

## ELECTIONS TO THE SENATE

Under the Constitution of the Czech Republic, which came into effect on 1 January 1993, legislative power is entrusted to the Parliament of the Czech Republic, which has two chambers: the Senate and the Chamber of Deputies. The Senate has eighty-one members. It is a permanent constitutional institution that cannot be dissolved, and every two years there are elections for one-third of its members. Any citizen of the Czech Republic over forty years of age who has the right to vote may be elected to the Senate. Senators are elected for a period of six years under a majority system in eighty-one constituencies; citizens therefore elect eighty-one individuals. Every two years elections are held in one-third of the constituencies. Elections are held in two rounds, but a senator may be elected in the first round if he or she wins more than half of all votes.

The two most successful candidates proceed to the second round. The first elections to the Senate were held in 1996, when all eighty-one senators were elected: one-third of them for two years, one-third of them for four years, and one-third of them for six years. Regular elections were then held in 1998, 2000, 2002 and every subsequent even year. If a senator's mandate expires prematurely, by-elections are held in his/her constituency.

## POWERS OF THE SENATE

### The Senate

- discusses bills put forward by the Chamber of Deputies (and may approve them, reject them, or return them with amendments); constitutional and election laws must be approved by both chambers in the same wording
- proposes legislation
- comments on proposed European Union legislation and other EU documents, may instigate proceedings for violation of the principle of subsidiarity by an EU act
- adopts statutory measures in the event of the dissolution of the Chamber of Deputies
- approves the ratification of international treaties
- declares war in conjunction with the Chamber of Deputies and approves deployment of foreign troops in the territory of the Czech Republic and sending of Czech troops abroad
- the President of the Senate announces election of the President of the Czech Republic
- the President elect is sworn in to the President of the Senate during a joint session of both chambers, the President of the Senate also accepts President's abdication
- approves the appointment of judges of the Constitutional Court
- elects members of the Council of the Institute for the Study of Totalitarian Regimes
- has the exclusive right to sue the President of the Czech Republic before the Constitutional Court for high treason (article 65, paragraph 2 of the Constitution)
- presents to the President of the Czech Republic proposals for the conferring or awarding of state honours
- puts forward two candidates for the position of the Public Defender of Rights and two candidates for the position of Deputy of the Public Defender of Rights to the Chamber of Deputies
- puts forward candidates for the position of President and inspectors of the Office for Personal Data Protection to the President of the Czech Republic

## THE SENATE AS A CONSTITUTIONAL SAFETY MEASURE

In the event that the Chamber of Deputies is dissolved, the Senate adopts statutory measures for matters that cannot be deferred and would otherwise require the passing of an act. The Senate's unconditional approval is necessary for the passing of constitutional acts and certain other acts, e.g. on elections.

## OFFICERS AND BODIES OF THE SENATE

At the first session following elections to the Senate, senators elect the **President and Vice-Presidents** of the Senate. At the beginning of each term of office the Senate also establishes – in addition to the Committee on Mandate and Parliamentary Privilege and the Committee on Agenda and Procedure, which are required by law – other committees whose number, names and agendas are not defined by law, but are decided by the Senate in that session. The Senate has the following committees:

- Committee on Agenda and Procedure
- Committee on Mandate and Parliamentary Privilege
- Committee on Legal and Constitutional Affairs
- Committee on National Economy, Agriculture and Transport
- Committee on Public Administration, Regional Development and the Environment
- Committee on Education, Science, Culture, Human Rights and Petitions
- Committee on Foreign Affairs, Defence and Security
- Committee on EU Affairs
- Committee on Health and Social Policy

The **committees** discuss matters that are assigned to them and matters they agree to discuss. With the exception of the Committee on Agenda and Procedure and the Committee on Mandate and Parliamentary Privilege, a senator may be a member of just one committee. The President and Vice-Presidents of the Senate are members solely of the Committee on Agenda and Procedure. Members of the Government may also be deputies or senators, but they cannot be President or Vice-President of the Senate, nor can they be members of Senate committees or commissions.

A committee may, with the Senate's approval, set up subcommittees to resolve particular issues. Senators from other committees may be members of those subcommittees.

The Senate primarily establishes **commissions** for tasks that are covered by several bodies of the Senate, or for tasks that are not covered by any of the bodies established by the Senate. Other persons in addition to senators may be members of commissions. At the beginning of the term of office the Senate first makes arrangements to set up the Commission on Election. The Senate has the following commissions:

- Commission on Election
- Standing Senate Commission on Compatriots Living Abroad
- Standing Senate Commission on Senate Chancellery Activities
- Standing Senate Commission on Rural Development
- Standing Senate Commission on Media
- Standing Senate Commission on the Constitution of the Czech Republic and Parliamentary Procedures

The Senate may also establish temporary commissions. The Senate also elects representatives for inter-parliamentary organisations, permanent delegations in conjunction with the Chamber of Deputies.

Senators may form caucuses in line with their membership of political parties and political movements for which they stood as candidates in the elections. Senators who were independent candidates, or senators nominated by parties that do not have sufficient senators to establish a party caucus, may also set up a caucus. A senator may only be a member of one caucus. At least five senators are required to establish a caucus.

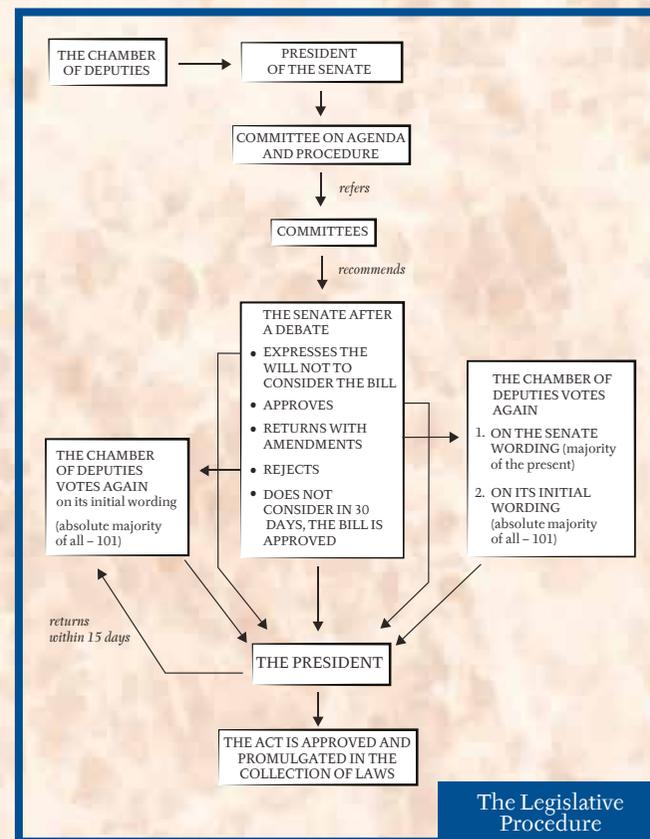
## THE LEGISLATIVE PROCESS

Bills are submitted to the Chamber of Deputies by a deputy, a group of deputies, the Senate, the Government, or a regional authority.

All bills other than the Act on the State Budget, which is discussed solely by the Chamber of Deputies, are submitted to the Senate once they have been passed by the Chamber of Deputies.

The Senate's Committee on Agenda and Procedure assigns those bills to committees for discussion, and recommends the schedule and agenda for the session to the President of the Senate.

The Senate has a time limit of thirty days to discuss „ordinary“ bills. The Senate may express its wish not to examine the bill, or approve it, or reject it, or return it with amendments. If the Senate does not adopt any resolution, the bill is passed on the expiry of the time limit. If a bill is returned with amendments, the Chamber of Deputies must vote on it again. Firstly it votes on the wording approved by the Senate; the votes of the majority of those deputies present is required to accept that wording. The votes of the majority of all deputies, i.e. at least 101 votes, are required for the bill to be passed again in the wording now



approved by the Chamber of Deputies. The Chamber of Deputies votes on all amendments, and cannot select merely some of them. If the bill is rejected, the Chamber of Deputies votes on whether to retain the original wording. The votes of the majority of all deputies, i.e. at least 101 votes, are required to pass the bill. If there are insufficient votes, the bill is not passed.

Constitutional bills and amendments to the Constitution of the Czech Republic must be approved by both chambers, with the votes of three-fifths of all deputies and three-fifths of those senators present. The Chamber of Deputies therefore cannot override the Senate. The situation is similar for election acts, the Act on the Standing Rules of the Senate and the Act on Relations between the Chambers. For those bills the time limit of thirty days does not apply to the Senate.

The Senate as a whole also has a legislative initiative. A bill that the Senate submits to the Chamber of Deputies may be proposed for discussion in the Senate by a senator, a group of senators, or a Senate committee or commission. If the Senate's bill is approved, the President of the Senate is authorised by the Senate to submit it to the Chamber of Deputies, and a senator will be delegated to justify the bill in the Chamber of Deputies.

## THE SENATE AND THE EUROPEAN UNION

The Czech Republic joined the European Union on 1 May 2004. An amendment to the Standing Rules of the Senate covered cooperation between the Senate and the Government on matters associated with obligations arising from the Czech Republic's membership of the European Union. The Senate – specifically its authorised committees (the Committee on EU Affairs and the Committee on Foreign Affairs, Defence and Security) – now regularly examines proposed European Union legislation, the Government's response to those proposals, and communications and other „European“ documents. The webpage on the Senate and the European Union is regularly updated.

## THE SENATE AND THE PUBLIC

Sessions of the Senate are public, unless the Senate rules that a session or a part thereof is closed to the public. That particularly concerns the discussion of official secrets relating to national defence or security. The discussion of bills and statutory measures is always public. Seats are reserved for the public, guests and representatives of the media to observe sessions of the Senate. The same principles apply to sittings of the Senate's committees. All publications of the Senate are public (Senate printed materials, stenographic reports on sessions of the Senate, resolutions adopted and records of voting).

On the basis of a proposal by at least five senators or a committee, the Senate may rule to hold a public hearing to discuss



a particular issue within the scope of the Senate with experts and other persons who may provide information on the issue in question. Any Senate committee may also hold a public hearing on an issue that comes within its scope.

As a chamber of Parliament the Senate receives many petitions, which the committee authorised then discusses and regularly informs the plenary session. That procedure serves to channel information between petitioners and the authorities, to correct misunderstandings, etc. Following examination by the committee, each petition with more than 10 000 signatories is scheduled for discussion at a session of the Senate.

Many seminars and conferences are regularly held in the Senate, where senators give experts and the general public an opportunity to present their views.

In addition to those specific activities by the Senate, the Czech second chamber is also opening up to the public in many other ways. Comments on bills can be sent by regular or electronic mail directly to correspondents on the individual committees.

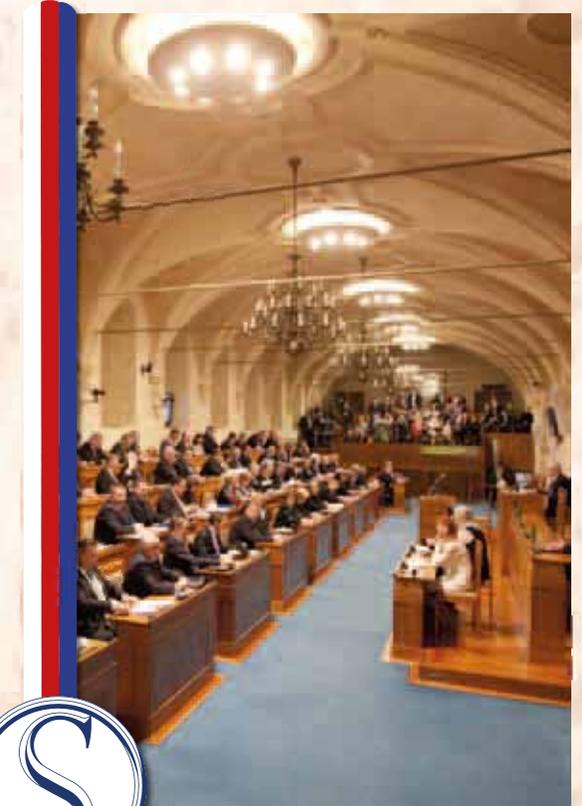
The Senate presents all important information on its work on the internet, covering current news and data for individual terms of office. It publishes the composition of the Senate's bodies and caucuses, with contact information for senators. The Senate also publishes a quarterly „Senate“ on events in the Senate and senators' activities in their constituencies.

In the Information Centre you can get not only information about the Senate but also texts of tabled bills. The Senate Chancellery arranges guided tours for schools and numerous groups of visitors from individual constituencies. The Waldstein Palace opens for visitors on weekends, public holidays and open house days. The Waldstein Garden is open for a major part of the year, it hosts various cultural events during summer, e.g. concerts of the Cultural Summer are held every Thursday from May to September. The Exhibition Hall of the Senate is open in the 1st courtyard all year round. In the historical vault of the 1st courtyard, there is a Trčkovská Gallery that hosts a permanent exhibition of protocol gifts. The entry is free of charge to all parts of the Waldstein Palace.

## THE SENATE CHANCELLERY

Professional, technical and organisational service for the activities of the Senate is provided by the The Senate Chancellery. The Senate Chancellery is managed by the Secretary General who represents the Chancellery outwards and is responsible for the functioning of the whole institution. Departments of the Senate Chancellery carry out their duties related to professional, organisational and technical service for the activities of the Senate, its bodies, senators and caucuses. They also take care of the whole Senate complex composed of the Waldstein Palace, the Garden and the Riding-School, the Kolowrat Palace and the Small Fürstenberg Palace.

# SENATE



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SENATE

PARLIAMENT OF THE CZECH REPUBLIC