



COM (2011) 559-560-561

THE PARLIAMENT OF THE CZECH REPUBLIC
SENATE

8th TERM

462th

Resolution of the Senate

delivered on the 14th meeting held on 14th December 2011

on Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis (N081/08)

on Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances (N082/08)

on Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Schengen governance – strengthening the area without internal border control (K083/08)

The Senate

I.

1. Is aware

of the imperfections that are embedded in the current rules and functioning of the Schengen area, nonetheless the Senate is of the opinion, that the migration pressure that the EU had to face in the first half of the year 2011 did not present danger, that would justify the large-scale changes in the functioning of the Schengen system;

2. Is of the opinion

that not all possibilities that the current Schengen rules offer have been utilized for solving the problems and points out that the re-introduction of controls on internal borders should always be the ultima ratio, to be used only in a situation where all other measures have failed and the Member States are unable to find a common solution;

3. Considers

with regard to the primary law of the EU, and particularly with regard to Article 72 of the Treaty on the Functioning of the EU, the Member States to possess the competence to decide how the internal borders should be protected;

II.

Is of the opinion

that the transfer of competence to the European Commission is not the appropriate way to strengthen the functioning of the Schengen area; a more suitable solution would be strengthened cooperation among the Member States and possible establishment of a mechanism that would create a framework for common decisions of the Member States;

III.

1. Requests

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

2. Authorises

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

Milan Štěch
sign manual
President of the Senate

Miluše Horská
sign manual
Senate Verifier