

**BUENDIA SANGUINO Pilar (SG)**

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**From:** Šuchmanová Adéla [suchmanovaa@senat.cz]  
**Sent:** jeudi 23 février 2012 15:16  
**To:** SG NATIONAL PARLIAMENTS  
**Cc:** 'secretariat@cosac.eu'; National Parliaments (EP); Petřík Milan; Kautský Jirí; Hrabálek Martin; Krb Michal; Maláčová Jana; Cerný Štěpán  
**Subject:** Czech Senate Resolutions  
**Attachments:** N 134 SENATE (EN).doc; N084 08 SENATE (EN) FTT.doc; K 141 08 Senate(EN) Lighting the Future.doc; N109 08-senat\_en.doc

Dear colleagues,

Please find enclosed resolutions on European dossiers passed during the latest session of the Senate of the Parliament of the Czech Republic. It was decided that they be communicated to the European Commission:

- Proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013 (COM(2011) 880)
- Proposal for a Council Directive on a common system of financial transaction tax and amending Directive 2008/7/EC (COM(2011) 594)
- Green Paper: Lighting the Future. Accelerating the Deployment of Innovative Lighting Technologies (COM(2011) 889)
- Proposal for a regulation of the European parliament and Council on establishing a Health for Growth Programme, the third multi-annual programme of EU action in the field of health for the period 2014-2020 (COM(2011) 709)

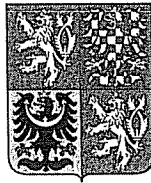
Please send your reply to the following e-mail address: [reakcekomise@senat.cz](mailto:reakcekomise@senat.cz)

With best regards,

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**THE SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC  
8<sup>TH</sup> TERM**

**511<sup>th</sup>**

**RESOLUTION OF THE SENATE**

delivered on the 17<sup>th</sup> meeting held on 8<sup>th</sup> February 2012

**on Proposal for a Council Decision establishing a Multiannual Framework  
for the European Union Agency for Fundamental Rights for 2013**

**Senate**

**I.**

**1. States**

that similarly to the Proposal for a Council Decision amending Decision (2008/203/EC) of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012, this proposal also shows significant deficiencies of a formal character;

**2. Continues to support**

the reserved position of the Government of the Czech Republic, as regards the material enlargement of the competence of the Agency into the area of judicial cooperation in criminal matters and police cooperation, mainly due to the political sensitivity of this area;

**II.**

**1. Recalls**

the unsuccessful negotiations on the proposal for a Council Decision based on Articles 30, 31 and 34(2)(c) of the then in force Treaty on European Union, during which some Member States expressed negative positions towards the possibility that the areas of judicial cooperation in criminal matters and police cooperation would fall into the scope of operation of the Agency;

**2. Draws attention**

to Article 32 of the Preamble of the Regulation (EC) No 168/2007 establishing a European Union Agency for Fundamental Rights that states "Nothing in this Regulation should be interpreted in such a way as to prejudice the question of

whether the remit of the Agency may be extended to cover the areas of police cooperation and judicial cooperation in criminal matters";

**3. Points out**

that although the European Commission states Article 352 of the Treaty on Functioning of the European Union as a legal base for the proposal, in fact its legal base is Article 5 (1) of the Regulation establishing the Agency, that creates base for the existence of multi-annual framework and in respect of which this proposal has implementing character;

**4. States**

that with regard to the abovementioned it is possible to consider the proposal to be based on the so called secondary legal basis, which is unacceptable under EU law, as has been ruled for example in judgement C-113/06 of the Court of Justice of the EU, and thus the proposal constitutes a breach of the principle of conferral embedded in Article 5 (1) of the Treaty on European Union;

**5. Is of the opinion**

that the adjustment of the competences of the Agency should be made by amendment to the Regulation establishing the Agency, through incorporation of the competences explicitly into the text of the Regulation;

**6. Insists**

on its opinion expressed in the 148<sup>th</sup> Resolution from 8<sup>th</sup> term, where the Senate stated that it does not support adoption and change of the multi-annual framework of the Agency through implementing acts based on Article 291 of the Treaty on Functioning of the EU as a future option;

**7. Calls attention to the fact**

that in the framework of direct communication with the European Commission to the 148<sup>th</sup> Resolution from 8<sup>th</sup> term on Proposal for a Council Decision amending Decision (2008/203/EC) of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012 the Commission has not reacted to Senate's remark on the financial impacts of the enlargement of competences of the Agency, a remark that remains relevant under the current proposal, as the broadening of the scope of the Agency could hardly be effective without strengthening of its financial resources;

**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.

Milan Štěch  
sign manual  
President of the Senate

Stanislav Juránek  
sign manual  
Senate Verifier