

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

11TH TERM

498TH

RESOLUTION OF THE SENATE

Delivered on the 17th session held on 15th August 2018

on the legislative package on electronic evidence in criminal matters

Proposal for a Regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal matters, Senate Print no. N 126/11, COM(2018) 225;

Proposal for a Directive of the European Parliament and of the Council laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings, Senate Print no. N 125/11, COM(2018) 226

The Senate

I.

1. Supports

the introduction of the European Production Order and European Preservation Order, which will facilitate fast access to electronic evidence and more efficient investigation and prosecution of criminal activities related to the use of modern technologies and internet;

2. Agrees

with the Position of the Government and with the Government's comments on the proposals;

3. Appreciates

that the new legal instruments will enable fast exchange of the data asked for; requests, however, to ensure proper safeguards of the transmission of the orders and of the data exchanged;

4. Emphasizes,

in accord with the Government's Position, that the adoption of the new legislative instruments must not result in disproportionate administrative burden and financial costs borne by service providers and public authorities;

5. Would welcome

an extension of the preservation period of the data requested by the European Preservation Order to 90 days (instead of the proposed 60 day period), because this period would better correspond to practical needs;

6. Also requests,

in accord with the Government, the postponement of the entry into force of the Regulation and a prolongation of the transposition period of the Directive to 24 months;

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 proposals 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. Authorizes

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

Milan Štěch
sign manual
President of the Senate

Tomáš Grulich
sign manual
Senate Verifier