

Statutes of the TOP 09 Party

The version approved by the Executive Committee on 19 April 2011, registered by the Ministry of the Interior of the Czech Republic on 28 April 2011

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, the territorial scope of its activities is the Czech Republic and its registered office is in Prague

Section 2 Program Principles and Goals

1. The Party is rooted in the Judeo-Christian European cultural heritage. It is a conservative and democratic party. It rejects all ideological forms which lead to totalitarianism and disrespect for basic rights and freedoms.
2. The Party champions the principles of a free market, governed by clear rules, and functioning institutions which oversee that these rules are adhered to. It defends the society of equal opportunities and encourages social responsibility of citizens as well as legal entities. It rejects any form of discrimination.
3. The Party insists on maximum responsibility towards future generations. Therefore, it strives for preservation of the cultural heritage, continuous improvement of the environment and discontinuation of the growth of the public debt.
4. The Party aims at making the Czech Republic a respected EU Member State. In the interest of the citizens of the Czech Republic, it supports the process which creates for the European Union a uniform and strong voice in the global arena. It attends to the preservation of Euro-Atlantic political bonds.

Section 3 Commencement, Records, Suspension and Termination of Membership

1. Any citizen of the Czech Republic over 18 years of age who is fully legally qualified to act and is not a member of any other political party or movement may become a member of the Party.
2. The acceptance of a new member shall take place on the basis of a written application for party membership. The county and local committee shall take a decision on the acceptance of the member, including his belonging to the specific local or city (hereinafter called the “local”) chapter, or on the rejection of the application. If the county committee and the local committee fail to find agreement, the Regional Committee shall decide.

3. In case of admission to a county chapter which has no local chapters, the committee of that chapter shall take the decision. The Regional Committee may reserve the right to take final decision. In case of rejection, the application shall always be forwarded to the Regional Committee for final decision.
4. A member may belong to only one local chapter or county chapter with no local chapters, as the case may be. The membership begins after the approval of the application for Party membership from the date of payment of the membership fee.
5. The member may request a transfer to another local chapter or county chapter with no local chapters. The committee of the chapter where the membership is to be transferred to shall decide on the transfer. In case of refusal of transfer the applicant may lodge an appeal to the Regional Committee within 15 days of the delivery of the decision.
6. The application of a member for admission to a local chapter or county chapter with no local chapters after his or her original local chapter has been dissolved or terminated its activity shall be considered a special form of transfer. In case of refusal of such transfer an appeal to the Regional Committee is possible, which shall suspend the deadline set out in Paragraph 7 (h).
7. Membership in the Party shall terminate:
 - a. upon death or declaration of death of the member,
 - b. upon a written declaration by the member that he or she is leaving the Party, which must be delivered to the relevant Regional Office,
 - c. upon deprivation or limitation of legal capability to act,
 - d. upon joining another political party or movement,
 - e. upon accepting candidacy on a list of a different party without the consent of the committee relevant according to the level of elections,
 - f. by failing to pay the membership fee, within 30 days after written reminder to do so has been sent,
 - g. upon expulsion,
 - h. if the member is not admitted to the local chapter or the county chapter with no local chapters within three months after his or her original local chapter has been dissolved or terminated its activity.
 - i. The Party membership shall be suspended on the basis of a written request by the member in the event of incompatibility of Party membership with a position or occupation held by him or her.
8. A member shall be notified in writing about the termination of the Party membership pursuant to Paragraph 7(c) – (h).
9. Details shall be governed by the Guidelines for Party membership.

Section 4 Members' Rights

A Party member shall have the right:

- a) to participate in the meeting of the local chapter where he or she is member,
- b) to vote and be voted for Party positions,
- c) to propose candidates for elections in accordance with the relevant internal Party regulations,

- d) to be informed about Party activity and resolutions of Party bodies pertaining to his or her person and activity,
- e) to submit to all Party bodies any suggestions, complaints and comments,
- f) to participate at meetings of Party bodies if his or her activities or behavior are to be discussed.

Section 5 Members' Obligations

A Party member shall have the duty:

- a) to champion Party goals and participate in carrying out the program of the Party,
- b) to obey the Statutes and internal Party regulations, which consist of rules, guidelines, statutes and methodical instructions, which are available to the members at regional offices,
- c) to carry out resolutions and decisions taken by Party bodies,
- d) to pay the required membership fees in accordance with the relevant rules.

Section 6 Party Penalties

- 1. The following are Party penalties: suspension from Party position, removal from Party position and expulsion from the Party.
- 2. The Regional Committee or the Executive Committee shall decide on a Party penalty. The Executive Committee shall be solely competent to decide on a Party penalty for a member of a body at regional or national level.
- 3. The decision about Party penalty with reasons shall be issued in writing and delivered to the member. An appeal against such decision can be lodged within 15 days of delivery to the Conciliation Committee. The appeal shall have no suspensive effect.
- 4. A member can only be expelled from the Party due to:
 - a. a particularly gross or repeated violation of the Statutes,
 - b. systematic neglect of basic membership duties,
 - c. gross violation of duties when managing Party assets,
 - d. commission of a willful criminal act for which he or she was sentenced,
 - e. abuse of a Party or public position,
 - f. acts which cause damage to the Party,
 - g. stating false data or concealing mandatory data in application for Party membership.
- 5. Expulsion is barring the member from being re-admitted for the period of three years after the final decision of the relevant body has been taken, unless the Party Presidency decides otherwise.

Section 7 Organizational Structure of the Party

- 1. Nationwide level:
 - a. National assembly,
 - b. Executive Committee,
 - c. Party Presidency,

- d. Conciliation Committee,
- e. Nationwide Audit Commission.
2. Regional level:
 - a. Regional Assembly,
 - b. Regional Committee,
 - c. Regional Presidency,
 - d. Regional Audit Commission.
3. County level:
 - a. County Assembly,
 - b. County Committee,
 - c. County Audit Commission.
4. Local level:
 - a. Local Assembly,
 - b. Local Committee.

Section 8 Decision Making by the Bodies

1. Assemblies are convened by the committees at the relevant level.
2. If an assembly is not convened within the stipulated date by the relevant committee, the assembly shall be convened by the committee at the next higher level, and in case of National Assembly by the Conciliation Committee.
3. The Party Bodies shall take decisions by adopting resolutions.
4. The Party Bodies shall have a quorum if the majority of all its members or delegates is present, unless stipulated otherwise in the Statutes. To adopt a resolution, the majority of all present members or delegates shall be required, unless stipulated otherwise in the Statutes.
5. Acting of bodies and voting in cases of conflict of interest or prejudice shall be governed in detail by the Rules of Procedure.
6. The Party bodies propose candidates for elections in accordance with the relevant internal Party regulations.
7. On behalf of the Presidency may act independently the Chairman or the First Deputy Chairman or jointly a Deputy Chairman and another member of the Presidency.
8. In a regional chapter, county chapter and local chapter, its Chairman or any Deputy Chairman may act on behalf of the respective committee independently.

Section 9 National Assembly

1. The National Assembly is the supreme body. The National Assembly shall convene at least once in two years. The National Assembly shall be convened within 90 days upon the proposal of county chapters representing at least 1/3 of the members.
2. Delegates to the National Assembly with voting rights shall be members of the Executive Committee and representatives of regional chapters elected at Regional Assemblies.
3. The National Assembly shall elect and remove from office:

- a. the Chairman, the First Deputy Chairman and up to four Deputy Chairmen,
 - b. up to five members of the Party Presidency and fifteen members of the Executive Committee,
 - c. the Chairman, members and alternates of the National Audit Commission and Conciliation Committee.
4. The National Assembly shall approve the Party program and Statutes and any amendments thereto.

Section 10 Executive Committee

1. Members of the Executive Committee are the Party Presidency, fifteen members elected at the National Assembly and those Government members, Deputies and Senators of the Czech Houses of Parliament, Members of the European Parliament, Mayor of Prague and Regional Governors who are Party members.
2. The Executive Committee shall in particular:
 - a. approve draft of the annual budget and the Party annual financial statements,
 - b. propose candidates for elections in accordance with the relevant internal Party regulations, decide on the Party list for elections in the Chamber of Deputies, European Parliament and candidates to the Senate, appoint Party election plenipotentiaries and decide on election and post-election coalitions,
 - c. approve rules, guidelines and statutes,
 - d. set the amount of regular and special membership fees,
 - e. if the position of a Deputy Chairman becomes vacant during the term of office, it shall elect and remove the successor from among its ranks for the remaining period of office,
 - f. appoint and remove the Secretary General on the proposal of the Chairman or the First Deputy Chairman.

Section 11 Party Presidency

1. The Party Presidency is the Party's statutory body. Only persons mentioned in Art 8 (7) or persons authorized by them in writing shall be entitled to act on behalf of the Party in financial matters and deal with public authorities. This shall be without prejudice to Art 12 (4).
2. The Party Presidency consists of the Chairman, the First Deputy Chairman and up to four Deputy Chairmen, up to five members of the Party Presidency, and chairmen of the Caucus of Deputies, Caucus of Senators and Caucus of Members of the European Parliament who are Party members.
3. The Party Presidency shall in particular:
 - a. submit to the Executive Committee a draft of the annual budget and the Party annual financial statements,
 - b. submit to the Executive Committee guidelines, rules and statutes for approval,
 - c. approve methodical instructions,
 - d. suspend activity of local or county committee; the responsibilities of the suspended committee shall be taken over by the next higher committee.

Section 12 Party Chairman, First Deputy Chairman, Secretary General and Party Apparatus

1. The Party chairman heads the party. He shall convene the Party Presidency and the Executive Committee and chair them. He is entitled to participate at meetings of any Party bodies.
2. The First Deputy Chairman stands in for the Party Chairman. If the position of the Secretary General is vacant, he shall perform his duties. The First Deputy Chairman shall have the right to participate at meetings of any Party bodies and shall approve the hiring, changing of job description or dismissing of employees or similar legal arrangements with third parties.
3. The provisions of Paragraph 1 above shall be applied, mutatis mutandis, to the chairmen of regional, county and local chapters.
4. The Secretary General may not hold any other office by election or appointment within the Party, in the public administration or self-government. The Secretary General may be authorized by the Chairman or the First Deputy Chairman to manage the Party apparatus, hire and dismiss employees, ensure that resolutions of the National Assembly, the Executive Committee and the Party Presidency are implemented, submit to the Party Presidency draft internal Party regulations and act on behalf of the Party in property, economic, labor or similar matters. The Secretary General may attend meetings of any Party body in advisory capacity.
5. The Party Apparatus in its activities and in relation to elected Party bodies shall be governed by the Party organizational rules.

Section 13 Regional Chapters and Bodies

1. Regional chapters act within the boundaries of the regions; in the capital city of Prague, a city-wide Party chapter is established with the status of a regional chapter; details shall be governed by guidelines.
2. The Regional Assembly is the supreme body of the Party in the region. The Regional Assembly shall be convened at least once in two years. The Regional Assembly shall be convened within 90 days, if requested so by local chapters representing at least 1/3 of the members of the relevant regional chapter. Members of the Regional Committee shall attend the Regional Assembly with voting rights. Each regional chapter shall be represented by at least one delegate.
3. The Regional Assembly shall elect and remove from office:
 - a. the chairman and up to three Deputy Chairmen of the regional chapter, up to five members of the Regional Presidency and other members of the Regional Committee, at least one from each county chapter,
 - b. the chairman, two members and at least two alternates of the Regional Audit Commission,
 - c. delegates and their alternates to the National Assembly.
4. The Regional Committee consists of the Regional Presidency, the members elected by the Regional Assembly and the members of the caucus of regional representatives who are Party members.
5. The Regional Committee shall in particular:

- a. propose candidates for elections in accordance with the relevant internal Party regulations, decide on candidate lists for elections in the regional self-government bodies; the government of the City of Prague shall be considered regional government for this purpose,
 - b. nominate candidates for higher Party offices,
 - c. approve the establishment of a new local chapter and after prior approval by the Conciliation Committee and opinion of the county committee decide on dissolution of local chapters in case of their acting contrary to the Party interests,
 - d. decide on disputes in the territory of the region; its decisions can be appealed to the Conciliation Committee.
6. The Regional Presidency is the executive body of the regional chapter. It consists of its chairman, up to three deputy chairmen, up to five members elected by the Regional Assembly and the chairman of the caucus of regional representatives who is a Party member.

Section 14 County Chapters and Bodies

1. County chapters act usually within the county boundaries. The Executive Committee shall decide on the establishment and delimitation of boundaries of county chapters.
2. County chapters also fulfill the tasks of local chapters in communities where no local chapter is active.
3. The County Assembly is the supreme body of the Party in the county. The County Assembly shall be convened at least once in two years. The County Assembly shall be convened within 60 days, if requested so by local chapters representing at least 1/3 of the members of the relevant county chapter. Members of the County Committee and delegates elected in local chapters shall attend the County Assembly with voting rights. Each local chapter shall be represented by at least one delegate.
4. The County Assembly shall elect and remove the Chairman, up to two Deputy Chairmen and other members of the County Committee up to the total number of 15; elect and remove the chairman, two members and at least two alternates of the County Audit Commission; elect and remove delegates and their alternates to the Regional Assembly.
5. The County Committee is the executive body of the Party in the county. The County Committee shall in particular propose candidates for elections in accordance with the relevant internal Party regulations, decide on candidate lists for elections in local self-government bodies in communities where no local chapter is active; on candidate lists for municipal self-government bodies in cities with administrative sub-division shall decide the county committee together with local committees of the relevant local chapters at a joint meeting.

Section 15 Local Chapters and Bodies

1. A local chapter is the basic organizational unit of the Party. It may be founded in communities, city districts or city neighborhoods, where at least five Party members request its establishment. A local chapter may act in the territory of more communities provided the requirement of their belonging to the same county chapter is satisfied. New local chapters may gradually be formed out of a local chapter which is active in the territory of more than one community.

2. A local chapter shall be established by the decision of the constitutive local assembly on the basis of prior approval by the relevant Regional Committee. A local chapter shall be dissolved if the number of its members falls below four.
3. The supreme body of the local chapter is the Local Assembly. The Local Assembly shall be convened at least once in two years. The County Assembly shall be convened within 30 days, if requested so by at least 1/3 of the members of the local chapter.
4. If there are 16 or more members in the local chapter and if the majority of the members is not present at the moment set for the start of the meeting, the Local Assembly shall have a quorum after half an hour if at least one-quarter of the members of the local chapter is present.
5. The Local Assembly shall in particular:
 - a. elect and remove the Chairman and Deputy Chairman and up to five members of the Local Committee; in those local chapters where conditions do not exist for the establishment of a Local Committee, the Local Assembly shall only elect and remove the Chairman and Deputy Chairman who shall fulfill the tasks of the Local Committee,
 - b. elect and remove delegates and their alternates to the County Assembly.
6. The Local Committee is the executive body of the local chapter. The Local Committee shall in particular propose candidates for elections in accordance with the relevant internal Party regulations and decide on candidate lists for the local self-government bodies.

Section 16 Audit Commission and Conciliation Committee

1. A National Audit Commission and Regional and County Audit Commissions are hereby established by the Party; their task shall be to audit the financial, economic and administrative activity of the Party.
2. Chairmen, members and alternates of the Audit Commissions may not hold any other Party office at the same organizational level and they may not be Party employees or be in a similar contractual relation with the Party.
3. A Conciliation Committee is hereby established by the Party. The Chairman must be a law-school graduate. The Conciliation Committee shall in particular:
 - a. rule on disputes among Party members and bodies as well as among members and among bodies at regional and nation-wide level and on appeals against expulsion from the Party,
 - b. serve as the Party body of appeals and its ruling shall be final,
 - c. deliver the binding interpretation of the Statutes,
 - d. decide on compliance of internal Party regulations with the Party Statutes.
4. The Chairman and members of the Conciliation Committee may not be Party employees or be in a similar contractual relation or be members of the Executive Committee.

Section 17 Terms of Office and Co-optation

1. The term of office of all Party bodies and elected officers shall be two years and shall terminate with a new election. If a member transfers from one chapter to another, all his or her Party positions held in the original chapter shall expire.

2. Should any position in the elected Party bodies, which cannot be filled by an alternate, become vacant before the end of the term of office, co-optation may be applied, unless stipulated otherwise by the Statutes. A maximum of one-fifth of the elected members may be co-opted in this manner.

Section 18 Relations between Bodies

1. Resolutions by a higher Party body shall be binding upon all Party bodies subordinated to it and shall be carried out by them. Higher Party bodies may resolve to convene the subordinated bodies.
2. A higher Party body shall be in well-founded cases entitled to take over the responsibilities of a subordinated body for a defined period of time. Such exception shall be approved for a County Committee by the Regional Committee, for the Regional Committee by the Party Presidency and for the Party Presidency by the Executive Committee.

Section 19 Economic Principles

The Party is a legal person. It is liable for its obligations with all its assets. The Party shall operate on the basis of approved annual budget. Committees at all levels shall submit reports on their economic management to the respective Assemblies. Details shall be governed by the Guidelines on Managing Assets.

Section 20 Necessary Amendments to the Statutes

The Executive Committee may amend the Party Statutes. The amendment shall be approved by a two-third majority of the Executive Committee members and by the Conciliation Committee. Such amendment requires subsequent approval by the upcoming National Assembly.

Section 21 Dissolution of the Party

1. The Party may dissolve by its own decision either in the form of voluntary dissolution, merger with another party or movement or transformation into a civil association. The Party may also be abolished in another manner in accordance with the law.
2. If the assets of the dissolved Party do not pass on to the legal successor or to the State, the liquidator shall offer the balance of the assets to a foundation or a foundation fund, the purpose of which is to support extraordinary talented students.

Section 22 Temporary and Final Provisions

1. All Party members in county chapters in which at least one local chapter is established, who have not been allocated to a specific local chapter by the date these Statutes take effect, shall request transition to the local chapter closest to their place of residence. Subsequently the procedure pursuant to Art 3 (5), (6) and (7) (h) shall be applied. The membership shall terminate to such members who have not been allocated to a specific local chapter within three months of the effect of these Statutes. In case of

refusal to approve transfer an appeal to the Regional Committee is possible, which shall suspend the deadline set out in Art 3 (7) (h).

2. In accordance with Art 14 (2), upon the establishment of the first local chapter within a county chapter the local competence of the county chapter shall cease. Subsequently the procedure pursuant to Paragraph 1 shall be applied.
3. Art 6 (5) shall be applied also to members expelled before the date these Statutes take effect, unless their membership has been renewed before the date these Statutes take effect.
4. The procedure of admission for Party membership, which has commenced and has not been completed before the date these Statutes take effect, shall be completed in accordance with the stipulations hereof; the period of two months for the payment of the first membership fee shall commence as of the date these Statutes take effect.
5. The procedure of transfer, which has commenced and has not been completed before the date these Statutes take effect, shall be completed in accordance with the stipulations hereof; the period set out in Art 3 (5) shall commence as of the date these Statutes take effect.
6. The procedure before Conciliation Committee, which has commenced and has not been completed before the date these Statutes take effect, shall be completed in accordance with the Statutes effective at the time of commencement of the procedure.