.4, paragraph 5).
4. The Election Commission shall elect the Chairperson, Deputy Chairperson and two Senator-Verifiers from amongst its members; the election of officials of the Election Commission shall be based upon the majority principle.
5. The Election Commission shall have a quorum if a majority of its members is present.
6. The resolution of the Election Commission shall be valid if consented to by a majority of its Members present.
7. The establishment of the Election Commission under art.1, para 3, shall be notified by the Chairperson of the Commission to the Senate.
8. An election held by the Senate shall be presided over by the Chairperson of the Election Commission unless the Rules of Elections herein provide otherwise.
9. Art. 1, para 2-7 shall apply to the establishment of the Senate part of a Joint Election Commission accordingly.

## **Art.2**

### **The Election of the President of the Senate, Vice-Presidents of the Senate, Chairs of Committees and Commissions of the Senate**

1. Senators' Groups and individual Senators shall be eligible to nominate candidates for the posts of the President of the Senate, Vice-Presidents of the Senate, Chairs of Committees and Commissions of the Senate.
2. The nominations of candidates for the posts of the President of the Senate, Vice-Presidents of the Senate, Chairmen of the Committees and Commissions of the Senate shall be submitted to the Election Commission not later than 24 hours before the election.
3. The election shall be held in two rounds at the maximum.
4. The election shall be valid where the ballot papers have been served on at least one third of all the Senators in each round.
5. Before the election in each round starts the Election Commission shall check the ballot boxes and seal them. The Election Commission shall also check whether or not all ballot papers with the printed names of candidates are prepared, stamped with the seal of the Senate and signed by two Senator-Verifiers of the Election Commission.
6. The names of candidates shall be listed in alphabetical order on the ballot papers and there shall be a serial number against each name.
7. There shall be a special area designated for voters to mark the ballot papers so that there is secrecy of voting secured; Senators shall enter the area individually.
8. Only the members of the Election Commission may be present in the room where votes shall be computed; other persons may be present only upon the consent of the Election Commission.
9. A Senator shall elect the President of the Senate in such a manner that he or she shall, on the ballot paper,
  - a) answer in the affirmative for one of the candidates through circling the serial number against the name of the candidate; the serial numbers against the names of other candidates shall be crossed as follows: "X" ;
  - b) answer in the negative for all the other candidates through crossing the serial numbers against the names of those candidates as follows: "X" .
10. A Senator shall elect Vice-Presidents of the Senate in such a manner that he or she shall, on the ballot paper,
  - a) answer in the affirmative for the maximum of such a number of candidates as has been determined for the posts of Vice-Presidents of the Senate, through circling serial numbers against the names of the chosen candidates; the serial numbers against the names of other candidates shall be crossed as follows: "X" ;
  - b) answer in the negative for all the other candidates through crossing the serial numbers against the names of those candidates as follows: "X" .
11. A Senator shall elect the Chair of a Committee or a Commission of the Senate in such a manner that he or she shall, on the ballot paper,
  - a) answer in the affirmative for one of the candidates through circling the serial number against the name of the candidate; the serial numbers against the names of other candidates shall be crossed as follows: "X" ;
  - b) answer in the negative for all the other candidates through crossing the serial numbers against the names of those candidates as follows: "X" .
12. A ballot returned on a paper other than one officially printed, or a ballot paper marked in a manner other than provided for under Art. 2, para 9-11 herein above, shall be invalid. Any additional insertion of the name of a candidate, who has not been officially proposed, on the ballot paper shall not render the ballot paper as invalid; such a candidate, however, shall not be considered for the election.
13. Should any doubt arise with respect to the validity of a ballot paper the Election Commission shall decide thereupon and shall record the fact in the Report on Voting.

### **The Election of the President of the Senate**

14. The candidate who obtained the majority of votes of the Senators present in the first round shall be elected the President of the Senate.
15. Should no candidate obtain a majority of votes of the Senators present, the second round of the election shall be held.

16. The two candidates who obtained the highest number of votes in the first round shall move on to the second round of the election. Should there be more candidates in first or second place who obtained an identical number of votes all such candidates shall move on to the second round of the election.

17. The candidate who, in the second round, obtained the majority of votes of the Senators present shall be elected.

18. Should the President of the Senate fail to be elected in the second round of the election there shall be a new election under the Rules of Elections herein within ten days.

#### **The Election of Vice-Presidents of the Senate**

19. The candidates who obtained a majority of votes of the Senators present in the first round shall be elected Vice-Presidents of the Senate.

20. Should more candidates than the number of posts of Vice-Presidents of the Senate have obtained a majority of votes those of them who obtained the highest number of votes shall be elected. Should candidates on elective positions and those outside have reached an equal number of votes the election shall be held among these candidates. Should no decision have been made again a lot shall be drawn.

21. Should fewer candidates, than required for all the posts of Vice-Presidents to be taken, have obtained a majority of votes of the Senators present the second round of the election shall be held with respect to the vacant posts.

22. The candidates not elected in the first round who obtained the highest number of votes amongst those not elected, shall move on to the second round, however, the number of candidates for the second round shall be, at a maximum, twice as high as the number of vacant posts of Vice-Presidents; should an equal number of votes have been obtained by more candidates all those candidates with such equal number of votes shall move on to the second round.

23. The candidates who obtained a majority of votes of the Senators present shall be elected in the second round.

24. Should more candidates than the number of vacant posts have obtained a majority of votes those of them shall be elected who obtained the highest number of votes. Should candidates on elective positions and those outside have reached an equal number of votes a new election shall be held among these candidates. Should no decision have been made again, a lot shall be drawn.

25. Where the vacant posts of Vice-Presidents fail to be taken to the second round a new election shall be held with respect to the vacant posts pursuant to the Rules of Elections herein.

#### **The Election of the Chair of a Committee or Commission of the Senate**

26. The candidate who obtained the majority of votes of the Senators present in the first round shall be elected the Chairperson of a Committee or a Commission of the Senate.

27. Should no candidate obtain a majority of votes of the Senators present the second round of the election shall be held.

28. Two candidates who obtained the highest number of votes in the first round shall move on to the second round of the election. Should there be more candidates in first or second place who obtained an identical number of votes all such candidates shall move on to the second round of the election.

29. The candidate who, in the second round, obtained a majority of votes of the Senators present shall be elected.

30. Should the Chairperson of a Committee or a Commission of the Senate fail to be elected in the second round of the election there shall be a new election under the Rules of Elections herein.

#### **Common Provisions for the Election Held under 14-30 herein above**

31. A report shall be made of the results of voting in each round of the election of the President of the Senate, Vice-Presidents of the Senate and Chairs of Committees and Commissions of the Senate, which shall be undersigned by all the members of the Election Commission; the report shall contain:

- a) the number of ballot papers issued;
- b) the number of returned valid and invalid ballot papers, or the decision on the validity of a ballot paper;
- c) the number of unreturned ballot papers;
- d) the number of valid votes returned for the proposed candidates.
- e) a statement that a candidate has or has not been elected.

32. The Chairperson of the Election Commission shall notify the Senate of the results of voting in each round of the election in accordance with the preceding paragraph.

#### **Art.3**

##### **The Nomination of Senator-Verifiers of the Senate**

1. Senators' Groups shall nominate Senator-Verifiers upon the parity principle so that the Senate shall have at least 10 Senator-Verifiers.

2. The nomination of Senator-Verifiers shall be approved by the Senate upon the proposal of the Chair of the Election Commission.

3. Should the Senate fail to approve the nominees the Election Commission shall propose new candidates for the vacant posts.

#### **Art.4**

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

##### **The Establishment of Committees (Commissions) upon the principle of proportionate representation**

1. The Senate shall establish Committees and Commissions by means of confirmation of the slate submitted by the Election Commission.

2. The names of candidates for membership in a Committee (Commission) shall be submitted to the Election Commission by Senators' Groups. The proposal shall contain candidates for individual Committees (Commissions) in an order which shall be binding.
3. The names of candidates for the membership in Committees (Commissions) shall be submitted to the Election Commission not later than 24 hours before the day of election.
4. A Senator who is not a member in any Senators' Group may offer his or her mandate to any of the Groups.
5. The establishment of a Committee (Commission) shall be proposed by the Election Commission as follows:
  - a) the number of Senators elected to the Senate shall be divided by a set number of members of the Committee (Commission), and added to by 1; such a number shall be the election number;
  - b) the number of membership of individual Senators' Groups shall be divided by the election number; the Groups shall be assigned the number of seats on a Committee (Commission) which shall be equal to the integer of the share after the division;
  - c) should the number of distributed seats on a Committee (Commission) exceed by one the set number of seats, the exceeding seat shall be taken away from the Senators' Group that has reached the lowest remainder after the division. Seats that have been left over shall be assigned to those Senators' Groups that have reached the highest remainder after division. Should the remainder of two or more Groups be identical the seat on a Committee (Commission) shall be assigned to the Group with larger membership;
  - d) should such a decision fail to be made and the seats of Committees (Commissions) fail to be assigned, the membership of a Committee (Commission) shall be increased by 1 and the procedure under a)-d) herein above shall repeat.
6. A Senator who fails to be listed in any Committee (Commission) shall be offered membership in some of the Committees. Such Senator shall be elected a member of a Committee by the Senate upon the proposal of the Election Commission by a majority principle.
7. Proposals to establish individual Committees (Commissions) shall be submitted by the Election Commission to the Senate for approval. Where the Senate has confirmed a proposal the Committee shall be established. Any change in such an established Committee may be pursued during the elective term only upon the consent of the Senate. Should the Senate fail to confirm the establishment of the Committee (Commission) the Senate shall request the Senators' Groups that the matter be considered again and new proposals be submitted. Consideration having been finished, the Election Commission shall submit to the Senate a new proposal of the Committee (Commission) established under the preceding provisions.
8. Should the Senate fail to confirm a newly proposed establishment of a Committee (Commission) the meeting of the Senate shall be put in a recess so that contentious questions may be resolved.  
**The Election of Commission upon the Majority Principle**
9. Should the Senate decide that a Commission be elected upon the majority principle the Senate shall elect Commission upon the proposal made by the Election Commission.
10. The names of candidates for membership in a Commission shall be submitted by the Senators' Groups to the Election Commission. The proposal shall contain the names of candidates for individual Commissions in an order which shall be binding.
11. The names of candidates for membership in Commissions shall be submitted to the Election Commission not later than 24 hours before the day of election.
12. The Election Commission shall prepare the slate as follows:
  - a) the number of Senators elected to the Senate shall be divided by a set number of members in the Commission, and added to by 1; such a number shall be the election number;
  - b) the number of membership of individual Senators' Groups shall be divided by the election number; the Groups shall be assigned the number of seats on a Commission which shall be equal to the integer of the share after the division;
  - c) should the number of distributed seats on a Commission exceed by one the set number of members, the exceeding seat shall be taken away from the Senators' Group that has reached the lowest remainder after the division. Seats that have been left over shall be assigned to those Senators' Groups that have reached the highest remainder after division. Should the remainder of two or more Groups be identical the seat on a Commission shall be assigned to the Group with larger membership;
  - d) should such a decision fail to be made and the seats of Commissions fail to be assigned the membership of a Commission shall be increased by 1 and the procedure under a)-d) herein above shall repeat.
13. The number of seats acquired under paragraph 12 shall be multiplied by two. The resulting multiples shall be the number of seats acquired by individual Senators' Groups for their members who shall be put on the slate in an order set by the respective Senators' Group.
14. The Senator presiding over the meeting of the Senate shall put all the proposed candidates for membership on the Commission to the vote individually.
15. The candidates who obtained a majority of votes of the Senators present in the first round shall be elected members of the Commission.
16. Should more candidates than the number of vacant posts on the Commission have obtained a majority of votes those of them who obtained the highest number of votes shall be elected. Should candidates on elective positions and those outside have reached an equal number of votes the election shall be held among these candidates. Should no decision be made again, a lot shall be drawn.
17. Should fewer candidates, than required for all the seats on the Commission to be taken, have obtained a majority of votes of the Senators present the second round of the election shall be held with respect to the vacancies.

18. Those candidates not elected in the first round who obtained the highest number of votes amongst those not elected, shall move on to the second round, however, the number of the candidates for the second round shall be, at a maximum, twice as high as the number of vacant seats on the Commission; should an equal number of votes have been obtained by more candidates all the candidates with such equal number of votes shall move on to the second round.

19. The candidates who obtained a majority of votes of the Senators present shall be elected in the second round.

20. Should more candidates than the number of vacancies have obtained a majority of votes those of them who obtained the highest number of votes shall be elected. Should candidates on elective positions and those outside have reached an equal number of votes a new election shall be held among these candidates. Should no decision be made again, a lot shall be drawn.

21. The Senator presiding over the meeting shall notify the Senate of the results of voting in each round of the election.

#### **Common Provisions for the Establishment of Committees (Commissions) and the Election of Commissions**

22. The Senator presiding over the meeting shall notify the Senate of the results of the establishment of a Committee (Commission) or the election of a Commission.

23. Should a seat on a Committee (Commission) fall vacant during the term of office the Senate shall elect a new member of the Committee (Commission) by a majority vote. The Election Commission shall be the only mover; the principle of proportionate representation shall be used.

#### **The Establishment of the Organization Committee**

The Organization Committee shall consist of the Chairperson, being the President of the Senate, Deputy Chairmen of the Committee, being Vice-Presidents of the Senate, and other members of the Committee established upon the principle of proportionate representation (art.4, paras 1-8)

#### **Art.5**

#### **The Election by a Majority Vote of Members for the Senate of Permanent Delegations of the Parliament of the Czech Republic and Members of the Representation to Maintain Permanent Interaction with International Organizations and Other International Institutions**

Art.4 paras 10-23 shall apply accordingly to the election by a majority vote of the members for the Senate of Permanent Delegations of the Parliament of the Czech Republic and members of the Representation to maintain permanent interaction with international organizations and other international institutions.

#### **Art.6**

#### **The Election under Special Legislation**

1. Special legislation shall provide who shall be elected by the Senate and who shall be entitled to submit nominations for such election.

2. The nominations shall be submitted to the Election Commission of the Senate not later than ten days before the day of election.

3. The law shall provide, or the Senate shall decide, who shall be elected by a secret ballot; otherwise a public vote shall be carried.

#### **The Election by a Secret Ballot**

4. The election shall be held in no more than two rounds.

5. The election shall be valid where ballot papers have been served on at least one third of all the Senators in each round.

6. Before the election in each round starts the Election Commission shall check the ballot boxes and seal them. The Election Commission shall also check whether or not all ballot papers with the printed names of candidates have been prepared, stamped with the seal of the Senate and signed by two Senator-Verifiers of the Election Commission.

7. The names of candidates shall be listed in alphabetical order on the ballot papers and there shall be a serial number against each name.

8. There shall be a special area designated for voters to mark the ballot papers so that the voting is in secret; Senators shall enter the area individually.

9. Only the members of the Election Commission may be present in the room where votes shall be counted; other persons may be present only upon the consent of the Election Commission.

10. A Senator shall vote in such a manner that he or she shall, on the ballot paper,

a) answer in the affirmative for, at maximum, the number of candidates, having been set for the election through circling the serial number against the names of the candidates; the serial number against the names of other candidates shall be crossed as follows: "X" ;

b) answer in the negative for all the other candidates through crossing the serial number against the names of those candidates as follows: "X" .

11. A ballot returned on a paper other than one officially printed, or a ballot paper marked in a manner other than provided for in subparagraphs herein above, shall be invalid. Any additional insertion of the name of a candidate, who has not been officially proposed, on the ballot paper shall not render the ballot paper as invalid; such a candidate, however, shall not be considered for the election.

12. Should any doubt arise with respect to the validity of a ballot paper the Election Commission shall decide thereupon and shall record the fact in the Report of Voting.

13. Those candidates shall be elected in the first round who have obtained a majority of votes returned from delivered ballots.

14. Should more candidates than the number of vacancies have obtained a majority of votes those of them who obtained the highest number of votes shall be elected. Should candidates on elective positions and those outside have reached an equal number of votes a new election shall be held among these candidates. Should no decision be made again, a lot shall be drawn.
15. Should fewer candidates, than required for all the seats to be taken, have obtained a majority of votes of the Senators present the second round of the election shall be held with respect to the vacancies.
16. The candidates not elected in the first round who obtained the highest number of votes from amongst those not elected, shall move on to the second round, however, the number of candidates for the second round shall be no more than twice as high as the number of vacant seats; should an equal number of votes have been obtained by more candidates all the candidates with such equal number of votes shall move on to the second round.
17. The candidates who obtained a majority of votes of the Senators present in the second round shall be elected.
18. Should more candidates than the number of vacancies have obtained a majority of votes those of them shall be elected who obtained the highest number of votes. Should candidates on elective positions and those outside have reached an equal number of votes a new election shall be held among these candidates. Should no decision be made again, a lot shall be drawn.
19. Should the vacancies fail to be taken in the second round a new election shall be held in respect thereof pursuant to the Rules of Elections herein.
20. A report shall be made of the results of voting in each round of the election, which shall be undersigned by all the members of the Election Commission; the report shall contain:
- a) the number of ballot papers issued;
  - b) the number of returned valid and invalid ballot papers, or the decision on the validity of a ballot paper;
  - c) the number of unreturned ballot papers;
  - d) the number of valid votes returned for the proposed candidates;
  - e) a statement that a candidate has or has not been elected.
21. The results of voting in each round of the election shall be notified to the Senate by the Chairperson of the Election Commission in accordance with the preceding paragraph.

#### **The Election by Public Voting**

22. The election by public voting under special legislation shall be held accordingly as the election by secret ballot under the Article herein, paras 4-21, but the ballot paper shall be marked with the name of the Senator to whom it was issued.
23. Information on the result of public voting containing the record of votes cast by each Senator shall be made accessible to the public and mass media.

#### **Art. 6a**

##### **Nominations under special legislation**

1. Senators shall be eligible to propose candidates for nominations submitted by the Senate according to special legislation unless a special law provides otherwise. Where special qualifications have been set for the position for which a nominee is proposed, documents proving the qualifications shall be a part of the nomination.
2. Proposals shall be submitted in writing to the Election Commission of the Senate. The Election Commission shall check whether or not the persons to be nominated by the Senate have fulfilled the conditions provided for by special legislation.
3. The time-limit for the submission of nominations made by the Senate shall be set by the Organization Committee according to special legislation.
4. After the expiration of the time-limit for nominations the Election Commission shall immediately submit received nominations to the Organization Committee and, at the same time, it shall serve the nominations on all Senators and Senators' Groups. The President of the Senate shall put the election of persons nominated by the Senate for positions according to special legislation on the agenda of the next meeting.
5. A Senator who has made a proposal may withdraw from it before the closing of the debate at the meeting of the Senate. The same possibility shall exist for a mover under special legislation.
6. Persons nominated by the Senate for positions under special legislation shall be elected upon a majority principle by secret ballot.
7. Provisions of Art. 2 herein above relating to the election of the President of the Senate shall apply accordingly to the election of a sole person nominated by the Senate for a position under special legislation. Provisions of Art. 2 herein above relating to the election of Vice-Presidents of the Senate shall apply accordingly to the election of more persons nominated by the Senate for positions.

#### **Art. 6b**

##### **Approval of nominations under special legislation**

1. A proposal to approve a nomination under special legislation shall be referred immediately by the President of the Senate to the Organization Committee, and the President shall distribute the proposal among all Senators and Senators' Groups.
2. The Organization Committee shall, at the first immediate meeting, refer the proposal to a Committee or Committees and shall advise the President of the Senate that the proposal should be put on the agenda of a meeting of the Senate. Where the proposal has been referred to more Committees, the Organization Committee shall determine which of them shall act as Committee-Guarantor.
3. The Committee, to which the proposal has been referred, shall examine whether persons whose nominations are to be approved by the Senate have fulfilled the conditions set by special legislation.

4. The Senate shall vote on the approval of nominations under special legislation by secret ballot upon a majority principle.

5. Provisions of Art. 2 relating to the election of the President of the Senate shall apply accordingly to the approval of nomination under special legislation.

**Art. 6c**

Where the Senate elects, nominates or approves nomination otherwise than under special legislation, provisions of articles 6, 6a and 6b shall apply accordingly reflecting the nature of the issue.

**Art.7**

**Common Provisions**

1. Association of Senators' Groups and individual Senators for the purposes of elections under the Rules of Elections herein shall be permissible.

2. Where the Rules of Elections provide for a Senators' Group the association of Groups made up of several Senators' Groups shall be permissible.

3. Where the Rules of Elections provide for public voting, voting may be taken by means of an electronic voting device. The procedure of voting by