

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

11TH TERM

499TH

RESOLUTION OF THE SENATE

Delivered on the 17th session held on 15th August 2018

**on the Proposal for a Directive of the European Parliament and of the Council
amending Directive (EU) 2017/1132 as regards the use of digital tools and
processes in company law**

Senate Print no. N 142/11, COM(2018) 239

The Senate

I.

1. Supports

the development of an efficient, modern and accessible state administration;

2. Appreciates, therefore,

the aim to make the process of registration of companies and their branches in EU Member States simpler and faster via on-line means; as well as the fact that the proposal respects the specific procedures for establishment and registration of companies and their branches in the commercial register in the Member States;

3. Stresses, however,

in accord with the Government's Position, that the proposal lacks clarity in many of its provisions; especially regarding the definition of "registration", the registration of branches that do not have a legal personality, and sharing of information on persons disqualified from acting as a director within the EU;

4. Also requests

that sufficient safeguards be introduced in order to reduce the risk of fraud; i.e. especially proper means of electronic identification of persons need to be put in place;

5. Recommends,

in accord with the Government's Position, to prolong the transposition period of the proposal;

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 proposals 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. Authorizes

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