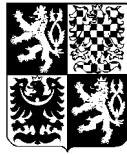


# THE PARLIAMENT OF THE CZECH REPUBLIC

## SENATE



6<sup>th</sup> term

## 144<sup>th</sup> RESOLUTION

### OF THE SENATE

delivered on the 5<sup>th</sup> meeting held on 27<sup>th</sup> March 2009

**on Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person**

(Senate Press no. N 024/07)

the Senate

The Senate of the Parliament of the Czech Republic

**I. Does not consider**

the proposal in general to be a systemic solution that could contribute to strengthening of efficiency of the Dublin System, a declared goal of the Proposal;

**II. 1. Assumes**

that the adjustment of temporary suspension of transfers goes against the logic of the Dublin System that until now provided clear criteria for determining Member State's responsibility for examining an application for international protection. If the proposal was adopted, the rules would be less clear and also the legal certainty of the applicant regarding the determination of the state that should examine his application would be diminished;

**2. Does not find sufficiently clear**

on what basis would the European Commission determine that one of the Member States is stretched over its reception capacity, as the proposal is not adequately worked out on this point;

**3. Is of the opinion,**

that a flat overall implementation of deferring effect of remedies against the decision on transfer would lead to increase of use of remedies and without further measures the courts would likely not be able to decide during the periods suggested by the proposal;

**4. Considers**

that the applicants' procedural safeguards are adequately treated in the current directive and broadening of the scope in the framework of the proposal would lead to unnecessary increase of administrative burden;

**5. Holds the view**

that the current practice of detention of an applicant for international protection that is left to the decision of the Member State concerned is sufficient and there is no need for change;

**III.**

**1. Requests**

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with further information on the proceeding of negotiations;

**2. Authorises**

the President of the Senate to forward this resolution to the European Commission.