



THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE

9th TERM

COMMITTEE on EU AFFAIRS

319th RESOLUTION

delivered on the 34th meeting held on 30th September 2014

on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 as regards the establishment of a controller of procedural guarantees

(Senate Press no. N 141/09)

Following introductory information from Mr. Luděk Gulázsi, Director of the Control Department of the Financial Management and Audit Section of the Ministry of Finance, rapporteur's report by Senator Tomáš Grulich and after a debate

The Committee

I. Adopts

a recommendation on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 as regards the establishment of a controller of procedural guarantees, attached to this Resolution;

II. Recommends

that the Senate of the Parliament of the Czech Republic give a statement on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 as regards the establishment of a controller of procedural guarantees, 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 Regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 as regards the establishment of a controller of procedural guarantees

The Senate of the Parliament of the Czech Republic

I.

Generally supports

the regulation establishing a Controller of procedural guarantees with regard to a need for improving the protection of procedural rights of persons under investigation by the European Anti-Fraud Office (OLAF);

II.

1. Points out

the risk arising from the fact that the Controller, as a single person, will have information about all upcoming investigative measures towards members of EU institutions; this weakens the guarantees of his or her independence, especially in comparison with the authorization of investigative measures by criminal judges in the Member States, where due to the large number of judges and the rules for an automatic assignment of a lawful judge, it is not possible to learn or to influence in advance which individual judge will be deciding a particular case, which reduces the possibility of influencing individual cases;

2. Agrees

with the Opinion of the Government;

3. Emphasizes

primarily that the costs of the Controller of procedural guarantees and related staff should be subsumed into the EU budget so that they would not lead to an increase in the expenditure in excess of the already approved level;

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.