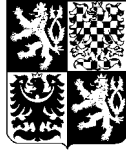


THE PARLIAMENT OF THE CZECH REPUBLIC
SENATE



7th term

466th RESOLUTION

OF THE SENATE

Delivered on the 18th session held on 22 April 2010

on the information on framework inter-institutional agreement of the European Commission, the Parliament and the Council /Senate Press no. 267/

The Senate

1. Reminds

that the institutional framework of the European Union established by the conferral of the sovereign powers of EU member states may be amended solely in the manner anticipated in Article 48 of the Treaty on European Union; and that as a rule this requires consent given by national parliaments;

2. Draws attention

in accordance with the opinion of the Government of the Czech Republic and the opinion of the legal service of the Council of 4 March 2010 to the need to avoid the risk of disrupting the institutional checks and balances laid down by the treaties; and in this context it

3. States

that the new legal basis for concluding inter-institutional agreements contained in Article 295 of the Treaty on the Functioning of the European Union provides for consultations and common agreement among three parties – i.e. not just the European Commission and the Parliament but the Council of the EU as well;

II.

In connection with the resolution of the European Parliament of 9 February 2010 containing the key elements proposed by the European Parliament for the intended framework agreement:

1. Points out

that the principle of equal treatment for the Parliament and the Council (cf. point 3a of the resolution) applies to “ordinary legislative procedure” defined

in Article 289 of the Treaty on the Functioning of the EU but not necessarily to other decision-making procedures laid down in the Treaty for adopting legal acts;

2. Would welcome it

if, in connection with the negotiations on the inter-institutional agreement (cf. point 3c of the aforementioned resolution of the European Parliament), the European Commission would issue a communication clarifying the concept of the legislative act so that it is clear whether this concept may subsume acts other than those referred to in Article 289 of the Treaty on the Functioning of the EU in connection with “ordinary” and “special” legislative procedure; and specifically in a situation where a legal act is being adopted according to a legal basis in which no mention is made of either ordinary or special legislative procedure (cf. e.g. Article 82 (2) (d) or Article 83 (1) (3) of the Treaty on the Functioning of the EU);

3. Expresses

the conviction that the legal basis for the European Parliament’s and the Council’s requests to the European Commission laid down in Articles 225 and 241 of the Treaty on the Functioning of the European Union leaves no room for any fundamental modification of the principle of the European Commission’s exclusive legislative initiative and cannot justify different treatment of the requests of the European Parliament on the one hand and the Council of the EU on the other;

4. Does not suppose

that the rules governing the European Citizens’ Initiative (Article 11 (4) of the Treaty on European Union) should afford the European Parliament more significant competence compared to the Council in respect of the formulation of a follow-up draft legislative act;

5. Does not agree

with such provisions of the inter-institutional agreement as would represent an inordinate intervention in relations between the European and national levels of decision-making, including implementation of the commitments evolving from European law; in this context it does not suppose that the inter-institutional agreement would be an appropriate instrument for laying down a two-year period for member states to implement directives as a generally applicable rule;

6. States

that the predominantly intergovernmental nature of common foreign and security policy should also be reflected in the negotiations on the form and subsequent working of the European External Action Service;

III.

1. Asks

the Government to inform it of further developments in the discussion of the draft inter-institutional agreement, whereby it draws attention to the direct link between certain aspects of the intended agreement (cf. most notably points I.1, II.2 and II.5) and the authority of national parliaments;

- 2. Authorizes**
the President of the Senate to communicate this resolution to the European Commission.

Přemysl Sobotka
sign manual
President of the Senate

Jaromír Štětina
sign manual
Senate Verifier