

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
11TH TERM

234th

RESOLUTION OF THE SENATE

Delivered on the 8th session held on 20th July 2017

on the Proposal for a Directive of the European Parliament and of the Council to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (Senate Print No. N 34/11; COM (2017) 142)

The Senate

I.

1. Considers

the proposal for a directive to be justified and balanced and supports it;

II.

1. Agrees

in particular with the proposed requirement that pecuniary fines for infringement of competition rules in administrative proceedings are to be imposed only for intentional or negligent conduct (Art. 12);

2. Considers

the proposed regulation of safeguards of independence of national administrative competition authorities (Art. 4 and 5) to be sufficient and does not support its further elaboration, especially regarding the budgetary issues, because features of independence of these bodies has to remain limited and respect the constitutional law;

3. Is of the opinion

that it would be more appropriate to leave the regulation of effective repentance in the framework of criminal liability for infringing the rules on the protection of economic competition up to the Member States, because the rules proposed in the directive are not clear and the legal basis of the directive does not allow harmonisation of criminal law (Art. 22);

4. Agrees

with the proposed rule that information collected on the basis of the provisions of the directive should only be used for the purpose for which it was acquired (Art. 29);

III.

1. Requests

the Government to inform the Senate about the way this resolution was taken into account and about further development of negotiations once the political agreement of the required number of Member States on the main elements of the proposal is reached, or at an earlier time, should the results of negotiations in the Council begin to depart considerably from the position of the Czech Republic expressed in the General Position of the Government;

2. Authorises

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

Milan Štěch
sign manual
President of the Senate

Jaromír Strnad
sign manual
Senate Verifier