



THE CHAMBER OF DEPUTIES

THE LEGISLATIVE PROCESS IN PARLIAMENT

The adoption of laws is one of the most important functions of any Parliament. In the Czech Republic, the Parliament is the only body that may adopt laws. However, the Constitution of the Czech Republic does not preclude the possibility that direct democratic procedures (such as a state-wide referendum) could, in the future, be used for the adoption of laws.

THE LEGISLATIVE PROCESS

Proposals for laws (bills) must first be presented to the Chamber of Deputies, where they are discussed and voted upon. If the Chamber of Deputies expresses consent with a bill, the bill (including any amendments approved by the Chamber of Deputies) is then sent to the Senate for its approval. If the Senate approves the bill without proposing any additional amendments, the bill is adopted as law and is presented to the President for final signature. On the other hand, if the Senate rejects the bill entirely or approves it subject to Senate amendments, the bill is returned to the Chamber of Deputies for a new vote. If the Chamber of Deputies approves such a bill, it is then presented to the President for final signature. With the exception of constitutional laws, the President may refuse to sign a law that has been sent to him from Parliament. In such a case, the Chamber of Deputies must vote on whether to uphold the law. At the end of the legislative process, where the President has signed a law or where the Chamber of Deputies has overruled the President's veto, the law is promulgated and published in the Collection of Laws.

Depending on the type of law that is to be adopted, exceptions may apply to the general legislative

procedure outlined above. There are three main legislative procedures that may apply:

1. The approval of a bill by both chambers of Parliament, whereby the Senate has 30 days to vote on a bill (this procedure applies to regular laws).
2. The approval of a bill by both chambers of Parliament, where the Chamber of Deputies does not have the right to overrule the Senate (this procedure applies to constitutional laws and laws according to art. 40 of the Constitution).
3. The approval of a bill solely by the Chamber of Deputies (this procedure applies to the law on the state budget, for example).

If the Chamber of Deputies is dissolved, the Senate may adopt legal measures in place of regular laws. Legal measures may only be adopted when the matter may not be postponed and where a regular law would have been proposed, were the Chamber of Deputies not dissolved. Legal measures may only be adopted in certain areas defined by the Constitution; the Senate is not granted a full legislative authority in all areas where regular laws may be adopted. For example, legal measures may not be adopted in constitutional, budgetary or electoral matters. Legal measures may only be adopted by the Senate on a proposal from the Government and they only have provisional validity. When the new Chamber of Deputies is elected, it must approve any legal measures that have been adopted by the Senate, otherwise, they cease to have effect.

THE LEGISLATIVE PROCESS

The legislative process is a series of steps that a bill must go through before it becomes law. Before final publication in the Collection of Laws, a bill must go through the legislative process in accordance with the steps outlined below.

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When a bill is introduced in the Chamber of Deputies, it must go through a series of readings before a final vote is held. The bill is first discussed in a first reading and is then referred to specialised committees for deliberation. After committee work is completed, the Chamber of Deputies discusses the bill in a second reading and lastly, in a final third reading. The third reading generally represents the end of the legislative process within the Chamber of Deputies, unless the bill is subsequently returned to the Chamber of Deputies by the Senate or by the President.

THE RIGHT OF LEGISLATIVE INITIATIVE

Deputies, groups of Deputies, the Senate (as a whole), the Government and Regional Assemblies have the right of legislative initiative. That is to say, these persons and bodies (submitting parties) have the right to introduce bills and to initiate the legislative process in Parliament. In practice, this right is most often exercised by the Government as well as by Deputies and groups of Deputies. Bills that have been introduced in Parliament may be withdrawn without the consent of the Chamber of Deputies up until the completion of the second reading; after the second reading, bills may only be withdrawn with the consent of the Chamber of Deputies.

The proposed text that is to be adopted as law is not the only part of a bill. A bill also contains an explanatory memorandum, which is divided into a general part and a specific part. The general part of the memorandum must characterise the current legal context and explain why a new law should be adopted. Additionally, the general part of the memorandum must assess the expected budgetary impact of the bill on the state budget and on the budget of regional governments. The specific part of the memorandum contains an explanation of particular articles and sections of the proposed law. Proposals for laws are submitted to the Chamber of Deputies through its Chairperson. The Government must deliver an opinion for all bills (except bills proposed by the Government) within 30 days of their submission to the Chairperson of the Chamber of Deputies.

THE FIRST READING OF A BILL

At the beginning of the first reading, the submitting party introduces the bill and the rapporteur (a Deputy

assigned by the Organising Committee or by the Chairperson of the Chamber of Deputies) addresses the plenary. Following a general parliamentary debate (which does not have a time limit), the Chamber of Deputies may resolve to return the bill to the submitting party to be refined, to reject the bill or to refer the bill to a committee or to several committees for further deliberation.

The purpose of the first reading is to allow Deputies to become generally acquainted with the content, purpose and intent of a bill. The purpose of allowing the Chamber of Deputies to return or reject a bill in the first reading is to ensure that a bill, which does not have the support of the Chamber of Deputies, does not have to go through all three readings before being rejected. Another purpose of the first reading is to allow political parties to clarify their positions regarding a bill before continuing with further deliberations in the committees or in the plenary.

If the Chamber of Deputies does not return or reject a bill in the first reading, the bill is assigned to a committee or to several committees for deliberation, in accordance with a proposal from the Organising Committee or from the Chairperson of the Chamber of Deputies. A Deputy may submit a different draft for assignment and the Chamber of Deputies decides on such a draft without holding a parliamentary debate. In the event that a draft act has already been assigned to a committee for discussion, then it may not be returned to the submitting party to be refined.

COMMITTEE DELIBERATIONS REGARDING A BILL

After the first reading, committees have 60 days to discuss a bill that has been assigned to them. This time may be shortened by up to 30 days or extended by up to 20 days. The time may be shortened by more than 30 days, unless two Deputies' Clubs or 50 or more Deputies raise an objection. The time for committee deliberations may only be extended by more than 20 days with the agreement of the submitting party.

The areas that a bill proposes to regulate determine which committee the bill is assigned to. In some cases, a bill may be assigned to more than one committee or a committee may decide to discuss a bill at its own initiative. This is often the case with bills pertaining to defence which are discussed by the Committee for Defence and Security, the Committee for Foreign Affairs and, where a bill concerns matters related to the European Union, it is also discussed by the Committee for European Affairs.

A committee discusses a bill in a general debate, which is followed by a detailed debate in which Deputies may submit proposals for amendments to the bill. At the end of the debate, the committee adopts a reso-

lution in which it recommends to the plenary session of the Chamber of Deputies whether to adopt or reject the bill. A minority of committee members, comprising at least one fifth of the total number of members of the committee, may adopt a dissenting opinion.

THE SECOND READING OF A BILL

At the beginning of the second reading, the submitting party introduces the bill and the rapporteur addresses the plenary. Following a general parliamentary debate, a detailed debate is held in which any Deputy may propose amendments to the bill. Both debates are held without any time limits. A Deputy or several Deputies may propose a resolution on a procedural matter or may propose to again refer the bill to a committee. Additionally, a Deputy or group of Deputies may propose that the Chamber of Deputies reject the bill, although such a proposal is only voted upon in the third reading.

THE THIRD READING OF A BILL

The third reading of a bill in the Chamber of Deputies may, at the earliest, be commenced 72 hours after all proposed amendments from the second reading have been distributed to Deputies. However, the Chamber of Deputies may, in the course of the detailed debate in the second reading, resolve to reduce this time to 48 hours.

At the beginning of the third reading, the submitting party again introduces the bill and the rapporteur addresses the plenary. The rapporteur must propose the procedure by which the Chamber of Deputies will vote on any proposed amendments to the bill as well as on the bill as a whole. In the course of parliamentary debate in the third reading, Deputies may not propose any further amendments to the bill, with the exception of proposals to correct legislative, technical, grammatical, written or print errors which are evident from the context of the bill and from proposed amendments. Deputies may also propose to return the bill to the second reading. Voting on the proposed amendments and on the bill as a whole is co-ordinated by the rapporteur in accordance with the approved procedure. The rapporteur and the submitting party express their position regarding each proposed amendment and regarding the bill as a whole (an affirmative, negative or neutral position). The Chamber of Deputies first votes on any proposed amendments and lastly, on the bill as a whole. If the Chamber of Deputies does not express consent with the bill as a whole, the bill is not adopted and the legislative process terminates. If consent is expressed, the legislative process within the Chamber of Deputies comes to an end and the bill is sent to the Senate without undue delay (with the exception of bills that are only voted upon by the Chamber of Deputies).

THE FINAL APPROVAL OF A BILL IN THE FIRST READING

The submitting party may, when submitting a bill to the Chamber of Deputies, request that the Chamber of Deputies approve the bill at the conclusion of the first reading (i.e. that no second or third reading be held). The explanatory memorandum must provide reasons for such a request. The Chamber of Deputies considers the request, unless at least two Deputies' Clubs or at least 50 Deputies raise an objection before the end of the general parliamentary debate in the first reading. A proposal for a constitutional law, for the law on the state budget or a proposal to express consent with an international agreement in accordance with article 10 of the Constitution may not be approved by the Chamber of Deputies in the first reading. After the general parliamentary debate, the plenary considers the request. If the request is not accepted, the regular legislative procedure applies. If the request is accepted, then a detailed parliamentary debate is held in the course of the first reading. Deputies may not propose any amendments to the bill, with the exception of proposals to correct legislative, technical, grammatical, written or print errors. Following a final address by the submitting party and rapporteur, the Chamber of Deputies votes on the final approval of the bill. If the bill is not approved, then the Chamber of Deputies continues to consider the bill in accordance with the regular legislative procedure (i.e. it may return the bill to the submitting party, reject the bill or assign the bill to a committee or to several committees for further deliberation). This special legislative procedure which allows the Chamber of Deputies to approve a bill in the first reading was adopted in connection with preparations for the accession of the Czech Republic to the European Union.

SPECIAL PROCEDURES AND SHORTENED DISCUSSION OF A BILL

Apart from the regular legislative procedure for considering a bill in the Chamber of Deputies, the Chamber of Deputies may, in certain exceptional cases, discuss a bill in accordance with special procedures:

- in case the Government submits a bill to the Chamber of Deputies and ties to it a request for the expression of confidence in the Government
- in case the state of legislative emergency is declared by the Chairperson of the Chamber of Deputies, on a proposal from the Government
- in case the approval of a bill is necessitated in order to carry out a resolution of the Security Council of the United Nations
- in case the Government, at times when the state is threatened or at times of war, requires that Parliament consider bills in accordance with a shortened legislative procedure

THE SENATE

The Senate must complete its deliberation of a bill within 30 days of receiving it from the Chamber of Deputies. This is why the Senate plenary only considers a bill in one reading, after the bill has been discussed in Senate committees. Within three days of receiving a bill from the Chamber of Deputies, the Senate Organising Committee must assign it to one or more committees of the Senate.

The procedure applicable to deliberations in **Senate committees** is similar to the procedure used in committees of the Chamber of Deputies (a rapporteur is assigned, a general debate is held, followed by a detailed debate in which amendments may be proposed and lastly, the committee votes on a final resolution). Senate committees are aware of the fact that if the Senate adopts any amendments, they will need to be approved by the Chamber of Deputies as a whole. This is why Senators often only present such amendments that have a chance of being approved by the Chamber of Deputies.

After being discussed in committees, a bill is then discussed at a plenary meeting of the Senate. The Senate may proceed in one of the several following ways:

1. it may resolve not to discuss the bill – the bill is considered to have been adopted as law and the Chairperson of the Chamber of Deputies submits it to the President for signature.
2. it may approve the bill – the bill is adopted as law and the Chairperson of the Chamber of Deputies submits it to the President for signature.
3. it may reject the bill – the bill is returned to the Chamber of Deputies for a new vote.
4. it may return the bill to the Chamber of Deputies along with Senate-approved amendments – the bill is returned to the Chamber of Deputies for a new vote.
5. if the Senate does not adopt any resolution regarding a bill – the bill is considered to have been adopted as law 30 days after it was sent to the Senate from the Chamber of Deputies and the Chairperson of the Chamber of Deputies submits it to the President for signature.

PROCEEDINGS IN THE CHAMBER OF DEPUTIES AFTER RECEIVING A BILL THAT HAS BEEN RETURNED FROM THE SENATE

If the Senate has rejected a bill and returned it to the Chamber of Deputies, the Chamber of Deputies holds a vote by which the Senate may be overruled. If the bill is approved by an absolute majority of all Deputies, the Senate is overruled and the bill is adopted as law. If the Senate has returned a bill to the Chamber of Deputies along with Senate amendments, the Chamber of Deputies holds a vote on whether to adopt the Senate version of the bill. If a simple majority of present Deputies votes to adopt the Senate version, this version of the bill is adopted as law. If the Senate version is rejected, the Chamber of Deputies votes again on the original version of the bill that was sent to the Senate (the Chamber of Deputies version of the bill). If an absolute majority of all Deputies votes to adopt this version of the bill, this version of the bill is adopted as law and the Senate is overruled. Bills that have been returned to the Chamber of Deputies from the Senate may be discussed by the Chamber of Deputies at the next earliest meeting of the plenary, but not earlier than ten days after the bill has been returned to the Chamber of Deputies.

THE VETO POWER OF THE PRESIDENT

A bill is adopted as law where it has been approved by Parliament after going through the parliamentary legislative process. The President of the Czech Republic may, however, return a law (with the exception of a constitutional law), along with reasons, within 15 days of receiving the law for final signature; this is referred to as the veto power of the President.

The Chamber of Deputies must hold a vote on a law that has been returned by the President at the next earliest meeting of the plenary, but not earlier than ten days after the law has been returned to the Chamber of Deputies. If the Chamber of Deputies upholds the law by an absolute majority vote of all Deputies, the law is promulgated in the Collection of Laws (without the President's signature). If the Chamber of Deputies does not uphold the law, the law is considered defeated. The veto power is one of the important powers that are vested in the President. The veto power allows the President to express his views of the law but also his fundamental political opinions. Up to now, the success rate of the President's veto has been relatively low, given that most laws returned to the Chamber of Deputies have been upheld.