

THE GOVERNMENT OF THE CZECH REPUBLIC

Annex

to government decree
no. 40, dated 11 January 2010

Statute

The Government Council for Non-Government, Non-Profit Organisations

Article 1

Introductory provisions

- 1) The Government Council for Non-Government, Non-Profit Organisations is a continuous advisory, initiative and coordinating body of the government of the Czech Republic (hereinafter only the “CR”) in the realm of non-government, non-profit organisations (hereinafter only “NGOs”).
- 2) The Government Council for Non-Government, Non-Profit Organisations was established by government decree no. 428, dated 10 June 1992, as the Council for Foundations. Government decree no. 223, dated 30 March 1998, subsequently transformed this body into the Government Council for Non-Government, Non-Profit Organisations (hereinafter only the “Council”).

Article 2

Competencies of the Council

- 1) The Council shall focus on, shall negotiate and through its chairman / chairwoman (hereinafter only “chairman”) shall submit to the government materials dealing with NGOs and relating to the creation of an appropriate environment for their existence and activities.
- 2) In particular, the Council shall fulfil these tasks:
 - a) preparing and evaluating conceptual and implementational data to inform government decisions concerning support for NGOs as well as legislative and policy measures that deal with the conditions of their ongoing operation,
 - b) monitoring, initiating and commenting on legal regulations, governing the position and activities of NGOs; through its chairman – a member of the government – the council shall provide comments concerning any proposed legislation related to NGOs,
 - c) initiating and coordinating cooperation among ministries, other administrative authorities and territorial self-government bodies in the realm of support for NGOs, including subsidy policies from public budgets, monitoring, analysing and

publishing information on the position of NGOs within the framework of the European Union (hereinafter only the “EU”), on the involvement of the CR in the EU, in terms of NGOs, and on the financial sources connected therewith; cooperating with ministries and other administrative authorities responsible for the administration of EU finances in the CR, inasmuch as the utilisation of said funding is related to NGOs,

- e) in cooperation with ministries, other administrative authorities, NGOs and additional entities and institutions, ensuring the availability and publication of information on NGOs and on state policy measures which address NGOs; in particular, providing access to and analysing information concerning subsidies from public funds for NGOs and the process, by which such funding is made available and utilised,
- f) participating in measures from various ministries or other administrative authorities that are related to NGOs, particularly in processes involving the standardisation of activities, the allocation of accreditations and the categorisation of NGO types,
- g) monitoring and informing the government on the use of financial resources within the Endowment Investment Fund category, which, by Decrees No. 413/1999 and No. 1946/2001 of the Chamber of Deputies of the Parliament of the Czech Republic, were separated into the endowment assets of selected foundations, and on the distribution of their proceeds; in this task the Council shall cooperate with the Ministry of Finance.

Article 3 **Composition of the Council**

- 1) The Council shall have, at most, 39 members, which shall include a chairman, two vice-chairmen / vice-chairwomen (hereinafter only “vice-chairman”) and additional members (hereinafter only “member”).
- 2) The government shall name or recall the chairman of the Council; the chairman shall be a member of the government.
- 3) The government shall appoint or recall the vice-chairmen and other members of the Council on the basis of a proposal from the chairman of the Council.
- 4) Additional members of the council shall be
 - a) representatives of NGOs, which shall always comprise at least half of all members of the Council; NGO representatives shall be nominated either as experts in a specific area or as representatives of an association or another grouping from within the non-profit sector,
 - b) deputy ministers of finance; culture; labour and social affairs; for regional development; education, youth and sports; the interior; foreign affairs; health; agriculture and the environment,

- c) representatives of other administrative authorities, which impact the position and activities of NGOs,
 - d) representatives of territorial self-government bodies,
 - e) experts on NGO issues.
- 5) Members of the Council listed in paragraph 4 letter b) shall have permanent stand-in members, appointed in accordance with paragraph 3. In the event that a deputy minister is unable to attend a meeting of the Council, his/her permanent stand-in shall participate in the meeting with the right to vote.
- 6) The term of office for members of the Council is four years. After the term of office has expired, council members shall continue to hold office and fulfil duties until new members are appointed. For members of the Council representing NGOs, the number of repeat appointments is limited to two consecutive terms of office.
- 7) Membership in the Council shall also be terminated
- a) in the event that the chairman is no longer a member of the government,
 - b) in the case of representatives from the ministries, other administrative authorities and local self-government bodies, their being recalled from service or due to the termination of their employment/service relationship,
 - c) by the resignation of a member of the Council by means of a written notification,
 - d) by the recall of a member of the Council,
 - e) by the death of a member,
 - f) by the dissolution of the Council.
- 8) The Council is a collective body, in which each of its members holds an equal position.

Article 4

The chairman of the Council

- 1) The chairman of the Council shall answer to the government for the activities of the Council.
- 2) The chairman of the Council shall call and direct meetings of the Council. Meetings of the Council shall be held as necessary and at least four times per year. Upon a proposal from one third of the members of the Council, its chairman shall call a meeting of the Council, so as to ensure the meeting takes place with three weeks of the proposal's submission.
- 3) Moreover, the chairman of the Council shall
- a) direct the activities of the Council,
 - b) propose the program of meetings of the Council,

- c) present members of the Council with materials for discussing proposals,
 - d) appoint and recall chairmen and vice-chairmen of the Council's committees, on the basis of proposals from the Council,
 - e) appoint and recall members of the Council's committees, on the basis of proposals from the Council,
 - f) sign the minutes of Council meetings as well as positions, recommendations and other Council materials,
 - g) present Council materials to the government,
 - h) present the director of the Office of the Government of the Czech Republic (hereinafter only the "Office") with a proposal for the appointment or recall of a division director for the Council's secretariat, more specifically set forth in Article 9 (3) of this Statute,
 - i) invite guests to the Council's meetings, more specifically set forth in Article 8 (1 and 2) of this Statute.
- 4) In the absence of the Council chairman at a Council meeting, a vice-chairman of the Council shall fill in for the chairman.

Article 5

Members of the Council

- 1) Members of the Council are required to participate in Council meetings as well as the meetings of any Council committees and working groups, of which they are members. They are entitled to attend meetings of Council committees and working groups, of which they are not members.
- 2) Members of the Council have the right to submit proposals to the Council.
- 3) Members of the Council have the right to propose items for inclusion in the programme of Council meetings. They approve the program of Council meetings and the plan of Council activities.
- 4) Membership in the Council is non-substitutable, with the exception of cases detailed in Article 3 (5). It shall be necessary to submit a written excuse through the Council secretariat regarding any absence from a meeting of the Council. In exceptional cases, a Council member, who does not have a permanent stand-in member in accordance with Article 3 (5), may send another employee or member of the same legal authority, self-government body or NGO, which was nominated into the Council, to a meeting of the Council. Such a substitute must submit a written document, signed by the member of the Council to be represented, verifying his/her authority to stand it, at latest, before the beginning of the meeting of the Council.
- 5) A stand-in attendee, in accordance with paragraph 4, may only vote if the represented member of the Council explicitly entrusted him or her with the power to vote.

Article 6

Council committees

- 1) All committees of the Council, the members of which may also include external collaborators, must be listed in the Statute of the Council.
- 2) The term of office for committee members shall correspond with the term of office of members of the Council.
- 3) The chairman of a Committee must be a member of the Council.
- 4) The Council has these committees:
 - a) The Committee for Regions,
 - b) The Committee for the European Union,
 - c) The Committee for Legislation and Finance.
- 5) The Committee for Regions shall, in particular:
 - a) initiate and monitor cooperation among ministries, other administrative authorities, self-government bodies and NGOs, including issues concerning the provision of subsidies from public funds,
 - b) inform the Council about its activities and present proposals for measures.
- 6) The Committee for the European Union shall, in particular:
 - a) monitor information regarding the position of NGOs within the EU, the development of current topics and discussions concerning European integration, which involve European NGOs, and related financial sources,
 - b) cooperate with ministries and other administrative authorities that are responsible for the implementation of EU financial resources in the CR and preparing proposals for measures to more fully include NGOs in the utilisation of these financial sources,
 - c) inform the Council about its activities and present proposals for measures.
- 7) The Committee for Legislation and Finance shall, in particular:
 - a) monitor legislation that impacts the position and activity of NGOs, initiate and cooperate in the creation of such legislation,
 - b) cooperate with ministries, other administrative authorities, self-government bodies, NGOs and other institutions,
 - c) monitor processes of NGO financing and seek to make said processes more effective,
 - d) inform the Council about its activities and present proposals for measures.

8) Each committee shall have its own statute, which shall be subject to approval by the Committee.

Article 7 **Working groups of the Council**

- 1) The chairman of the Council shall establish, based on the proposal of the Council and as needed, temporary working groups. Working groups shall not have their own statute.
- 2) The director of a working can only be a member of the Council or a secretary to the Council. The chairman of the Council shall appoint and recall the director of a working group. The members of a working group may also include external collaborators.
- 3) Working groups shall deal with specific, sub-order issues from the within the jurisdiction of the Council and with the preparation of specialised informational material for Council meetings.

Article 8 **External cooperation**

- 1) The Council may request the cooperation of state administration employees, who are not members of the Council, or external specialists.
- 2) Specialists may, at the invitation of the chairman of the Council and with the Council's approval, attend a meeting of the Council as guests specialising on a certain issue or they may participate in work in committees and working groups as ongoing collaborators.

Article 9 **The secretariat of the Council**

- 1) Activities of the Council (including the activities of its committees and working groups) shall be supported by the secretariat of the Council (hereinafter only the "secretariat"), which is an organisational section of the Office.
- 2) The secretariat shall, in particular:
 - a) administratively and organisationally support the activities of the Council, its committees and working groups,
 - b) collect materials and information needed for the activities of the Council,
 - c) prepare specialised informational materials for meetings of the Council, in accordance with instructions from the chairman of the Council,
 - d) cooperate with the chairmen of Council committees and participate in the preparation of Council committee meetings,
 - e) regularly publish information on the Council and its activities, including information on its committees and working groups, at the Office's website,

- f) monitor the terms of office of members of the Council, in accordance with Article 3 (6) of this Statute,
 - g) be a specialised workplace, focusing on issues surrounding the non-profit sector and its relationship with public administration.
- 3) The division director of the secretariat shall take responsibility for the fulfilment of tasks and for the activities of the secretariat, in accordance with instructions from the chairman of the Council. The director of the Office shall appoint and recall the division director of the secretariat, based on the proposal of the chairman of the Council.
 - 4) The division director of the secretariat shall also serve as the secretary of the Council and shall participate in meetings of the Council with an advisory role.

Article 10
Expenses for activities and remuneration

- 1) Expenses for the activities of the Council are covered from the Office's budget.
- 2) Meetings of the Council, the Council's committees and working groups shall be held, as a rule, within the premises of the Office.
- 3) Members of the Council and members of its committees shall be entitled to compensation for verifiable travel expenses paid in connection with the activities of the Council, the Council's committees or working groups, in accordance with legal regulations.
- 4) Members of the Council shall not be entitled to remuneration for filling a post as a member of the Council, the Council's committees or working groups.
- 5) Members of the Council, who are not public administration employees, shall be eligible to receive remuneration for work that they verifiably do in response to a work order or on the basis of an agreement to perform work outside an employment relationship (an agreement to complete a job or an agreement to perform work). The remuneration amount shall be proposed by the secretary of the Council and approved by the director of the Office.
- 6) On the basis of a proposal from the secretary of the Council, compensation for travel expenses or remuneration for work performed may also be awarded to specialists who collaborate with the Council. The procedures described herein in paragraphs 3 and 5 shall apply to any such compensation.

Article 11
Rules of procedure of the Council

- 1) Rules of procedure of the Council set forth the means by which the Council operates. The rules of procedure of the Council as well as any changes or amendments to it shall be subject to approval by the Council.
- 2) The committees of the Council shall, within reason, adhere to the rules of procedure of the Council.

- 3) Working groups shall, generally, act informally and make decisions by consensus. If it becomes necessary, they shall also adhere, within reason, to the rules of procedure of the Council.

Article 12
Concluding provisions

- 1) This Statute is available to the public at the website and at the Office of the Government. A complete and valid version of the Statute is always published on the website.
- 2) Changes and additions to this Statute shall be subject to government approval.
- 3) This Statute shall enter into force 11 January 2010.