



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

10TH TERM

400th

RESOLUTION OF THE SENATE

Delivered on the 22nd session held on 20th April 2016

on the Proposal for a Council decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage (Senate Print No. N 61/10) PE(2015)2035

The Senate

I.

1. Is of the opinion

that the Proposal for a Decision does not comply with the principle of subsidiarity, because it supplements the basic legal framework of European Parliament elections contained in the current wording of the Act with many details the European legal regulation of which is not necessary for the organisation of the elections and would significantly interfere with the fundamental features of electoral law in the individual Member States; besides, most of these amendments are not justified even in the European Parliament's introductory resolution;

2. Agrees

with the position of the Government, which does not support many of the proposed amendments;

II.

1. Notes

that the establishment of a joint pan-European constituency for the election of a part of the members of European Parliament is a fundamental political decision which cannot be adopted by a mere amendment of procedural rules (the Act), especially since it is not clear whether the creation of such constituency complies with the principles of European Parliament elections embedded in Article 14 of the Treaty on European Union;

2. Considers

the new rules regarding the threshold for allocation of seats applicable for Member States or constituencies in which more than 26 members of European Parliament are elected to be an expression of respect to the equality of the right to vote; from this point of view, it is difficult to justify a threshold for allocation of seats established in smaller constituencies, where it is not much higher than the natural threshold and where it does not respect the fact that even a list from which one or two candidates are elected may belong, at the European scale, to a significant political movement;

3. Is of the opinion,

that the question of appropriate measures supporting the equal representation of women and men on the lists of candidates must be debated primarily within the political parties and at the Member State level; deciding this issue at the Union level would be counterproductive;

4. Considers it right

that the possible introduction of remote voting is left to the discretion of the Member States;

5. Concurs

with the Government's opinion that different schedules for the establishment of electoral rolls and different data exchanged by the Member States for the purpose of prevention of double voting constitutes an obstacle to a more effective cooperation between the Member States;

6. Admits, therefore,

that these issues may require a legislative solution at the Union level; however, presentation of a proposal of such legislation must be preceded by a detailed analysis of the legal situation, practices and established problems in the individual Member States; this analysis must be based on consultations with the Member States, which is missing in relation to the debated Proposal for a Decision;

7. Does not agree

with the proposed obligation of the Member States to present the affiliation of the national parties with the European political parties, because informing the voters about this affiliation is primarily a matter of interest of the national party itself;

8. Supports

the broadening of the list of functions incompatible with holding the office of a member of European Parliament, because it is aware of the problem of conflict of interests during the tenure of various public offices;

9. Misses

a justification of the proposed change of procedure for determining the dates of elections to the European Parliament and regards it as non-standard from the perspective of the general principle of division of powers that the electoral period would be determined by the European Parliament itself;

10. Does not agree

with the amendment according to which the measures to implement the Act would henceforth be adopted by the Council, acting by a qualified majority, because the harmonisation of even the technical details of elections to the European Parliament must be based on a unanimous agreement of the Member States in order to guarantee that there is no disturbance to the principles of legal regulation in any Member State which could endanger the smooth execution of the elections;

11. Is convinced

that the possible lowering of the minimum voting age to 16 years or introduction of a common day of elections, shall it be different from the traditional rules in the Czech Republic, requires primarily a debate at the national level; therefore it concurs with the negative position of the Government on these recommending suggestions of the European Parliament;

12. Recalls

that should the proposed Decision be adopted by the Council, it would only enter into force, in accordance with Article 223 of the Treaty on the Functioning of the European Union, "following the approval by the Member States in accordance with their respective constitutional requirements";

13. Is of the opinion

that, in consequence of the aforementioned provision, the Decision shall be regarded as an international agreement in the Czech Republic and shall be treated, depending on its final content, according to Article 49 or Article 10a of the Constitution of the Czech Republic;

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 Parliament.

Milan Štěch
sign manual
President of the Senate

Jiří Vosecký
sign manual
Senate Verifier