

SUBSIDIARITY SCRUTINY IN THE SEJM

GENERAL INFORMATION	
LEGAL BASIS	<ul style="list-style-type: none"> ▪ Act of 8 October 2010 on the cooperation of the Council of Ministers with the Sejm and the Senate in matters relating to the Republic of Poland's membership of the European Union (called Cooperation Act), Dziennik Ustaw of 2010, No. 213, item 1395, entered into force on 13 February 2011; the Act implements Treaty of Lisbon provisions; its Chapter 2 "Cooperation in the making of European Union law" relates to the procedure ▪ The Standing Orders of the Sejm (in particular Chapter 1 „Proceedings in relation to bills and draft resolutions” and Chapter 13a „European Union Affairs Committee”)
ENTITLED PARTICIPANTS	<ul style="list-style-type: none"> ▪ European Union Affairs Committee (EUAC) – subsidiarity scrutiny, right to initiative for a resolution containing a reasoned opinion, participation in proceedings of reasoned opinion adoption – first reading ▪ 15 Deputies – right to initiative for a resolution containing a reasoned opinion ▪ Sejm at the plenary meeting – adoption of a resolution containing a reasoned opinion ▪ Marshal (President) of the Sejm – transmission of a reasoned opinion to EU institutions
LEGAL FORM OF REASONED OPINION	<ul style="list-style-type: none"> ▪ Annex to the Sejm’s resolution; resolution with the annex is published in the “Monitor Polski”

PROCEDURE DESCRIPTION	
<i>General characteristics</i>	Scrutiny of EU draft legislative acts’ compliance with the subsidiarity principle constitutes an element of a comprehensive scrutiny of EU draft legislative acts (and draft legal acts in general) by the Sejm.
<i>Start of the procedure</i>	Receipt by the Sejm of the Polish version of EU draft legal act
<i>Preparatory phase – meeting of the EU Affairs Committee Presidium</i>	<p>Division of EU documents, after preliminary analysis of the Sejm’s Bureau of Research, into two groups (usually once a week):</p> <ul style="list-style-type: none"> • list of EU documents with regard to which Presidium tables motion not to submit any comments, and • list of EU documents with regard to which Presidium tables motion for discussion at the EUAC meeting. Deputy rapporteur is assigned to each document from this group. <p><i>Subsidiarity scrutiny takes place only with regard to the drafts directed for discussion at the Committee meeting.</i></p>
<i>Documents appended to EU draft legislative act</i>	<p>Following documents are appended to each draft under subsidiarity scrutiny:</p> <ul style="list-style-type: none"> ○ draft position of the Republic of Poland transmitted by the Council of Ministers <i>ex officio</i> by virtue of the Cooperation Act (within statutory deadline of 14 days of the receipt of EU draft), accompanied by: a substantiation including impact assessment, information on the type of EU law-making procedure and on the voting procedure in the Council, as well as information on the compliance of an EU draft legislative act with the subsidiarity principle, ○ opinion of the Sejm’s Bureau of Research concerning substantive and legal issues, including compliance with the subsidiarity principle.

<p><i>Proceedings in the EUAC</i></p> <p><i>3 meetings (usually)</i></p> <p><i>Voting</i></p>	<ul style="list-style-type: none"> • Having at its disposal government's information and the Sejm's Bureau of Research opinion, as well as, in some instances, external opinions, the Committee makes a decision. If the Committee decides that a draft legislative act infringes principle of subsidiarity, it adopts opinion in this regard. • At the next meeting EUAC adopts draft resolution of the Sejm on non-compliance of the EU draft legislative act with the subsidiarity principle (<i>right to initiative for a resolution</i>). • The Committee resolutions require a majority vote in the presence of at least 1/3 of the total number of members of the Committee.
<p><i>Proceedings in the Sejm</i></p> <p><i>2 readings</i></p> <p><i>Voting</i></p>	<ul style="list-style-type: none"> • Resolution containing reasoned opinion on subsidiarity, as all other Sejm's resolutions, is considered in two readings. • The first reading is held at the meeting of EUAC which adopts a report on the draft resolution of the Sejm; the second reading (amendments can't be introduced) – at the plenary session of the Sejm which adopts a resolution. • Adoption of the resolution containing reasoned opinion, like other resolutions, requires simple majority vote in the presence of at least half of the statutory number of Deputies.
<p><i>Transmission of the reasoned opinion to EU institutions</i></p>	<ul style="list-style-type: none"> • Resolution of the Sejm containing reasoned opinion on the non-compliance of the EU draft legislative act with the subsidiarity principle – after have been signed by the Sejm's Marshal (President) – is transmitted, with English translation, to Presidents of the European Parliament, the EU Council and the European Commission.