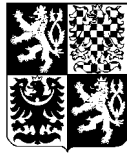


THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE



6th term

146th RESOLUTION

OF THE SENATE

delivered on the 5th meeting held on 27th March 2009

on Proposal for a Regulation of the European Parliament and of the Council establishing a procedure for the negotiation and conclusion of bilateral agreements between Member States and third countries concerning sectoral matters and covering applicable law in contractual and non-contractual obligations

(Senate Press no. N 033/07)

the Senate

I. Welcomes

the proposal of the Commission, as it is of the opinion that the proposal could contribute to clarification of division of competences and their execution between the European Commission and the Member States and at the same moment create space for greater autonomy of the Member States in situations where the Community decides not to act;

II. 1. Is of the opinion

that the proposal does not sufficiently clarify whether the proposed mechanism could be used even for modernization of so called “broad agreements” that include cooperation in both civil and criminal law matters. The Senate would prefer such option;

2. Thinks

that it would be appropriate to precise the criteria on the basis of which the Commission would decide on fulfillment of the conditions necessary to authorize start of negotiation as also with regard to possible review of the decision, there is need for a clear determination which relations the Commission shall consider close enough to authorize the opening of negotiations and which not;

3. Requests

that the decision on authorization of the opening of negotiations be maximally transparent, this includes above all its proper justification;

4. Is of the opinion

that the Commission should have an obligation, rather than right of choice arising from the Article 5 paragraph 1, to authorize negotiations when it concludes that there are no obstacles to the agreement in the light of the conditions referred to in Article 4. With regard to legal certainty such obligation should be also included in Article 7 paragraph 2 that deals with the authorization to conclude the agreement;

5. Considers

unfortunate the termination of the mechanism in 2014 with regard to the short period that the mechanism will have been in effect and proposes that the proposal be revised after five years of being in effect and only when it is found not useful to be substituted by a new legislative act;

6. Assumes

that there is need for clarification of the term “near future” when Community is expected to conclude an agreement, as this might be an obstacle for opening of negotiations. The term is even more unclear with regard to the short period that the proposal is to be in force;

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.