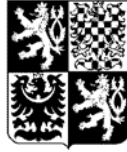


THE PARLIAMENT OF THE CZECH REPUBLIC

SENATE



6th term

485th RESOLUTION

OF THE SENATE

Delivered on the 16th session held on 18 September 2008

on Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation
(Senate Press no. **N 116/06**)

The Senate

I.

1. **F i n d s**

that the proposal for a directive in its present form does not comply with the principles of subsidiarity and proportionality;

2. **C o n s i d e r s**

state level of legal regulation adequate, as it reacts to the needs and conditions of the individual Member States more flexibly and better corresponds with the existing norms and customs;

II.

1. **S u p p o s e s**

that competence infraction into exclusive powers of state level regulation can be best avoided if the European Commission concentrates in the given case at non-legislative activity;

2. **D o e s n o t c o n s i d e r**

it beneficial not to differentiate the intensity of need of regulation by law stemming from the logic of the internal market with regard to the individual forms of discrimination, that at a situation when discrimination justifying intensification of the Community interest can be deemed proven only in case of discrimination on the basis of disability;

3. **I s c o n v i n c e d**

that ambiguity can persist as to the definition of certain terms in relation to the aim of the regulation in question (e.g. harassment outside the field of employment according to art. 2 par. 3 of the proposal);

4. Considers

the scope of the directive, encompassing social protection including social security and health care, social advantages, education and access to goods and other services available to the public, including housing, as too wide, hindering the identification of the exact scope of regulation and its financial and other impact;

5. Does not agree

with the introduction of reversed burden of proof to the detriment of the defendant in disputes concerning purely private law relations (art. 8 par. 1);

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with information on further proceeding of negotiations;

2. Authorises

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

Přemysl Sobotka
sign manual
President of the Senate

Tomáš Grulich
sign manual
Senate Verifier