



# THE PARLIAMENT OF THE CZECH REPUBLIC

## SENATE

### 9<sup>th</sup> TERM

## COMMITTEE on EU AFFAIRS

### 239<sup>th</sup> RESOLUTION

delivered on the 25<sup>th</sup> meeting held on 5<sup>th</sup> March 2014

**on the Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings**

**(Senate Press no. N 106/09)**

**on the Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings**

**(Senate Press no. N 107/09)**

**on the Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings**

**(Senate Press no. N 108/09)**

Following introductory information from Mr. Petr Jäger, Deputy Minister of Justice, having regard to the Opinion of the Committee on Legal and Constitutional Affairs, following the rapporteur's report by Senator Tomáš Grulich and after a debate

### **The Committee**

#### **I. Adopts**

a recommendation on

- the Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings;
- the Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings;
- the Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings,

attached to this Resolution;

#### **II. Recommends**

that the Senate of the Parliament of the Czech Republic give a statement on

- the Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings;
- the Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings;
- the Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings,

in accordance with the recommendation adopted by the Committee;

**III. Appoints**

Senator Tomáš Grulich the Committee's rapporteur at the plenary session of the Senate of the Parliament of the Czech Republic;

**IV. Authorises**

the Committee Chairperson Senator Miroslav Krejča to submit this Resolution to the President of the Senate of the Parliament of the Czech Republic.

**Miroslav Krejča**

sign manual  
Committee Chairperson

**Tomáš Grulich**

sign manual  
Committee Rapporteur

**Luděk Jeništa**

sign manual  
Committee Verifier

**Recommendation to the Senate of the Parliament of the Czech Republic**

**on**

**the Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings**

**the Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings**

**the Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings**

The Senate of the Parliament of the Czech Republic

**I.**

**1. Supports**

the proposed directives as it is in the interest of the citizens of the Czech Republic that the standards that the Czech Republic already fulfils in principle are applied also in the other Member States, and that judicial cooperation in criminal matters, including mutual recognition of judgements in criminal matters, which is necessary within the EU, is not hampered by potential distrust;

**2. Particularly welcomes**

the clarification of the rules related to the execution of European Arrest Warrant;

**II.**

**1. Appreciates**

that the proposed directives, in accordance with the principle of proportionality, do not contain too detailed provisions, thus enabling to take into consideration different national legal systems and traditions and a possible higher level of protection guaranteed by the legal orders of the Member States;

**2. Supports**

the Government's request for a reduction in the scope of collected statistics that do not have any clear added value and place an excessive administrative burden on the police and judicial authorities, whose fast and efficient functioning is crucial for the rule of law;

**3. Considers**

that it is necessary to clarify the term "legal aid" in order to take account of different concepts of reimbursement of costs of criminal proceedings in the Member States;

### **III.**

#### **1. Requests**

the Government to inform the Senate about the way this position was taken into account and about the further proceeding of negotiations;

#### **2. Authorises**

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