



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
11th TERM
COMMITTEE on EU AFFAIRS

48th RESOLUTION

delivered on the 7th meeting held on 21st March 2017

on the Proposal for a regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)

Senate Print no. N 029/11

Following introductory information from Mr. Luděk Schneider, Director of the Electronic Communication Department of the Ministry of Industry and Trade, Mr. Vít Zvánovec, Head of Legislation Unit of the Office for Personal Data Protection, Mr. Jaromír Novák, Chairman of the Czech Telecommunication Office, the rapporteur's report by Senator Libor Michálek and after a debate

The Committee

I. Adopts

a recommendation on the Proposal for a regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications) attached to this Resolution;

II. Recommends

that the Senate of the Parliament of the Czech Republic give a statement on the Proposal for a regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications) in accordance with the recommendation adopted by the Committee;

III. Appoints

Senator Libor Michálek the Committee's rapporteur at the plenary session of the Senate of the Parliament of the Czech Republic;

IV. Authorises

the Committee Chairperson Senator Václav Hampl to submit this Resolution to the President of the Senate of the Parliament of the Czech Republic.

Václav Hampl

sign manual
Committee Chairperson

Libor Michálek

sign manual
Committee Rapporteur

Tomáš Grulich

sign manual
Committee Verifier

**Recommendation to the Senate of the Parliament of the Czech Republic on
the Proposal for a regulation of the European Parliament and of the Council concerning
the respect for private life and the protection of personal data in electronic
communications and repealing Directive 2002/58/EC (Regulation on Privacy and
Electronic Communications)**

The Senate

I.

1. Agrees

with the declared aim of the proposal for a regulation – securing the users' privacy in electronic communication;

2. Considers

transparency to be the key element because it is necessary to ensure that the users know how their data are used, why are they collected or processed and which purpose they serve;

II.

1. Points out

in particular the risks of an increase in administrative burden, unclear definitions, additional costs for enterprises related to the adjustment of systems and short period for entry of the regulation into application;

2. Requests

a clear definition of the scope of the regulation in order to avoid inclusion of the information society services which do not belong to electronic communication services (e.g. Internet search service);

3. Is of the opinion

that the proposal needs to be modified in the area of the segmentation of the users for the purpose of more efficient display of online advertising in order to avoid asymmetric preferential treatment of several biggest and primarily non-European providers of electronic communication services at the expense of small and medium enterprises;

4. Supports,

in accord with the position of the Government, an adequate level of the protection of the end-users against unsolicited commercial communications;

III.

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.