

Statutes of the Academy of Sciences of the Czech Republic

The Government of the Czech Republic approved by its resolution No. 614 dated May 24, 2006, effective from January 1, 2007 these

Statutes of the Academy of Sciences of the Czech Republic

Preamble

The Academy Assembly of the Academy of Sciences of the Czech Republic,

- Having regard to the constitutionally guaranteed freedom of scientific research, to the Act on the Academy of Sciences of the Czech Republic¹ and to other legal regulations pertaining to research and development in the Czech Republic; and further,
- Following up with an over two hundred years long tradition of Czech scientific institutions, especially the Royal Czech Society of Sciences, Czech Academy of Sciences and Arts and Czechoslovak Academy of Sciences, and with the project of the Academy written between the years 1861 and 1863 by J. E. Purkyně,
- Recognising that the basic mission of the Academy of Sciences of the Czech Republic is to enrich human knowledge and to serve the welfare of the Czech Republic and its citizens, and
- Endeavouring to further advance the goals and work of the Academy of Sciences of the Czech Republic as a national research centre - a democratically organised network of autonomous scientific institutions, which plays an irreplaceable role in the system of research, development and education in the Czech Republic,

Adopted at its XXVII session held on December 15, 2005 these Statutes of the Academy of Sciences of the Czech Republic (hereafter "Statutes of the Academy"). The Statutes of the Academy were approved by the Resolution of the Government of the Czech Republic No. 614 of May 24, 2006.

Part One FUNDAMENTAL PROVISIONS

Art. 1

The Academy of Sciences of the Czech Republic (hereafter "the Academy") is an organisational body of the Czech Republic; its activities are funded by the national budget of the Czech Republic. For budgetary purposes, the Academy shall be regarded as a central administrative body of the Czech Republic and shall establish, in the name of the Czech Republic, its Institutes as public research institutions (hereafter "Institutes").

Art. 2

- (1) The seat of the Academy is the capital city of Prague.
- (2) The Institutes shall be established according to conditions and needs anywhere on the territory of the Czech Republic; their subdivisions may also be located abroad.

¹ Act No. 283/1992 Coll., On the Academy of Sciences of the Czech Republic, as amended (full version No. 420/2005 Coll.).

Art. 3

(1) The Academy is engaged through its Institutes in research in a broad range of natural, technical, social and human sciences, pursues the advancement of understanding at the international level, educates researchers and propagates and applies results of its activities toward the advancement of the education, culture and competitiveness of the Czech Republic, as well as for the solution of current problems of society.

(2) The Academy pursues its activities in close collaboration with domestic as well as foreign corporations and individuals who participate in, support or utilise research activities.

(3) The Academy upholds the "Learned Society of the Czech Republic", a civic association contributing to the unbounded pursuit and advancement of science in the Czech Republic and represents it towards similar foreign scientific institutions. (Details shall be arranged on contractual basis).

(4) The Academy supports activities of the sectional scientific societies associated in the Council of Scientific Societies. It shall establish and dissolve Czech national committees in international scientific unions, nominate and recall their members and support their activities.

Art. 4

The Academy actively participates in the formation of research and development policies of the Czech Republic and of the European Union. In developing its policy and programmes, the Academy shall be guided by the needs of the advancement of science, technology and culture, by the research and development policies of the Czech Republic and of the European Union and by internationally recognised standards of scientific work. The Academy shall also take into account proposals and suggestions raised by governmental bodies and other public institutions, by the business sector and by scientific, technological and cultural organisations.

Part Two BODIES OF THE ACADEMY

Art. 5

(1) The bodies of the Academy include

- a) President of the Academy (hereafter "the President"),
- b) Academy Assembly (hereafter "the Assembly"),
- c) Academy Council (hereafter "the Council") and its Presidium (hereafter "the Presidium"),
- d) Council for Sciences of the Academy (hereafter "the Council for Sciences").

(2) The bodies of the Academy shall be bound in the performance of their duties by the Act on the Academy of Sciences of the Czech Republic and other statutes and by the Statutes of the Academy and other internal regulations of the Academy.

(3) The bodies of the Academy are obliged to publish their resolutions; the resolutions must be published also in a manner enabling remote access. This provision does not prejudice the Act on the Protection of Personal Data.²

The President

Art. 6

The President is the head of the Academy; he/she is authorised to act on behalf of the Academy in all matters. While administering the Academy chapter of the national budget, he/she shall be responsible for the management of budgetary resources; in doing so, he/she shall be obliged to create and enforce a system of internal audit and financial control³.

Art. 7

² Act No. 101/2000 Coll., on the Protection of Personal Data, as amended.

³ Act No. 320/2001 Coll., on Financial Control in Public Administration, as amended.

The President in particular also:

- a) Presides over the sessions of the Assembly, the Council and the Presidium, convenes sessions of the Council and of the Presidium and drafts their agendas,
- b) Shall appoint up to five Vice-Presidents from the ranks of the elected members of the Presidium, charge them with the management of specified fields of the Academy activities and recall them from their offices,
- c) Shall issue Foundation Deeds of the Institutes and their amendments,
- d) Shall appoint and recall the Directors of the Institutes,
- e) Takes decisions pertaining to salaries and amounts of remuneration of the Directors of the Institutes,
- f) Shall bestow, upon the proposal of the Council, Academy awards, medals and other honours.

Art. 8

The President shall be appointed and recalled by the President of the Czech Republic from the members of the Assembly and upon the proposal of the Assembly, which shall be discussed and submitted to the President by the Government of the Czech Republic. The term of office of the President is four years. An individual may serve as the President for a maximum of two successive terms. The Council shall determine the remuneration for the discharge of the office of the President of the Academy pursuant to the relevant legal regulation⁴.

Art. 9

During the President's absence or because of his/her another engagement, a Vice-President or a Council member authorised by the President shall deputise for him/her. If the President cannot authorise a Vice-President or a Council member to act as his/her deputy, the authorisation shall be issued by the Presidium.

Art. 10

The Assembly may elect an Honorary President of the Academy. The Honorary President shall be elected from the ranks of most distinguished scientists for an unlimited term. The Honorary President of the Academy may - at his/her own decision or upon the President's request - participate in deliberations of any body of the Academy in an advisory capacity. The Assembly

Art. 11

- (1) The Assembly is the supreme self-governing body of the Academy. It comprises:
- a) The Directors of the Institutes,
 - b) Representatives of the Institutes who are elected by the Assemblies of Research Workers of the Institutes by a secret ballot; each Institute shall elect one representative for each fifty (or part thereof) of university-educated research workers working at the Institute at the day of the election; the number of research workers shall be converted to full-time workload.
 - c) Up to fifteen representatives of the universities appointed by the appropriate representative body of Czech universities⁵,
 - d) Up to ten representatives of the Government bodies appointed by the Government of the Czech Republic,
 - e) Up to ten representatives of the industry, the business sector and the banks, who shall be elected upon proposals of the Institutes and relevant business associations by a secret ballot as

⁴ Act No. 143/1992 Coll., on Payment and Remuneration for Work Readiness in Budgetary and Some Other Organisations and Authorities, as amended.

⁵ Art. 92, par. 1 a) of the Act No. 111/1998 Coll., on Higher Education, as amended.

a rule by the previous Assembly at the end of its term,

f) Up to twenty-five other distinguished domestic and foreign scientists elected as proposed by the Institutes by a secret ballot as a rule by the previous Assembly at the end of its term.

(2) A member of the Assembly who has been appointed as President (Art. 8), elected as member of the Council (Art. 24) or President of the Council for Sciences (Art. 41), retain their membership in the Assembly throughout the duration of their term of office.

Art. 12

(1) The members of the Assembly are entitled to:

- a) Propose candidates for membership in auxiliary and advisory bodies of the Assembly,
- b) Access the minutes from the meetings of the Academy bodies,
- c) Submit interpellations pertaining to the discharge of their offices to the Council and to its individual members. The addressees of the interpellations are obliged to respond within thirty days either in writing to the Assembly member who submitted the interpellation, or orally at an Assembly session,
- d) To address propositions, suggestions and complaints to the Academy bodies.

(2) Members of the Assembly are obliged to safeguard the good name of the Academy, protect its interests, observe the internal regulations of the Academy and faithfully discharge the duties they accepted as members of this self-governing body.

Art. 13

(1) The term of office of the Assembly is four years. Assembly membership cannot be delegated to others. Membership in the Assembly shall expire prior to the end of the term by:

- a) Termination of appointment as an Institute Director, regarding members according to Art. 11, par. 1 a),
- b) Termination of employment at an Institute, as regards members according to Art. 11, par. 1 b),
- c) Termination of appointment as President, member of the Council or President of the Council for Sciences, with regard to members according to Art. 11, par. 2,
- d) Resignation of membership in the Assembly,
- e) Recall of a member by the body that appointed or elected him/her to the Assembly,
- f) Death.

(2) If the position of a member of the Assembly becomes vacant, a new member shall be appointed in the same manner as the member whose seat was vacated.

Art. 14

The Assembly shall have the exclusive prerogative to:

- a) Adopt the Statutes of the Academy, which shall become effective upon their approval by the Government of the Czech Republic,
- b) Approve the Annual Report on the activities of the Academy,
- c) Approve the policy development of the activities of the Academy,
- d) Approve the budget and the closing account of the Academy, as well as the distribution of funds between the Institutes and the amount of the Academy's funds reserved for use by the Grant Agency of the Academy,
- e) Approve the report on the activity of the Council for the period since the last Assembly session,
- f) Following discussion in the Council for Sciences and upon the proposal of the Council to approve establishment, mergers, integrations, splitting and dissolutions of the Institutes,
- g) Adopt a proposal to appoint the President from the Assembly members or to recall him/her,
- h) Elect an Honorary President of the Academy,
- i) Elect and recall elected members of the Council (Art. 24, par. 2) and members of the Council for Sciences (par. 39),

- j) Elect some Assembly members pursuant to Art. 11, par. 11 e) and f),
- k) Elect and recall members of the Supervisory Committee of the Assembly (Art. 20, par. 1),
- l) Determine the structure of the Sections of the Academy and assignment of Institutes to the Sections pursuant to Art. 55,
- m) Adopt the Charter of the Grant Agency of the Academy,
- n) Establish its permanent and temporary advisory and auxiliary bodies.

Art. 15

The Assembly shall be convened by the Council as required, but at least, twice a year. The Council is obliged to convene the Assembly within thirty days upon written request by the Supervisory Committee of the Assembly or by at least one fifth of the Council members. Session invitations shall be delivered to the Assembly members together with the proposed agenda and written background materials no later than fourteen days prior to the session. The Assembly may propose changes and additions to the session agenda; the Assembly shall vote on the proposals prior to accepting the proposed agenda.

Art. 16

The quorum of the Assembly shall be constituted by an absolute majority of its members. Adoption of a resolution requires consent of an absolute majority of the members present. Adoption of the Statutes of the Academy or of their amendments requires consent of an absolute majority of all members of the Assembly.

Art. 17

The Assembly deliberations shall be recorded in the minutes.

Art. 18

The Supervisory Committee of the Assembly is a permanent supervisory body of the Assembly; it shall be accountable to the Assembly.

Art. 19

- (1) The Supervisory Committee of the Assembly in particular:
- a) Oversees
 - aa) compliance with the Statutes and other internal regulations of the Academy,
 - ab) implementation of the Assembly resolutions,
 - b) Drafts and submits to the Assembly
 - ba) findings and proposals pertaining to the activities of the Academy, its bodies and Institutes,
 - bb) positions on the budget and closing account of the Academy,
 - bc) report on complaints and suggestions submitted to the Assembly and on the progress of proceedings and resolving of such complaints and suggestions.
- (2) The Supervisory Committee of the Assembly shall be entitled to request information from the bodies and employees of the Academy and of the Institutes to prepare its positions and the conclusions.
- (3) The Supervisory Committee of the Assembly shall inform the Council on a continuing basis about its findings, positions and conclusions.

Art. 20

(1) Members of the Supervisory Committee shall be elected and revoked by the Assembly from its members. The Supervisory Committee of the Assembly shall have at least seven and at most nine members, at least three of whom must be Assembly members appointed pursuant to Art. 22, par. 1 c) - f). Membership in the Supervisory Committee of the Assembly is incompatible with the membership in the Council or in the Council for Sciences and with the position of the Director of an Institute.

(2) The term of office of the Supervisory Committee of the Assembly is the same as the term of office of the Assembly.

Art. 21

(1) Members of the Supervisory Committee of the Assembly shall elect from among them a chairman and a deputy chairman by secret ballot.

(2) The chairman of the Supervisory Committee of the Assembly or the deputy chairman acting as his/her proxy shall be entitled to participate in meetings of the Council.

Art. 22

The Supervisory Committee of the Assembly convenes at least twice a year. An extraordinary meeting of the Supervisory Committee of the Assembly must be convened within fifteen days upon a written request of at least three of its members.

Art. 23

The Supervisory Committee of the Assembly shall adopt its Rules of Procedure that will regulate the details of its proceedings.

The Council

Art. 24

(1) The Council is an elected executive body of the Academy. It consists of the President and Vice Presidents of the Academy, the President of the Council for Sciences and of other members of the Council. The Council shall have at most seventeen members.

(2) The members of the Council, with the exception of the President and of the President of the Council for Sciences, shall be elected and recalled by the Assembly from among its members. They shall be elected by secret ballot based on proposals submitted by the Assemblies of Research Workers of the Institutes ensuring proportional representation of the main research areas of the Academy (Art. 54).

Art. 25

The term of office of Council members is four years. An individual may serve as a member of the Council for a maximum of two consecutive terms. Membership in the Council is incompatible with the position of a Director of Institute and with the membership in the Supervisory Committee of the Assembly.

Art. 26

If a Council seat becomes vacant during a term, a new Council member shall be elected for the rest of the term at the next session of the Assembly pursuant to Art. 24, par. 2.

Art. 27

Upon the expiration of its term, the Council shall continue performing its duties until a new Council is established.

Art. 28

- (1) The Council shall have the specific prerogative to:
- a) Convene the Assembly and submit to it reports and proposals for its deliberation and to implement its resolutions,
 - b) Submit to the Assembly a draft annual report on the activities of the Academy,
 - c) Submit to the Assembly a draft budget and closing account of the Academy, including the proposed distribution of funds among the Institutes,
 - d) Manage the day to day activities of the Academy between sessions of the Assembly,
 - e) Issue internal regulations within its jurisdiction,
 - f) Submit proposals to establish, merge, integrate or dissolve Institutes to the Assembly and to exercise prerogatives of the founder of the Institutes unless the Statutes of the Academy state otherwise,
 - g) Deliberate on the results of public administrative controls of the Institutes,

- h) Adopt Rules of Procedure of the Supervisory Boards of the Institutes and their amendments and appoint and recall Chairmen, Deputy Chairmen and members of the Supervisory Boards,
- i) Be in charge of the evaluation of research activities and objectives of the Institutes and appoint, as proposed by the Institutes and after deliberation by the Council for Sciences, independent evaluation committees to perform such evaluation,
- j) Authorise legal acts of the Institutes pursuant to a special legal regulation⁶,
- k) Authorise establishment and abolishment of joint research and scientific-educational institutes pursuant to Art. 59,
- l) Approve international cooperation programmes of the Academy and establish, abolish and appoint national committees of international scientific unions,
- m) Deliberate on the report on activities and financial management of scientific societies organised in the Council of Scientific Societies of the Czech Republic,
- n) Elect members of the Presidium (Art. 33),
- o) Propose a recall of an Institute Director and express its opinion on appointments and recalls of Institute Directors,
- p) Propose a recall of Institute Board members who repeatedly fail to perform their duties,
- q) Make decisions pertaining to rewards and remunerations of the members of the Institute Boards and of the Supervisory Boards of the Institutes,
- r) Establish Academy awards and medals and submit - after prior discussion with the Council for Sciences - proposals for presentation of the awards, medals and other honours to the President,
- s) Establish its permanent and temporary auxiliary bodies,
- t) Appoint a receiver of an Institute and approve the report on liquidation of an Institute,
- u) Deliberate on the reports of the Supervisory Boards of Institutes,
- v) Approve the Electoral and Procedural Regulations of the Grant Agency of the Academy,
- w) Appoint the Chairman and the Deputy Chairman of the Grant Agency of the Academy,
- x) Make decisions pertaining to the selection of projects and distribution of apportioned funds for projects selected in public tenders for research and development programmes operated by the Academy,
- y) Grant prior written authorisation to pursue other gainful activity commensurate with the Institute's activity to the Directors of Institutes.

(2) The Council shall discuss the questions pertaining to research policy with the Council for Sciences.

Art. 29

In urgent cases, the Council may also decide matters reserved for the Assembly. In this case, the Council shall convene the Assembly within thirty days from its decision. If the Assembly does not confirm the Council's decision, the decision becomes invalidated.

Art. 30

The Council convenes as required, but at least once every six weeks. Sessions of the Council shall be convened and presided over by the President, or by a Vice President of the Academy or a Council member authorised by the President.

Art. 31

(1) The Council as a body and all of its members individually are accountable to the Assembly for the proper discharge of their duties. Questions within the jurisdiction of the Council must be fully discussed and decided upon at Council sessions.

(2) The President shall charge individual Council members with the management of specified Council responsibilities.

⁶ Art. 19 par. 1 b) items 1 - 6 of the Act No. 341/2005 Coll., on Public Research Institutions.

(3) Council members are entitled to receive compensation for the discharge of their duties according to the highest salary grade pursuant to a special legal regulation⁷. The President shall determine the scope of the workload necessary to faithfully discharge their responsibilities and related compensations.

Art. 32

A quorum of the Council shall be constituted by an absolute majority of its members. Passing a resolution requires the agreement of an absolute majority of the members present. The Rules of Procedure of the Council shall specify in detail the procedures for preparing Council sessions and deliberations.
The Presidium

Art. 33

The Presidium is a smaller executive body of the Council. It consists of the President of the Academy, the President of the Council for Sciences and five other members elected by the Council from among its members by secret ballot. When electing members of the Presidium, the Council shall ensure a proportional representation of the main research areas of the Academy (Art. 54).

Art. 34

The President shall appoint the Vice-Presidents of the Academy from the elected members of the Presidium.

Art. 35

The Presidium convenes as required. Sessions of the Presidium shall be convened and presided over by the President or by a Vice-President of the Academy authorised by the President.

Art. 36

In an urgent case, the Presidium may decide matters reserved for the Council with the exception of a decision pursuant to Art. 29. In such a case, the President is obliged to convene the Council within twenty days from the decision of the Presidium. If the Council does not confirm the Presidium's decision, the decision becomes invalidated.
The Council for Sciences

Art. 37

The Council for Sciences is an elected policy body of the Academy and a permanent advisory body of the Council on matters pertaining to formulating and implementing the Academy research policy.

Art. 38

The Council for Sciences encompasses representatives of the Institutes, universities and other research and development institutions as well as distinguished foreign scientists. The Council for Sciences shall have at most thirty members, of whom at least one quarter and at most one third shall be external members including foreign members. Proportional representation of the main research areas of the Academy shall be taken into account when electing members of the Council for Sciences.

Art. 39

(1) Council for Sciences members shall be elected and recalled by the Assembly. Council for Sciences members shall be elected from candidates proposed by the Assemblies of Research Workers of the Institutes.

⁷ Act No. 143/1992 Coll., as amended.

(2) Membership in the Council for Sciences is incompatible with the offices of the President of the Academy and Council member elected pursuant to Art. 24, par. 2.

Art. 40

The term of office of the Council for Sciences is four years. The Assembly may recall a Council for Sciences member upon a proposal of the Council or of the Council for Sciences prior to the expiration of the term of office for reasons specified in Art. 65. If a position on the Council for Sciences becomes vacant during the term of office, the Assembly may appoint a new Council for Sciences member to serve out the remainder of the term.

Art. 41

The Council for Sciences shall elect from its members and recalls the President and the Vice Presidents of the Council for Sciences; the President and the Vice Presidents of the Council for Sciences shall be elected by secret ballot. The President of the Council for Sciences shall, by virtue of his/her office, be a member of the Council and its Presidium.

Art. 42

- (1) The Council for Sciences shall have the prerogative in particular to:
- a) Prepare, based on recommendations of the broad scientific community, proposals pertaining to formulating and implementing the science policy of the Academy and to formulating science policies of the Czech Republic and of the European Union,
 - b) Propose to the Council methods and criteria for evaluating the scientific activities of the Institutes including the evaluation of research plans and research scientists, deliberate on the composition of the evaluation committees, express opinions on the outcome of evaluations and propose relevant conclusions to the Council,
 - c) Express opinions on proposals pertaining to the establishment, merger, integration, division or dissolving of the Institutes, on their membership in the Sections and on the structure of the Sections,
 - d) Promote the development of the cooperation of the Academy with universities and other institutions, including foreign research institutions, with scientific associations, with the business sector, with regional governments and other entities,
 - e) Award the scientific degree Doctor of Science and carry out responsibilities related to awarding this degree,
 - f) Establish its sectional and other specialised bodies,
 - g) Draft career rules and criteria for determining the qualification degrees of university-educated research workers at the Institutes,
 - h) Deliberate on, or submit on its own initiative to the Council, proposals for granting Academy awards and medals,
 - i) Discuss the draft Charter of the Grant Agency of the Academy and its amendments,
 - j) Cooperate with Institute Boards in matters pertaining to science policy,
 - k) Submit to the Assembly and to the Council proposals pertaining to matters within its jurisdiction,
 - l) Express an opinion on other matters on the agenda of these bodies, as requested by the President, the Assembly, the Council or the Presidium.

(2) The Council for Sciences shall establish the Committee for Scientific Integrity, which shall deal with general questions of ethics of scientific work and with significant breaches of this ethics. The Committee's status and the execution of its responsibilities are specified by the statutes approved by the Council for Sciences.

Art. 43

The Council for Sciences, its authorised members and the Committee for Scientific Integrity are entitled to request from other Academy bodies and Institutes essential information and background materials pertaining to the discharge of their respective duties.

Art. 44

The Council for Sciences convenes as required, but at least four times a year. The sessions of the Council for Sciences are convened and presided over by its President; the constitutive session of the Council for Sciences shall be convened by the President of the Academy. The President of the Council for Sciences shall convene a session of the Council for Sciences within twenty days on the written request of at least one fifth of its members.

Art. 45
(1) The Council for Sciences shall adopt its Rules of Procedure specifying in detail the execution of its responsibilities.

(2) The Council for Sciences shall adopt the Rules of Procedure specifying the implementation of activities of sectional and other specialised bodies established pursuant to Art. 42, par 1. f).

Art. 46

Head Office of the Academy

(1) The Head Office of the Academy is an internal organisational unit of the Academy⁸. The Head Office of the Academy accomplishes professional, managerial, inspectional and other organisational tasks as the executive arm of the President, the Council and its members and of other Academy bodies.

(2) The President shall publish, after prior deliberation by the Council, the Rules of Organisation of the Head Office of the Academy specifying the organisational structure of the Head Office.

Art. 47

Grant Agency of the Academy

(1) The Grant Agency is a subdivision of the Academy in charge of distributing apportioned funds allocated from the Academy budget and possibly from other resources to support grant projects on the basis of public tenders in research and development⁹.

(2) The Assembly shall adopt the statutes of the Grant Agency of the Academy, specifying its organisation and activity.

Part Three

INSTITUTES

The Status and Tasks of the Institutes

Art. 48

The Institutes founded by the Academy are public research institutions¹⁰.

Art. 49

(1) An Institute, in compliance with its foundation deed

- a) Performs scientific research,
- b) Contributes to the advancement of knowledge and education,
- c) Contributes to applying the results of scientific research,
- d) Gathers, processes and distributes scientific information and provides scientific expert opinions, positions and recommendations,
- e) In cooperation with universities operates graduate study programmes and educates researchers,
- f) Engages in international cooperation in the areas of scientific research and development of technology,

⁸ Art. 52 of the Act No. 218/2000 Coll., on Budgetary Rules and on Amendments of Some Related Acts.

⁹ Act No. 130/2002 Coll., on the Support of Research and Development from Public Funds, as amended.

¹⁰ Act No. 341/2005 Coll.

g) Completes its responsibilities in cooperation with other scientific and specialised institutions and other entities; for the purpose of such cooperation it may conclude partnership agreements,

h) Provides a research and development infrastructure.

(2) An Institute shall also organise scientific conferences and may organise various educational activities as a part of continuous improvement of education and qualification.

(3) An Institute may perform secondary and other activities in accordance with a special legal regulation^{11 11)}.

(4) The activities and research objectives of the Institute shall be evaluated on regular basis pursuant to a special legal regulation¹².

Art. 50

(1) The financial management of the Institutes shall be governed by the provisions of the Act on Public Research Institutions and by other legal regulations.

(2) In order to utilise the results of their research activities, the Institutes may, upon prior written approval of the Institute's Supervisory Board and of the Council, establish another legal entity, obtain a share of an existing legal entity, or become its shareholder by investing funds or non-monetary investment.

Art. 51

The positions of university-educated research workers at Institute research units shall be filled on the basis of a public search procedure announced by the Institute Director. The search must be publicly announced, usually at the Academy's web site, at least three weeks prior to the application deadline. Selection of the candidates shall be conducted by a search committee appointed by the Institute Director; the search committee shall have at least three members. The search committee shall recommend suitable candidates to the Director on the basis of the minutes of its proceedings. The Institute Director shall decide whether to hire the new employee, determine his/her qualification degree, and negotiate salary and terms of the work contract with the employee.

Art. 52

(1) The structure and the prerogatives of the Institute's bodies and issuing of the Institutes' internal regulations shall be governed by the Act on Public Research Institutions.

(2) The Appendix to the Statutes of the Academy contains recommendations pertaining to the work of the Institutes' bodies and to the status of the Institutes' employees in relation to the Academy

Art. 53

(1) The Director of an Institute is authorised to determine the conditions of publishing information and opinions that are published in the name of the Institute.

(2) The Institute shall enjoy - within the scope specified by special legal regulations¹³ - legal rights pertaining to the results of intellectual creative activities protected by industrial and other intellectual property laws, which were obtained by the Institute's researchers as a part of their work assignment. The Institute shall adopt rules on remunerating the authors of intangible goods with regard to technological and economic significance of these goods.

¹¹ Art. 21 par. 3 of Act No. 341/2005 Coll.

¹² Act No. 130/2002 Coll.; Governmental Regulation No. 461/2002 Coll. on Targeted Support of Research and Development from Public Funds and on Public Tenders in Research and Development; Governmental Regulation No. 462/2002 Coll., on the Institutional Support of Research and Development Covered from Public Funds and on the Assessment of Research Objectives, as amended.

¹³ E.g. Act No. 12/2000 Coll. - the Copyright Act, as amended, Act No. 527/1990 Coll., on Inventions and Rationalisation Proposals, as amended, Act No. 478/1992 Coll. on Utility Models, as amended, Act No. 207/2000 Coll., on the Protection of Industrial Designs, as amended.

Part Four
COOPERATION OF THE INSTITUTES
Sections of the Academy

Art. 54

The organisational structure of the Institutes is divided into Sections. Individual Sections consist of Institutes specialised in similar scientific and research activities within the framework of three major divisions of science (Division for Mathematics, Physics and Earth Sciences, Division for Life and Chemical Sciences, Division for Social Sciences and the Humanities).

Art. 55

The structure of the Sections and the assignment of the Institutes into the Sections shall be determined by the Assembly on the basis of recommendations submitted by the Institutes and reviewed by the Council and by the Council for Sciences.

Art. 56

(1) The Sections of the Academy are responsible for solving technical, topical and conceptual problems in an efficient and coordinated way pertaining to the development of scientific fields and to the activities of the Institutes in their respective Section.

- (2) The sections shall express their opinion in particular on the Institutes' nominations for
- a) Candidates for the posts of the President and of the Council and Council for Sciences members,
 - b) Members of committees for evaluation of the research activities and research objectives of the Institutes belonging to a given Section,
 - c) Members of the respective sectional bodies of the Grant Agency of the Academy.

Art. 57

(1) The College of the Directors and Board Chairmen of the Institutes belonging to a given Section (hereafter "the College") is a body of the Section. The College is authorised to pass on recommendations addressed to Academy bodies and to the Institutes that comprise that Section.

(2) Meeting of the College shall be convened by a Director of Institute elected by the College as its convener for a maximum of two years.

(3) Meeting of one or several Section Colleges may also be convened by an authorised Council member.

Art. 58

(1) The College assembles as required. The convener shall summon the College upon the request of at least one third of the College members.

(2) The College shall adopt its Rules of Procedure specifying the composition and the activities of the College.

Art. 59

Associating the Institutes

(1) The Institutes may - following deliberation by the Institute Boards and with the Council's approval - conclude mutual agreements establishing joint research units.

(2) The Institutes may - on the basis of the prior agreement of the Council- conclude with other entities agreements about the establishment and operation of joint research units that do not assume a separate legal identity.¹⁴ In particular, this concerns:

- a) Joint research units established in cooperation with universities and engaged in research and development, operating doctoral graduate study programmes and in teaching and

¹⁴ Art. 829 and following of the Civil Code.

educational activities,

b) Joint research units established in cooperation with applied research and development establishments and with business entities, and engaged in applying research results in practice.

(3) The Institutes may - with the approval of the Institute Board - conclude co-operation agreements with both domestic and foreign entities¹⁵.

Art. 60

Scientific Education and Cooperation with Universities

The Institutes, in cooperation with universities, operate graduate study programmes in accordance with a special legal regulation¹⁶, offer other forms of continuous education of scientists, support educational activities of their employees at educational facilities of all levels and especially in all types of university study programmes, and cooperate on joint research projects together with the faculty and students of the universities.

Art. 61

Application of Research Results

The Institutes shall support activities related to the application of research results in practice and in doing so they shall cooperate with institutions active in the areas of research, development and innovation and with business entities.

Part 5 Joint and Final Provisions

Art. 62

Scientific Degree "Doctor of Science"

(2) The Academy shall award the scientific degree "Doctor of Science" ("doctor scientiarum," abbr. DSc.) to excellent scientists as an acknowledgement of their outstanding aptitude demonstrated by creating scientifically original work that contributes to the further advancement of research in a specific branch of science and that exemplifies the recipient as a scientist of recognised stature.

Art. 63

Appreciation of the Results of Scientific Work

The Academy shall express its appreciation of outstanding results in science and research by awarding:

- a) Medals for meritorious achievements in science, popularisation of science and promotion of humanitarian ideas,
- b) Awards for outstanding results in research and development achieved in accomplishing research objectives, programme and grant projects.

Art. 64

Voting

Unless the Statutes of the Academy state otherwise, the following rules shall apply for voting in the Academy bodies:

- a) A quorum of a body shall be constituted by an absolute majority of persons authorised to vote including at least one person authorised to preside over the meeting,
- b) Voting on multiple propositions pertaining to the same issue shall take place in the reverse order of their submission.
- c) Votes pertaining to elections, appointments and recalls of office holders shall be taken by secret ballot; all other questions shall be decided by a public ballot unless at least one fifth of

¹⁵ Art. 51 of the Civil Code and Art. 269, par. 2 of the Commercial Code.

¹⁶ Art. 47 and 81 of the Act No. 111/1998 Coll.

the present authorised voters support a motion demanding a secret ballot,
d) A proposition shall be accepted, if it is approved by an absolute majority of the authorised voters who are present.

Art. 65

Recalling Office holders from Positions in Academy Bodies and in Institutes

The elected and appointed members of the Academy bodies and members of Boards and Supervisory Boards of the Institutes may be recalled from their positions by the appropriate body:

- a) If they were convicted by the final order for a criminal offence related to activities of the Institutes, or for an economic criminal offence, or for a criminal offence against property,
- b) If they committed a significant breach of scientific ethics,
- c) If they fail to discharge, for a protracted period or without due reasons, their official duties.

Art. 66

Transitional Provision

These Statutes of the Academy shall not affect the terms of office of the office holders who hold the following positions in accordance with the current Statutes as of the date of effectiveness of these Statutes: President, member of the Assembly, member of the Supervisory Committee of the Assembly, member of the Council or member of the Council for Sciences.

Art. 67

Effective Date of the Statutes

These Statutes shall become effective on January 1, 2007.

Appendix to the Statutes of the Academy
Institute Bodies, Status of Institute Employees and their Relation to the Academy

A.
Bodies of the Institutes

Art. 1

The Bodies of the Institutes include:

- a) Institute Director (hereafter "the Director"),
- b) Institute Board,
- c) Supervisory Board.

Art. 2

1) Only an individual that meets the following conditions can become the Director, a member of the Institute Board or a member of the Supervisory Board:

- a) Is legally competent,
- b) Has not been convicted in the final order for a criminal offence, the facts of which relate to the scope of activities of the Institute, or for an economic criminal offence, or for a criminal offence against property,
- c) Has not been during the past three years penalized under special legal regulations governing professional activities related to the activities of the Institute.

2) A candidate for the office shall establish compliance with the condition according to par. 1c) by a sworn statement. To establish compliance with the condition according to par 1 b), the candidate shall produce a criminal record transcript not older than three months. A candidate who is not a citizen of the Czech Republic shall establish compliance according to this provision by a sworn statement.

Art. 3

1) Positions of the Director or an Institute Board member are incompatible with the membership in the Supervisory Board of the same Institute.

2) The Director must not be a member of any management or control bodies of legal entities conducting any business activity and must not take part in business of legal entities active in the area that falls under the scope of activities of the Institute. The above mentioned restriction does not apply to the administration of own assets.

3) The Director may perform another gainful activity, which is identical with the Institute's activity, only with a prior written consent of the Academy Council (hereafter "the Council").

Art. 4

The Director, members of the Institute Board and members of the Supervisory Board are obliged to respect confidentiality of information specified by a special legal regulation¹, which they obtain in relation to the exercise of their office.

Art. 5

Operational costs of Institute bodies, costs related to the discharge of offices in these bodies, salary of the Director and remuneration of the Institute and Supervisory Board members shall be covered from the Institute budget.

The Director

Art. 6

¹ E.g. Art. 17 and 51 of the Commercial Code, Act No. 101/2000 on the Protection of Personal Data, as amended.

The Director:

- a) Is the statutory body of the Institute,
- b) Makes decisions on the matters of the Institute unless the Act on Public Research Institutions states otherwise,
- c) Is responsible for proper bookkeeping,
- d) Submits a draft Annual Report to the Institute and Supervisory Boards following verification of the final accounts by an auditor,
- e) Submits the final accounts verified by an auditor and the Annual Report approved by the Institute Board to the Council,
- f) Submits draft research objectives and research projects that have been discussed by the Institute Board to the providers,
- g) Submits proposals related to the Institute's budget and to its amendments together with drafts of Institute's internal regulations and their amendments, with the exception of the Rules of Procedure of the Supervisory Board to the Institute Board,
- h) Submits draft amendments of the Institute Foundation Deed to the Institute Board after being discussed by the Institute Board, and presents them to the President of the Academy (hereafter "the President"),
- i) Submits drafts of legal acts that require its written approval to the Supervisory Board,
- j) Submits proposals for awarding of Academy awards, medals and other honours following a discussion by the Institute Board.

Art. 7

1) The President shall appoint the Director following consideration by the Council and on a proposal submitted by the Institute Board on the basis of the outcome of a public search procedure.

2) The President shall recall the Director following:

- a) a proposal from the Institute Board,
- b) a proposal from the Supervisory Board,
- c) a proposal from the Council,
- d) on his/her own initiative.

Recall pursuant to provisions c) and d) requires the consent of the Institute Board.

3) If the Director fails to comply with the statutory conditions for the exercise of his/her office, the Institute Board, once it becomes aware of this fact, shall without undue delay propose to the President to recall the Director.

Art. 8

The term of office of the Director is five years. The same person may serve as the Director for no more than two successive terms. The Director exercises his office as the Institute's employee.

Art. 9

The Director may be the Chairman or a member of the Institute Board. Should he not be a member of the Institute Board, he is nevertheless entitled to participate in Board meetings without the right to vote.

Art. 10

1) The Director shall establish the office of one or more Deputy Directors. The Director shall appoint and recall the Deputy Directors after discussion with the Institute Board. The competencies of the Deputy Director or Deputy Directors are specified by the Rules of Organisation of the Institute.

2) The Director may establish permanent and temporary advisory bodies.
The Institute Board

Art. 11

The Institute Board:

- a) Shall safeguard the objectives for which the Institute was founded, assert the public interest in the Institute's activities and ensure due financial management of the Institute,
- b) Shall determine the development of the Institute's activities and make decisions about its development policy in agreement with the Institute's Foundation Deed and with the Academy's development policy,
- c) Shall approve the Institute budget and its amendments, as well as its medium-term financial plan,
- d) Shall approve Institute internal regulations and their amendments with the exception of the Supervisory Board Rules of Procedure,
- e) Shall approve the Annual Report of the Institute,
- f) Shall deliberate on the drafts of amendments to the Foundation Deed,
- g) Shall provide a preliminary approval of a merger, an integration or a division of the Institute and eventually proposes such measures to the Council,
- h) Shall announce a public search for the Director and propose the selected candidate for nomination to the President, propose a recall of the Director, eventually approve of a recall of the Director,
- i) Shall discuss drafts of research objectives and research and development projects conducted by the Institute,
- j) Shall discuss drafts of agreements on international cooperation of the Institute and of agreements on its collaboration with domestic institutions,
- k) Makes decisions, on the basis of a prior written agreement of the Supervisory Board and of the Council, about the establishment of a separate legal entity for the purpose of applying the results of Institute's research activity and about other property-related matters,
- l) Shall establish its permanent or temporary advisory bodies to take part in resolving scientific, organisational or economic matters of the Institute.

Art. 12

- 1) The Institute Board shall be composed of the Chairman, the Deputy Chairman and other Board members.
- 2) The Institute Board shall have at least five and at most fifteen members. The Institute Board also includes, apart from the Institute researchers, experts from other research institutions and users of the research results. These external members make up at least one third and at most one half of the Institute Board members.
- 3) Institute Board members shall be elected by secret ballot by the Assembly of Research Workers of the Institute. Candidates for membership shall be proposed by the Institute's research workers; the Director shall also invite representatives of other research and development institutions, and eventually other representatives of the scientific community, to propose candidates for external Board members.
- 4) The Institute Board shall elect and recall its Chairman and Deputy Chairman by secret ballot.

Art. 13

- 1) The term of office of a member of the Institute Board is five years. The same individual may serve as a Board member for multiple terms without any term limitation.
- 2) The Board membership shall expire
 - a) Upon termination of the term,
 - b) By resignation,
 - c) By recall of the member by the Assembly of Research Workers,
 - d) By member's death.

3) If the Institute Board does not convene for six months despite being duly constituted, the term of office of all of its members shall expire on the last day of the sixth month of the Board's inactivity. The Director shall ensure that a new election of Board members takes place without delay.

Art. 14

The members of the Institute Board may be awarded remuneration for the discharge of their office. The Council shall determine the remuneration amount on the basis of the Institute's Annual Report.

Art. 15

The Institute Board Electoral Regulations shall determine, based on the number of employees and structure of the Institute, the number of Board members, composition of the Assembly of Research Workers of the Institute and of the Institute Board and procedures of electing and recalling of Institute Board members. If the Institute Board has not been constituted, the Electoral Regulations shall be approved by the Council.
The Supervisory Board

Art. 16

1) The Supervisory Board:

- a) Shall oversee the activities and financial management of the Institute; to enable performance of these duties, its members shall be entitled to access Institute's accounting and other documents, request appropriate explanations and determine the true state of affairs,
- b) Shall oversee the administration of Institute's property and issues prior written approval of legal acts through which the Institute expects:
 - To acquire or alienate immovable property, with the exception of a transfer of property to the Institute from its founder,
 - To acquire or alienate movable property of a value greater than 200 x the value from which a thing is - pursuant to a special legal regulation - deemed to constitute tangible property, with the exception of a transfer of property to the Institute from its founder,
 - To establish a lien or other proprietary rights on Institute's property,
 - To establish another legal entity,
 - To acquire a share in another legal entity,
 - To invest property into another legal entity,
 - To conclude or amend a lease for a term longer than three months,
- c) Shall propose a recall of the Director to the President,
- d) Shall draft Supervisory Board Rules of Procedure and their amendments and submit them for authorisation to the Council,
- e) Shall express opinion on draft amendments of the Institute Foundation Deed,
- f) Shall express opinion on proposed mergers, integrations or divisions of the Institute,
- g) Shall express opinion on the Institute budget and on its financial management,
- h) Shall express opinion on drafts of the Institute's research objectives, its other or different activities and to other matters brought to its attention by the Director, the President or the Council,
- i) Shall express opinion on the Annual Report of the Institute and submit its opinion to the Director and to the Institute Board,
- j) Shall express opinions on the Institute's activities and publish them in the Institute's Annual Report,
- k) Shall submit suggestions to rectify discovered shortfall in performance of the Director, the Institute Board and of the Council to the respective bodies,
- l) Shall submit at least once a year a report on its activities to the Council.

(2) The Supervisory Board reports to the Council.

Art. 17

The Supervisory Board shall have at least five and at most seven members. The Chairman, the Deputy Chairman and members of the Supervisory Board shall be appointed and recalled by the Council; the Council shall take into consideration that representatives of the Institute's founder and employees of the Institute are adequately represented in the Supervisory Board.

Art. 18

The term of office of the Supervisory Board member is five years. An individual may serve as a Supervisory Board member for no more than two successive terms. Supervisory Board members may be awarded remuneration for the discharge of their office. The Council shall determine the remuneration amount on the basis of the Institute's Annual Report and Supervisory Board Chairman's proposal.

Art. 19

The Director may attend Supervisory Board meetings without voting right. The Supervisory Board Chairman shall convene an extraordinary meeting of the Supervisory Board upon Director's request. The Supervisory Board shall inform the Council about such event.

Art. 20

The Council shall adopt, on the proposal of the Supervisory Board, its Rules of Procedure, which will specify in detail the number of its members and its activities.

B.
Institute Employees

Art. 21

Institute Employees are:

- a) University-educated employees of the Institute's research units,
- b) Other employees.

Art. 22

1) The position of employees and their rights and duties are governed by a special legal regulation². University-educated employees of the Institute research units are subject to the Career Rules issued by the Council upon proposal of the Scientific Board.

2) University-educated employees of the Institute research units are assigned the following qualification grades on the basis of qualification audits:

1. Research assistant
2. Graduate student
- 3a. Postdoctoral fellow
- 3b. Associated scientist /scholar
4. Scientist /scholar
5. Senior scientist /scholar.

The Career Rules shall determine the rules on assigning the qualification grades.

3) Prior to assigning qualification grade 5 to an employee, the Director shall request evaluation of the Coordination Committee for Ranking Employees of the ASCR Institutes into the Highest Qualification Grades to the employee; this committee shall be appointed and recalled by the Council.

4) The employees who were assigned qualification grades 3a, 3b, 4 and 5 shall be considered research workers.

² Act No. 65/1965 Coll. - Labour Code, as amended and related implementing regulations.

Art. 23

1) The performance of the research workers shall be evaluated by regular qualification audits that will be performed at least once in five years.

2) The evaluation shall be performed by the Qualification Audit Committee appointed by the Institute Director. The Qualification Audit Committee shall have no less than five members. At least one third of the Qualification Audit Committee members shall be external members. The Qualification Audit Committee shall submit recommendations on the outcome of the evaluation, conclusions and on assigning of a qualification degree to the employee to the Director, who will make the final decision in these matters.

3) If the qualification audit determines that an employee lacks required qualification, the evaluation outcome may serve - provided that all statutory conditions are met - as grounds for termination of the employment. The evaluated employee may request a review of the audit through public adversary procedure.

Art. 24

Research workers are entitled to participate in the formation of the research policy of the Institute by submitting proposals of their research topics and other suggestions to the Institute Board or to the Director. Nevertheless, they are obliged to coordinate their own scientific activity at the Institute with the needs and focus of the Institute. A worker's other gainful activity or other pursuits must not jeopardise the performance of his/her basic work duties. The Assembly of Research Workers

Art. 25

1) The Assembly of Research Workers consists of the research workers of the Institute. The Institute Board Electoral Regulations shall determine the rules concerning the composition of the Assembly or Research Workers.

2) The Assembly of Research Workers:

- a) Shall elect and recall members of the Institute Board by secret ballot,
- b) Shall elect and recall the Institute's representatives in the Assembly,
- c) Shall propose the candidates for the positions of the President, Council members and Council for Sciences members,
- d) Expresses opinion on the most fundamental questions pertaining to the activity, organisation and financial management of the Institute, which are submitted to it by the Institute Director, Institute Board or Supervisory Board, or which are raised in the Research Workers' request to convene the Assembly.

3) The Assembly of Research Workers convenes as required. It shall be convened and presided over by the Institute Director or by the Institute Board Chairman. The Assembly of Research Workers must be convened within two weeks upon a written request by at least one third of the research workers.