

## SENATE OF THE REPUBLIC OF POLAND

### **Report on the subsidiarity check under the Treaty of Lisbon on the proposal for a Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM (2008)426).**

At the sitting on 6<sup>th</sup> August 2008 the Senate's European Union Affairs Committee carried out a subsidiarity check following the procedure agreed by the COSAC. The check was completed and the conclusions formulated as follows:

#### **Procedures:**

1. What was the procedure used to conduct the subsidiarity check?

a. Which committees were involved?

*The European Union Affairs Committee, with the cooperation of the Human Rights and the Rule of Law Committee.*

b. Was the plenary involved?

*No.*

c. Which administrative services of your parliament were involved?

*The Information and Documentation Bureau (seeking external experts and concluding agreements with them), the European Union Unit (preparing a sitting, drafting an opinion, making a report).*

d. What was the chronology of events?

- *9 July 2008, the European Commission published all linguistic versions of the Proposal for a Council Directive*
- *17 July 2008 – the sitting of the European Union Affairs Committee*
  - *discussing the procedures regarding the subsidiarity check*
  - *approving the working agenda*
  - *appointing the sectoral committees to give opinions on the said proposal*
  - *choosing the experts*
- *6 August 2008 – the joint sitting of the European Union Affairs Committee and the Human Rights and the Rule of Law Committee.*

- *hearing the opinions of the government representatives*
- *hearing the opinions of the Committee experts*
- *discussion*
- *adopting an opinion on the basis of the tabled motions*
- *Preparing and forwarding the report to the COSAC secretariat (before 4 September).*

e. Did your government provide any information as part of the scrutiny process?

*The government's written position on the proposed directive, submitted to the parliament, included their opinion on the compliance with the subsidiarity and proportionality principles. A government's official took part in the Committee's sitting and provided the senators with additional information.*

f. In case of a bicameral system, did you coordinate with the other chamber?

*No.*

g. Did you consult regional parliaments with legislative powers?

*No. There are no regional parliaments or any similar bodies in Poland.*

h. Did you make use of any external expertise?

*Yes, the Committee was provided with an external expertise.*

2. Did you cooperate with other national parliaments in the process? If so, by what means (the COSAC Secretariat, IPEX, permanent representatives of national parliaments in Brussels)?

*No.*

3. Did you publicise your findings (e.g. in a special press release)?

*No.*

4. Has your parliament lately adapted its procedures with regard to subsidiarity check mechanism as foreseen in the Treaty of Lisbon; or is it planning to do so?

*In the present subsidiarity check the same procedure was applied as in the previous tests. Before the possible entry into force of the Treaty of Lisbon, a selection system of documents has to be worked out to seek those legislative proposals which may raise doubts about their compliance with the subsidiarity principle. It will make therefore necessary for an experienced team of parliamentary staff to specify precise selection criteria.*

5. Did you find any breach of the subsidiarity principle?

*The European Union Affairs Committee came to the conclusion that the Proposal for a Directive Implementing the Principle of Equal Treatment between Persons Irrespective of Religion or Belief, Disability, Age or Sexual Orientation **does not breach the subsidiarity principle.***

6. Did you adopt a reasoned opinion on the Proposal? (If so, please enclose a copy )

*No.*

7. Did you find the Commission's justification with regard to the subsidiarity principle satisfactory?

*Yes.*

8. Did you encounter any specific difficulties during the examination?

*The obligatory 8 week rule may become difficult to comply with, especially when it covers the summer recess. In the present case it turned out to be quite a challenge to find an external expert who would agree to provide an opinion in such a short period of time.*

9. Any other comments?