



## SENATE OF THE PARLIAMENT OF THE CZECH REPUBLIC

---

14TH TERM

---

68<sup>th</sup>

### RESOLUTION OF THE SENATE

Delivered on the 4<sup>th</sup> session held on 14<sup>th</sup> December 2022

**on the Proposal for a Regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (recast) /Senate Print no. N 184/13, COM(2022) 223/**

#### **The Senate**

##### **I.**

- 1. Got acquainted** with the Proposal for a Regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union;
- 2. Perceives positively** the proposed modification of public procurement rules in times of crisis, which would allow EU institutions and bodies to procure on behalf of Member States or to act as a central purchasing body;
- 3. Agrees**, however, with the Government that the involvement of the Member States in joint procurement should remain on a voluntary basis;
- 4. Supports** the discussion about extending the use of the Early-detection and exclusion system (EDES) to funds under shared management as well as under direct management where funds are disbursed as financial contributions to Member States, for instance under the Recovery and Resilience Facility; this extension should cover the current regulatory gap and enhance the protection of the Union's financial interests;
- 5. Agrees** with the opinion of the Government that the exclusion of entities from funding should only take place on the basis of a final judicial or administrative decision proving the misconduct giving rise to exclusion, and not, for example, on the basis of the final report of the European Anti-Fraud Office (OLAF) or an ongoing investigation by the European Public Prosecutor's Office;
- 6. Is of the opinion** that, in case of a conflict of interests involving a member of staff of a national authority (Article 61(2) of the proposal), the consequences of a proven conflict of interest should be specified so that the consequences do not differ between Member States on the basis of different national legal regulation;
- 7. Would also welcome** clarification of the definition of conflict of interest in Article 61(3) of the proposal, which remains relatively vague;

**8. Draws attention** to the fact that, although the Commission states that the proposal falls within the exclusive competence of the EU, it does not fall under any of the exclusive competences as stated in Article 3 of the Treaty on the Functioning of the European Union;

**II.**

**1. Requests** the Government to inform the Senate no later than on 30<sup>th</sup> June 2023 about the way this Resolution was taken into account and about the further development of negotiations;

**2. Authorises** the President of the Senate to forward this Resolution to the European Commission.

Miloš Vystrčil  
sign manual  
President of the Senate

Marek Ošřádal  
sign manual  
Senate Verifier