

## **RULES OF PROCEDURE OF THE GOVERNMENT**

Approved under Government Resolution No 610 of 16 September 1998, Government Resolution No 506 of 22 May 2000, Government Resolution No 913 of 13 September 2000, Government Resolution No 53 of 10 January 2001, Government Resolution No 1161 of 7 November 2001, Government Resolution No 737 of 15 July 2002, Government Resolution No 772 of 7 August 2002, Government Resolution No 180 of 17 February 2003, Government Resolution No 427 of 28 April 2003, Government Resolution No 590 of 11 June 2003, Government Resolution No 773 of 30 July 2003, Government Resolution No 853 of 3 September 2003, Government Resolution No 538 of 2 June 2004, Government Resolution No 1072 of 3 November 2004, Government Resolution No 1055 of 13 September 2006 and Government Resolution No 57 of 17 January 2007, Government Resolution No 816 of 18 July 2007, Government Resolution No 1125 of 3 October 2007, Government Resolution No 36 of 11 January 2010, Government Resolution No 101 of 9 February 2011, Government Resolution No 655 of 31 August 2011, Government Resolution No 922 of 14 December 2011, Government Resolution No 204 of 20 March 2013, Government Resolution No 876 of 20 November 2013, Government Resolution No 278 of 23 April 2014, Government Resolution No 39 of 18 January 2016, Government Resolution No 798 of 5 September 2016 and Government Resolution No 47 of 17 January 2018

### **Article I**

#### **Introductory provisions**

(1) The Government, as the supreme executive body, takes decisions pursuant to and within the limits of laws in respect of fundamental matters of national significance, unless such decision-making is in the competence of ministries, other central state administration authorities or their subordinate bodies.

(2) As a general rule, the Government adopts decisions on the basis of written materials presented to it by a member of the Government, and in exceptional cases on the basis of oral information from a member of the Government in urgent matters.

(3) The Government's decisions are issued in the form of Government Resolutions. Government Resolutions are binding upon all members of the Government, ministries, other central state administration authorities, other administrative bodies and further entities where thus provided by a separate law.

### **Article II**

#### **Preparation of material for Government meetings and submission thereof to the Government**

(1) With the exception of material referred to in Annex No 5 to these Rules of Procedure, each document for a Government meeting, prior to the submission thereof to the Government, shall be presented to all ministers, the Deputy Prime Minister (if not charged with the management of a ministry), the manager of the Office of the Government for their opinion, and to the governor of the Czech National Bank, if the material pertains to the Czech National Bank competence. For non-legislative material of purely technical or organizational nature that are not crucial in economic, political or social terms and do not suggest any task assignments to other members of the Government or heads of other central state administration authorities than the presenting party, such material may be submitted for opinion only to those members of the Government or heads of other central state administration authorities whose competence it pertains to. The material is submitted for opinion by means of the electronic library eKLEP of the Office of the Government (hereinafter referred to as "electronic library"). The time limit for the opinion communication is 10 work days, unless the party sending the material for an opinion sets a longer time limit. The time limit begins on the working day immediately after the day the material was placed in the electronic library, and ends with the expiry of the last working day of that period. The Prime Minister may permit an exception from the requirement of comment procedure, including the time limit for the communication of opinions, in respect of material of a non-legislative nature. The comment points serve to communicate the opinions to the party presenting the material by means of the electronic library. Material for Government meetings shall be presented to the heads of other central state administration authorities, the ombudsman, the mayor of Prague, regional authorities and other bodies carrying out state administration for their opinion in cases within their competence; in such cases this represents a competence based on a legal regulation or Government Resolution. Material for Government meetings shall be submitted for an opinion by the head of the authority that drew up the material. Where material contains a decision of the National Security Council (hereinafter referred to as 'BRS') concerning submission thereof to the Government, comment procedure shall be replaced by discussion of the matter within the BRS. Where material concerns European Union affairs and is in the competence of the EU Committee, the comment procedure may be replaced by a discussion thereof within the EU Committee, unless a member of the EU Committee requests that the material passes through comment procedure.

(2) Non-legislative material shall be submitted for opinions in accordance with paragraph (1) by being placed in the electronic library after the approval of the head of the authority that drafted the material. Together with this material, information on the time limit for opinion acknowledgment and the electronic address to send the opinions to are also placed in the electronic library. The text of the cover letter contains a headline; if more than one comment point is addressed, it is sufficient to include the words "Dear Sir / Madam" in the address. This applies reasonably to the letters through which the comments are sent by insertion into the electronic library.

(3) Bodies which are presented the material for opinions according to paragraph (1) may mark the acknowledged comments they consider significant as crucial; a Government member to whom the material was not presented for an opinion according to paragraph (1) may apply a crucial comment. If the party presenting the material for the Government meeting does not comply to the comments marked as crucial, they become a subject of a disagreement. If the

disagreement cannot be resolved by acting at the level of deputies, the resolution is imposed on a member of the Government or the head of another authority that is the party presenting the material for the meeting of the Government, by negotiation with a member of the Government or the head of another authority who has put forward a crucial comment. At the same time, a member of the Government or the head of another authority that is the party presenting the material for the meeting of the Government must also ensure that resolution of the disagreement does not result in a consequent disagreement with another member of the Government.

(4) In the discussion of the disagreements under paragraph (3), a member of the Government or the head of another authority that is the party presenting the material for the meeting of the Government shall ensure that only unresolved contradictions of a conceptual nature have been presented to the Government with the fact that the material in this case usually contains specific variants aimed at resolving the disagreement. If, after presenting the material to the Government, there is an agreement on the manner of resolving the disagreement, the relevant member of the Government, who is the party presenting the material to the Government, informs the other members of the Government and the heads of other authorities without delay of the manner of resolving the disagreement.

(5) The party presenting material for Government meetings shall be a member of the Government or, in cases laid down by law, the president of the Czech Statistical Office, the governor of the Czech National Bank or the ombudsman. The party presenting material containing a BRS decision shall be the president of the BRS, the vice-president of the BRS, or the party presenting the materials to the BRS. The manager of the Office of the Government may also present material for Government meetings. Where material for a Government meeting is drawn up in cooperation with other ministries, members of the Government charged with the management of such ministries shall be co-presenters of the material. Where material for a Government meeting is drawn up by a Government Commissioner, a central state administration authority or an advisory authority of the Government, the party presenting the material shall be the member of the Government who is assigned a coordinating role in relation to such bodies or who is the relevant body's competent person. The head of the central state administration authority, advisory authority of the Government, or Government Commissioner shall be the co-presenter of material for the Government meeting.

(6) In addition to material for Government meetings, members of the Government may present the Government with material which does not incorporate a draft Government Resolution and which is labelled 'For the information of members of the Government'. The purpose of this material is to acquaint members of the Government with politically, economically and socially important matters which, however, are in the competence of a member of the Government or head of another central state administration authority, but pertain to the areas of competence of other members of the Government; it is not necessary for this material to be submitted for opinions in accordance with paragraph (1). For the information of members of the Government, the Prime Minister also shall place on the agenda of Government meetings that material which, in accordance with the relevant laws, is sent by state authorities to the Government for its information. For the information of government

members, the material referred to in the last sentence of Article V (5) c) cannot to be presented.

(7) The material modified according to the results of the comment procedure will be sent to the Government for discussion by the person in charge of the authority that drew up the material, placed in the electronic library, including information on whether it should be included in the agenda of the Government meeting in Part A, Part B or Part C pursuant to Article V, paragraph (5). If a member of the Government requests that the material be included in the agenda of the Government meeting just prior to the beginning of the meeting, he shall simultaneously submit the material in paper form in the number of 30 copies. If the material or its parts changes before having been discussed by the Government, the presenting party shall process the modifications through the electronic library and indicate the modifications and their places in the material briefly in the accompanying letter. The material can usually be modified no later than at 12:00 AM on the working day immediately preceding the meeting of the Government for which the material is included in the agenda; if the material has been modified, the presenting party shall draw attention to this fact at the Government meeting, briefly explain the reasons for the modification and state the basic differences between the two pieces of material and the possible consequences of these modifications.

(8) Legislative material for Government meetings (draft general principles of laws, bills, draft Governmental orders, draft Government opinions on bills not presented by the Government) are submitted in accordance with the Government Legislative Rules.

(9) In the preparation of non-legislative material in the conclusions of which a legislative solution having substantive implications is proposed, an overview of the impacts of the draft regulatory act according to the General Principles for Regulatory Impact Assessment (RIA)<sup>1)</sup> is elaborated as a separate part of the material; it must be clear from this overview that the issue in question can only be dealt with by legislative means.

### **Article III**

#### **Preparation and approval of mandates for the Government members' attendance of meetings of the Council of the European Union and the Council of Europe and the presentation of information from these meetings**

(1) For the preparation, discussion and approval of mandates for Government members' attendance of meetings of the Council of the European Union and the Council of Europe (hereinafter referred to as 'mandate'), a special procedure specified in the Statutes of the Committee for the European Union is applied. If these mandates are presented for discussion and resolution at a Government meeting, provisions from the Government Rules of Procedure are used; provisions of the Statute of the Committee for the European Union are applied subsidiarily.

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<sup>1)</sup> Government Resolution No 922 of 14 December 2011, amended by Government Resolution No 26 of 8 January 2014 and Government Resolution No 76 of 3 February 2016.

(2) A materially competent member of the Government shall present the draft mandate to the Government after discussion by the EU Committee. The discussion by the EU Committee shall replace comment procedure. Where a draft mandate concerns the competence of multiple ministries, the mandate shall be presented by the member of the Government whose competence the predominant part of the agenda of the given meeting of the Council of the European Union concerns or who is the coordinator of the given formation of the Council of the European Union, or if mandates are submitted for each coherent part separately (e.g. in the case of the Justice and Home Affairs Council), they shall be presented by a member of the Government designated by the Prime Minister. This designated member of the Government shall submit each such mandate by agreement with other materially competent members of the Government responsible for positions related to items on the agenda of the Council of the European Union in their competence.

(3) The Prime Minister shall submit draft mandates for meetings of the European Council.

(4) A proposal for the discussion and approval of the mandate by the Government shall be operatively placed on the agenda of the next Government meeting; if necessary, the Prime Minister shall convene an extraordinary Government meeting. The time limits for the presentation of proposals to the Government in accordance with Article V(1) shall not apply.

(5) If, after the approval of a mandate, there is a significant change in the agenda of the relevant meeting of the Council of the European Union or of the Council of Europe, where necessary after discussion with the materially competent members of the Government, the presenter shall forthwith inform the Prime Minister and the Minister for Foreign Affairs of the Czech Republic's draft opinion on the new significant items on the agenda and asks their opinion (even by phone). In less significant matters, the presenter shall be empowered to amend the mandate himself where necessary after discussion with the materially competent members of the Government. However, even in such cases the presenter shall inform the Prime Minister beforehand.

(6) An explanatory report on material for Government meetings regarding a Government member's attendance of meetings of the Council of the European Union or the Council of Europe shall not be drawn up.

(7) If a mandate has been approved in accordance with the procedure in the paragraph (1), sentence 2, the Government member who attended the meeting of the Council of the European Union or Council of Europe, shall present the Government with information about the meeting within 10 days of that meeting of the Council of the European Union or Council of Europe. If no tasks are forthcoming from the meeting, the material shall be presented to the Government with the proposal that it take due note of such material.

(8) For material submitted by the EU Committee to the Government, paragraphs (1), (2), (4) and (6) shall apply accordingly in other respects.

## Article IV

### Particulars of material for Government meetings

(1) In all cases, material for Government meetings shall contain

- a) an envelope (a specimen can be found in Annex No 1/a to these Rules of Procedure and a specimen for legislative materials can be found in Annex No 1/b to these Rules of Procedure),
- b) a draft Government Resolution (a specimen can be found in Annex No 2 to these Rules of Procedure),
- c) an explanatory report,
- d) the written documentation regarding the matter; if it is a simple matter, the written documentation regarding the matter may be replaced by the explanatory report, in which the necessary information is cited.

(2) A draft resolution has the following parts

- a) approval,
- b) imposition of tasks, and
- c) another part or only one of these parts.

(3) If the Government, by means of a Government decision, is to exercise powers laid down under the law, the wording used in the approval part of the draft Government Resolution must comply with the wording of the relevant provisions of the law. If the Government approves a legislative draft (the draft general principle of a law, a bill, a draft Governmental order, a draft Government opinion on a bill not presented by the Government), this shall be expressed with the word 'approves'. If the subject of the approval part cannot be expressed concisely and precisely directly in the relevant paragraph of the draft Government Resolution, this subject shall be specified in an annex to the draft Government Resolution and the relevant paragraph of the draft Government Resolution shall make reference to that annex.

(4) The part of the draft Government Resolution imposing tasks shall contain a specification of the authority to whom the Government sets the tasks, the specifically expressed task, and the date by which the task is to be accomplished. If no deadline is set, the task is to be accomplished within 30 days. If the material contains a part which a draft Government Resolution refers to and in which the tasks to be performed for the Government are stated or assumed, these tasks must be expressed in the manner stated in the first sentence and in the imposition section of the draft Government Resolution, or in the Annex to the draft Government Resolution; otherwise, it is assumed that the task was not imposed by the Government.

(5) A further part of the draft Government Resolution may stipulate that the Government takes due note of a particular fact, recommends certain procedures, or requests something.

(6) When drafting a draft resolution, a member of the Government or the head of another authority which is the presenting party of the material for the meeting of the Government must ensure that the proposed resolution does not conflict with

another resolution previously adopted by the Government. If the presenting party is of the opinion that a Government decision previously adopted needs to be modified or repealed, he must propose a modification to the Government Resolution already adopted or propose a repeal of it or of its part.

(7) In all cases, the explanatory report shall contain

- a) a concise specification of the reason why the material is being presented to the Government meeting; if the Government is to exercise powers pursuant to a specific legal provision, this provision shall be cited,
- b) concise characteristics of the content of the written documentation regarding the matter,
- c) an evaluation of the current situation and the impacts of the proposed solution in relation to prohibition of discrimination and to the equality of men and women, if the proposed solution concerns the status of natural persons; the evaluation shall include an explanation of the reasons for any differences, the expected impacts or expected developments, with the use of statistical or other information structured for men and women, if such figures are available,
- d) an overview of bodies to whom the material has been sent for an opinion, the date on which the material was distributed and the time limit set by the presenting party for the communication of an opinion, the results of comment procedure, including information that the material is presented without any disagreement or with a description of any disagreement which has not been resolved even by members of the Government; the results of comment procedure (with the exception of unresolved disagreements) shall be expressed in a separate part of the material, with a specification of the bodies expressing comments, their comments, and the presenting party's opinion on such comments.

The conclusions contained in the explanatory report shall be materially correct and shall contain an evaluation of any impacts on individual types of public budgets in the forthcoming three years, of the impact on the business environment in the Czech Republic and, where the nature of the conclusions requires, of compliance with the law and international treaties binding upon the Czech Republic, and with the law of the European Union. Where the conclusions contained in the explanatory report place financial requirements on the national budget, the material for a Government meeting shall contain the specific source from which these requirements will be covered (a shift within the scope of the budget of the relevant heading or a reduction in the expenditure of another national budget heading, etc.). In exceptional cases only, the Ministry of Finance may propose imposing a general task to ensure financial coverage of the proposed measure or, outside the regime of discussions on the draft national budget by the Government, to reflect financial coverage in the draft national budget for subsequent years. In cases of conceptual material concerning the environment, the explanatory report shall contain the opinion of the Ministry of the Environment. In the case of material of a legislative nature on the basis of which the draft Government Resolution proposes making a draft material for a Government meeting, the General Guidelines for Regulatory Impact Assessment (RIA) shall be followed.

(8) Where material contains a decision of the BRS (a resolution of the BRS), this decision shall constitute an annex to the draft Government Resolution, and the

explanatory report shall include information about the results of discussions of the draft at a BRS meeting.

(9) In cases where the material for a Government meeting or for the information of members of the Government contains classified information, it shall be labelled with the relevant classification level based on the list of classified information, further to the relevant law. The presenter of the material shall be responsible for determining the classification level. This material is not placed in the electronic library.

(10) The material for a meeting of the Government containing classified information must meet the requirements and formalities specified in paragraphs (1) and (2) of this article, and

a) the envelope specimen can be found in Annex No 8 to these Rules of Procedure,  
b) the specimen of a draft Government Resolution can be found in Annex No 9 to these Rules of Procedure.

(11) A Government member sends the material for a meeting of the Government containing classified information to the Prime Minister only in paper form, in 25 copies out of which envelopes of copies No 1 through 3 are hand-signed by the presenting party. The Prime Minister may specify a different number of copies of the material presented upon a proposal of the manager of the Office of the Government.

## **Article V**

### **Preparations for a Government meeting**

(1) Material for a Government meeting which the presenter wishes to be included on the agenda of the next Government meeting shall be submitted by 2:00 p.m. on the seventh day prior to the Government meeting, in accordance with Article II, paragraph 7, sentence 1.

(2) Government meetings shall be convened by the Prime Minister or, in the event of his absence from the Czech Republic or for other serious reasons, by the First Deputy Prime Minister or another Deputy Prime Minister delegated by the Prime Minister. A Government meeting is convened in such a manner that the Prime Minister signs the agenda of the Government meeting and the agenda is subsequently placed in the electronic library, no later than six days before the date of the Government meeting.

(3) In exceptional and particularly urgent cases, the Prime Minister may send the agenda of a Government meeting, or an appendix thereto, and materials for a Government meeting in a time limit shorter than six days before the date of the Government meeting.

(4) Unless the Prime Minister decides otherwise, material shall be placed on the agenda of the Government meeting only if it is presented to the Government in a computerized format via the electronic library in accordance with Article II, paragraph



(7). Legislative material cannot be discussed at a Government meeting unless an opinion of the Legislative Council of the Government or opinion of the Chairman of the Legislative Council of the Government has been drawn up; if it is not an urgent matter, the position of the Legislative Council of the Government or the position of the Chairman of the Legislative Council of the Government must be placed in the electronic library no later than on the third working day before the Government meeting.

(5) The agenda of a Government meeting shall be structured as follows:

- a) Part A, covering material of a non-legislative nature which exclusively concerns the Czech Republic's role in the European Union; if a meeting of the EU Committee at the Government level takes place on the day of the meeting of the Government, that meeting usually replaces part A of the agenda of the Government meeting;
- b) Part B, covering material which does not belong to Part A or Part C;
- c) Part C, covering material of a non-legislative nature which is submitted to the Government without disagreements, which does not propose imposing tasks on members of the Government or the heads of other central state administration authorities other than the party presenting the material, which has a content that is not of fundamental significance economically, politically or socially, and it can therefore be assumed that the Government is able to approve it without debate; examples of such material can be found in Annex No 5 to these Rules of Procedure. Materials containing BRS decisions shall also be included in Part C. Part C must not include non-legislative material with subject of resolution of a matter concerning specific state property, public procurement, concession contracts, subsidies or expenditures of the State's organizational unit, or determination of the amount of the state budget's contribution to the financing of the program to be decided upon within the competence of the Government, or a situation where a Government member of the corresponding competence requested an opinion on the Government, or when the Government has reserved the case discussion.

## **Article VI**

### **Principles of decision-making, proceedings and the chairing of Government meetings**

(1) The Government adopts decisions as a collective body at a Government meeting. As a rule, Government meetings are held once a week.

(2) Government meetings shall be chaired by the Prime Minister or, in his absence, by the First Deputy Prime Minister or another member of the Government delegated by the Prime Minister (the 'chairperson').

(3) The Government has a quorum if an absolute majority of all its members are present. If the Government does not have a quorum, the chairperson shall set the date, time and venue of the next Government meeting and shall close the Government meeting; absent members of the Government shall also be informed of this.

(4) The Government shall proceed in accordance with the agenda of the Government meeting set by the Prime Minister, or by the Deputy Prime Minister. A member of the Government may propose that material placed on the agenda of the Government meeting under Part B be transferred to Part C or vice versa. The agenda of the Government meeting may be supplemented with a discussion of urgent matters and oral information; in these cases, the proposing party, as a rule, shall submit at least a draft Government Resolution and the matter shall be discussed by means of the procedure laid down for Part B of the agenda of a Government meeting. A member of the Government may also propose that material labelled by the presenting party as 'For the information of members of the Government' and listed as such on the agenda of the Government meeting be included in Part A or Part B of the agenda of the Government meeting; in this case the Prime Minister shall determine whether and in what time limit the material shall be discussed in comment procedure, and shall set a time limit in which the presenting party shall complement the material with a draft Government Resolution and with the results of any comment procedure.

(5) If, in exceptional cases, a member of the Government is unable to attend a Government meeting, he shall inform the Prime Minister in advance of the reason for his absence and of the name of the deputy or other delegated person who will attend the Government meeting on his behalf. The deputy shall deliver the opinion of the member of the Government he is representing, and shall provide other information on the discussed matter; however, he may not vote on behalf of the member of the Government.

(6) Government meetings are attended by persons stipulated in the Constitution of the Czech Republic, a constitutional act or another act, the president of the Czech Statistical Office, the manager of the Office of the Government, a representative of the Office of the President of the Republic, the Government registrar and other persons designated by the Prime Minister.

(7) Government meetings may also be attended by the State Secretary for European Affairs, if the agenda of the Government meeting includes a discussion of material pertaining to its area of competence or membership of the Czech Republic in the European Union; in this respect, he shall attend that part of the Government meeting discussing the material concerned.

(8) Government meetings may also be attended by a co-presenter of material who is not a member of the Government; in this respect, he shall attend that part of the Government meeting discussing the material concerned.

(9) If a member of the Government considers the attendance of any other person at a Government meeting to be expedient, he shall notify the chairperson of this on commencement of the discussion of the corresponding item on the agenda of the Government meeting. The Government's approval is required for the attendance of such persons at a Government meeting. These persons shall attend the Government meeting only for the duration of the discussion about the item on the agenda of the Government meeting for which they were invited.

(10) In respect of material included in Part A of the agenda of a Government meeting and in respect of material included in Part B of the agenda of the Government meeting, the chairperson may grant the opening statement to the party presenting the material. In the opening statement, the party presenting the material shall concisely characterize the content of the material and justify the conclusions proposed in the material. If the presenting party does not comment on the opinion of the Legislative Council of the Government or the Chairman of the Legislative Council of the Government in the opening letter about the material of a legislative nature, it is considered that he agrees with this opinion. After replies have been given to enquiries, a debate is held on this item on the agenda of the Government meeting. At the end of the debate, the chairperson shall propose the conclusions of the discussion, including any changes to the presented draft Government Resolution.

(11) When discussing the material according to paragraph (10), the acknowledged comments made which have not previously been used in the comment procedure are applied, unless the non-legislative material has been substantially redrafted on the basis of the results of the comment procedure and has not been re-discussed in the comment procedure, and except for comments to the opinion of the Legislative Council of the Government or the Chairman of the Legislative Council of the Government.

(12) Comments acknowledged for the material discussed under paragraph (10) must be specifically and unambiguously formulated, indicating the specific modification proposed; in case of a legal regulation draft, it must be proposed which provision is to be deleted and, if it is to be amended or replaced by another, a new wording of this Resolution must be proposed.

(13) In respect of materials included in Part C of the agenda of the Government meeting, as a rule the party presenting the material shall not deliver an opening statement and no debate is held. The Government shall adopt a Government Resolution on such material in the version proposed.

(14) The chairperson shall have votes cast on the draft conclusions of the Government meeting. The approval of an absolute majority of all members of the Government is required to pass a Government Resolution.

(15) The Government shall make decisions on draft conclusions for all material included in Part C of the agenda of the Government meeting by means of a single vote. Government Resolutions on this individual material are then adopted by the same ratio of votes.

(16) If material is withdrawn from the agenda of a Government meeting or during a Government meeting by the presenter thereof, or if the discussion of material is adjourned, the party presenting the material shall propose a date on which the material will be re-submitted to the Government or, if the material has been withdrawn from the agenda of the Government meeting or during the Government meeting, the party presenting the material shall explain the reasons why the material will not now be discussed by the Government. If the party presenting the material does not notify a new date for the submission of the material, it shall be accepted that the material will be submitted within 30 days.

(17) Government meetings are private. The Government may decide that a certain item on the agenda shall be discussed without the participation of persons who are not members of the Government in a closed Government meeting. In these cases, the Government shall also decide whether a sound recording will be made of the discussion of that item on the agenda of a closed Government meeting.

## **Article VII**

### **Coordinating role of the Prime Minister in the affairs of the European Union**

(1) The Prime Minister shall be responsible for coordinating Government activities and the activities of the EU Committee both on a Government and a work level

- a) in the harmonization of the Czech Republic's positions in the European Union,
- b) in the preparation of the concept of European policy,
- c) in cooperation with the Minister of Foreign Affairs when accepting Union acts and measures implementing the Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community,
- d) in cooperation with the Minister of Foreign Affairs and other Government members when preparing the position for the European Council meeting,
- e) in cooperation with the Minister of Foreign Affairs in institutional affairs pertaining to the European Union.

(2) The Prime Minister cooperates with the Minister of Foreign Affairs to coordinate the discussion process for modifications of the primary law of the European Union.

(3) The Prime Minister may entrust the management of the Committee on the European Union at the working level to another person who is in the employment of the service of the Office of the Government. For this purpose, the Prime Minister may appoint the State Secretary for European Affairs.

## **Article VIII**

### **The coordinating role of the Chairman of the Legislative Council of the Czech Government**

(1) The Chairman of the Legislative Council of the Czech Government shall coordinate the Government's activities in the preparation and production of draft legal regulations, including coordination of meeting legislative commitments of the Czech Republic to the European Union. The Chairman of the Legislative Council of the Czech Government mainly

- a) ensures the activity of the Legislative Council of the Czech Government and its working commissions,
- b) presents opinions of the Legislative Council of the Czech Government or opinions of the Chairman of the Legislative Council of the Czech Government on draft bills, draft laws and draft Government Resolutions,

- c) elaborates draft Government opinions on draft laws not presented by the Government to the Government,
- d) draws up and submits to the Government proposals for the Plan of Government Legislative Works, Legislative Rules of the Government, the Statute of the Legislative Council of the Czech Government, the Rules of Procedure of the Legislative Council of the Czech Government, the Rules of Procedure of the Government, Methodical instructions for the performance of legislative duties resulting from the Czech Republic's membership of the European Union, General Guidelines for Regulatory Impact Assessment (RIA), the Government Directive on the procedure for handling documents of the Council and other documents of the European Union, discussing the European Union affairs in the Senate and the Chamber of Deputies of the Parliament of the Czech Republic, and the preparation of the Czech language version of legal acts (Directive on the handling of documents of the European Union), and their modifications,
- e) ensures drafting of opinions on the compatibility of draft legislation of the Czech Republic with the law of the European Union,
- f) ensures the monitoring of the fulfilment of the Czech Republic's legislative commitments towards the European Union and the allocation of authorities to the European Union regulations and their drafts through the Information System for approximation of law, and informs the Government about it,
- g) ensures announcements of implementation regulations of the Czech Republic to the European Union authorities.

(2) The Chairman of the Legislative Council of the Czech Government also, on the basis of the communication of the Constitutional Court pursuant to Section 69 (2) of Act No. 182/1993 Coll., on the Constitutional Court, as amended, on the opening of proceedings before the Constitutional Court, elaborates a draft of the Government communication and presents it to the Government or to the Prime Minister. The Prime Minister then decides whether the Government enters into the procedure. Before elaborating the draft of the Government communication, the Chairman of the Legislative Council of the Czech Government sends the proposal to initiate the procedure to the materially competent Minister or head of other central state administration authority and requests him to state whether he recommends the Government enters the procedure concerned in the position of a secondary participant with reasons backing the decision, no later than in seven working days. In case the competent person recommends the Government enters the procedure, the Chairman requests the competent persons to present background documents for elaboration of a Government communication draft; Resolution Art. II(5) sentence 4 does not apply.

## **Article IX**

### **Advisory bodies and Government Commissioners**

(1) The Government may set up advisory bodies comprising members of the Government and other experts. As a rule, the Government's advisory bodies shall be headed by a member of the Government or by a Government Commissioner. The activities of the Government's advisory bodies shall be governed by their Government-approved statutes.

(2) The Government may empower a person who is not a member of the Government – a Government Commissioner – to carry out specific activities for the requirements of the Government.

## **Article X**

### **Government Resolutions, sound recordings and written minutes of Government meetings**

(1) The correctness of the formulation of a Government Resolution, prior to the signing thereof in accordance with paragraph (4) of this Article, shall be verified by that member of the Government or those members of the Government whom the resolution concerns. If a member of the Government disagrees with the formulation of a Government Resolution presented to him for his approval, he shall notify this fact in writing to the Prime Minister. If this disagreement cannot be remedied, the member of the Government raising the disagreement shall present it to the Government for assessment and a decision at the next Government meeting.

(2) If a member of the Government (or a person delegated by a member of the Government) fails to communicate an opinion within 24 hours, it shall be accepted that he agrees with the draft Government Resolution. Any time falling on days which are not working days shall not be included in this time limit.

(3) Written minutes shall be drawn up of Government meetings. These minutes shall state, in particular, the title of the discussed item on the agenda of the Government meeting, a concise description of the debate, the conclusions of the discussion, including the result of the vote, and if the Government arrives at the conclusion that it will not adopt a resolution on a submitted material, this fact shall be stated in the minutes together with the conclusions. The result of the vote on the motion for a resolution on the material referred to in Article V, paragraph 5, c) the last sentence, is an indication of which members of the Government voted for the motion, who voted against the proposal and who abstained from voting, indicating their functions; this does not apply if the subject of the vote is a draft motion for a resolution on a case the value of which is less than CZK 1,000,000. In verifying the correctness of the formulation of individual points in the minutes of Government meetings, the procedure shall be the same as that laid down in paragraph (1) of this Article.

(4) The minutes of Government meetings and Government Resolutions, signed by the Government registrar, shall be signed by the chairperson (the Prime Minister or his delegated Deputy Prime Minister or other member of the Government) or by the Deputy Prime Minister delegated by the chairperson. Members of the Government shall receive minutes of a Government meeting and Government Resolutions no later than before the next meeting of the Government, except in cases where a disagreement cannot be remedied in accordance with paragraph (1) of this Article. Minutes of Government meetings and Government Resolutions will be placed in the electronic library.

(5) For members of the Government, the heads of other central state administration authorities and other bodies (e.g. courts), officially certified copies of Government Resolutions and minutes of Government meetings may be made in warranted cases. The Government registrar carries out official certification by means of a certification stamp containing the date of certification and his signature.

(6) As a rule, a communiqué concerning Government meetings is issued by the Government spokesperson.

(7) A sound recording shall be made of Government meetings. The rules for making, handling, archiving and making copies of such recordings shall be laid down in the Principles for Making Sound Recordings of Government Meetings and Usage Thereof, constituting Annex No 3 to these Rules of Procedure.

(8) If a non-legislative material is adopted, a Government Resolution referring to a part or parts of the material not attached to the Government Resolution, the authority which is the presenting party of the material to the Government, shall place the modified wording of this part or parts of the material in the electronic library within five working days from the date when the Prime Minister signs the Government Resolution.

(9) If a Government Resolution is adopted for material concerning a proposal for consent to ratification of an international treaty or a proposal for termination or another way of termination of such an international treaty, the authority that presented the material to the Government shall send the Government draft for this material in paper form to the Prime Minister to sign in four copies for the Chamber of Deputies and two copies for the Senate. The Government draft for the material contains an envelope (the specimen can be found in Annex 6 to these Rules of Procedure), the draft Resolution of the Chamber of Parliament concerned (the specimen can be found in Annex No 7 of these Rules of Procedure), the explanatory report and the text of the international treaty in the wording applicable under international law for its interpretation and, at the same time, a translation into the Czech language if the text of an international agreement is not in the Czech language, if the wording is not applicable under international law for its interpretation. The party presenting the material to the Government shall place its Government draft into the electronic library no later than on the next working day following the day on which it was informed that the Prime Minister had signed it. The Government draft for this material is sent simultaneously by the Prime Minister to the Chamber of Deputies and to the Senate. For other material of a non-legislative nature presented by the Government to one of the Chambers of Parliament, the provisions of this paragraph shall apply similarly.

(10) The Office of the Government shall immediately inform the authority which presented the material to the Government through the electronic library that the Prime Minister has signed a Government Resolution in the case under paragraph (8) and a Government draft for the material in the case referred to in paragraph (9). A member of the Government or a head of another authority which presented the material is responsible for the conformity of the material placed in the electronic library pursuant to paragraph (8) or (9) with the conclusions of the meeting of the Government answered by submitting the material to the Government.

## **Article XI**

### **Final provisions**

(1) The Government's Legislative Rules shall apply to the preparation, discussion and submission of legislative material for Government meetings; in cases not regulated by the Government's Legislative Rules, these Rules of Procedure shall apply.

(2) The Government's Guidelines for the negotiation, national discussion, implementation and termination of international treaties shall apply to the preparation, discussion and submission of material with proposals for the negotiation or termination of international treaties for Government meetings, or Treaty on the Functioning of the European Union concerning the negotiation of international agreements within the European Union and for their national discussion; in cases not regulated by those Guidelines, these Rules of Procedure shall apply.

(3) These Rules of Procedure shall enter into effect on 23 September 1998.



Annex No 1/a of the Government Rules of Procedure

**Template**

**Structure of the envelope of material of non-legislative nature  
for the meeting of the Government  
not containing classified information**



Government of the Czech Republic

**Presenting party**

Ref. No.:

In Prague, on  
Copy No.:

**FOR THE MEETING OF THE GOVERNMENT**

**Material title**

**Presentation justification:**

**Contents:**

- I. Resolution draft
- II. Explanatory report
- III. (the name of the actual written document in the matter)
- IV. Comment procedure conclusion

**Presented by:**

(name)

(position)

Annex No 1/b of the Government Rules of Procedure

**Template**

**Structure of the envelope of material of non-legislative nature  
for the meeting of the Government**



Government of the Czech Republic

**Presenting party**  
Ref. No.:

In Prague, on  
Copy No.:

**FOR THE MEETING OF THE GOVERNMENT**

**Material title**

**Presentation justification:**

**Contents:**

- I. Resolution draft
- II. Explanatory report
- III. (the name of the actual written document in the matter)
- IV. Justification report/Justification
- V. Final Report on Impact Assessment of Regulation
- VI. The current wording of the legislation, indicating the proposed modifications
- VII. Draft of implementing legislation
- VIII. Difference table
- IX. Comparative table/tables
- X. Comment procedure conclusion

**Presented by:**

(name)

(position)

Note:

The list of items of a legislative nature mentioned above in the contents, in particular points IV. through X.; the presenting party shall indicate according to the actual content of the material.

Annex No 2 of the Government Rules of Procedure  
**Template**

**DRAFT OF THE RESOLUTION  
OF THE GOVERNMENT OF THE CZECH REPUBLIC**  
of No

**Resolution title**

**Government**

**I. approves / concurs / acknowledges** (the government expresses its opinion on the matter, which is usually the main subject of the resolution)

1. *(text)*

a) *(text.)*,

aa)*(text)*,

b) *(text.)*,

ba)*(text.)*;

**II. cancels / modifies** (following point I, the Government implements modifications or cancellations of subsequent decisions or documents, such as Government Resolutions);

**III.imposes / recommends / assigns / appoints / withdraws / proposes to the Chamber of Deputies** (following the points I and II, the Government formulates its free acts);

**IV. assigns**

1. Prime Minister

2. Deputy Prime Minister/Minister

**V. empowers** the Prime Minister, on the basis of a reasoned request by the Deputy Prime Minister / Minister, to perform the task under paragraph ... of this Resolution by another Member of the Government.

Imposed on:

(a list of all the subjects that have been imposed by tasks resulting from the Resolution or whose activity immediately imposes tasks upon them resulting from the Resolution; they are usually members of the Government, heads of other central state administration authorities, Government Commissioners, etc.)

Notify:

(a list of all the subjects to be sent a copy of the Resolution, if they are not already subscribed to receive the Resolution according to the stable divider; or a list of subjects the Resolution immediately pertains to)

Degree, name, surname  
Prime Minister

Notes:

1. This Government Resolution Template only affects the basic structure of the Resolution as a management act. If necessary, a more complex structure and a richer vocabulary has to be implemented. The Government Resolution can also be amended with one or more annexes, especially in cases where the text contained in the annexes is extensive and would make the text of the actual Resolution itself unclear.
2. This Resolution Template shall also reasonably apply to proposals submitted to the Parliament of the Czech Republic for approval of the ratification of an international treaty.

The template of the envelope of the Resolution Annex is stated below.

**Template**

Government Resolution Annex  
of ..... No ...

**Title**

“Default text”

## **PRINCIPLES**

### **For Making Sound Recordings of Government Meetings and Usage Thereof**

#### **I.**

##### **Introductory provisions**

1. A sound recording of the meeting of the Government is made, which is intended only for the internal needs of the Government.
2. The sound recording is not made from a Government meeting or part thereof which has been classified by the Government as closed or in which classified information is being discussed.

#### **II.**

##### **Conditions of Making Sound Recordings of Government Meetings and Usage Thereof**

1. A sound recording is made on two technical devices located in the meeting room of the Government.
2. All sound recordings are stored on an electronic data device and in a data repository at the Department of Government Agenda at the Office of the Government. Access is restricted to empowered employees or civil servants at the Department of Government Agenda at the Office of the Government.
3. The sound recording device is operated by an authorized employee or a civil servant of the Department of Government Agenda of the Office of Government. When making a sound recording, the employee records the time of commencement of the meeting on individual points on the agenda of the meeting of the Government according to the timer on the device, and also continuously records the individual appearances of the members of the Government and other persons present at the Government meeting pursuant to Article VI of these Rules of Procedure. This written record is saved together with the sound recording.
4. The literal transcripts of parts of the proceedings of the meeting of the Government are made upon a written instruction of the Prime Minister or manager of the Office of the Government on the basis of requirements of the Government members.

5. Members of the Government and the manager of the Office of the Government have the right to listen to the sound recording. Persons who are employees or civil servants at the relevant ministries or their subordinate administration authorities or the Office of the Government may be authorized to listen to the sound recording by a relevant member of the Government. The authorizing member of the Government shall specify to those persons which part of the sound recording they are authorized to listen to. Listening to a sound recording on the basis of a written instruction of the manager of the Office of the Government and the records of the persons authorized is provided by an employee or a civil servant of the Department of Government Agenda of the Office of the Government.

6. Distribution of sound recordings is prohibited; only the Prime Minister may authorize exceptions.



**Annex**  
**to the Government Rules of Procedure, valid at a time of crisis**

This Annex shall enter into force in the event of an imminent crisis situation and after the declaration of an emergency, state of emergency or state of war, when it is necessary to take account of the limited time available for the Government discussions, deliberations and decision-making. This is particularly important in the early stages of the crisis situation where it is necessary to take measures for a rapid and efficient transition to crisis situation activity. In this case, the provisions of the Government Rules of Procedure shall apply reasonably, with the following amendments:

1. In case of natural disasters, environmental or industrial accidents, incidents or other hazards that are threatening to a great extent to lives, health or property values and/or internal order and security, the Government may declare an emergency for limited or entire territory of the State for a certain period of time, 30 days at most. If there is a risk of delay, the Prime Minister may declare an emergency. The Government approves or revokes the decision within 24 hours of its announcement. Simultaneously with the declaration of an emergency, it shall be defined which rights and to what extent they are limited and which duties and to what extent are imposed. The emergency decision shall be published in mass media and shall be published in the same manner as law. The decision enters into force at the moment specified in the decision.
2. BRS contributes to providing security to the extent of the Government mandate (Government Resolution No 391 of 10 June 1998, on National Security Council and on the planning of measures to safeguard the security of the Czech Republic, as amended).
3. In material presented to the Government which contain a decision of BRS, the commentary procedure is replaced by the previous discussion in BRS.
4. A BRS decision is an Annex of the Government Resolution draft. The explanatory report contains information on the results of the discussion on the draft at the BRS meeting.
5. Convening a meeting of the Government shall take place as necessary by the Prime Minister designating the necessary information on the agenda, time and place of the Government meeting to the members of the Government.
6. If there is a risk of delay, the deadlines for preparation of material for meetings of the Government and their presentation to the Government may be shortened by the decision of the Prime Minister and the correctness of the formulation of the Government Resolution is concluded directly at the Government meeting.
7. Legislative material for the meeting of the Government is presented with the opinion of the Chairman of the Legislative Council of the Czech Government.

Annex No 5 of the Government Rules of Procedure

**Material sent for an opinion to a limited circle of comment points, or presented to the Government without comment procedure**

<b>Material type</b>	<b>Comment point</b>
Material for Government meetings containing only a proposal to appoint or remove a post, a nomination for appointment as a professor, or a nomination for appointment to a post, or a nomination for appointment by another authority.	No discussion in the comment procedure. Ministry of Foreign Affairs, if it is a proposal to appoint a post or a nomination for appointment to a post in an international organization.
Requests to the Budget Committee of the Chamber of Deputies of the Parliament of the Czech Republic for approval of changes in binding state budget indicators (Section 24 (3) of Act No. 218/2000 Coll., On Budgetary Rules, as amended).	Ministry of Finance.
Proposals to consent to overflights or transit of armed forces of other states across the territory of the Czech Republic in the respective year.	Ministry of Transport, Ministry of Finance, Ministry of Foreign Affairs.
Plan of military exercises of the Czech Armed Forces troops and crews without foreign partners in and outside the Czech Republic territory, including proposals to amend this plan.	Ministry of Foreign Affairs.
Information on overflights or transit of armed forces of other states across the territory of the Czech Republic (retroactive).	No discussion in the comment procedure.
Information on military exercises of the Czech Armed Forces troops and crews with foreign partners in and outside the Czech Republic territory (retroactive).	No discussion in the comment procedure.

Information on deployment of forces and means of the Armed Forces of the Czech Republic in operations abroad (retroactive).	Ministry of Foreign Affairs
Proposals to send delegations abroad, to make official visits of Czech representatives abroad and to accept official delegations in the Czech Republic.	Ministry of Foreign Affairs.
Proposals to agree to the payment of financial contributions to international organizations.	Ministry of Finance, Ministry of Foreign Affairs.
Opinions of the relevant authorities on the conclusions of the audit made by the Supreme Audit Office.	Supreme Audit Office, Ministry of Finance.
Reports on the fulfilment of Government tasks for the respective month.	No discussion in the comment procedure.
Information on the status of coordination assignments and fulfilment of legislative commitments stemming from the membership of the Czech Republic in the European Union.	No discussion in the comment procedure.
Reports on the activities of individual intelligence services for the respective year.	No discussion in the comment procedure.
Proposal to approve cooperation between the Czech intelligence service and an intelligence service of a foreign power.	No discussion in the comment procedure.
Statement of the Government on the proposal of a municipality to be appointed a city or township pursuant to Section 3 (1) and (2) of Act No. 128/2000 Coll., On Municipalities (Municipal Establishment), as amended.	No discussion in the comment procedure.
An application to ensure the air transport of athletes or artists representing the Czech Republic abroad.	Ministry of Defence.
Draft of the Government statement on the	No discussion in the comment

Constitutional Court Appeal pursuant to Section 69 (2) of Act No. 182/1993 Coll., On the Constitutional Court, as amended.	procedure.
Draft of systemization of civil servant and employment posts	No discussion in the comment procedure.

Annex No 6 of the Government Rules of Procedure

Template

**Government draft**

**presented to the Parliament of the Czech Republic to express consent to ratification of the**

**Treaty ....., signed in ..... on .....**

Notes:

1. According to the diction of the relevant Government Resolution, the title shall give the exact presentation justification of the Government proposal to the Parliament, e.g. to consent to ratification, termination, expiry of an international treaty, or the Czech Republic's access to an international treaty, etc.
2. The envelope does not contain the heading of the Chamber of Deputies or Senate, nor the election period number or the number of parliamentary or senate document.

Annex No 7 of the Government Rules of Procedure

Template

DRAFT

RESOLUTION

OF THE CHAMBER OF DEPUTIES

OF THE PARLIAMENT OF THE CZECH REPUBLIC

The Chamber of Deputies of the Parliament of the Czech Republic hereby consents to ratification of the Treaty

..... signed in ..... on .....

Notes:

1. According to the wording of the Government Resolution title on the envelope, the drafted statement of the Chamber of Deputies is stated, e.g. to consent to ratification, termination, expiry of an international treaty, or the Czech Republic's access to an international treaty, etc.
2. The signature clause at the end of the explanatory report to the Parliament shall state the date of the actual signature of the Government proposal by the Prime Minister, of which the presenting party shall be notified by the Office of the Government; the name of the Prime Minister is not machine-typed.

Template

DRAFT

RESOLUTION

OF THE SENATE

OF THE PARLIAMENT OF THE CZECH REPUBLIC

The Senate of the Parliament of the Czech Republic hereby consents to ratification of the Treaty

..... signed in ..... on .....

Notes:

1. According to the wording of the Government Resolution title on the envelope, the drafted statement of the Senate is stated, e.g. to consent to ratification, termination, expiry of an international treaty, or the Czech Republic's access to an international treaty, etc.
2. The signature clause at the end of the explanatory report to the Parliament shall state the date of the actual signature of the Government proposal by the Prime Minister, of which the presenting party shall be notified by the Office of the Government; the name of the Prime Minister is not machine-typed.

Annex No 8 of the Government Rules of Procedure

Template for the structure of the envelope for the material  
for the Government meeting  
containing classified information

CLASSIFICATION LEVEL

**State authority**

**Ref. No.:**

Date

Copy No.:

Number of pages: 25

Out of which:

Classified part: 3/14 (I., II., III.)

Non-classified part: 1/10 (IV.)

FOR THE MEETING OF THE GOVERNMENT OF THE CZECH REPUBLIC

Subject:

.....  
Material title

**Presentation justification:**

**Contents:**

- I. Government Resolution draft
- II. Explanatory report
- III. Material title
- IV. Comment procedure conclusion

**Presented by:**

..... (name)

..... (position)

CLASSIFICATION LEVEL



Annex No 9 of the Government Rules of Procedure

Template of a Resolution containing classified information

CLASSIFICATION LEVEL

I.

State authority

Classified part (I.) Ref. No.:  
Copy No.:  
Number of pages:

RESOLUTION DRAFT  
GOVERNMENT OF THE CZECH REPUBLIC  
of No

Resolution title

*Text pursuant to Annex No 2 of the Government Rules of Procedure*

CLASSIFICATION LEVEL

1 of 1

Note:

In the event that some of the parts of the classified material for the meeting of the Government are not classified, the CLASSIFICATION LEVEL is not stated on the individual pages of these parts and this fact shall be marked on the first page of the given part in the upper right corner in the wording "Non-classified part (I.) ref. No. It is further stated: "Copy No." and "Number of pages:".