

## **Citizens Civil Law Associations Act**

No. 83/1990, Coll. of March 27, 1990

*(translated into English by the Information Centre for Non-profit Organisations, p.b.c. (ICN) [www.icn.cz](http://www.icn.cz))*

Revision No.300 of 1990, Coll.

Revision No.513 of 1990, Coll.

Revision No. 68 of 1993, Coll.

The Parliament of the Czech and Slovak Socialist Republics adopted the following Act

### **Introductory**

#### **Section 1**

Citizens shall have the right freely to associate.

No permission by the State authority shall be needed when exercising this right.

1. The present Act shall not apply to citizens associations

- (a) in political parties or political movements,
- (b) for purposes of earning money or for securing due exercise of certain occupations,
- (c) in churches or religious societies.

#### **Section 2**

(1) The citizens may establish associations, societies, unions, movements, clubs and other civic associations as well as trade unions (hereinafter referred to as "associations") and unite in them.

(2) Juridical persons (bodies corporate) may be equally members in associations.

(3) Associations shall be bodies corporate. State administration may interfere with the status and activities of associations only in so far as admitted by law.

(4) Military personnel serving their term shall not be free to establish trade unions and to associate therein. Specific legislation shall regulate the power of trade unions associating members of the police force and wardens when putting forward, and protecting their social needs.

#### **Section 3**

(1) Nobody may be forced to associate or to adhere to existing associations or to participate in their activities. Everybody shall be at liberty to leave freely an association.

(2) Nobody shall suffer a civic harm for associating when being a member of an association, when participating in its activities or when supporting such association, or else, when resting outside same.

(3) Rights and duties of members of associations shall be governed by their Bye - laws.

#### **Section 4**

Following associations shall not be permitted:

- (a) the aim of which is to deny or to restrict personal, political or other civil rights because of nationality, sex, race, origin, political or other opinions, religion and social status, to foster hate and intransigence for these reasons, to assist in violence, or otherwise to commit breach of constitution and laws,
- (b) which follow the implementation of their goals by means contrary to the constitution or laws,
- (c) which are armed or have armed units, provided that, associations, the members of which have arms or use firing arms for sporting purposes or for exercise of their right of hunting, shall not be considered to be such armed associations.

#### **Section 5**

Unless a specific Act provides otherwise, the associations shall not have the right to perform the functions of State administrative authorities. They shall not control bodies of State administrative authorities or impose duties on citizens, who are not their members.

#### **Section 6**

(1) An association shall start its existence upon its incorporation (registration).

(2) An application for incorporation shall be lodged by not less than three (3) persons of whom at least one (1) must have reached the age of eighteen (18) years (hereinafter referred to as the "preparatory committee"). The application shall be signed by the members of the preparatory committee showing their names and surnames, birth identification numbers and places of residence. In addition, it shall state who of them, being older than eighteen (18) years, has the authority to act on their behalf. The applicants shall join two (2) copies of the Bye - laws to their application. The Bye - laws shall disclose

- (a) the name of the association,
- (b) its seat,
- (c) its goals,
- (d) its bodies, their establishment and determination of said bodies and its members authorized to act in the name and on behalf, of the association,
- (e) provisions governing its organizational units, if any, and whether authorized to act,
- (f) principles of its economic management.

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(1) Cf. Section 8 of the Civil Code (Act No. 40 of 1964, Coll.) in its serviced edition (No. 70 of 1983, Coll.)

(3) Unless the Bye - laws provide otherwise, the preparatory committee shall have the power, until the creation the bodies provided for in paragraph (2) (d) of the present Section, to act on behalf and in the name of the association.

(4) The name of the association shall be distinguishable from the name of any other body corporate exercising its activities on the territory of the Czech Republic.

### **Section 7**

(1) The application for incorporation (registration) shall be lodged with the Ministry of Interior of the Czech Republic (hereinafter referred to as "the Ministry")

(2) If the application does not meet the requirements set forth in Section 6 paragraphs (2) and (4) hereof or if the data therein contained are incomplete or inaccurate, the Ministry shall draw, forthwith, the attention of the preparatory committee to this fact warning same, that if these defects are not remedied, the proceedings for incorporation shall be discontinued.

(3) The proceedings for incorporation shall be commenced on the day where the application, not suffering from defects provided for in paragraph (2) hereof, is received by the Ministry. The Ministry shall send forthwith a notice of commencement of the proceedings for incorporation to the representative of the preparatory committee.

### **Section 8**

(1) The Ministry shall dismiss the application if it is satisfied on hand of the Bye-laws of the association presented, that

- (a) it involves an organization set forth in Sec 1 paragraph (3) hereof
- (b) its Bye-laws are contrary to Section 3 paragraphs (1) and (2) hereof
- (c) it involves an association prohibited by law (Section 4 hereof), or
- (d) the goals of the association are contrary to the requirements set forth in Section 5 hereof.

(2) The decision of dismissing and application for incorporation shall be taken within ten (10) days following the commencement of proceedings for incorporation. The decision dismissing the application shall be served on the representative of the preparatory committee. (3)

(3) The members of the preparatory committee shall be free to lodge an appeal with the Supreme Court of the Republic against the rejection of incorporation this within sixty (60) days upon service of the decision on the representative of said committee.

(4) If the Supreme Court is satisfied that there are no grounds in support for the dismissal, it shall quash the decision of the Ministry. On the judgement of the Supreme Court acquiring the force of r e s i d i c t a , the association shall be deemed to be incorporated. Upon request by the representative of the preparatory committee, the Ministry shall send to him (her) a copy of the Bye - laws of the association where it shall mark the day of incorporation.

(5) If no decision dismissing the application for incorporation is served on the representative of the preparatory committee within forty (40) days following the commencement of proceedings for incorporation, the association shall commence its existence on the day following the lapse of the said period. This day shall be the day of the association s incorporations. Upon request by the representative of the preparatory committee, the Ministry shall send a copy of the associations Bye - laws to the latter, where it shall mark the day of its incorporation.

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(2) Cf. Secs. 244 through 250 of the Civil Procedure Code Act No. 99 of 19963, as revised on later occasions.

### **Section 9**

(1) Unless the Ministry finds reasons for dismissing the application (for incorporation) it shall incorporate the association within ten

(10) days from the commencement of the proceedings for incorporation. Within this term, they shall return a copy of the associations Bye - laws to the representative of the preparatory Committee on which they shall mark the day of its incorporation. This day shall coincide with the day of sending the notice to the representative. No decision under the Administrative Proceedings Code shall be taken in respect of incorporating the association.

(2) Within seven (7) days the incorporation of an association shall be notified by the Ministry to the Czech Statistical Bureau. The Czech Statistical Bureau shall keep records of associations. This applies equally to associations, established under Section 8 paragraphs (4) and (5) hereof.

### **Section 9 (a)**

(1) A trade union or an association of employers shall become a body corporate on the day following the day of lodging their application to the respective Ministry for putting same on records.

(2) Putting trade unions or associations of employers on record shall be governed, mutatis mutandis by the provisions of Section 6 paragraph (2), Section 7 paragraph (1) and Section 9 paragraph (2) hereof. PROVIDED THAT, the provisions of Section 6 paragraph (1) Section 7 paragraphs (2) and (3), Section 8 and Section 9 paragraph (1) shall not apply to trade unions and associations of employers.

### **Section 10**

Abolished

### **Section 11**

(1) The association shall send a written notice of a modification of, or amendment to, their Bye-laws to the Ministry within fifteen (15) days following their adoption. Two copies of such modification and / or amendment shall be joint to the notice.

(2) If the modification and/or the amendment are contrary to the provision of Section 6 paragraphs (2) or (4) or if the data disclosed are uncomplete or inaccurate, or else, if there are grounds for rejecting the incorporation under Section 8 paragraph (1) hereof, the Ministry shall forthwith draw the attention of the association to the fact. The association shall then remedy the said defects within sixty (60) days following the service of the notice on it and to inform the Ministry within further ten (10) days. If the association fails so to do, the Ministry shall terminate the association. An appeal shall lie against the decision of the Ministry terminating the association. The appeal, if any, should be lodged with the Supreme Court of the Czech Republic.

(3) If there are no grounds for rejecting the registration under paragraph (2) hereof, the Ministry shall, within ten (10) days upon service of the application, send one copy of the modified and / or amended Bye – laws to the association. Thereon, it shall mark its having taken notice of the modification and / or amendment thereof.

### **Termination of Association**

#### **Section 12**

(1) An association shall be terminated

(a) upon a voluntary decision to be terminated,

or

(b) upon a decision by the Ministry, having acquired the force of *r e s i d i c t a*, to terminate same.

(2) Unless the Bye - laws regulate the voluntary decision of association to be terminated or its amalgamation with another association, the body paramount of the association shall have the power to adopt such resolutions. This body shall inform the Ministry within fifteen (15) days of adopting the resolution of its termination.

(3) If the Ministry is satisfied that the association engages in activities

(a) reserved to political parties or political movements or to organisations uniting citizens for purposes of money earning or to exercise religious or faith activities in churches or religion societies (Section 1 paragraph 3 hereof),

(b) committing the breach of principles set forth in Section 3 paragraphs (1) and (2) hereof,

(c) contrary to Secs. 4 or 5 hereof, it shall forthwith draw the attention of the association to that fact, inviting same to put an end to such activities. If the association fails so to do, the Ministry shall be free to terminate the association. Against the decision an appeal, if any, might be lodged with the Supreme Court of the Czech Republic.

(4) When hearing the appeal under Secs. 11 paragraph (2) and 12 paragraph (3) hereof, the Supreme Court shall proceed in conformity with the provisions of the Civil Procedure Code, governing the revision of decisions taken by authorities other than Courts (3). An appeal lodged shall stay the execution of the decision, appealed from. If the Court finds serious reasons in favour, it may stay further activities of the association pending its decision. During such stay, the association may exercise only such activities which are indispensable for the implementation of its duties hereunder. The Court shall quash the decision of the Ministry, if it finds no grounds for termination of the association.

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(3) Secs. 244 through 250 of the Civil Procedure Code Act No. 99 of 1963, Coll. As revised on later occasions

(5) If the Ministry is satisfied (Section 7 and 10 hereof) that an organisational unit of the association who has the power to act in its own name and on its behalf acts in a way set forth in Section 12 paragraph (3) hereof, it may take a similar decision as provided for

therein. The provision of paragraph (4) of said Section 12 shall apply accordingly.

### **Section 13**

(1) Abolished

(2) In case of termination of an association it shall be wound - up.

(3) If an association is terminated in accordance with Section 12 paragraph (1) subparagraph (a) hereof, the winding – up (4) of it shall be carried out by a liquidator to be appointed by the Ministry.

(4) The same way as provided for in paragraph (3) of the present section shall be used in case of termination of an association under Section 12, paragraph (1) subparagraph (a) hereof, if there is nobody to carry out its winding up.

### **Section 14**

The Ministry shall notify the termination of an association to the Czech Statistical Bureau within seven (7) days of its having acquired knowledge thereof.

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(4) Economic Code Act No. 109 of 1964, Coll. (full wording in the Act No. 80/1989, Coll.)

### **Section 15**

#### **Court Protection**

(1) If any member of an association thinks a decision of a body of the association, against which no appeal lies, as illegal on contrary to the Bye-laws thereof, he (She, it) shall be free to apply, within 30 days upon having knowledge of same, but not later than 6 months of the date of such decision (resolution) to the respective District Court to review same.

(2) The application for review shall not have a staying effect. If good cause is shown, the Court may stay the execution of the resolution applied from.

### **Section 16**

#### **Cooperation Agreements**

(1) Between or among themselves the associations shall be free to enter, into agreements of association for the purposes of achieving certain goals or for fostering another, common interest. Such agreements have to be in writing.

(2) The agreement of cooperation shall define its purpose, the manner of its fulfillment, the rights and duties of the parties thereto and the means which they will contribute to their cooperation. The provisions hereof shall apply to a union accordingly. If trade unions or a union of employers are involved in such a union, the provision of Section 9 (a) hereof shall apply accordingly.

(3) Abolished.

(4) The agreement of cooperation may establish a union of the participating associations. Such a union shall be endowed with a (separate) juridical personality. Provisions hereof shall apply to an union accordingly.

(5) The agreement of cooperation may provide that it shall come to an end, if the participating organisations so agree or if the goals thereof have been achieved or if other circumstances therein set forth, arise.

### **Section 17**

#### **Common Provisions**

If meetings or other gatherings of the association are accessible to the public at large, the citizens present shall abide by duties of participants (5). Unless the person in chair decides otherwise, they shall not be free to interfere with the proceedings thereof.

### **Section 18**

In accordance with the goals of their activities, the association shall have the right to address petition to State administration authorities (6).

## **Temporary and Final Provisions**

### **Section 19**

(1) Voluntary organisations, established after September 30, 1951 or declared to be a voluntary organisation under the Voluntary Organisations and Gatherings Act No. 68 of 1951 Coll., which are still existing, shall be deemed to be associations hereunder. Until June 30, 1990, such voluntary organisations shall give a notice to the Ministry, under Section 7 paragraph (1) hereof or Section 11, disclosing its name, seat and the Bye - laws.

(2) Associations established prior to October 1st, 1991 shall be deemed to be associations created hereunder, provided they still exist. Until June 30, 1990 they shall inform the Ministry set forth in Section 7 paragraph (1) or Section 11 hereof disclosing their name and seat. If they fail so to do, the Ministry shall request them to state, whether they intend further to exercise their activities. If such association fails anew to give an answer until December 31, 1990, it shall be deemed to have ceased to exist as of that day.

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(5) Right of Uniting Act No. 85 of 1990, Coll.

(6) Right of Petition Act No. 86 of 1990, Coll.

(3) The Ministry (Section 7 paragraph 1 hereof) shall give a notice of data, provided for in Section 9 paragraph (2) and in paragraphs (1) and (2) of the present Section to the Federal Statistical Bureau, to keep same on record.

## **Section 20**

Terms governing the activities of associations with foreign participation shall be governed by specific legislation. (7)

### **Section 20 (a)**

(1) If an association, having exercised its activities until December 31, 1992 on the territory of both Republics, but incorporated in the Slovak Republic, intends to continue exercising its activities in the Czech Republic, it shall apply hereunder for incorporation not later than on April 30, 1993. If it fails so to do, its right to exercise its activities on the territory of the Czech Republic shall be forfeited.

(2) Associations (organisations) with foreign participation (8) which were given license by the Federal Ministry of Interior and the seat of which is located on the territory of the Czech Republic, shall be deemed to be associations with license by the Ministry. Associations (organisations) having their seat on the territory of the Slovak Republic shall apply, until April 30, 1993 to the Ministry for a license. If they fail so to do, they shall not have the right to continue their activities on the territory of the Czech Republic.

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(7) Terms Governing Activities of Association with Foreign Participation on the Territory of the Czechoslovak Socialist Republic Act No. 116 of 1985 Coll. as revised by the Act No. 157 of 1989, Coll.

(8) Terms Governing Activities of Associations with Foreign Participation on the Territory of the Czechoslovak Socialist Republic Act No. 116 of 1985, Coll. As revised by the Act No. 157 of 1989, Coll.

## **Section 21**

The following Acts, Decrees and Rules shall be abolished:

(1) Voluntary Organisations and Gatherings Act No. 68 of 1951, Coll. As revised on later occasions,

(2) Voluntary Organisations and Gatherings Decree of the Ministry of Interior No. 320 of 1991, Official Bulletin (No. 348 of 1951 Official Garatte,) as revised by the Decree No. 158 of 1957, Official Bulletin of the Ministry of Interior,

(3) Establishment of Specific Associations, not Subject to the Existing Rules Governing Associations and Supervision thereof Governmental Decree No. 30 of 1939, Coll.,

(4) Section 2 of Some Temporary Steps to Strengthen Public Order Act, No. 112 of 1968, Coll.,

(5) Section 2 paragraph (8) subparagraph (c) of the Definition of Powers of the Czechoslovak Socialist Republic in matters of Internal Order and Safety Act No. 128 of 1970, Coll.,

(6) Section 45 paragraph (1) subparagraph (c) of the Powers of Federal Central Authorities of State Administration Act No. 194 of 1988, Coll.

## **Section 22**

The present Act shall enter into force on May 1st, 1990.

sgd. Havel

sgd. Dubcek

sgd. Calfa