



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

401st

RESOLUTION OF THE SENATE

Delivered on the 14th session held on 25th April 2018

on the Proposal for a Regulation of the European Parliament and of the Council laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products and amending Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council /Senate Print N 98/11, COM(2017) 795/

The Senate

- I.**
- 1. Agrees**
with the Government of the Czech Republic that in general identifies with the objectives of the proposed legislation which lays down rules and procedures for compliance and enforcement of product harmonization legislation;
 - 2. Points out, however,**
that the proposed regulation further complicates the existing, already procedurally and institutionally complicated area, and that the declared objectives can be difficult to achieve by further increasing bureaucracy, but rather by simplifying, rationalizing and clarifying existing measures;
 - 3. Notes further**
that the compliance and enforcement of product harmonization legislation is not ideal, but the shortcomings are not so serious as to justify the adoption of such a significant instrument;
 - 4. Perceives**
that the problematic features of the Proposal for a Regulation are underlined by the introduction of new institutes with minimal practical positive benefits (e.g. Compliance Partnership Agreements and Memorandum of Understanding with Stakeholders);

5. Believes

that the application of the proposed Regulation would likely lead to negative consequences such as increased financial impact and other administrative and organizational burdens on Member States, the EU and the economic operators themselves, which would outweigh the potential positives of the instruments proposed in the Regulation;

6. Perceives negatively

the proposal for introduction of further institutions (such as the EU Testing Facility and the Union Product Compliance Network), without proposing the reduction or abolition of other existing bodies or institutions;

7. Considers it necessary

to choose other methods and means to achieve the proclaimed objectives, such as to reduce administrative burdens, simplify and streamline procedural and substantive legal aspects of regulation;

8. Therefore proposes

to the Government of the Czech Republic to give a negative opinion on the Proposal and to promote the non-adoption of the proposed Regulation in this form;

II.

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