



07/11/2016

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: The Senate of the Republic of Poland's reasoned opinion on the Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)
(COM(2016)0270 – C8-0173/2016 – 2016/0133(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, national parliaments may, within eight weeks of the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why they consider that the draft in question does not comply with the principle of subsidiarity.

The Senate of the Republic of Poland has sent the attached reasoned opinion on the aforementioned proposal for a directive.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for matters relating to compliance with the subsidiarity principle.

OPINION

OF THE SENATE OF THE REPUBLIC OF POLAND

of 21 October 2016

on the incompatibility with the principle of subsidiarity of the proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (COM(2016) 0270).

Having considered the proposal for a Regulation of the European Parliament and of the Council, submitted by the Commission on 4 May 2016, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (COM(2016) 270), the Senate finds that it does not comply with the subsidiarity principle as referred to in Article 5(3) of the Treaty on European Union.

1. The Senate of the Republic of Poland does not deny the need to look for a solution to the European migration crisis at a higher level than regional or national level.
2. The Senate of the Republic of Poland feels that the proposed solution is not in compliance with the principle of subsidiarity owing to the compulsory and permanent character of the so-called 'corrective allocation mechanism' for people applying for international protection.
3. The Senate of the Republic of Poland also feels that, as a consequence, the proposal for a Regulation encroaches too deeply on competences reserved to the Member States in the areas of security policy and social rights.

The Senate therefore concludes that the proposal for a Regulation is in breach of the principle of subsidiarity.

SPEAKER OF THE SENATE

Maria KOC

Deputy Speaker of the Senate