

Rules of procedure

The National Security Council, under Resolution No 63 of 27 May 2003 concerning its 2002 Activity Report, inter alia approved the Rules of Procedure of the National Security Council

Article 1

Introductory provisions

1. The Rules of Procedure of the National Security Council (hereinafter referred to as ‘Rules of Procedure’) are an internal regulation of the National Security Council (hereinafter referred to as ‘NSC’) regulating meetings of the NSC.
2. The Rules of Procedure are issued in accordance with Article 11 of the NSC Statutes.
3. As a general rule, NSC acts on the basis of written materials presented in advance; in exceptional cases it acts on the basis of oral information from a member of the NSC in urgent matters.

Article 2

Preparation of materials for NSC meetings and submission thereof to the NSC

1. If submitted material has not been discussed by a committee (the Committee on Defence Planning, the Committee on Civil Emergency Planning, the Committee on the Coordination of the Foreign Security Policy, the Committee on Intelligence) or by the Central Task Force, interdepartmental comment procedure must first be arranged among NSC members and the central administrative authorities concerned. The time limit for comments to be made to the author is seven working days as of the date of delivery of the material commenting body. The NSC President may permit an exception from the requirement of comment procedure, including the time limit for the communication of opinions. Unless precluded by legislation in force (i.e. unless the material contains classified or special circumstances), the material is distributed for comment procedure in electronic form. Comments are also sent to the author in electronic form. As a rule, materials touching on the competence of all committees are discussed only by one of them, i.e. by the committee agreed by the responsible staff of departments who are delegated to cooperate with the NSC Secretariat. However, should a member of another committee (where the material is not discussed) seek the inclusion of the material on the agenda of a meeting of that committee, the material shall be discussed by that committee.
2. Besides the procedure under paragraph 1, material touching on the competence of two or more committees may be discussed at a joint meeting (hereinafter referred to as ‘meeting’) of those committees involved, which is held, on principle, in accordance with the approved NSC work plan. The chairman of this meeting is referred to in the NSC work plan; the role of the meeting’s secretariat is played by the secretariat of the committee from which the chairman is appointed. The competent ministers and heads of central administrative authorities designate a representative to attend this meeting from among their members of the committees holding the joint meeting. Materials from such meetings are presented at NSC meetings by the relevant chairmen of the meetings. The statutes and rules of procedure of the committee from which the chairman is appointed apply to such a meeting.
3. The submitter of a material for a NSC meeting is a NSC member or invited members of the

Government or heads of other central administrative authorities. Material submitted by non-member of NSC and discussed by the Committee on Defence Planning is submitted at NSC meetings by the Minister for Defence; material discussed by the Committee on Civil Emergency Planning and by the Committee on Intelligence is submitted by the First Deputy Prime Minister and Minister of the Interior; material discussed by the Committee on the Coordination of Foreign Security Policy is submitted by the Deputy Prime Minister and the Minister for Foreign Affairs. Material discussed by the Central Task Force is submitted by the First Deputy Prime Minister and Minister of the Interior or the Minister for Defence, who, depending on the nature of the crisis situation, are appointed by the President of the Central Task Force.

4. Submitted material must include the estimated financial impacts of the proposed measures and the consequences envisaged for the security of the Czech Republic.

5. Materials submitted in accordance with the NSC work plan or by virtue of a NSC resolution are presented by the author usually in 20 copies; two counterparts must be signed by the submitter with a covering letter addressed to the NSC President. In the covering letter, the submitter shall specify whether he recommends inviting other participants to the NSC meeting. Materials must be delivered to the NSC Secretariat at least 10 working days before the scheduled NSC meeting. Within the same time limit, the task officer (submitter) must disclose the reasons why he is seeking a postponement or why the required material will not be submitted to the meeting.

6. In exceptional cases and particularly pressing cases, the NSC President may permit material to be submitted directly at the NSC meeting, and in cases of material included in the NSC work plan the NSC President may permit the time limit for delivery to the NSC Secretariat to be reduced from ten to five working days. The NSC makes decisions on the inclusion of material submitted outside the scope of the NSC work plan.

7. Materials for NSC meetings are distributed by the NSC Secretariat.

Article 3

Particulars of materials for NSC meetings

1. As a rule, materials intended for discussion at NSC meetings contain:

- an envelope with a front description (a specimen can be found in Annex No 1 to these Rules of Procedure),

- a draft resolution (a specimen can be found in Annex No 2 to these Rules of Procedure),

- an explanatory memorandum, and may also contain either:

a)

· a report on the physical solution to the issue concerned, · annexes, · a draft communiqué, or

b)

· comprehensive draft material for a Government meeting, Note: All materials are submitted in electronic form, in Microsoft Word format.

2. In addition to materials for NSC meetings, NSC members may present the NSC with materials which do not incorporate a draft NSC resolution and which are labelled 'For the information of members of the NSC'. This material need not be discussed in advance by a committee or the Central Task Force, or in comment procedure. The provisions under Article 2(5) and (6) apply to the submission of such material.

3. The Government Rules of Procedure, approved under Government Resolution No 610 of 16 September 1998, as amended, apply mutatis mutandis to the preparation and submission of materials.

Article 4

Preparation of NSC meetings

1. NSC meetings are prepared by the NSC Secretariat in accordance with the NSC work plan and the instructions of the NSC President, or in his absence by the NSC Vice-President or a delegated member of the NSC. The NSC President or a NSC member delegated by the NSC President determines the agenda, venue and time of NSC meetings. Invitations containing the agenda of a NSC meeting are sent out by the NSC Secretariat together with materials for the meeting. NSC members must receive the invitation and materials for a NSC meeting at least seven working days ahead of the meeting. In exceptional and particularly pressing cases, materials may be submitted in shorter time limits, such being no later than three working days ahead of the NSC meeting.

2. The NSC work plan for the relevant period of the calendar year is prepared by the NSC Secretariat in accordance with priority tasks relating to the safeguarding of the Czech Republic's security, the instructions of the NSC President and Vice-President, and in accordance with initiatives from members of the NSC, central administrative authorities and, where appropriate, the heads of local and regional government institutions. The NSC work plan is submitted to the NSC for approval by the NSC President after discussion with NSC members. If it follows from the NSC work plan or the nature of the matter discussed that the material must be discussed in advance by the competent working body of the NSC, the NSC working body shall incorporate the discussion of that material into its work plan so that the material is discussed by the NSC working body at least 15 working days ahead of the scheduled NSC meeting.

3. Invitations to NSC meetings are made in all cases to NSC members, the President of the Republic, the Governor of the Czech National Bank, the President of the Administration of State Material Reserves, and the Manager of the Office of the Government of the Czech Republic, as well as to

- the chairman of the Chamber of Deputies and the chairman of the Senate of the Parliament of the Czech Republic, other members of the Government or representatives of central administrative authorities and local and regional authorities, as required,
- other experts, depending on the nature of the issue to be discussed,
- other persons determined by the NSC President.

Article 5

Principles for private NSC meetings

1. The NSC, by virtue of a proposal from a NSC member, may decide that a certain part of the agenda of a NSC meeting will be discussed behind closed doors.

2. Private meetings are attended by NSC members and the director of the NSC Secretariat. The President of the Republic shall be entitled to attend private meetings. As a rule, private meetings are also attended by

- the First Deputy Minister for Defence, the Chief of Staff of the Army of the Czech Republic, in cases where the issue to be discussed falls within the competence of the Ministry of

Defence,

- the First Deputy Minister of the Interior, the Director General of the Fire Rescue Service and the Police President of the Czech Republic, in cases where the issue to be discussed falls within the competence of the Ministry of the Interior,
- other experts, further to a decision of the NSC.

3. The NSC shall decide whether a sound recording will be made of a private meeting.

4. The NSC shall also decide on the level of classification of the conclusions reached in a private meeting.

Article 6

Principles for the attendance of other persons at NSC meetings

1. NSC meetings are regularly attended by the director of the NSC Secretariat and two members of staff of the NSC Secretariat.

2. NSC meetings are regularly attended in respect of the Ministry of Defence by the First Deputy Minister for Defence, the Chief of Staff of the Army of the Czech Republic, in respect of the Ministry of the Interior by the First Deputy Minister of the Interior, the Director General of the Fire Rescue Service and the Police President of the Czech Republic, in respect of the Ministry of Foreign Affairs by the Deputy Minister for Foreign Affairs, in respect of the Security Information Service (BIS) by the Director of the BIS, and in respect of the National Security Office (NBÚ) by the Director of the NBÚ.

3. NSC meetings are also regularly attended in respect of the Office of the President of the Republic by the Director of the Policy Department and the Chief of the Military Office of the President of the Republic, and in respect of the Ministry of Foreign Affairs by the director of the Security Policy Department.

4. The officials referred to in paragraph 2 of this Article shall receive an invitation from the NSC President or a NSC member delegated by the NSC President together with the agenda of the NSC meeting, but without the materials for the NSC meeting. The officials referred to in paragraph 3 of this Article shall receive an invitation to a NSC meeting from the director of the NSC Secretariat.

5. In exceptional cases, and by agreement with the director of the NSC Secretariat, the officials referred to in paragraphs 2 and 3 of this Article may be represented by a delegated member of staff from this office.

Article 7

Course of NSC meetings

1. NSC meetings are managed by the NSC President. In the absence of the President, NSC meetings are managed by the NSC Vice-President or a NSC member designated by the President.

2. The NSC has the capacity to act and adopt conclusions provided that an absolute majority of its members is present. If, in exceptional circumstances, a NSC member is unable to attend a NSC meeting, a delegated person shall deliver the opinion of the NSC member he is

representing, and shall provide other information on the discussed matter; however, he may not vote on behalf of the NSC member. If a meeting is attended by guests or experts, as a rule they are present at the meeting only for the item on the agenda which concerns them. NSC approval is required for the attendance of such persons at a NSC meeting.

3. At the start of a NSC meeting, the agenda of the NSC meeting presented by the NSC President is subject to approval. The agenda of the meeting may be changed or supplemented to include a discussion of urgent matters, material designated as 'For the information of NSC members' and oral information pursuant to a proposal from a NSC member.

4. The chairman grants the submitters of materials leave to speak in respect of individual items on the agenda of the NSC meeting. In the opening statement, the submitter concisely characterizes the content of the material and justifies the conclusions proposed in the material. After replies have been given to enquiries, a debate is held on this item on the agenda of the NSC meeting. At the end of the debate, the chairman shall propose the conclusions for the item discussed, including any changes to the presented draft NSC resolution.

5. Conclusions from NSC meetings are adopted in the form of resolutions, in respect of which the chairman shall hold votes. The approval of an absolute majority of all members of the NSC is required to pass a NSC resolution. In the field of safeguarding the security of the Czech Republic, the part of a resolution imposing tasks is binding upon designated members of the Government and the heads of central administrative authorities.

6. NSC meetings are held in camera. The NSC may declare all or part of a meeting secret. The NSC may decide that a certain part of the agenda of a NSC meeting will be discussed only in the presence of NSC members.

Article 8

NSC voting

1. As a rule, the NSC casts votes publicly, separately for each item on the agenda. Secret ballots are held in cases thus decided by the NSC in respect of an individual vote.

2. In the discussion of individual items on the agenda, sub-ballots may be held for submitted proposals and variants; proposals or variants are adopted if an absolute majority of all NSC members present votes in favour of them. In the event of a tie in voting, the chairman shall have a casting vote.

Article 9

NSC resolutions, sound recordings and written minutes of NSC meetings

1. Proposals of the final text of resolutions are submitted to the NSC members they concern for verification of the correctness of the formulation of conclusions. If a member of the NSC (or a person delegated by a member of the NSC) fails to deliver an opinion within 24 hours, it is accepted that he agrees with the draft resolution. In cases where delay could be dangerous, the correctness of the formulation of a NSC resolution shall be concluded directly at the NSC meeting.

2. The part of the draft NSC resolution imposing tasks shall contain a specification of the body to whom the NSC sets the tasks, the specifically expressed task, and the date by which

the task is to be accomplished. If no deadline is set, it is accepted that the task is to be accomplished within three months. NSC resolutions are public where this is not precluded by legislation in force, unless the NSC decides otherwise.

3. Written minutes are drawn up of NSC meetings. These minutes shall contain, in particular, the date of the meeting, the items on the agenda and their conclusions, including the results of votes (for, against, abstained). Should any member leave a NSC meeting before the end thereof, this shall be recorded in the minutes. Where a NSC member (members) has (have) a different opinion, this is noted in the minutes should he (they) so request. The director of the NSC is responsible for drawing up the minutes and resolutions.

4. In cases where the NSC sets a task relating to the security of the Czech Republic to NSC non-members, the submitter of the material to the NSC arranges for the distribution of documents required for the accomplishment of that task.

5. The director of the NSC Secretariat submits minutes of a NSC meeting and NSC resolutions to the chairman of the NSC meeting for his signature. As a rule, any corrections of the minutes are made at the start of the next NSC meeting. Minutes and resolutions are sent out according to the distribution list set by the director of the NSC Secretariat, who is responsible for the distribution thereof.

6. A sound recording is made of NSC meetings on audio cassettes in accordance with Act No 148/1998 on the protection of classified information, as amended, except for the part in respect of which the NSC decides that a recording will not be made. Audio cassettes with sound recordings are archived by the NSC Secretariat. NSC members, the Manager of the Office of the Government of the Czech Republic, the Governor of the Czech National Bank, the President of the Administration of State Material Reserves, and other persons they may delegate are entitled to listen to these sound recordings. A member of staff from the NSC Secretariat, appointed by the director of the NSC Secretariat, arranges for the listening of sound recordings and the registration of authorized persons. The provision of copies of audio cassettes containing sound recordings is not permitted.

7. After a NSC meeting, reports on the physical solution to the issues concerned are modified with comments and suggestions raised during the NSC meeting and are delivered to the NSC Secretariat in electronic form.

Article 10

Information about NSC activities

1. The Statutes and Rules of Procedure of the NSC are in the public domain. The conclusions of meetings, and where appropriate reports, as amended, on the physical solution to issues discussed at NSC meetings, are published, except in cases where they are protected under legislation in force.

2. Information about NSC activities requested by members of the public in accordance with Act No 106/1999 is provided the NSC Secretariat.

3. The NSC President submits a report on NSC activities in the previous calendar year, on approval thereof by the NSC, to the Government by 31 May of the following year.

Article 11

Final provisions

1. Amendments to the Rules of Procedure are subject to NSC approval.
2. Conclusions from meetings of the standing working bodies of the NSC, i.e. the Committee on Defence Planning, the Committee on Civil Emergency Planning, the Committee on the Coordination of Foreign Security Policy and the Committee on Intelligence, and conclusions from meetings of the Central Task Force are sent to the NSC Secretariat for its information.
3. Each NSC member, the Governor of the Czech National Bank, the President of the Administration of State Material Reserves and the Manager of the Office of the Government of the Czech Republic shall designate a responsible member of staff for cooperation with the NSC Secretariat, at least at the level of department director, including a reserve, who holds certification for the minimum classification level of 'Secret' consistent with a separate legal regulation.
4. Each NSC member shall forthwith inform the Prime Minister and the NSC President, and any representative thereof, of the occurrence of a crisis situation within his competence. At the same time, this NSC member shall also inform the Manager of the Office of the Government of the Czech Republic and, where appropriate, the director of the NSC Secretariat.
5. These Rules of Procedure entered into effect on 27 May 2003 by virtue of NSC Resolution No 63 of 27 May 2003.