



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
9TH TERM

631st

RESOLUTION OF THE SENATE

Delivered on the 26th session held on 23rd October 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)

The Senate

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.

Milan Štěch
sign manual
President of the Senate

Patrik Kunčar
sign manual
Senate Verifier