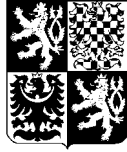


THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE



7th term

196th RESOLUTION

COMMITTEE ON EU AFFAIRS

delivered on the 20th meeting held on 2nd December 2009

on Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession

(Senate Press no. N 083/07)

Following introductory information from Mr. Marek Ženíšek, Deputy Minister of Justice, the rapporteur's report by Senator Luděk Sefzig and after a debate

the Committee

I. Takes into account

the Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession, attached to this Resolution;

II. States

that the Proposal is not in breach of the principle of subsidiarity;

III. Authorises

the Committee Chairperson Senator Luděk Sefzig to submit this resolution to the President of the Senate of the Parliament of the Czech Republic and to the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC).

Luděk Sefzig

sign manual

Committee Chairperson

Luděk Sefzig

sign manual

Committee Rapporteur

Tomáš Grulich

sign manual

Committee Verifier

THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE

Evaluation of the COSAC Subsidiarity Check on the Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession

Procedures:

1. Which parliamentary committees were involved in the subsidiarity check and how?

Committee on EU Affairs. It adopted a resolution whereby it takes the proposal into account and declares that there is no breach of the principle of subsidiarity.

2. Was the plenary involved?

The plenary was not involved, as the Committee on EU Affairs neither found any breach of the principle of subsidiarity nor had any other observation. Thus, the scrutiny was completed on the Committee level.

3. At which level the final decision was taken and who signed it?

The final decision was taken by the Committee on EU Affairs and was signed by its Chairman.

4. Which administrative services of your parliament were involved and how? Please specify.

The European Union Unit was involved in analysing the content of the proposal and of the government's position. The advisor of the Committee on EU Affairs was involved in the examination of the subsidiarity principle.

5. In case of a bicameral parliament, did you coordinate the subsidiarity check with the other chamber?

No.

6. Did your government provide any information on the compliance of the Proposal with the principle of subsidiarity?

Yes, in the Explanatory Memorandum of the government the full compliance of the proposal with the principle of subsidiarity was mentioned.

7. Did you consult your regional parliaments with legislative powers?

No.

8. Did you consult any non-governmental organisations, interest groups, external experts or other stakeholders?

Not directly. Administrative services of the Senate took note of the positions of the notaries, judges and academics on the key aspects of the proposal at the Conference on Successions and Wills held in Prague in April 2009.

9. What was the chronology of events? Please specify the dates.

On 4th of November the proposal was chosen for scrutiny by the Committee on EU Affairs. On 2nd of December the Committee issued its resolution (see above) whereby the scrutiny was finished.

10. Did you cooperate with other national parliaments in the process? If so, by what means?

There was a standard cooperation via representatives of national parliaments in Brussels and consultation of the IPEX web pages.

11. Did you publicise your findings? If so, by what means?

The resolution of the Committee on EU Affairs has been published on the Senate and IPEX web pages and forwarded to the government.

Findings:

12. Did you find any breach of the principle of subsidiarity?

No.

13. Did you adopt a reasoned opinion on the Proposal? If so, please enclose a copy.

No.

14. Did you find the Commission's justification with regard to the principle of subsidiarity satisfactory?

Yes.

15. Did you encounter any specific difficulties during this subsidiarity check?

No.

16. Any other comments?

No.