



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
9TH TERM

361st

RESOLUTION OF THE SENATE

Delivered on the 15th session held on 30th October 2013

on the Report from the Commission Annual report 2012 on relations between the European Commission and national parliaments /Senate Press no. K 089/09/

and

on the Report from the Commission Annual report 2012 on subsidiarity and proportionality /Senate Press no. K 090/09/

The Senate

I.

1. Notes

that finding a more effective and democratically legitimate design of the Economic and Monetary Union, as well as a stronger reflection of the social dimension of European integration, counts among the major challenges currently facing the European Union;

2. Recalls,

in this context, the irreplaceable role of national parliaments in the decision-making process concerning economic and social policies of the Member States, including the budgetary policy;

3. Points out, therefore,

the importance of national parliaments' involvement in the current process of changes taking place in the European Union;

4. Intends

to further pursue, in addition to the communication with the government, the political dialogue with the Commission regarding legislative proposals, documents for consultation as well as documents within the framework of the European semester;

5. Considers

the interparliamentary cooperation to be an important instrument for exchange of information and opinions among the national parliaments and with the European Parliament; adds, however, that the interparliamentary cooperation is not an instrument that would ensure democratic legitimacy and accountability;

6. Appreciates

that the network of national parliaments' permanent representatives to the EU has developed into a practical tool for the exchange of information and flexible communication that facilitates interparliamentary coordination;

II.

1. Agrees

with the European Commission that it is appropriate for the national parliaments to dedicate attention already to its pre-legislative consultative documents that open a debate on the necessity of a new legal regulation at the European level, and intends to maintain its increased interest in these documents;

2. Calls upon

the European Commission to increase the quality of the political dialogue by reacting on the national parliaments' contributions in a more concrete and detailed manner rather than by merely repeating the general statements from the explanatory memorandum; the Senate is aware, however, that a formulation of concrete suggestions, remarks and arguments in its resolutions is a necessary precondition for an elaborate reply from the Commission;

3. Notes repeatedly

that it lacks prompt publication of the full wording of national parliaments' reasoned opinions on the compliance with the subsidiarity principle at least in English, as well as a complete and tabular information on the outcome of national parliaments' subsidiarity check concerning each legislative proposal that would be available shortly after the elapse of the period for subsidiarity control;

4. Invites repeatedly

the Commission and the European Parliament to establish a publicly accessible and complete database comprising the above-mentioned information, with regard to the fact that the European Commission and the European Parliament are currently gathering and analysing such information for their internal use and that the decentralised IPEX database continues to show considerable divergence in the availability and quality of information from individual national parliaments;

5. Invites

the Government of the Czech Republic and the public authorities preparing the Government's positions for the Parliament to timely deliver their positions on proposed legislative acts, especially when the Government considers these proposals as problematic in terms of their conformity with the principle of subsidiarity;

6. Notes

that last year, the Senate repeatedly expressed concerns regarding the interpretation of certain competence-regulating provisions of the Treaties by the Commission:

- the choice of an appropriate legal basis of the proposed measure (e.g. 669th Resolution of the Senate from 14th June 2012 on the proposal for a Council regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services; 162nd Resolution of the Senate from 22nd March 2013 on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products);
- the authorisation of the Commission to adopt delegated acts of general application according to Article 290 of the Treaty on Functioning of the European Union, which was so broad and vague in certain proposals for legislative acts that it made a comprehensive evaluation of the content of the proposal very difficult

for the Senate (e.g. 162nd Resolution of the Senate from 22nd March 2013 on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products; 325th Resolution of the Senate from 12th September 2013 on the packet of proposals regarding animal health and official controls);

7. Demands,

in accord with the 230th Resolution of the Senate from 20th June 2013 on the Communication from the Commission A blueprint for a deep and genuine economic and monetary union Launching a European Debate, that, when doubts arise, a more rigid and democratically transparent procedure should be favoured in the choice of legal bases of proposals for legislative acts, that is:

- instead of the internal market harmonisation clause (Article 114 of the Treaty on Functioning of the European Union), a legal basis related to the Union policy, the objectives of which are actually pursued by the proposed measure (e.g. public health) shall be used;
- the rule that the flexibility clause cannot be applied in cases where the Treaties expressly exclude certain questions from harmonisation (e.g. right to strike) shall be strictly obeyed;
- when necessary, the flexibility clause or an amendment of the Treaties shall be employed;

because especially in the course of deepening of the Economic and Monetary Union, which may pose qualitatively a new stage of European integration, it is necessary to act in a way in which the integration process maintains the trust and support of citizens;

8. Points out

that Article 290 of the Treaty on Functioning of the European Union allows to authorise the Commission to adopt delegated acts of general application only on condition that such acts supplement or amend certain non-essential elements of the legislative act and that a substantive regulation of the given topic in the legislative act itself is always to be preferred, because the legislative act is adopted in a more transparent way in the Council and in the European Parliament;

III.

1. Authorises

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

Milan Štěch
sign manual
President of the Senate

Hassan Mezian
sign manual
Senate Verifier