



SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
13TH TERM

423rd

RESOLUTION OF THE SENATE

Delivered on the 24th session held on 6th April 2022

On the Package Regarding the Instrumentalisation of Migration

Senate Print no. N 118/13 – Proposal for a Regulation of the European Parliament and of the Council on measures against transport operators that facilitate or engage in trafficking in persons or smuggling of migrants in relation to illegal entry into the territory of the European Union /COM(2021) 753/

Senate Print no. K 117/13 - Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Responding to state-sponsored instrumentalisation of migrants at the EU external border /JOIN(2021) 32/

The Senate

- I.
1. **Appreciates**
the steps that have been taken so far by Member States and the EU institutions while responding to the tense situation at the EU external borders with Belarus and the misuse of illegal migration as a tool of political pressure;
 2. **Considers unacceptable**
the abuse of state-sponsored and/or controlled irregular migration as a form of pressure on other countries in international relations, and regrets the humanitarian consequences of such practices
 3. **Regards**
implementation of awareness raising and information campaigns in the countries of origin as a suitable prevention of manipulation and exploitation of persons for the purposes of managed illegal migration; in those campaigns, information on migration and asylum

Courtesy translation

processes within the European Union, the conditions of residence in Member States, as well as on legal possibilities of travel and stay in the EU could be provided;

4. Welcomes

the presentation of the proposal for a regulation on measures against transport operators who facilitate or engage in trafficking in human beings or smuggling of migrants in connection with illegal entry; considers, however, that many aspects of this proposal will need to be further developed and adapted so as to comply with the existing legal framework and practice in the EU;

5. Supports

the Government's comments raised to the proposal and asks the Government to request a clarification of the problematic parts in the text of the proposal while discussing it within the Council's preparatory bodies;

6. Draws attention in particular

to the lack of specification of the mechanisms and criteria for taking action against carriers;

7. Finds it important

that the proposed regulation is supplemented by mechanisms to ensure that the principle of *ne bis in idem* is respected, so that carriers are not sanctioned more than once for certain conduct, and the principle of the presumption of innocence is guaranteed;

II.

1. Requests the Government

to inform the Senate by 31 August 2022 about further development of negotiations of the proposal of a regulation on measures against the operators;

2. Authorises

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

Miloš Vystrčil
sign manual
President of the Senate

Zdeněk Hraba
sign manual
Senate Verifier