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PARLIAMENT OF THE CZECH REPUBLIC
The Chamber of Deputies
2000
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Print No. 520

**The Governmental Bill from (day/month/) 2000,
on Associations and change of several other laws
(The Bill on Associations)**

The Parliament adopted the following law of the Czech Republic

Chapter I

Introductory Provisions

Article 1

(1) Everybody has the right for a free association with others¹. In order to exercise this right, there is no need for a permission issued by some state organ.

(2) Any legal entity established for the purpose of exercising the right to associate is deemed to be considered an association in the sense of this law. This Act regulates the conditions for incorporating and winding up an association and it provides for the basic rules to be followed in association's activity.

(3) This Act does not concern the associating

- a) in political parties and political movements²,
- b) for the purpose of profit making or to ascertain regular exercise of some professions³,
- c) in churches and religious congregations⁴, or
- d) for exercising other activities as regulated by special law⁵.

Article 2

(1) Nobody may be forced to associate, to accept the membership in an association or to participate on an activity of an association and anybody is free to withdraw from the association.

¹ PP: The right is guaranteed by the Constitution of the Czech Republic

² PP: See the Act on Political Parties and Political Movements

³ PP: See the set of laws regulating activities of several professional chambers

⁴ PP: See the Act on Religious Freedom and the Act on Churches and Religious Congregations

⁵ PP: See e.g. the Act on the Czech Red Cross

(2) Nobody may be limited in his or her rights because of his or her associating for the membership in an association nor for taking part on activities of an association nor for supporting activities of an association nor for standing outside of an association.

(3) Legal entities may also become members of an association.

Article 3

It is illegal to establish or to develop activities in an association

- a) whose objective is to deny or limit personal, political or other rights of natural persons for their ethnicity, sex, race, origin, political or other opinions or for religious faith or social status; same applies for associations whose objective is to inflame the hatred and intolerance from the above reasons, to support the use of force or otherwise violate the Constitution and the laws,
- b) which pursues its goals or exercise its activities by manners violating the Constitution or the laws, or
- c) which is armed or has its own armed unit; it is not considered as such the association, whose activity purpose requires to keep and use arms for sport, collections or for hunting and game keeping.

Chapter II

Incorporation of an Association

Article 4

(1) The association becomes a legal entity from the date of its registration, unless otherwise stated in this law. The Ministry of Internal Affairs (here from only „the Ministry“) is authorized to register the association.

(2) The proposal for registration may be submitted by at minimum 3 but not more than 5 natural persons, who are of more than 18 years of age (here from only „the Preparatory Committee“). The members of the Preparatory Committee shall sign the proposal and add their first names and family names, birth number, if they have been given such and the address of their stay. The signatures of the members of the Preparatory Committee must be made under office according to the special regulation⁶. In the proposal the Preparatory Committee shall define, which of its members is authorized to act on behalf of the Preparatory Committee. In the case, when foreign citizens are members of the Preparatory Committee, these shall also state in the proposal their nationality (state citizenship) and information about when and by which authority they were given the visa for the stay longer than 90 days, the number of their passport or of the Stay Permission Certificate⁷, unless an international convention binding the Czech Republic stipulates otherwise. The information on the visa for stay and the number of the Stay Permission Certificate may not be included in the case, when

⁶ See 1) the Act No. 41/1993 Coll., on Checking the Coincidence of the Transcript or Copy with Original Document and on Checking the Signature of a Person by Municipal Authorities and on Issuing Certificates by Municipalities and State District Administration Offices in the text of the Act No. 15/1997 Coll., 2) Act No. 358/1992 Coll., on Notary Public Offices and their Activities (Notaries Code), in the text of the Act No. 82/1998 Coll.,

⁷ See the Act No. 326/1999 Coll., on the Stay of Foreigners on the Territory of the Czech Republic, 4) Act No. 498/1990 Coll., on Refugees, in the text of the Act No. 4/1993 Coll., Act No. 317/1993 Coll. And Act No. 150/1996 Coll.

the proposal concerns the registration of an association, which is supposed to extend its activities on the territory of several countries.

(3) Together with the proposal, the Preparatory Committee submits also in two prints the proposed by-laws of the association, in which there must be included

- a) the name of the association,
- b) the seat of the association,
- c) the purpose of its activities and the way in which the purpose shall be achieved,
- d) the territorial scope of its activities, if the association intends to develop its activities on the territory of several states,
- e) the rights and obligations of the members of the association, including the way in which the membership shall begin and be terminated,
- f) the bodies of the associations including the statutory organ, the way of their establishment, the length of term of their office and their competencies,
- g) the way in which the statutory organ acts on behalf of the association and in what extend may conclude the legally binding acts on behalf of the association its members or employees,
- h) the way in which there are established and dissolved organizational units, if to be established, including the determination of which of these and in what extend they may conclude legally binding acts on behalf of the association and which of the units shall acquire the status of legal entities,
- i) the economic management rules and the way, in which the annual report shall be made public, if it is obligatory to prepare an annual report according to the requirements of this law,
- j) the way, in which the liquidation balance shall be used, which may result from the liquidation of the association or its organizational unit in the case of its voluntary dissolution or determination of the bodies, who shall be authorized to decide on the way of use of such an liquidation balance.

(4) The name of the association must not be identical with a name of any association, which is already active on the territory of the Czech Republic. The name of the association must include the denomination „registered association“⁸ or the abbreviation "r. s.".

Article 5

(1) In the case, when the proposal for registration does not fulfill all the requirements as stipulated in the Paragraphs 2 to 4 of the Article 4, or if the data in the proposal are incomplete or inaccurate, the Ministry shall notify about it the Preparatory Committee not later than 20 days from the day in which the proposal has been received and shall inform the Preparatory Committee, that the registration procedure shall not begin until the faults of the proposal shall be removed.

(2) If the PC does not agree with the notification of the Ministry, it may appeal to the court in less than 20 days from the day of notification received asking the court to determine that the proposal for registration does not have any faults.

(3) The process of registration begins on the day, when the faultless proposal for

⁸ PP: in Czech: „registrovaný spolek“

registration has been submitted to the Ministry, or on the day, when the decision of the court on the faultlessness of the proposal became effective. The Ministry shall notify without delay the authorized person of the Preparatory Committee on the date, from which the registration process began.

(4) In the case, when the association is to develop its activities on the territory of several countries and after the beginning of the process of registration, the Ministry shall request the position of the relevant state organs.

Article 6

(1) In the case, when the Ministry shall not find the reasons for dismissing the request according to the Par. 1 of the Article 7, it shall process the registration in not more than 60 days.

(2) The registration shall be made by filing the association in the Register of Associations. The day of registration shall be certified on a copy of the by-laws, which the Ministry will forward to the authorized representative of the Preparatory Committee.

(3) No decision of the administrative procedure about the registration shall be issued by the Ministry.

Article 7

(1) The Ministry shall refuse to register the association, if the by-laws of the association violate the Articles 2 and 3, or in the case, when the existence of the registered association would, according to the statement of the relevant state organ, endanger the state security or public order.

(2) The Ministry shall decide on the refusal to register the association in less than 60 days from the date of the beginning of the registration procedure. The Ministry shall send the decision to the authorized representative of the Preparatory Committee.

(3) The Preparatory Committee may appeal against the refusal of registration to the court in not more than 20 days from the day, in which the decision of the Ministry has been delivered to the authorized representative of the Preparatory Committee⁹.

Article 8

If the association is not registered in less than 90 days from the beginning of the registration procedure and it is not the case according to the Articles 6 and 7, the association is deemed to be recognized as registered to the first day following the day in which the said term elapsed; this date shall be filed into the Register of Associations. On request of the authorized representative of the Preparatory Committee, the Ministry shall send to the Preparatory Committee one copy of the by-laws of the said association, on which the said date of registration shall be certified.

Article 9

⁹ See Article 2501 and following of the Civil Court Procedure Code.

(1) In the case, when the organizational unit of the association is a legal entity according to the by-laws of the association and when the said organizational unit has its seat on the territory of the Czech Republic, it becomes a legal entity on the day of its registration.

(2) The proposal to register the organizational unit shall be submitted to the Ministry by the statutory organ of the association. In the proposal, there should be the name of the organizational unit, its seat, the first names, family names and addresses of stay of the persons, who represent the statutory organ of the organizational unit or its members authorized to act on behalf of the statutory organ of the organizational unit.

(3) In the case, when the proposal for registration does not fulfill all the requirements as stipulated in the Par. 2 or if by-laws of the association do not allow for the organizational units of the association to become a legal entity the Ministry shall notify the association about it not later than 20 days from the day in which the proposal has been received and shall inform the association, that the registration procedure shall not begin until the faults of the proposal shall be removed.

(4) The process of registration of the organizational unit of an association begins on the day, in which the Ministry obtained the proposal without faults as determined in Par. 2. The Ministry shall make the registration in less than 60 days from the date in which the registration process began. The Ministry shall issue a certificate of registration of the organizational unit, which shall be sent to the association.

Article 10

(1) To the execution of the association right according to this law the associations may establish a union of associations; the union of associations is a legal entity. The members of a union of associations may be also other legal entities. The union of associations becomes a legal entity by the day of its registration. The establishment of an union of associations requires conclusion of a written founding agreement of the founding associations, in which the names of the said founding associations are given together with their seats, the name of the established union of associations, the objectives of the established union of associations and an information about the person entitled to act on behalf of the union of associations before its governing bodies are established.

(2) The proposal for registration of a union of associations shall be submitted by the statutory organ of that association, which is authorized to do so in the founding agreement. Together with the proposal for registration there shall be submitted also the by-laws of the union of associations and the founding agreement.

(3) The provisions of this law apply to the union of associations in all other matters.

Article 11

Unless the by-laws do not specify otherwise, the Preparatory Committee acts on behalf of the association before its governing bodies are established.

Chapter III

The Change of the By-Laws

Article 12

(1) The proposal for the registration of the change of the by-laws shall be submitted to the Ministry in written by the association in less than 20 days from the approval of the change. In the case, when concurrently with the change of the by-laws there was also a change in persons, who represent the statutory organ of the association or who are the members of the association authorized to act on behalf of the association, the proposal shall be submitted by the newly established statutory organ; this applies also in the case, when the change of the by-laws includes the change of the name of the statutory body. The association shall attach to the proposal for registration two copies of the changes to the by-laws together with the decision of the governing body of the association, which is entitled to decide on the change of the by-laws.

(2) In the case, when the Ministry does not find any reasons for refusal of the registration of the change of the by-laws according to the par. 3, it shall make the registration in less than 60 days from the date, in which the proposal has been submitted to the Ministry. The day of the registration shall be certified on one copy of the document with the changes of the by-laws. The change in the by-laws becomes effective from the date of its registration.

(3) In the case, when the change on the by-laws of the association contradicts the provisions of the Article 4 par. 3 and 4, or when the data provided are not complete or incorrect, or when there are reasons for the refusal of registration according to the provisions of the Article 7 par. 1, or if the proposal for the registration of the change of the by-laws does not meet the requirements of the par. 1, the Ministry shall notify the association about it in less than 20 days from the day, when the proposal has been submitted. The association is obliged to remove the faults in 4 months since the delivery of the said notice and in that same time limit to notify the Ministry about it. In the case, when the association does not do so, the Ministry shall reject the registration of the change of the by-laws. It is possible to appeal against the decision of the Ministry to the court in less than 20 days from the date, when the said decision has been delivered¹⁰.

Chapter IV

The Rules for Economic Management of an Association

Article 13

(1) The association is liable for its obligation by all its property. The members of the associations may not be held liable for the obligations of the association nor may be held in lien for these.

(2) The income of an association consists, in particular, of the following:
a) The membership fees,

¹⁰ See footnote 3) of the text

- b) The incomes from selling and/or from renting the mobile, immobile or non-material property of the association,
- c) The interests from monetary accounts,
- d) The donations,
- e) The gifts,
- f) The subsidies from the part of the yields of lotteries as specified in the special law¹¹,
- g) The loans and credits,
- h) The incomes from entrepreneurial activities or from other income generating activities,
- i) The subsidies from public budgets.

(3) If it is expected, that the association shall have the incomes according to the item g) of the par. 2, the presupposed objective of entrepreneurial activity should be defined in the by-laws of the association. The entrepreneurial and other income generating activity of the association shall be considered its additional activity and any profit made from the said activities must be used exclusively for the achievement of the statutory objectives of the association.

Article 14

The association keeps the accounting books according to the special legal regulations.¹²

Article 15

(1) The association, to which a subsidy from the state budget or from the budgets of self-governing territorial units has been given, or which pursues the entrepreneurial or other income generating activity shall elaborate an annual report. The association shall prepare the said report annually before the May 1st of the year, which follows the year in which the said subsidy was provided. The annual report of the association shall be made available to the general public.

(2) The annual report shall contain:

- a) the annual balance sheet of incomes and expenditures,
- b) the overview of the incomes with respect to the sources of these incomes,
- c) the overview of the expenditures differentiated according to the expenditures related to the fulfillment of the objectives of the association activities, to its additional activities and to its administration.

Chapter V

Wind-up and extinction of the association

Article 16

(1) The association or its organizational unit, which is a legal entity extinct to the day, when they are erased from the Register of Associations. The extinction of the association is

¹¹ See the Act No.202/1990 Coll., on Lotteries and other similar Games, in the text of the Act No. 70/1994 Coll., the Act No.149/1998 Coll. And the Act No.63/1999 Coll.

¹² See the Act No. 563/1991 Coll., on Accounting Procedures, in the text of the Act No. 117/1994 Coll. And the Act No. 227/1997 Coll. (on Foundations and Funds)

preceded by its wind-up with the liquidation of its property or without the liquidation, if its property is being transferred to its legal successor by unification or merging with another association or by the division of the association.

(2) The association shall be wind-up

- a) upon elapsing the term for which it has been established,
- b) upon the decision of the relevant governing body of the association to the date given in that decision, otherwise to the date in which the decision has been adopted,
- c) upon the decision of the relevant governing body of the association on its unification or merge with another association to the date given in that decision, otherwise to the date in which the decision has been adopted,
- d) upon the decision of the relevant governing body of the association on the division of the association into two or more associations to the date given in that decision, otherwise to the date in which the decision has been adopted,
- e) by the decision of the Ministry on the wind-up of the association to the date given in that decision, otherwise to the date in which the decision has become legally effective,
- f) by the decision of the court on cessation of the bankruptcy procedure due to the fulfillment of the settlement resolution or due to insufficiency of the property of the association to pay for the expenditures related to the bankruptcy and settlement procedure or by the rejection of the proposal for bankruptcy proclamation due to the insufficiency of the property.

(3) Upon its own evidence or upon the proposal of a state organ or a person, which may prove its legal interest, the Ministry may decide on winding-up an association, if

- a) the said association pursues an activity, which contradicts the Article 2 and 3, or
- b) for more then 2 years the governing bodies of the association were not established, or
- c) the existing governing bodies of the association are in the office for more then 2 years after the end of the term for which they were established and no new bodies were established.

(4) In the case, when the activity mention under the par. 3, item a) is concerned, the Ministry shall remind the association on the need to gave up such an activity in a given term; if the association continues in the said activity, the Ministry shall wind it up. If the association publicly incites for suppression of personal, political or other rights of natural persons for their ethnicity, sex, race, origin, political or other opinions, religious faith or social status, publicly incites hatred and intolerance for the said reasons or the said rights of the persons suppresses by the use of force, the Ministry may wind-up the association without prior notice. In such a case, the activities of the associations are hold until the decision of the Ministry becomes legally effective. For this period of time, the association may be involved only in the activities, as required by this law or special legal regulations¹³.

(5) The decision on winding-up the association by the decision of the Ministry may be appealed to the court¹⁴. In the case, when the activities of the association were not hold up according to the par. 4, the appeal has suspensory effect.

Article 17

(1) The extinction of the organizational unit, which is a legal entity, is regulated by the Article 16, par. 1, par. 2 item a), and par. 3 to 5 of this law.

¹³ PP: Organizational duties, annual reporting, accounting, tax reporting etc.

¹⁴ See note 3) in the text

- (2) The organizational unit, which is a legal entity, is wind-up
- a) upon the wind-up of the association according to the Article 16, par. 2 of this law,
 - b) upon the decision of the relevant governing body of the organizational unit on its winding-up to the date given in the said decision, otherwise to the date of the adoption of the said decision,
 - c) upon the decision of the association on its winding-up for the reasons given in Article 16, par. 3, item b), or if the organizational unit develops activities which are in violation to the by-laws of the association to the date given in the said decision, otherwise to the date of the adoption of the said decision,
 - d) by the decision of the Ministry on its winding-up to the date given in the said decision, otherwise to the, when the said decision became legally effective,
 - e) by the decision of the court on cessation of the bankruptcy procedure due to the fulfillment of the settlement resolution or due to insufficiency of the property of the association to pay for the expenditures related to the bankruptcy and settlement procedure or by the rejection of the proposal for bankruptcy proclamation due to the insufficiency of the property.

Article 18

(1) In the case, when the association or its organizational unit, which is a legal entity, are being wind-up with liquidation upon the decision of their own governing body, the said governing body is obliged to appoint the liquidating officer. In the case, when the association or its organizational unit, which is a legal entity, are being wind-up upon the decision of the Ministry, the liquidating officer shall be appointed by the Ministry and the Ministry shall also determine the liquidator officer's remuneration.

(2) The liquidating officer shall notify the Ministry about the winding-up of the association or the organizational unit in less then 15 days from the date to which the winding-up became effective.

(3) Unless otherwise stipulated by this law, the liquidation of the association or of the organizational unit, which is a legal entity, shall be regulated by appropriately applied provisions for the liquidation of commercial companies¹⁵. Whenever in the process of liquidation the liquidating officer finds out, that the property of the winded-up association or organizational unit, which is a legal entity, is overdue with respect to the creditors, the liquidating officer is obliged to propose the bankruptcy proclamation.

(4) In the case, when as association is being wind-up, which has organizational units – legal entities, the liquidation procedure includes also the liquidation of such organizational units.

(5) In the case, when the liquidation officer is appointed by the Ministry and the property of the association or of the organizational unit – legal entity is not sufficient to cover the expenditures related to the remuneration of the liquidation officer and the acts made by the officer, the state budget resources shall be used¹⁶.

Article 19

¹⁵ See Article 70 and following of the Code of Commerce

¹⁶ PP: This provision reflects the situation, which exists after the adoption of the Act No. 227/1997 Coll. On Foundations and Funds, when there are no means available to cover the expenses related to the liquidation of several hundreds of foundations by the district state administration offices, as the law requires.

(1) Before any decision on unification or merge of the association is adopted, the statutory organs of the said associations must conclude an written agreement on the unification or merge.

(2) The recording of the extinction of an association and the registering of the association, which has been established by the merge or division shall be made in the Register of Associations to the same date. The recording of the extinction of a merging association and the registering of the transfer of its property to the association, with which the extinct association is being merged shall be made in the Register of Associations to the same date.

(3) At merging the property of the associations that are to become extinct shall be transferred to the association that is being created by the merge. At division of an association, its property shall be transferred to the newly established associations in the proportions determined in the decision on the division of the association.

(4) In the case of winding up the association with liquidation and its organizational unit – legal entity, the proposal to erase it from the Register of Associations shall be submitted by the liquidating officer in less than 10 days after the liquidation process completion. If the winding-up is without liquidation, the proposal to erase the association from the Register of Associations shall be submitted by the statutory organ in less than 10 days from the decision on winding-up has been adopted. If the association is being wind-up by unification, merge or division, the proposal to erase it from the Register of Associations shall be supported by the attached agreement on unification, agreement of merging or by the decision of the relevant governing body of the association on its division.

Chapter VI

Foreign Association

Article 20

(1) A foreign association is an association, which has been established according to the provisions of a legal system of a foreign state and which has, at the time of its establishment, its seat outside the territory of the Czech Republic. The foreign association pursues its activities on the territory of the Czech Republic through its branch or office (hereafter only “organizational branch”) under the same conditions and in the same scope as the associations established according to this law, unless specified otherwise by this law or a special legal regulation.

(2) The right of the foreign association to operate on the territory of the Czech Republic begins to the date of registering this right in the Register of Associations, unless the activity of the foreign association should be pursued through a branch, which is supposed to be a legal entity with a seat on the territory of the Czech Republic. The proposal for registering the right of the foreign association to operate on the territory of the Czech Republic in the Register of Associations (hereafter only “the Proposal for Registering”) shall be submitted to the Ministry by the statutory organ of the foreign association. In the proposal for registering the foreign association shall provide the following:

- a) name of the foreign association and its seat,
- b) the seat of the organizational branch and its name, if there is such determined,
- c) the first name, family name and the address of stay of the person or persons, which are authorized to act on behalf of the foreign association; the foreigners shall also provide the

information about when and by whom the foreigner was given the visa for the stay over 90 days together with the number of the passport or of the Certificate of the Permission to Stay, unless an international convention binding the Czech Republic does not stipulate otherwise.

(3) To the proposal for registering there shall be attached:

- a) the document showing that the foreign association is a legal entity,
- b) the by-laws of the foreign association.

Article 21

(1) The right of the foreign association to operate on the territory of the Czech Republic through a branch, which should be a legal entity begins by the registration of the said branch. The registration of a branch – legal entity - of a foreign association is regulated by the Paragraphs 2 and 3 of the Article 9, Par. 2, item c) and Par. 3 of the Article 20 of this law.

(2) The economic activity of a branch of a foreign association, which is a legal entity, is appropriately regulated by provisions of the Articles 13 to 15 of this law. However, the branch of a foreign association may not acquire in the territory of the Czech Republic any real estates into its property.

Article 22

(1) In the case, when the proposal for registration in the Register of Associations has not the prerequisites according to the Paragraphs 2 and 3 of the Article 20, or when the by-laws of the foreign association do not presume a possibility to establish organizational branches, the Ministry shall notify the foreign association or its authorized representative about it in not less than 20 days from the date, when the proposal has been submitted, together with the information, that the registration procedure shall not start until the faults in the proposal shall not be removed.

(2) The procedure of registering begins on the day, when the Ministry obtains the proposal for registering, which is free of faults and omissions as given in the Par. 1. After the beginning of the procedure of registering, the Ministry shall request the opinion of the relevant state organs. If the Ministry does not find the reasons for rejecting the proposal for registering according to the provisions of the Par. 1 of the Article 23, of this law, it shall make the registration in less than 60 days from the beginning of the registration process.

(3) About the registration in the Register of Associations the Ministry issues a certificate, in which it shall be stated, that beginning from the date of registration the foreign association may operate on the territory of the Czech Republic. The Ministry shall forward the certificate without delay to the statutory organ of the foreign association.

Article 23

(1) The Ministry shall reject the proposal for registering, if the registration would, according to the opinion of the relevant state organ, endanger the state security and public order.

(2) The Ministry shall decide on the rejection of the proposal for registering within 60 days

from the beginning of the registering process. The foreign association may appeal the decision of the Ministry during 20 days since delivery day of the decision¹⁷.

Article 24

(1) If the foreign association adopts a change its by-laws, it shall notify the Ministry about the change within 60 days from the adoption of such a change.

(2) Unless the changed by-laws of the foreign association are in contradiction to the Articles 2 and 3 of this law, the Ministry shall decide within 60 days from the submission of the changes about withdrawing the approval of the foreign association to operate or to have a seat on the territory of the Czech Republic.

Article 25

(1) If the Ministry finds, that the foreign association pursues on the territory of the Czech Republic an activity, which contradicts the Article 2 and 3 of this law, the Ministry shall remind the foreign association to abstain from such an activity in a given term. If the foreign association continues in the said activity, the Ministry shall withdraw its approval for the operations of the foreign association on the territory of the Czech Republic.

(2) The foreign association loses the permission to operate on the territory of the Czech Republic by the date, when the decision of the Ministry comes into effect.

Article 26

The decision of the Ministry to withdraw the approval for operations on the territory of the Czech Republic according to the Par. 2 of the Article 24 and Par. 1 of the Article 25, may be appealed to the court¹⁸.

Article 27

(1) If the foreign association decides to terminate its operations on the territory of the Czech Republic, it shall inform the Ministry about its decision within 20 days since the adoption of such an decision; in the communication about the decision the foreign association shall announce the date to which the operations shall be terminated. By this day the approval to operate on the territory of the Czech Republic ceases to be valid.

(2) In the case, when a foreign association has a branch – legal entity, the provisions of the Article 17 and 18 shall be applied for its winding up and extinction. The approval for the foreign association to operate on the territory of the Czech Republic ceases to be valid by the date, when its branch has been erased from the Register of Associations, unless the foreign association has another branch on the territory of the Czech Republic or unless it moved its seat to the territory of the Czech Republic.

Chapter VII

The Register of Associations

Article 28

(1) The Ministry maintenance the Register of Associations. The Register of Associations is a

¹⁷ See note 3) in the text

¹⁸ See note 3) in the text

public document to which data relevant to an association, a union of associations and a foreign association, as specified by the law, are filed or encoded.

(2) The facts filed in the Register of Associations are in effect with respect to any person from the date of their entry to the Register of Associations. The person, about which are filed the data in the Register of Associations may not use their actual inaccuracy or incorrectness in a dispute with a person, which acts in full confidence to the accuracy of the Register of Associations.

Article 29

(1) The Register of Associations shall be made accessible to anybody; everybody has the right to view the Register of Associations, and make copies of or notes about its content. On request of associations, the Ministry shall issue official certificate on the filed entries in the Register of Associations or about the fact, that certain facts are not filed or encoded in it.

(2) The collection of documents represents an integral part of the Register of Associations; this collection contains:

- a) the by-laws and their later changes, including the decision about the said change of the by-laws,
- b) the decision about the election or appointment, withdrawal or other termination of the term of the office of persons, who represent the statutory organ or are members of it,
- c) the decision about winding-up of legal entities incorporated according to this law,
- d) the decision of the court promulgated according to the Act on bankruptcy and Settlement, if these decision deal with legal entities registered in the Register of Associations,
- e) the founding agreement according to the Article 10 and agreements according to the Par. 1 of the Article 19.

Article 30

(1) The following data are registered in the Register of Associations:

- a) the name and seat of an association, an union of associations and their organizational units accompanied by the date and the number of the registration act,
- b) the name and seat of a branch of a foreign association accompanied by the date and the number of the registration act,
- c) the date of registration of a change of the by-laws,
- d) the extinction of a legal entity according to the items a) and b) with the date and legal reason of the erasing.

(2) The following information is further encoded to the Register of Associations:

- a) the identification numbers of associations and their organizational units,
- b) the purpose of activity and presupposed objective of entrepreneurial or other income generating activity,
- c) the territorial scope of activities, if the association is to act in several states,
- d) the first name, family name and address of stay of persons, which represent statutory organ or who are members of statutory organ with the way, in which they act,
- e) the winding-up of legal entities incorporated according to this law,
- f) entering to the liquidation proceedings with the first name, family name and address of stay of the liquidation officer, the proclamation of bankruptcy with the first name, family name and address of stay of the custodian of remaining assets, the decision of rejection of

the proposal to proclaim the bankruptcy for the insufficiency of the property, the beginning of the settlement procedure.

(3) It shall be registered in the Register of Associations the name and seat of the foreign association, which has obtained approval for operations in the Czech Republic with the date from which that approval is in force (Par. 3 of the Article 22). Further, it shall be encoded into the Register of Associations the purpose of the activity of the foreign association, the identification number, its original seat, the first name, family name and address of stay of the person authorized to act on behalf of the foreign association.

(4) It shall be also registered, encoded or otherwise recorded in the Register of Associations the change or extinction of any facts as defined in Paragraphs 1 to 3, as well as other data, if the law requires so.

(5) The proposal for registering or recording data in the Register of Associations must be accompanied by the relevant documents.

Chapter VIII

The Trade Union and the Union of Employers

Article 31

(1) The trade union, the union of employers and their organizational units, which are to become legal entity according to the by-laws, shall become a legal entity at the day following the day, in which the announcement about their establishment has been delivered to the Ministry.

(2) The announcement on establishment of a trade union or a union of employers shall be made by a Preparatory Committee, whose composition should be regulated by the Article 4, Par. 2. One copy of the by-laws containing the prerequisites according to the Article 4, Par. 3 must be attached to the announcement.

(3) In the case, when an organizational unit is being established, which should become a legal entity, the announcement shall be made by the trade union or the union of employers, in whose framework the said organizational unit have been established. In the announcement there must be the name and seat of the organizational unit.

(4) The Ministry shall certify without delay to the representative of the Preparatory Committee or to the relevant trade union or union of employers the fact of receipt of the announcement according to the Par. 2 and 3.

Article 32

The Record of the trade unions and union of employers (here after only "The Record") shall be maintained by the Ministry. The Record is a public document, into which the following data are entered:

- a) the name and seat of the trade union, union of employers and their organizational units, which are legal entities, with the date in which they acquired the status of a legal entity,
- b) the Identification Number,

- c) the first name, family name and address of stay of the persons, who are statutory organ or members of it with the way in which they act,
- d) the dissolution of the trade union, the union of employers and the organizational unit, which is a legal entity,
- e) other data if required by the law.

(2) The Record shall be accessible to everybody and everybody may view it, make copy of and notes about data recorded in it. On request, an official certificate may be produced based on the Record concerning certain recorded evidence or about the fact, that such evidence is not recorded in the Record.

Article 33

The trade union and the union of employers may establish unions, federations and confederations, including international, which are regulated by the provisions of the Article 31 and 32.

Article 34

(1) Upon conditions stipulated by this law, the international trade union organizational and international organizations of employers, which have their seat outside of the Czech Republic, may move their seat to the territory of the Czech Republic.

(2) In the announcement on the planned move of the seat, the international trade union or the international union of employers shall include also their current seat and attach the document showing they are a legal entity, as well as their by-laws.

(3) In the case, when the security of the state or public order is not jeopardized by the move of the seat of an international trade union or international union of employers, the ministry shall issue the certificate within 60 days following the day, in which the announcement has been delivered to the Ministry. This fact shall be encoded to the Record.

(4) In the case, when the conditions for issuing the certificate as set by Par. 3, the Ministry shall decline the approval for the move of the seat within 60 days following the day, in which the announcement has been delivered to the Ministry.

(5) In the case, when the Ministry shall find out, that the international trade union or international union of employers, which have moved their seat to the territory of the Czech Republic, pursues activities endangering the security of the state or public order, the Ministry shall decide about withdrawing the permission to have the seat in the Czech Republic.

(6) The decision of the Ministry on rejection to approve the move of the seat to the Czech Republic or the decision to withdraw the permission to have the seat in the Czech Republic may be appealed to the court within 20 days following the day, in which the decision of the Ministry has been delivered¹⁹.

Article 35

¹⁹ See note 3) of the main text

(1) In the case, when the international trade union or international union of employers, or their organizational units, which are legal entities, pursue activities in contradiction to the Article 2 and 3, or if the said organization was not established with the purpose to support and protect the interests of employees or employers, the Ministry shall notify the organization without delay and shall invite it to remove that status. If the said organization does not do so, the court may decide on holding up the activity of the said organization or about its winding up.

(2) In the status of a hold up activity, it is possible to make only such acts, which are oriented towards the removal of the situation, which caused the decision of the court and not longer then for 6 months. By holding up the activity, it is not influenced the maintenance of activities required by special legal regulations. In the case, when the situation, which caused the holding up of the trade union or union of employers, the court shall decide on the permission to renew the activities of the trade union or union of employers. If the situation, which caused the holding up of the trade union or union of employers, continues, the court shall decide on winding-up of the said organization.

(3) In the case, when the court decides on the winding up of a trade union or union of employers or their organizational units, the court shall also appoint the liquidating officer in that decision.

(4) The court shall decide according the Par. 1 and 2 upon the proposal. The proposal to hold up or to wind up a trade union or union of employers or its Pus shall be submitted by the Supreme State Prosecutor Office. The proposal to renew the operations of the organization shall be submitted by the said organization itself.

(5) The Supreme Court is authorized to decide on holding up or winding up or renewal of operations of a trade union, union of employers and their organizational units, which are legal entities.

Article 36

The trade union and union of employers, including international, which has been established according to this law and their organizational units, which are legal entities, are regulated by the Article 2 and 3, Article 4, Par. 3 and 4 with the exception, that their name should not contain the denomination „registered association“ or the abbreviation "r. s.", as well as by Article 14, Article 39 to 42 and Article 44.

Article 37

The trade union and union of employers, including international, which has been established according to this law and their organizational units, which are legal entities, shall cease to be legal entity from the day, when they have been erased from the Record upon the proposal submitted by a person authorized to do so in the sense of their by-laws. This fact shall be encoded to the Record.

Chapter IX

Common Provisions

Article 38

(1) If a member of an association considers a decision of some of the body of the said association for illegal or contradicting the by-laws of the association, and if there is no further possibility to appeal the decision within the framework foreseen by the by-laws of the association, the said member may submit to the court the proposal for cancellation of the said decision within 20 days, from the day when he or she have acquired the knowledge about the said decision, but not later then within 6 months.

(2) The way of submitting the proposal according to the Par. 1 to the court and the court proceedings in that case are regulated appropriately by Article 246a, Article 246b, Par. 2, Article 246c and Chapter Second of the Fifths Section of the Civil Procedural Code.

Article 39

In the case, when the meetings or other assemblies of an association are open to general public, the present persons have the rights of the participants of a public assembly²⁰.

Article 40

(1) The Associations are obliged to report to the Ministry in written the first names, family names and addresses of stay of persons, who represent statutory organs or who are authorized to act on behalf of the statutory organ of the association; the reporting must be made within 0 days since the day, in which the statutory organ has been established or changed. In the case, when the association has an organizational unit, which is a legal entity, such an organizational unit is obliged to report the changes related to the statutory organ in the same time limit.

(2) The announcement according to the Par. 1 must be submitted together with the decision of the body of the association or its organizational unit, which is authorized to decide in that matter.

Article 41

The Czech Statistical Office shall provide the Ministry with the identification number assigned to an association and to an organizational unit of an association, which is a legal entity.

Article 42

The Ministry shall report to the Czech Statistical Office the incorporation of an association and its organizational units, their names and seats, including any changes, as well as their winding up. This reporting must be made within 7 days from recording the data in the Register of Associations or in the Record.

Article 43

²⁰ See Act No.84/1990 Coll., on the Right of Assembly.

The proposals and announcements according to this law shall be submitted in the Czech language. The documents of foreign origin must be translated into the Czech language by an interpreter and authorized under office, unless otherwise specified by an international convention binding the Czech Republic.

Article 44

Unless otherwise specified by this law, the proceedings related to this law are regulated by the Administrative Procedural Code²¹.

Chapter X

Transitional Provisions

Article 45

The associations, Tus and Ues, international non-governmental organizations and their branches, which are legal entities, organizations of foreigners and specific organizations representing interests of the Czech Republic, which have been established according to the previous laws and regulations are deemed to be considered associations according to this law. These associations shall make their by-laws consistent with this law at the next change of the by-laws, but not later then in 5 years since the day of effectivity of this law; in this time limit, the associations shall submit the changed by-laws to the Ministry. Within 1 year from the day of effectivity of this law the said associations shall report to the Ministry its identification number, name, seat and the identification numbers of the organizational units, which are legal entities. In the same term they shall report the data concerning the first names, family names and addresses of stay of persons representing their statutory organ or which are authorized to act on behalf of the statutory organ.

(2) In the case, when an association does not make the required changes in its by-laws in the time limit set by the Par. 1, and if it does not do so even after being notified by the Ministry, the Ministry shall decide on winding up the association. The decision of the Ministry may be appealed to the court. This provision does not apply to the trade unions and union of employers.

(3) International non-governmental organizations, which have obtained permission to operate or to have a seat on the territory of the Czech Republic to the date of effectivity of this law, shall be considered foreign associations with the permission to operate on the territory of the Czech Republic.

(4) The provisions of this law are to be applied also in cases not concluded before the day of effectivity of this law.

(5) The data about the associations established according to the hitherto valid laws and regulations shall be entered into the Register of Associations or the Record within 2 years since the date of effectivity of this law.

²¹ See Act No. 71/1967 Coll., on Administrative Procedures (Administrative Procedural Code)

Chapter XI

Canceling Provisions

Article 46

The following laws are cancelled:

Act No. 116/1985 Coll., on Conditions for Activities of Organizations with a Foreign Element in the Czechoslovak Socialist Republic.

Act No. 83/1990 Coll., on Associating of Citizens.

Act No. 300/1990 Coll., on Changes in the Act No. 83/1990 Coll., on Associating of Citizens.