

OPINION
of the Foreign and European Union Affairs Committee
of the Senate of the Republic of Poland
on the
Report of the Task Force on Subsidiarity, Proportionality
and “Doing Less More Efficiently”

and
on the communication from the Commission to the European Parliament, the
European Council, the Council, the European Economic and Social Committee and the
Committee of the Regions. The principles of subsidiarity and proportionality:
Strengthening their role in the EU's policymaking
COM(2018) 703

adopted at the meeting of 18 December 2018

1. The Foreign and European Union Affairs Committee (FEUAC) welcomes the work of the Task Force and the recommendations proposed in the Commission communication. However, as the FEUAC considers these insufficient, it points to the need to continue work in that respect.
2. According to the FEUAC, the Task Force should systematically review the applicable EU law with regard to its conformity with the principle of subsidiarity, and prepare annual reports on the acts related to the areas for which the exercise of competences should be returned to Member States.
3. The FEUAC supports the exclusion of the Christmas/ New Year period from the applicable period of eight weeks during which national Parliaments have the right to submit reasoned opinions.

4. The FEUAC supports the future strengthening of the role of national Parliaments in the process of checking the conformity of EU law with the principle of subsidiarity on the occasion of the revision of the treaties including, but not limited to:

- extension of the deadline for submitting reasoned opinions;
- increase of importance of the “yellow card” so that the Commission would not be able to independently and unilaterally reject arguments included in the reasoned opinions of national Parliaments;
- decrease of the number of votes required to launch the “yellow card”.

5. The FEUAC deems it necessary to continue work on preparing a proposal to introduce a “red card” and a “green card” procedure on the occasion of the revision of the treaties.

6. In the opinion of the FEUAC it is not possible to assess the principle of subsidiarity in isolation from the principle of proportionality. The future treaty should extend the competences of national Parliaments by the competence to check conformity with the principle of proportionality.

7. The FEUAC suggests that the proposal’s specificity be further integrated in the subsidiarity assessment. It calls for a decrease in the number of opinions required to launch different mechanisms (the so called cards) to be possible where a proposal to a much greater extent concerns a given category of countries, e.g. due to their geographical location or cultural characteristics, and therefore it is more difficult to obtain a sufficient number of reasoned opinions from national Parliaments (a type of “exclusion procedure”).