



Council of the
European Union

Brussels, 14 October 2015
(OR. en)

13047/15

**Interinstitutional File:
2015/0208 (COD)**

**ASIM 115
CODEC 1343
INST 353
PARLNAT 105**

COVER NOTE

From:	Sejm of the Republic of Poland
date of receipt:	13 October 2015
To:	General Secretariat of the Council
No. prev. doc.:	ST 11843/15, COM (2015) 450
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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 [doc. ST 11843/15 ASIM 79 CODEC 1167 - COM (2015) 450 final] - Opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached the above mentioned opinion of the Sejm of the Republic of Poland.



Warsaw, 13.10.2015

SEJM
OF THE REPUBLIC OF POLAND
EUROPEAN UNION AFFAIRS COMMITTEE

CHAIRWOMAN
Agnieszka Pomaska

Mr Jean Asselborn
Minister of Foreign and European Affairs
The Grand Duchy of Luxembourg

Dear Minister,

I hereby enclose European Union Affairs Committee's opinions No. 71 and No. 72 on the *Proposal for a regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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(2015) 450 final)* adopted on the 361st Committee's meeting on 8th of October 2015.

In order to opinion No. 72 I would like to inform that it is not a reasoned opinion on non-compliance with the principle of subsidiarity as defined by the Treaty of Lisbon. Due to the parliamentary elections on the 25th of October 2015 in Poland, it is impossible to adopt a reasoned opinion by the Sejm of the Republic of Poland. The European Union Affairs Committee, at its last of the 7th terms' meeting, decided to distribute its opinion in which present its view on incompatibility with the principle of subsidiarity to the President of the European Parliament, the Council and the Commission as a contribution on a political dialog formula.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'A. Pomaska', written over a light blue rectangular background.

Opinion No. 71
of the European Union Affairs Committee
of the Sejm of the Republic of Poland
on the
“Proposal for a regulation of the European Parliament and of the Council establishing
a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the
European Parliament and of the Council of 26 June 2013 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(2015) 450 final)”
adopted at its 361st meeting on 8th October 2015

The European Union Affairs Committee of the Sejm of the Republic of Poland:

1. acknowledges that the current migration crisis-related situation in the European Union is very serious and calls for taking joint action;
2. notes that the state’s involvement in the solution of the crisis should be dictated by events of exceptional and one-off character and should take into consideration the current capabilities and the specific character of a given country;
3. states that the legal basis proposed by the European Commission, i.e. Art. 78(2)(e) authorizing the European Union do adopt common principles for determining which Member State is responsible for conducting the asylum procedure, is not relevant for adopting a permanent mechanism for relocation of migrants between the Member States, as Art. 78(3) of the Treaty applies in this case, which calls for an authorization, in each case, by the EU Council;
4. does not support the “Proposal for a regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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(2015) 450 final)”;
5. endorses the Government’s position presented on the above matter.

Chair of the Committee

/-/ Agnieszka Pomaska

Opinion No. 72
of the European Union Affairs Committee
of the Sejm of the Republic of Poland
on the
“Proposal for a regulation of the European Parliament and of the Council establishing
a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the
European Parliament and of the Council of 26 June 2013 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(2015) 450 final)”
adopted at its 361st meeting on 8th October 2015

The European Affairs Committee of the Sejm of the Republic of Poland finds the “Proposal for a regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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(2015) 450final)” incompatible with the principle of subsidiarity.

Chair of the Committee

/-/ Agnieszka Pomaska