

# The Constitution of the Czech Republic

## No. 1/1993 Coll. adopted on 16 December 1992

as amended by Constitutional Acts No. 347/1997 Coll., No. 300/2000 Coll., No. 395/2001 Coll., No. 448/2001 Coll., No. 515/2002 Coll., No. 319/2009 Coll., No 71/2012 Coll. and No 98/2013 Coll.

## Chapter Two

### Legislative Power

#### Article 15

- (1) The legislative power of the Czech Republic is vested in the Parliament.
- (2) The Parliament consists of two chambers, the Chamber of Deputies and the Senate.

#### Article 16

- (1) In the Chamber of Deputies there shall be 200 Deputies, who are elected to a four-year term of office.
- (2) In the Senate there shall be eighty-one Senators, who are elected to a six-year term of office. Every second year elections for one-third of the Senators shall be held.

#### Article 17

- (1) Elections to both chambers shall be held during the period commencing thirty days prior to the expiration of each electoral term and ending on the day of its expiration.
- (2) If the Chamber of Deputies is dissolved, elections shall be held within sixty days of its dissolution.

#### Article 18

- (1) Elections to the Chamber of Deputies shall be held by secret ballot on the basis of a universal, equal, and direct right to vote, according to the principle of proportional representation.
- (2) Elections to the Senate shall be held by secret ballot on the basis of a universal, equal, and direct right to vote, according to the principle of majority rule.
- (3) Each citizen of the Czech Republic who has attained the age of eighteen has the right to vote.

#### Article 19

- (1) Any citizen of the Czech Republic who has the right to vote and has attained the age of twenty-one is eligible for election to the Chamber of Deputies.
- (2) Any citizen of the Czech Republic who has the right to vote and has attained the age of forty is eligible for election to the Senate.
- (3) Deputies and Senators gain their mandate by their election.

## **Article 20**

Further conditions upon the exercise of the right to vote, the organization of elections, and the extent of judicial oversight over them shall be provided for by statute.

## **Article 21**

No person may be at the same time serve as a member of both chambers of Parliament.

## **Article 22**

1) Holding the office of Deputy or Senator is incompatible with holding the office of the President of the Republic, the office of a judge, and is with other offices, as designated by statute.

(2) A Deputy or Senator's mandate shall lapse on the day he or she assumes the office of President of the Republic, the office of judge or another office that is incompatible with the office of Deputy or Senator.

## **Article 23**

(1) Deputies shall take the oath of office at the first meeting of the Chamber of Deputies which they attend.

(2) Senators shall take the oath of office at the first meeting of the Senate which they attend.

(3) Deputies and Senators shall take the following oath of office: *"I pledge loyalty to the Czech Republic. I pledge that I will uphold its Constitution and laws. I pledge on my honor that I will carry out my duties in the interest of all the people, to the best of my knowledge and conscience."*

## **Article 24**

Deputies and Senators may resign their seat by a declaration made in person at a meeting of the chamber of which they are a member. Should serious circumstances prevent them from doing so, they shall submit their resignation in the manner provided for by statute.

## **Article 25**

A Deputy or Senator's mandate shall lapse:

- (a) upon his refusal to take the oath of office or upon taking the oath with reservations,
- (b) upon the expiration of the electoral term,
- (c) when he resigns his seat,
- (d) upon his loss of eligibility to hold office,
- (e) for Deputies, upon the dissolution of the Chamber of Deputies,
- (f) when an incompatibility of office under Article 22 arises.

## **Article 26**

Deputies and Senators shall perform their duties personally in accordance with their oath of office; in addition, they shall not be bound by anyone's instructions.

## **Article 27**

(1) There shall be no legal recourse against Deputies or Senators for their votes in the Chamber of Deputies or Senate respectively, or in the bodies thereof.

(2) Deputies and Senators may not be criminally prosecuted for speeches in the Chamber of Deputies or the Senate

respectively, or in the bodies thereof. Deputies and Senators are subject only to the disciplinary authority of the chamber of which they are a member.

(3) In respect of administrative offenses, Deputies and Senators are subject only to the disciplinary authority of the chamber of which they are a member, unless a statute provides otherwise.

(4) Deputies and Senators may not be criminally prosecuted except with the consent of the chamber of which they are a member. If that chamber withholds its consent, such criminal prosecution shall be foreclosed for the duration of their mandate.

(5) Deputies and Senators may be arrested only if they are apprehended while committing a criminal act or immediately thereafter. The arresting authority must immediately announce such an arrest to the President of the chamber of which the detained member of Parliament is a member; if, within twenty-four hours of the arrest, the President of the chamber does not grant consent with the handing over of the detainee to a court, the arresting authority shall be obliged to release him. At the very next meeting of that chamber, the chamber shall take a final decision as to whether such a member may be prosecuted.

#### **Article 28**

Deputies and Senators have the right to refuse to give evidence as to facts about which they learned in connection with the performance of their duties, and this privilege continues in effect even after they cease to be a Deputy or Senator.

#### **Article 29**

(1) The Chamber of Deputies elects and recalls its President and Vice-Presidents.

(2) The Senate elects and recalls its President and Vice-Presidents.

#### **Article 30**

(1) For investigations into matters of public interest, the Chamber of Deputies may create investigating commissions if at least one-fifth of the Deputies so propose.

(2) The proceedings before commissions shall be governed by statute.

#### **Article 31**

(1) Each chamber shall establish committees and commissions as its bodies.

(2) The activities of committees and commissions shall be governed by statute.

#### **Article 32**

A Deputy or a Senator who is a member of the government may not serve as the President or Vice-President of the Chamber of Deputies or the Senate or as a member of a parliamentary committee, investigating commission or commission.

#### **Article 33**

(1) If the Chamber of Deputies is dissolved, the Senate shall be empowered to adopt legislative measures concerning matters which cannot be delayed and which would otherwise require the adoption of a statute.

(2) The Senate is not authorized, however, to adopt legislative measures concerning the Constitution, the state budget, the final state accounting, an electoral law, or treaties under Article 10.

(3) Only the government may submit proposals for such legislative measures to the Senate.

(4) Legislative measures of the Senate shall be signed by the President of the Senate, the President of the Republic, and the Prime Minister; they shall be promulgated in the same manner as statutes.

(5) Legislative measures of the Senate must be ratified by the Chamber of Deputies at its first meeting. Should the Chamber of Deputies not ratify them, they shall cease to be in force.

#### **Article 34**

(1) The chambers shall hold standing sessions. The President of the Republic shall convene sessions of the Chamber of Deputies, so that they may be opened no later than thirty days after an election. If she fails to do so, the Chamber of Deputies shall convene on the thirtieth day after the elections.

(2) Sessions of a chamber may be adjourned by resolution. The total number of days in a year for which a session may be adjourned shall not exceed one hundred and twenty.

(3) While a session is adjourned, the President of the Chamber of Deputies or the Senate may summon their respective chambers to a meeting before the date designated therefor. They shall always do so should the President of the Republic, the government, or at least one-fifth of that chamber's members so request.

(4) Sessions of the Chamber of Deputies conclude upon the expiration of the electoral term or by its dissolution.

#### **Article 35**

(1) The President of the Republic may dissolve the Chamber of Deputies if:

a) the Chamber of Deputies does not adopt a resolution of confidence in a newly appointed government, the Prime Minister of which was appointed by the President of the Republic on the basis of a proposal of the President of the Chamber of Deputies;

b) the Chamber of Deputies fails, within three months, to reach decision on a governmental bill with the consideration of which the government has joined the issue of confidence;

c) a session of the Chamber of Deputies has been adjourned for a longer period than is permissible;

d) for a period of more than three months, the Chamber of Deputies has not formed a quorum, even though its session has not been adjourned and it has, during this period, been repeatedly summoned to a meeting.

(2) The President of the Republic shall dissolve the Chamber of Deputies if the Chamber of Deputies proposes its dissolution by a resolution which was approved by a three-fifths majority of all Deputies.

(3) The Chamber of Deputies may not be dissolved during the three-month period preceding the expiration of its electoral term.

#### **Article 36**

Sessions of the chambers shall be open to the public. The public may be excluded only under conditions provided for in a statute.

#### **Article 37**

(1) The President of the Chamber of Deputies convenes joint meetings of the chambers.

(2) Joint meetings of the chambers shall be conducted in accordance with the standing orders of the Chamber of Deputies.

#### **Article 38**

(1) Members of the government have the right to attend the meetings of either chamber, their committees, or commissions. They shall be given the opportunity to speak whenever they request.

(2) Members of the government are obliged to appear in person at a meeting of the Chamber of Deputies, if it so resolves. The same applies to meetings of committees, commissions, or investigating commissions, in which case, however, a member of the government may have a deputy or another member of the government appear in his stead if his personal participation has not been explicitly demanded.

#### **Article 39**

(1) One-third of the members of each chamber constitutes a quorum.

(2) Unless this Constitution provides otherwise, the concurrence of a simple majority of the Deputies or Senators present is required for the adoption of a resolution in either chamber.

(3) The concurrence of an absolute majority of all Deputies and an absolute majority of all Senators is required for the adoption of a resolution declaring a state of war or a resolution granting assent to sending the armed forces of the Czech Republic outside the territory of the Czech Republic or the stationing of the armed forces of other states within the territory of the Czech Republic, as well as with the adoption of a resolution concerning the Czech Republic's participation in the defensive systems of an international organization of which the Czech Republic is a member.

(4) The concurrence of three-fifths of all Deputies and three-fifths of all Senators present is required for the adoption of a constitutional act or for giving assent to the ratification of treaties referred to in Article 10a (1).

#### **Article 40**

In order to adopt an electoral law, a law concerning the principles of dealings and relations of both chambers, both between themselves and externally, or a law enacting the standing orders for the Senate, both the Chamber of Deputies and the Senate must approve it.

#### **Article 41**

(1) Bills shall be introduced in the Chamber of Deputies.

(2) Bills may be introduced by Deputies, groups of Deputies, the Senate, the government, or representative bodies of higher self-governing regions.

#### **Article 42**

(1) Bills on the state budget and the final state accounting shall be introduced by the government.

(2) These bills shall be debated at a public meeting, and only the Chamber of Deputies may adopt resolutions concerning them.

#### **Article 43**

(1) Parliament decides on the declaration of a state of war, if the Czech Republic is attacked, or if such is necessary for the fulfillment of its international treaty obligations on collective self-defense against aggression.

(2) The Parliament decides on the Czech Republic's participation in defensive systems of an international organization of which the Czech Republic is a member.

(3) The Parliament gives its consent to a) the sending the armed forces of the Czech Republic outside the territory of the Czech Republic; b) the stationing of the armed forces of other states within the territory of the Czech Republic, unless such decisions are reserved to the government.

(4) The government may decide to send the armed forces of the Czech Republic outside the territory of the Czech Republic and to allow the stationing of the armed forces of other states within the territory of the Czech Republic for a period not exceeding 60 days, in matters concerning the a) the fulfillment of obligations pursuant to treaties on collective self-defense against aggression, b) participation in peace-keeping operations pursuant to the decision of an international organization of which the Czech Republic is a member, if the receiving state consents; c) participation in rescue operations in cases of natural catastrophe, industrial or ecological accidents.

(5) The government may also decide:

a) on the transfer of the armed forces of other states across the territory of the Czech Republic and on their flight over the territory of the Czech Republic;

b) on the participation of the armed forces of the Czech Republic in military exercises outside the territory of the Czech Republic and on the participation of the armed forces of other states in military exercises within the territory of the Czech Republic.

(6) Without delay the government shall inform both chambers of Parliament concerning any decisions it makes pursuant to paragraphs 4 and 5. The Parliament may annul the government's decisions; in order to annul such decisions of the government, the disapproving resolution of one of the chambers, adopted by an absolute majority of all its members, shall suffice.

#### **Article 44**

(1) The government has the right to express its views on all bills.

(2) If the government does not express its views on a bill within thirty days of the of the delivery thereof, it shall be presumed to have positive views.

(3) The government is entitled to require that the Chamber of Deputies conclude debate on a government-sponsored bill within three months of its submission, provided that the government joins with it a request for a vote of confidence.

#### **Article 45**

The Chamber of Deputies shall submit bills which it has approved to the Senate without undue delay.

#### **Article 46**

(1) The Senate shall debate bills and take action on them within thirty days of their submission.

(2) The Senate shall either adopt bills, reject them, return them to the Chamber of Deputies with proposed amendments, or declare its intention not to deal with them.

(3) If the Senate does not declare its intention within the time period permitted by paragraph 1, it shall be deemed to have adopted a bill.

#### **Article 47**

- (1) If the Senate rejects a bill, the Chamber of Deputies shall vote on it again. The bill is adopted if it is approved by an absolute majority of all Deputies.
- (2) If the Senate returns a bill to the Chamber of Deputies with proposed amendments, the Chamber of Deputies shall vote on the version of the bill approved by the Senate. The bill is adopted by its resolution.
- (3) If the Chamber of Deputies does not approve the version of the bill adopted by the Senate, it shall vote again on the version it submitted to the Senate. The bill is adopted if it is approved by an absolute majority of all Deputies.
- (4) The Chamber of Deputies may not propose amendments in the course of debate on a bill that has been rejected or returned to it.

#### **Article 48**

If the Senate declares its intent not to deal with a bill, it shall be adopted by that declaration.

#### **Article 49**

The assent of both chambers of Parliament is required for the ratification of treaties:

- a) affecting the rights or duties of persons;
- b) of alliance, peace, or other political nature;
- c) by which the Czech Republic becomes a member of an international organization;
- d) of a general economic nature;
- e) concerning additional matters, the regulation of which is reserved to statute.

#### **Article 50**

- (1) With the exception of constitutional acts, the President of the Republic has the right to return adopted acts, with reasons given, within fifteen days of the day they were submitted to the President of the Republic.
- (2) The Chamber of Deputies shall vote again on returned acts. Proposed amendments are not permitted. If the Chamber of Deputies reaffirms its approval of the act by an absolute majority of all Deputies, the act shall be promulgated. Otherwise the act shall be deemed not to have been adopted.

#### **Article 51**

Statutes that have been adopted shall be signed by the President of the Chamber of Deputies, the President of the Republic, and the Prime Minister.

#### **Article 52**

- (1) In order for a statute to be valid, it must be promulgated.
- (2) The manner in which statutes and treaties are to be promulgated shall be provided for by statute.

#### **Article 53**

- (1) Each Deputy has the right to interpellate the government or members of it concerning matters within their competence.
- (2) Interpellated members of the government shall respond to an interpellation within thirty days of its submission

