



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
10TH TERM

161st

RESOLUTION OF THE SENATE

Delivered on the 9th session held on 18th June 2015

on the Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece (Senate Print no. J 023/10)

The Senate

I.

1. Got acquainted

with the Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece, and considers it necessary to find an optimal solution to the ongoing migration crisis which negatively affects the European Union and its Member States;

2. Does not agree

with mandatory relocation of migrants between the Member States and recalls its long-term negative position to such proposals; the proposed relocation mechanism can be accepted only if it is of a recommendatory and voluntary nature;

3. Agrees

with the Position of the Government and requests the Government to oppose the adoption of the proposed decision in the Council of the European Union and in the European Council;

4. Recalls

that the Czech Republic has been providing financial, personnel and technical assistance within and outside the common EU activities for a long period, as well as humanitarian aid directed to the countries the migrants are coming from, and also participates in voluntary resettlement of refugees from the Middle East;

5. Supports

an increase in capacity and resources for these forms of assistance in the current crisis and requests the Government to extend its existing activities, including

resettlement of the most vulnerable groups of refugees on the basis of a voluntary decision of the Czech Republic and of the person concerned;

II.

1. Is of the opinion

that it is primarily direct support and stabilization in countries of origin and transit and cooperation with these countries that will contribute to the solution to the ongoing migration crisis; at the same time it is necessary to save lives of migrants at sea and to fight against people smuggling by coordinated actions of the European Union;

2. Notes

that compulsory relocation of migrants from Italy and Greece does not address the reasons for current massive wave of migration, has no relation to the protection of migrants in the Mediterranean Sea and does not contribute to a reduction in migration pressure on Europe as a whole; on the contrary, it may encourage more people to illegally migrate to the European Union by life-threatening ways;

3. Points out

certain questionable humanitarian and legal aspects of the proposal for a decision which does not envisage the consent of the persons concerned with their relocation to a particular Member State, and at the same time makes their free movement in the European Union impossible even though their international protection has been granted, which can be enforced only at the cost of considerable restrictions of the relocated persons;

4. Recalls

the EU pilot project EUREMA which aimed at assisting Malta with the influx of refugees in the past by offering them relocation to other European countries; the project results, as well as the bilateral relocating activities of Central and Eastern European countries and the number of asylum applications in the EU clearly show that the countries of Central and Eastern Europe do not fall into the target countries of migrants from Africa and the Middle East;

5. Is therefore of the opinion

that involuntarily relocated migrants will not have the motivation to integrate into the society of the country of relocation and will seek to move to those Member States where they would be naturally heading; and thus the security risks that will be associated with their stay are considerably increasing, including a possible reactivation of smuggling networks within the European Union;

6. Emphasizes

that in accordance with the principle of subsidiarity, the relocation and resettlement of migrants must be a matter of political decision of each Member State since it is the Member State that will be responsible for further stay of such persons in its territory, both with respect to providing medical and other assistance and to their social, economic and cultural integration, and in terms of maintaining public security; authorities of a Member State must also bear political responsibility for a possible failure in this task and citizens of a Member State must be able to achieve a change of government policy, which will be made impossible if a binding decision at EU level is adopted;

7. Points out

in this context that according to the proposal for a decision, the relocation of persons should lead to a long-term, potentially permanent residence in the states

of relocation, and therefore unlike technical, personnel or financial assistance it can no longer be regarded as a "provisional measure" within the meaning of Article 78 Paragraph 3 of the Treaty on the Functioning of the European Union;

8. Therefore remains convinced

that individual Member States should bear the primary responsibility for their asylum and migration policy, including the consequences of non-compliance with the rules agreed at EU level;

9. Emphasizes, in accord with the Government,

the need for a geographically balanced approach to all regions from which migrants may come, including Eastern Europe and the Western Balkans;

10. Agrees with the Government,

that the proposal for a decision is also legally unclear in many respects, in particular with regard to the specific procedures, relation to the rules of the Dublin regulation or health aspects;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and about the 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

Tomáš Grulich
sign manual
Senate Verifier