

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
11TH TERM

461th

RESOLUTION OF THE SENATE

Delivered on the 16th session held on 19th July 2018

**Proposal for a Council Recommendation on access to social protection for
workers and the self-employed
(Senate Print no. J 119/11, COM(2018) 132)**

The Senate

I.

1. Agrees

with the Government's reservations about the proposal for a recommendation expressed in the Position of the Government;

2. Points out

that according to Article 153 of the Treaty on the Functioning of the European Union the setup of the social security systems falls within the competence of the Member States and that measures taken under this Article must not affect the financial equilibrium of the system in a significant way;

3. Is of the opinion

that mandatory social protection coverage for the self-employed recommended by the Commission might lead to a substantial increase in costs for the self-employed as well as for the state due to the obligation to pay corresponding benefits and, as a consequence, the flexibility and advantages related to self-employment, for which this form of work is sought, would vanish;

4. Appreciates,

in view of the above, that the Commission opted for the form of legally non-binding recommendation; however, the Senate notes that adoption of such a detailed recommendation in combination with the monitoring from the Commission might lead to a strong pressure for change in social protection schemes in the Member States;

5. Considers it appropriate

to harmonise definitions included in the submitted proposal for recommendation with other EU legal acts in effect or in the legislative procedure, in particular terms such as employee and worker and their mutual relationship, and to add a definition of the self-employed;

6. Notes, in agreement with the Government,

that in view of the legal basis of the proposal, which is also Article 352 of the Treaty on the Functioning of the European Union, the consent of the Czech Government representative in the Council to the final version of the Recommendation agreed on by the Member States shall be subject to prior approval of the Senate, in accordance with Section 119k of Act No. 107/1999 Coll., the Standing Rules of the Senate;

II.

1. Requests

the Government to inform the Senate about the way this resolution was taken into account and about further development of negotiations once the political agreement of the required number of Member States on the main elements of the proposal is reached, or at an earlier time, should the results of negotiations in the Council begin to depart considerably from the position of the Czech Republic expressed in the General Position of the Government;

2. Authorises

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

Milan Štěch
sign manual
President of the Senate

Michael Canov
sign manual
Senate Verifier