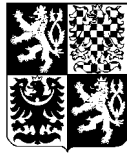


THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE



7th term

592nd RESOLUTION

OF THE SENATE

Delivered on the 24th session held on 3 November 2010

on the Proposal for a Regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries /Senate Press no. N 121/07/

The Senate

I.

1. **Regards as crucial**

the clarification of the legal status of existing bilateral investment agreements after the entry into force of the Lisbon treaty, by means of which the area of foreign direct investments came under exclusive competence of the European Union;

2. **Supports,**

therefore, the proposal for a regulation in general, with the view to maintain legal certainty for investors coming both from the EU and third countries;

II.

1. **Finds**

the 30-day period for the notification of all bilateral investment agreements with third countries, that Member States want to retain in force, to be insufficient;

2. **Requires**

more flexible conditions for the authorization to change existing agreements or conclude new ones, in particular as regards

- the obligation to notify the Commission of the intention to change an existing agreement or to negotiate a new one;
- the period that the Commission reserves for its decision on the authorization to commence formal negotiations

because bureaucratic obstacles should not threaten the success of negotiation process;

3. **Recommends**

that the criteria for withdrawal of the authorization for a bilateral agreement be, for the benefit of maintaining legal certainty, set in a more straightforward way, especially regarding Article 6 Paragraph 1 Point c), which the Senate considers as too vague;

4. **P o i n t s o u t**

the redundancy of the provision that lays down the obligation for Member States to acquire the authorization of the Commission to commence negotiations on changing existing agreements, including the cases when the aim of negotiations is harmonization with the law of the Union, even though Member States are obliged to harmonize all international treaties with the law of the Union automatically according to Article 351 of the Treaty on the Functioning of the EU;

5. **S u p p o r t s**

the efforts of the government of the Czech Republic to renegotiate existing bilateral investment agreements with third countries aiming at harmonization with the law of the Union;

6. **I n v i t e s**

the European Commission to provide maximum assistance to Member States in this context;

III.

1. **R e q u e s t s**

the government to inform the Senate about the way this position was taken into account and about the further proceeding of negotiations;

2. **A u t h o r i s e s**

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

Přemysl Sobotka
sign manual
President of the Senate

Jana Juřenčáková
sign manual
Senate Verifier