

4/1993 Sb.

Constitutional Act

of the Czech National Council

of 15 December 1992,

on Measures connected with the Dissolution of the Czech and Slovak Federal Republic

The Czech National Council has enacted this Constitutional Act:

Art. 1

(1) Constitutional acts, statutes, and other legal enactments of the Czech and Slovak Federal Republic, still valid on the day the Czech and Slovak Federal Republic is dissolved, shall remain valid within the Czech Republic. The provisions thereof may not be applied, however, if they are conditioned solely upon the existence of the Czech and Slovak Federal Republic and the Czech Republic's forming a part thereof.

(2) To the extent that constitutional acts, statutes, and other legal enactments adopted prior to the dissolution of the Czech and Slovak Federal Republic tie rights and obligations to the territory of the Czech and Slovak Federal Republic or citizenship of the Czech and Slovak Federal Republic, then, unless a law provides otherwise, that shall be understood to mean the territory of the Czech Republic and citizenship of the Czech Republic.

Art. 2

In the case that legal enactments of the Czech Republic, issued prior to the dissolution of the Czech and Slovak Federal Republic, are in conflict with the enactments of the same legal force mentioned in Art. 1 para. 1, the legal enactments of the Czech Republic shall prevail.

Art. 3

(1) In consequence of the dissolution of the Czech and Slovak Federal Republic, the powers of the Federal Assembly of the Czech and Slovak Federal Republic and its Presidium pursuant to enactments referred to in Art. 1 para. 1, shall be assumed by the Czech National Council and its Presidium.

(2) In consequence of the dissolution of the Czech and Slovak Federal Republic, the powers of the Government of the Czech and Slovak Federal Republic pursuant to enactments referred to in Art. 1 para. 1, shall be assumed by the Government of the Czech Republic.

(3) In consequence of the dissolution of the Czech and Slovak Federal Republic, the powers of central organs of state administration of the Czech and Slovak Federal Republic shall be assumed by those central organs of state administration of the Czech Republic which, according to enactments on the powers of central organs of state administration of the Czech

Republic, have been created for that purpose according to the nature of the matter or to which that power is closest according to the nature of the matter. In cases of doubt, the Government of the Czech Republic shall decide by regulation.

(4) In consequence of the dissolution of the Czech and Slovak Federal Republic, bodies of state administration of the Czech Republic shall be created to take the place of the other bodies of state administration of the Czech and Slovak Federal Republic and, unless a law provides otherwise, shall assume powers corresponding to those laid down in enactments referred to in Art. 1 para. 1.

(5) As a result of dissolution of the Czech and Slovak Federal Republic, the powers of the Supreme Court of the Czech and Slovak Federal Republic and the General Procuracy of the Czech and Slovak Federal Republic, including the Chief Military Procuracy, pursuant to the enactments referred to in Art. 1 para. 1, shall be assumed by the Supreme Court of the Czech Republic and the General Procuracy of the Czech Republic. As a result of dissolution of the Czech and Slovak Federal Republic, in place of circuit military courts of the Czech and Slovak Federal Republic and circuit military procuracies of the Czech and Slovak Federal Republic, as well as of higher military courts and higher military procuracies of the Czech and Slovak Federal Republic, circuit military courts of the Czech Republic, circuit military procuracies of the Czech Republic, higher military courts of the Czech Republic, and higher military procuracies of the Czech Republic shall be created in the same places and for the same districts, and shall assume corresponding powers pursuant to the enactments referred to in Art. 1 para. 1.

(6) Bodies of the Czech Republic, created in accordance with paragraph 4 or paragraph 5, second sentence, may be dissolved by law and their powers may be modified by law.

Art. 4

In consequence of the dissolution of the Czech and Slovak Federal Republic, its property rights and other rights and obligations shall pass to the Czech Republic to the extent provided for in a constitutional act of the Federal Assembly or by treaty between the Czech Republic and the Slovak Republic. Enactments concerning the management of the Czech Republic's property and the provisional administration of national property shall apply to these transferred rights and obligations. The Ministry of Finance shall be the competent central organ of state administration.

Art. 5

(1) The Czech Republic recognizes all states and governments which were recognized by the Czech and Slovak Federal Republic on the day it was dissolved.

(2) The Czech Republic assumes those rights and obligations not referred to in Art. 4 which, on the day it was dissolved, arose for the Czech and Slovak Federal Republic from international law, with the exception of those of the Czech and Slovak Federal Republic's obligations tied to the territory to which the sovereignty of the Czech and Slovak Federal Republic related, but to which to the sovereignty of the Czech Republic does not relate. This

does not affect the claims of the Czech Republic vis-à-vis the Slovak Republic resulting from the performance of those international law obligations of the Czech and Slovak Federal Republic which the Czech Republic has assumed pursuant to this provision.

Art. 6

This Constitutional Act enters into force on 31 December 1992.

Uhde [signature]

Klaus [signature]