

# Statutes of the Political Party TOP 09

## Section 1: General Provisions

TOP 09 (hereinafter referred to as the "Party") is a political Party within the meaning of Act No. 424/1991 Coll., on association in political parties and political movements, as amended. The Party uses the abbreviation TOP 09, operates within the territory of the Czech Republic and has its headquarters in Prague.

## Section 2: Program Principles and Goals

- (1) The Party is rooted in the traditions of Judeo-Christian European culture. It is a conservative and democratic Party. It rejects any form of ideology that leads to totalitarianism and disrespect for basic rights and freedoms.
- (2) The Party endorses the principles of a free market, defined by clear rules, with functioning institutions overseeing compliance. It defends a society of equal opportunities and encourages the social responsibility of citizens and legal entities. It rejects any and all forms of discrimination.
- (3) The Party insists on maximum responsibility towards future generations. Therefore, it endeavours to preserve cultural heritage, permanently improve the environment, and reduce public debt.
- (4) The Party strives for the Czech Republic to be a respected member of the EU. In the interests of the citizens of the Czech Republic, it supports the process that enables the European Union to have a unified and strong voice on the global stage. It nurtures the preservation of Euro-Atlantic foreign policy ties.
- (5) The Party cooperates with the TOP 09 Mayors' Club.

## Section 3: Membership Creation, Registration, Suspension and Termination

- (1) A Party member may be any citizen over the age of 18 who is fully legally qualified to act and is not a member of another political Party or political movement.
- (2) Acceptance as a member takes place on the basis of an application to the Party. The Local Committee and the County Committee decide upon acceptance or rejection of an application for membership, including affiliation to a specific local or municipal (hereinafter referred to as "local") organization, or a county organization without local organizations. In the case of disagreement or inaction, the Regional Committee or the Regional Presidency or, as the case may be, the Party Presidency shall decide. Details are governed by guidelines.
- (3) A member may belong to only one local or, as the case may be, regional organization without local organizations. Once a decision has been made to accept a member, membership is established on the first day of payment of the membership fee.
- (4) A member may request a transfer to another local organization or to a county organization without local organizations. The committee of the organization to which the member is transferring decides on this transfer. In the case of non-approval of a transfer, the applicant has the right to file an appeal with the Regional Committee within 15 days of receiving the decision.
- (5) A member's application to join a local organization or a county organization without local organizations after the dissolution or termination of their original local organization, or after the creation of the first local organization within a county organization hitherto without local organizations of which they are a member, is considered a special form of transfer. If the relevant committee does not come to a decision on the transfer within the specified period, the transfer is to be considered approved. If the transfer is refused, an appeal to the Regional Committee is possible, on which is set a time limit pursuant to paragraph 6 (h).
- (6) Party membership is terminated:
  - a) upon death or declaration of death,

- b) upon a written declaration of withdrawal from the Party delivered to the relevant Regional Office,
  - c) upon the deprivation or limitation of the legal capacity to act,
  - d) upon joining another political party or movement,
  - e) upon accepting a candidacy on the candidate list of another electoral party, despite the dissent of the committee responsible for the level of the election,
  - f) upon non-payment of the membership fee after the due date, or within 30 days of being sent a written request to do so,
  - g) upon expulsion,
  - h) if a Party member is not accepted to a local organization or a county organization without local organizations after the dissolution or termination of their original local organization, or after the creation of the first local organization within a county organization hitherto without local organizations of which they are a member.
- (7) Party membership shall be suspended based upon the written request of a member due to the incompatibility of Party affiliation and position or employment that the member has accepted or intends to accept, or because of the initiation of criminal proceedings against them personally. The initiation of criminal proceedings may be grounds for suspension of membership by the Regional or Executive Committee upon the reasonable application of Section 6, Paragraphs 2 and 3.
- (8) Regarding the termination of Party membership pursuant to Paragraph 6 (c) - (h), the member in question must be notified in writing.
- (9) Details are governed by the Guidelines on Party Membership.

#### **Section 4: Member Rights**

A Party member has the right to:

- a) participate in the assembly of the local organization of which they are a member,
- b) vote and be elected as a delegate to the council and to positions within the Party,
- c) propose candidates for election according to relevant internal Party regulations,
- d) be informed about Party activities and resolutions of Party bodies concerning their person and activities,
- e) submit any suggestions, complaints and comments to all Party bodies,
- f) express an opinion to the Party body, should it make a decision on their activities or behaviour.

#### **Section 5: Member Obligations**

A Party member is obliged to:

- a) promote the Party's goals and participate in the implementation of the Party program,
- b) comply with the Statutes and internal Party regulations, such as rules, guidelines, statutes and methodological instructions, which are available to members at Regional Offices,
- c) implement the resolutions and decisions made by Party bodies,
- d) pay the required membership fees according to contributory regulations.



## Section 6: Party Penalties

- (1) Penalties include reprimand, removal from a Party position, disqualification from holding a Party position, and expulsion from the Party. Penalties must be proportionate.
- (2) Penalties are decided upon by the Regional or Executive Committee. The Executive Committee is solely responsible for the decision on a penalty for a member of a Party body at regional or national level, as well as the decision on the penalty of disqualification from holding a Party position at regional or national level.
- (3) The penalties of removal from a Party position, disqualification from holding a Party position, and expulsion from the Party must be approved by a majority of all members of the Regional or Executive Committee.
- (4) The penalties of removal from a Party position and disqualification from holding a Party position may be imposed simultaneously. A decision on the penalty of disqualification from holding a Party position must specify the positions in question and the duration of the penalty, up to a maximum of three years.
- (5) Expulsion is the prevention of re-admission of membership for a period of three years from the date of the final decision of the responsible body unless the Party Presidency decides otherwise.
- (6) Penalties can only be imposed for:
  - a) violation of the Statutes,
  - b) disregard for member obligations,
  - c) breach of obligations regarding the management of Party assets,
  - d) commission of an intentional crime for which the member has been legally convicted,
  - e) abuse of Party or public office,
  - f) conduct that cause damage to the Party,
  - g) declaration of false data or concealment of mandatory data in an application for Party membership.
- (7) A penalty decision with reasons must be issued in writing and delivered to the member. The decision can be appealed against to the Conciliation Committee within 15 days of delivery. An appeal has no suspensory effect.

## Section 7: Organizational Structure of the Party

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| <ol style="list-style-type: none"> <li>(1) National level:           <ol style="list-style-type: none"> <li>a) National Assembly,</li> <li>b) Executive Committee,</li> <li>c) Party Presidency,</li> <li>d) Conciliation Committee,</li> <li>e) National Audit Commission.</li> </ol> </li> <li>(2) Regional level:           <ol style="list-style-type: none"> <li>a) Regional Assembly,</li> <li>b) Regional Committee,</li> <li>c) Regional Presidency,</li> <li>d) Regional Audit Commission.</li> </ol> </li> </ol> | <ol style="list-style-type: none"> <li>(3) County level:           <ol style="list-style-type: none"> <li>a) County Assembly,</li> <li>b) County Committee.</li> </ol> </li> <li>(4) Local level:           <ol style="list-style-type: none"> <li>a) Local Assembly,</li> <li>b) Local Committee.</li> </ol> </li> </ol> |
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## Section 8: Proceedings of Bodies

- (1) Assemblies are convened by the committees or chairs of the relevant organizations. The convening of other bodies is regulated by the Rules of Procedure.



- (2) If an assembly is not convened by the relevant committee within the specified time, the assembly is convened by the committee, presidency or chair of the next highest level, and in the case of National Assembly, by the Conciliation Committee.
- (3) Party bodies shall make decisions by resolution.
- (4) Party bodies shall have a quorum if the majority of all its members or delegates are present, unless otherwise stipulated by the Statutes. The adoption of a resolution requires the consent of the majority of members or delegates present, unless otherwise stipulated by the Statutes. Internal Party regulations may also set a higher quorum for some votes.
- (5) Assemblies of all levels shall have a quorum if one third of members or delegates are present, with a minimum of two members or delegates. If less than half of the members or delegates are present, the assembly may not include new agenda items.
- (6) If a local, county, or regional assembly does not meet with a quorum of members or delegates, the subsequent assembly shall convene a superior committee. An assembly convened in this way shall have a quorum of any number of members or delegates. If less than half of the members or delegates are present, the assembly may not include new agenda items.
- (7) The proceedings of bodies and voting in the event of a conflict of interest or bias are regulated in detail by the Rules of Procedure.
- (8) Party bodies shall propose candidates for election according to the relevant internal Party regulations.
- (9) The election of Party body members shall take place by secret ballot. Voting by acclamation can be decided by a two-thirds majority of the members or delegates of the relevant body present. If at least one third of the members or delegates of the body request a secret ballot on candidates for public elections, the ballot shall be held by secret ballot.
- (10) The Chair, or the First Vice-Chair, or jointly the Party Vice-Chair and another member of the Presidency, may externally act on behalf of the Party Presidency.
- (11) In a regional organization, county organization, or local organization, the Chair or each of the Vice-Chairs may act on behalf of the committee independently.
- (12) The Honorary Chair, the Party Chair, the First Vice-Chair, and Party Vice-Chair, the General Secretary, the Chair of the National Audit Commission, and the Chair of the Conciliation Committee may participate in the proceedings of any Party body in an advisory role. The Chair and Vice-Chairs of a regional organization and the Chair of the Regional Audit Commission may participate in the proceedings of any body within the region in an advisory role. The Chair and Vice-Chairs of regional organizations may participate in the proceedings of any body within the region in an advisory role. Their representation is governed by the Rules of Procedure.

## Section 9: National Assembly

- (1) The National Assembly is the supreme body. The National Assembly shall convene at least once every two years. The National Assembly must be convened within 90 days upon the proposal of county organizations representing at least 1/3 of the membership base.
- (2) The delegates of the National Assembly with deciding votes are the representatives of regional organizations who are elected at the Party's Regional Assemblies. Members of the Executive Committee from the given regional organization on the day of the election of delegates to the National Assembly automatically become delegates of the assembly. The delegates' key is determined by the Executive Committee, against which an appeal to the Conciliation Committee is possible; the key is valid until such time that the Executive Committee determines a new key.
- (3) The National Assembly elects and dismisses:
  - a) the Chair, the First Vice-Chair and up to four Party Vice-Chairs,

- b) up to nine members of the Party Presidency and fifteen members of the Executive Committee,
  - c) the Chair, four members, and at least two substitutes of the National Audit Commission and the Conciliation Committee.
- (4) The National Assembly approves the Party program, Party Statutes and their amendments.

## Section 10: Executive Committee

- (1) The members of the Executive Committee are the Party Presidency, fifteen members elected at the National Assembly, as well as members of the Government, Deputies and Senators of the Parliament of the Czech Republic, Members of the European Parliament, the Mayor of the City of Prague, and Regional Governors, if they are members of the Party.
- (2) In particular, the Executive Committee:
- a) approves the draft annual budget and the Party annual financial report,
  - b) proposes candidates for elections according to the relevant internal Party regulations, decides on candidate lists for elections to the Chamber of Deputies, the European Parliament, and candidates to the Senate, and decides on election and post-election coalitions,
  - c) approves rules, guidelines and statutes,
  - d) determines the amount of regular and special membership fees,
  - e) appoints and dismisses the General Secretary at the proposal of the Chair or the First Vice-Chair,
  - f) decides on the establishment and disillusion of regional organizations and their territorial scope.

## Section 11: Party Presidency

- (1) The Party Presidency is the Party's statutory body. Only the persons listed in Section 8 Paragraph 10 or persons authorized by them in writing are authorised to act on behalf of the Party on financial matters or to act externally towards public authorities. This does not affect the provisions of Section 12 Paragraph 4.
- (2) The Party Presidency consists of the Honorary Chair, the Party Chair, the First Vice-Chair, up to four Vice-Chairs, up to nine members of the Party Presidency, as well as the Chairs of the Club of Deputies and the Club of Senators, the head of the national delegation in the Club of Deputies of the European Parliament, and the Chair of the TOP 09 Mayors' Club, if they are Party members.
- (3) The Party Presidency in particular:
- a) submits the draft annual budget and annual financial report to the Executive Committee,
  - b) submits directives, regulations and statutes to the Executive Committee for approval,
  - c) approves methodological guidelines,
  - d) suspends the activities of a Local or Regional Committee; the responsibilities of the relevant committee whose activities are suspended are taken over by the next higher Party committee,
  - e) determines the Party election representative.

## Section 12: Honorary Chair, Party Chair, First Vice-Chair, General Secretary and Party Apparatus

- (1) The Honorary Chair of TOP 09 is Karel Schwarzenberg. The Honorary Chair:
- a) formulates Party foreign policy,



- b) represents the Party vis-à-vis foreign entities and international forums.
- (2) The Party Chair stands at the head of the Party. They convene the Party Presidency and the Executive Committee and preside over them. In the event that the position of Secretary General is not filled, they exercise their powers. The Party Chair approves the conclusion, change or termination of employment relationships with employees or similar legal relationships with third parties. The First Vice-Chair of the Party represents the Party Chair and has the right to participate in the meetings of all bodies.
- (3) The provisions of Paragraph 2 shall be applied proportionately to the position of Chairs of regional, county and local organizations.
- (4) The General Secretary may not hold any other elected or appointed position in the Party, in public administration, or in local government. As part of the mandate of the Chair and First Vice-Chair, the General Secretary manages the activities of the Party Apparatus, concludes and terminates employment relationships with employees, ensures the implementation of resolutions of the National Assembly, the Executive Committee and the Party Presidency, submits draft internal Party regulations to the Party Presidency, and acts for the Party in asset, economic and labour law matters or similar in an advisory role.
- (5) In its activities and in relation to elected Party bodies, the Party Apparatus is governed by the Party Organizational Rules.

### Section 13: Regional Organizations and Bodies

- (1) Regional organizations operate within the borders of their region, or the City of Prague.
- (2) The Regional Assembly is the highest body of the Party in a region. The Regional Electoral Assembly is convened at least once every two years. The Regional Assembly must be convened within 90 days if requested by local organizations representing at least 1/3 of the membership base of the relevant regional organization. Regional Assembly delegates with a decision-making vote are the representatives of the regional organizations who are elected at the Party Regional Assemblies. Members of the Regional Committee from the given regional organization on the day of the election of delegates to the Regional Assembly automatically become delegates of this assembly. Each regional organization has the right to be represented by at least one delegate. The delegates' key is determined by the Executive Committee, against which an appeal to the Conciliation Committee is possible; the key is valid until the Executive Committee determines a new key.
- (3) The Regional Assembly elects and dismisses the Chair and up to three Vice-Chairs of the regional organization, up to nine other members of the Regional Presidency, and other members of the Regional Committee so that each regional organization has at least one representative in the Regional Committee; they also elect the Chair, at least two members, and at least two alternates of the Regional Audit Commission.
- (4) The Regional Assembly elects delegates and their substitutes for the next National Assembly.
- (5) The Regional Committee consists of the presidency of the regional organization, members elected by the Regional Assembly, and regional representatives, if they are members of the Party. The Prague Regional Committee is made up of the presidency of the Prague Regional Organization, members elected by the Prague Regional Assembly, one member elected from their midst by representatives of the City of Prague who are members of TOP 09, and the Mayor of the City of Prague, if they are a member of the Party.
- (6) The Regional Committee in particular:
  - a) proposes candidates for elections according to the relevant internal Party regulations, decides on candidate lists for elections to regional authorities; the Authority of the City of Prague is considered to be regional in this respect,
  - b) proposes candidates for higher Party positions,



- c) gives consent to the establishment of new local organizations and, with the prior opinion of the County Committee, decides on the dissolution of local organizations should they act contrary to the interests of the Party, or due to long-term inactivity,
  - d) decides in disputes in the territory of the region; its decisions can be appealed to the Conciliation Committee.
- (7) The Regional Presidency is the executive body of the regional organization. It consists of the Chair, up to three Vice-Chairs, up to nine members elected by the Regional Assembly and the Chair of the Club of Members of the Regional Council, if they are a Party member. The Prague Regional Presidency consists of the Chair, up to three Vice-Chairs, up to eleven members elected by the Prague Regional Assembly and one member elected from their midst by representatives of the City of Prague who are members of TOP 09.

## Section 14: County Organizations and Bodies

- (1) County organizations also perform the function of local organizations in regions where no local organization operates.
- (2) The County Assembly is the highest body of the Party in the county. The County Electoral Assembly is convened at least once every two years. The County Assembly must be convened within 60 days if requested by local organizations representing at least 1/3 of the membership base of the relevant county organization. County Assembly delegates with a deciding vote are representatives of local organizations who are elected at Party Local Assemblies. On the day of the election of delegates to the County Assembly, members of the County Committee from the given local organization automatically become delegates of this assembly. Each local organization has the right to be represented by at least one delegate. The delegates' key is determined by the Regional Committee, an appeal against the key is possible to the Executive Committee; the key is valid until the Regional Committee establishes a new key.
- (3) The County Assembly elects and dismisses the Chair and up to two Vice-Chairs of the county organization and other members of the County Committee up to a maximum of 15.
- (4) The County Assembly elects delegates and their substitutes to the nearest Regional Assembly.
- (5) The County Committee is the Party's executive body in the county. The County Committee in particular:
  - a) proposes candidates for elections according to the relevant internal Party regulations,
  - b) decides on candidate lists for elections to local councils of municipalities where local organizations do not operate, and on candidate lists for elections to city councils in territorially divided statutory cities,
  - c) decides at a joint meeting with the committees of territorially competent local organizations on candidate lists for elections to the municipal councils of territorially divided statutory cities where the territory of the county organization is not identical to the territory of the statutory city.

## Section 15: Local Organizations and Bodies

- (1) A local organization is a basic organizational unit of the Party. It can be established in municipalities, urban districts, or urban quarters in which at least three Party members apply for establishment. A local organization can also operate in the territory of several municipalities under the conditions of affiliation within one county organization. From a local organization operating in the territory of several municipalities, city districts or city quarters, other local organizations may be gradually detached.
- (2) A local organization is established by the decision of the constituent Local Assembly convened on the basis of the prior approval of the relevant Regional Committee. A local organization will cease to exist if the number of members falls below three, or if it does not have a committee with a quorum for more than one year pursuant to Section 17 paragraph 2. A local organization can also be dissolved by a decision of the Regional Committee on the proposal of the Local Assembly, if it is the only local organization in a county organization.





- (3) The Local Assembly is the highest body of a local organization. A Local Electoral Assembly is convened at least once every two years. The Local Assembly must be convened within 30 days if requested by at least 1/3 of the members of the local organization.
- (4) The Local Assembly elects and dismisses the Chair and Vice-Chair of the local organization and up to 5 members of the Local Committee; in local organizations where there are no conditions for the creation of a Local Committee, it elects and dismisses only the Chair and Vice-Chair, who fulfil the role of Local Committee.
- (5) The Local Assembly elects and recalls delegates and their substitutes to the nearest County Assembly.
- (6) The Local Committee is the executive body of the local organization. In particular, the Local Committee proposes candidates for elections according to the relevant internal Party regulations and decides on candidate lists for local council elections.

## Section 16: Audit Commission and Conciliation Committee

- (1) The Party establishes a National Audit Commission and Regional Audit Commissions which control the financial, economic and administrative activities of the Party.
- (2) Chairs and members of audit commissions may not perform any other function in the Party at the same organizational level, nor may they be employees of the Party or in a similar contractual relationship.
- (3) The Party establishes a Conciliation Committee. The Chair must have graduated with a degree in a law. In particular, the Conciliation Committee:
  - a) decides in disputes between members and bodies, both in disputes between members and bodies at regional and national level, and in appeals against decisions on Party penalties and suspension of membership,
  - b) is the appellate body of the Party and its decision is final,
  - c) provides a binding interpretation of the Statutes,
  - d) decides on the compliance of internal Party regulations with the Party Statutes.
- (4) The Chair and members of the Conciliation Committee may not be employees of the Party or in a similar contractual relationship, nor members of the Executive Committee.

## Section 17: Positions, Terms of Office and Co-optation

- (1) Party officials are: Chair and Vice-Chair of an organization, presidency member, committee member, Chair and member of Audit Commission at relevant levels of Party bodies, and Chair and member of the Conciliation Committee.
- (2) The term of office of Party officials is two years and ends with a new election. If the number of members elected by the council, including committee or presidency members co-opted by the body, falls below half of the number determined by the council, the body shall not have a quorum. If a Local Committee is formed pursuant to Section 15 Paragraph 4 only by the Chair and Vice-Chair, this does not constitute a quorum when one of their functions expires. If the number of members of the Audit Commission falls below two, the Audit Commission shall not have a quorum. A Party function expires when membership is suspended, or when it becomes incompatible with a newly accepted Party or public function. If a member transfers from one organization to another, all their Party positions in the original organization expire.
- (3) A maximum of one-fifth of committee members elected by the council can be co-opted. Vacant positions of Chair, Vice-Chair and members of the presidency can be filled by the committee by election from among its own members. The vacated position of Chair of the Audit Commission can be filled by the committee by election from among its own members. Details are regulated by the Rules of Procedure and, in the case of the National Audit Commission and the Conciliation Committee, by their Statutes.



## **Section 18: Relations between Bodies**

- (1) Resolutions of the higher Party body are binding on the Party bodies subordinate to it and must be carried out by them. Higher Party bodies can decide to convene subordinate bodies.
- (2) In justified cases, a higher Party body is authorized to take over the responsibilities of a subordinate body for a specified period of time. Such an exception must be approved by the Regional Committee for the County Committee, by the Party Presidency for the Regional Committee, and by the Executive Committee for the Party Presidency. Should a body become unable to reach a quorum pursuant to Section 17 Paragraph 2, responsibility automatically passes to the superior authority. In such a case, the superior body is obliged to immediately announce the nominations and convene the assembly of the organization whose authority it has taken over.

## **Section 19: Economic Principles**

The Party is a legal entity. It is liable for its obligations with all its assets. The Party operates on the basis of an approved annual budget. Committees at all levels submit economic reports to assemblies. Details are governed by Economic Guidelines.

## **Section 20: Necessary Amendments to the Statutes**

The Executive Committee may amend the Party Statutes. Amendments must be approved by a two-thirds majority of all members of the Party Executive Committee and the Conciliation Committee. Such amendments are subject to additional approval by a forthcoming National Assembly.

## **Section 21: Dissolution of the Party**

- (1) The Party may be dissolved by its own decision, either by voluntary dissolution, by merger with another Party, or by movement or transformation into a civic association. The Party may also be dissolved in other ways if the law so provides.
- (2) If the dissolved Party's assets do not pass to a legal successor or to the state, the liquidator shall offer the balance of assets to a foundation or foundation fund, the purpose of which is to support exceptionally talented students.