



31.5.2011

NOTICE TO MEMBERS

(46/2011)

Subject: Reasoned opinion by the Senate of the Republic of Poland on the proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships
(COM(2011)0127 – C7-0094/2011 – 2011/0060(CNS))

Under Article 6 of the Protocol No 2 on the application of the principles of subsidiarity and proportionality, any national parliament may, within eight weeks from 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 it considers that the draft in question does not comply with the principle of subsidiarity.

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

Please find attached, for information, a reasoned opinion by the Senate of the Republic of Poland on the above-mentioned proposal.

OPINION**OF THE SENATE OF THE REPUBLIC OF POLAND****of 26 May 2011**

**on non-compliance with the subsidiarity principle
of the proposal for a Council regulation
on jurisdiction, applicable law and the recognition and enforcement of decisions
regarding the property consequences of registered partnerships
COM(2011)0127**

Having considered the proposal for a Council regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships, 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.

Registered civil partnerships are recognised in fewer than half the Member States. The number of registered civil partnerships, in particular ‘international’ partnerships, remains small. In view of this situation, there are not sufficient grounds for action to be taken at European Union level to lay down uniform rules governing jurisdiction, applicable law and the recognition and enforcement of court decisions regarding the property consequences of such partnerships that would apply throughout the EU.

MARSHAL OF THE SENATE

Bogdan Borusewicz