

Courtesy translation



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

314th

RESOLUTION OF THE SENATE

Delivered on the 11th session held on 6th December 2017

on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the rules applicable to the temporary reintroduction of border control at internal borders (Senate Print No. N 74/11; COM (2017) 571)

The Senate

I.

1. Understands

the Commission's effort to update the legal framework on the temporary reintroduction of border control at internal borders in response to the shortcomings in the existing rules, to requests from the Member States concerned and to the security and migration situation in the EU;

2. Is concerned, however,

about the fundamental principles of the Schengen area as they might be restricted in connection with the reintroduction or prolongation of border control at internal borders of some Member States;

3. Points out, therefore,

that the main priority should be a swift return to a fully functioning Schengen area without internal borders, which is necessary in particular regarding the free movement and the negative economic impacts of protraction of the current situation or even more massive reintroduction of border controls;

II.

1. Agrees

with the Position of the Government;

2. Is convinced

that temporary reintroduction or prolongation of border control at internal borders must be an exceptional measure which will only be used to the necessary and proportionate extent and which must be properly substantiated;

3. Therefore welcomes

better procedural safeguards which ensure that the temporary reintroduction or prolongation of border control at internal borders will not be abused and which will motivate Member States to use alternative measures (i.e. strengthened police checks);

4. Supports

the obligation of the Member States taking advantage of the possibility of temporary reintroduction of border control at internal borders to submit a risk analysis and measures to strengthen the cooperation with the neighbouring Member States concerned;

5. Points out, however,

the possible limits of the mandate of the European Border and Coast Guard Agency in case of consultation with the Commission on the submitted risk assessment, because this Agency should protect primarily the EU's external borders;

6. Requires

that the Council (i.e. the Member States) should remain the institution deciding on reintroduction or prolongation of border control at internal borders and that Member States were informed of such measures in time;

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

Michael Canov
sign manual
Senate Verifier