

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
13TH TERM

510th

RESOLUTION OF THE SENATE

Delivered on the 26th Session held on the 24th of June 2022

on the Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”) (Senate Print No. N 177/13, COM(2022) 177)

The Senate

I.

1. Understands

the endeavour of the European Commission to protect persons who engage in public participation from manifestly unfounded or abusive court proceedings;

2. Supports

the Government’s Position and the Government’s requests to modify the Proposal for a Directive;

3. Is not convinced

that the Proposal, as presented, is capable to accomplish its objective, because its scope of application is defined rather unclearly, and, on the contrary, the regulation of procedural guarantees does not provide the Member States with enough flexibility for their adaptation in the national system of civil proceedings; the proposed directive would pose new and complicated questions of interpretation to the courts, which may, quite on the contrary, slow down the proceedings;

4. Is, therefore, of the opinion

that the Proposal should be reworked thoroughly;

5. Requests,

in accordance with the Government, especially the following modifications of the Proposal:

- clarification and specification of fundamental concepts and scope of applicability of the Directive in order to enable it to fulfil its harmonizing purpose at all and to prevent it from becoming itself a tool for obstruction in court proceedings;
- the cross-border element should not be defined differently from the general principles of private international law;
- to provide the Member States with more flexibility in the regulation of procedural guarantees, especially not to require that a third party becomes a formal participant in the proceeding if it only provides information and not to require the staying of the main proceedings as a consequence of application for early dismissal;

II.

1. Requests

the Government to inform the Senate by the 30th of September 2022 about the way this Resolution was taken into account;

2. Authorises

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

Miloš Vystrčil
sign manual
President of the Senate

Zdeněk Hraba
sign manual
Senate Verifier