

## **Statute**

Adopted by Government Resolution No. 534 of 21 August 1998 and amended by Government Resolution No. 1009 of 3 October 2001, Government Resolution No. 1158 of 24 November 2004, and Government Resolution No. 1148 of 4 October 2006

### **Article 1**

#### **Status of the Government Legislative Council**

1. The Government Legislative Council (hereinafter referred to as the “Legislative Council”) is the Government’s advisory body in the field of the Government’s legislative work.
2. The Legislative Council performs its responsibilities through
  - a) sessions of the Legislative Council,
  - b) the Chairman of the Legislative Council,
  - c) the working commissions of the Legislative Council.
3. The Legislative Council, while performing its responsibilities, considers legislative drafts (material intents of laws, draft bills and draft regulations of the Government) as to whether
  - a) they are consistent with the constitutional order and other statutes of the Czech Republic’s law,
  - b) they are consistent with international treaties binding on the Czech Republic,
  - c) they are consistent with the laws of the European Communities and the European Union,
  - d) they are necessary in all their parts and as a whole,
  - e) their content is clearly structured, comprehensibly and unambiguously formulated, and they are consistent with other binding rules of the legislative process.

### **Article 2**

#### **Responsibilities of the Legislative Council**

The Legislative Council

- a) takes a stand to legislative drafts for the Government,
- b) takes a stand to the conclusions of the working commissions of the Legislative Council or of the Compatibility Department of the Government Office and to draft decrees if the drafter of the proposed decree disapproves of such conclusions,
- c) takes a stand in other cases if the Government or the Chairman of the Legislative Council do decides,
- d) comments on the proposed Government Legislative Rules and on their amendments,
- e) at the proposal of the Chairman of the Legislative Council, appoints and recalls members of the working commissions of the Legislative Council and, from among such members, appoints and recalls the chairmen and vice-chairmen of the working commissions of the Legislative Council.

### **Article 3**

#### **Composition of the Legislative Council**

1. The Legislative Council shall have no more than 29 members, including the chairman, vice-chairmen and other members.
2. The Chairman of the Legislative Council shall be appointed and recalled by the

Government at the proposal of the Prime Minister. The Chairman of the Legislative Council shall be a member of the Government; if his or her engagement as a member of the Government terminates, his or her engagement as the Chairman of the Legislative Council shall be terminated as of the same date.

3. The vice-chairmen and other members of the Legislative Council shall be appointed and recalled by the Government at the proposal of the Chairman of the Legislative Council.

4. Membership of the Legislative Council is non-substitutable, with the exception of members of the Government who may be substituted by their respective deputies.

#### **Article 4**

##### **The Chairman of the Government Legislative Council**

1. The Chairman of the Legislative Council shall chair the sessions of the Legislative Council; in his/her absence, sessions of the Legislative Council shall be chaired by any of its vice-chairmen authorised by the Chairman of the Legislative Council to chair its sessions.

2. The Chairman of the Legislative Council signs positions taken by the Legislative Council and submits them to the Government, if the same are designated for the Government.

3. The Chairman of the Legislative Council may decide that a legislative draft will not be considered by the Legislative Council will not consider a legislative draft and that the Chairman of the Legislative Council will prepare his position regarding such legislative draft if the same

a) does not or, in the case of a material intent of a law, will not have the form of a full-text law (not an amendment),

b) does not address principal legislative issues the solution of which requires discussion of the draft by the Legislative Council, or

c) is urgent in terms of timing.

4. The Chairman of the Legislative Council, while deciding whether a legislative draft will be considered by the Legislative Council or whether a position of the Chairman of the Legislative Council will be prepared with respect thereto, shall also consider the working capacity of the Legislative Council.

#### **Article 5**

##### **Working Commissions of the Legislative Council**

1. The following commissions of the Legislative Council are hereby established:

a) on public law; this working commission shall consider legislative drafts containing the regulation of legal relations with prevailing responsibilities of public administration or government or subdivisions of the state or self-governing territorial units, with the exception of matters to be considered by the commission referred to under (c) below;

b) on private law; this working commission shall consider legislative drafts primarily regulating legal relations between natural and legal persons;

c) on penal law; this working commission shall consider legislative drafts containing primarily legal relations in criminal matters.

2. The types and number of the working commissions of the Legislative Council shall be proposed by the Chairman of the Legislative Council; sub-commissions of the working commissions of the Legislative Council shall be set up by the Chairman of the Legislative Council at the proposal of the relevant commission, subject to discussion with the head of the Secretariat of the Legislative Council.

3. Any working commission of the Legislative Council shall consist of the chairman, vice-chairmen and other members.

4. The working commissions of the Legislative Council
  - a) discuss the legislative drafts submitted to the Government and the Legislative Council, and their conclusions used by the Government Legislative Department are part of the underlying documents used in the preparation of the proposed position of the Legislative Council or the proposed position of the Chairman of the Legislative Council,
  - b) discussed proposed drafts of decrees.
5. The Chairman of the Legislative Council decides which of the working commissions of the Legislative Council will discuss a legislative proposal.

#### **Article 6**

##### **Cost of Work of the Legislative Council and Its Working Commissions**

1. The Office of the Government (hereinafter referred to as the “Office”) provides all the material and premises necessary for the work of the Legislative Council and its working commissions and sub-commissions through the Secretariat of the Legislative Council, managed by the head of the Secretariat who shall be responsible for the work of the Legislative Council and its working commissions in compliance with the Statute and the Rules of Procedure of the Legislative Council.
2. Members of the Legislative Council and its working commissions shall be entitled to reimbursement of demonstrable travel expenses payable by the Office in accordance with applicable laws.
3. Members of the Legislative Council and its working commissions shall be entitled to remuneration for the performance of their office payable by the Office in an amount determined by the Chairman of the Legislative Council, unless applicable laws do not prevent such payment.

#### **Article 7**

##### **Rules of Procedure of the Legislative Council**

1. The Rules of Procedure of the Legislative Council shall regulate the procedure to be followed by the Legislative Council at its sessions and by the working commissions at its meetings.
2. The Rules of Procedure of the Legislative Council and any amendments thereto shall be adopted by the Government.

#### **Article 8**

##### **Final Provisions**

This Statute shall enter into force on 22 August 1998.