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THE PARLIAMENT OF THE CZECH REPUBLIC  
SENATE

8<sup>th</sup> TERM

427<sup>th</sup>

**Resolution of the Senate**

delivered on the 14<sup>th</sup> meeting held on 7<sup>th</sup> December

**on Green Paper: Strengthening mutual trust in the European judicial area - A  
Green Paper on the application of EU criminal justice legislation in the field of  
detention**

**(Senate Press no. K 067/08)**

**The Senate**

**I.**

**1. Has become acquainted**

with the questions raised in the green paper on the area of detention and imprisonment;

**2. Assumes**

that the green paper is too general, mainly as regards the possibilities of the further steps, making it difficult to lead a substantive debate on the eventual added value of a common European regulation;

**3. Is of the opinion**

that the green paper has been presented prematurely as some of the recently adopted European tools have not been fully implemented into the legal orders of the Member States;

**II.**

**1. Requests**

that in case of introduction of a legislative proposal by the European Commission there is sufficient justification of the regulation at the European level;

**2. Considers**

it appropriate that the possible legislative proposals in this area concern mainly problems that are in a direct relation to criminal proceedings, such as the review of the grounds for pre-trial detention or the maximum length of the detention and not the setting up of minimum detention conditions or conditions of serving sentences of imprisonment;

**3. Is of the opinion**

that the Czech Republic has recently made steps forward (e.g. in the area of alternative sanctions, criminal proceeding, including detention) and its legislative regulation of the areas covered by the green paper is well developed;

**III.**

**1. Requests**

the Government to inform the Senate about the way this position was taken into account, and about follow-up initiatives;

**2. Authorises**

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

Milan Štěch  
sign manual  
President of the Senate

Soňa Paukrtová  
sign manual  
Senate Verifier