



SENATE OF THE PARLIAMENT OF THE CZECH REPUBLIC

14TH TERM

73rd

RESOLUTION OF THE SENATE

Delivered on the 4th session held on 14th December 2022

on the Single Market Emergency Instrument Package

Proposal for a Regulation of the European Parliament and of the Council establishing a Single Market emergency instrument and repealing Council Regulation No 2679/98 /Senate Print no. N 204/13, COM(2022) 459/

Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/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 and 2014/68/EU as regard emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency /Senate Print no. N 205/13, COM(2022) 462/

Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2019/1009 and (EU) No 305/2011 as regards emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency /Senate Print no. N 206/13, COM(2022) 461/

The Senate

I.

- 1. Supports** the position of the Government of the Czech Republic;
- 2. Realizes** that the Member States have to react swiftly, flexibly and transparently in unforeseen crises, however, at the same time recalls that crises measures must be implemented in a prudent and controlled manner;
- 3. Points out** that the definition of term „crises“ itself, which is ambiguous, is problematic, as well as the proposed wide scope of the Single Market Emergency Instrument (SMEI);

4. **Considers it crucial:**
 - a. to define in which crises and how the SMEI will be applied;
 - b. to define the competences of the Commission and the role of the Member States and to ensure their adequate participation in the decision-making process in the framework of SMEI;
5. **Points out**, at the same time, that the proposed requirements must not create an excessive administrative burden for citizens, economic operators, national authorities and the Commission;
6. **Recalls, in accordance with the position of the Government of the Czech Republic**, that the proposed concept of priority-rated orders under the Single Market emergency mode would constitute an interference in contractual freedom or freedom to conduct business under open, non-discriminatory and transparent conditions, i.e. interference in the very foundations of market economy, and could also serve as a pretext for protectionism;
7. **Requests, in this context, the clarification** of who will bear the cost of priority-rated orders, which may relate for example to sanctions for non-compliance with contractual conditions and compensations for the damages of those economic operators affected by the regulations, as well as the clarification of the issue of possible fines to economic operators for failure to comply with the obligations imposed;
8. **Is of the opinion** that there is a lack of a more detailed analysis, on basis of which the Commission has proposed a number of economic areas where fast-track permitting procedures of products in times of crises should apply;
9. **Calls** for clarification of how products placed on the market under the fast-track permitting procedures will be dealt with once the crisis ended, as the Senate is of the opinion that the fast-track permitting procedure of products should not be considered equivalent to the standard permitting procedure, in order to avoid the reduction of the minimum level of protection of legitimate interest;
10. **Notes** that strategic reserves are an important part of the national security of the Member States and, therefore, Member States may not be willing, as a matter of principle, to create these reserves according to the instructions of the Commission or to share these reserves with other Member States;

II.

1. **Requests** the Government to inform the Senate no later than on 31st March 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