

RESOLUTION
of the Sejm of the Republic of Poland

of 22 June 2017

on declaring the proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU to be incompatible with the principle of subsidiarity

Based on Article 148cc of the Standing Orders of the Sejm, the Sejm of the Republic of Poland finds that the proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (COM(2017) 253 final) is incompatible with the principle of subsidiarity, as referred to in Article 5(3) of the Treaty on European Union. This proposal infringes upon the principle of subsidiarity since the European Commission failed to provide sufficient justification demonstrating that the objectives of the European Union specified in the proposed Directive may be better achieved at the EU level.

The reasoned opinion stating the reasons why the Sejm considers that the proposal does not comply with the principle of subsidiarity is annexed to this Resolution.

Reasoned opinion of the Sejm of the Republic of Poland of 22nd of June 2017 stating the reasons why the Sejm considers that the proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU is incompatible with the principle of subsidiarity

The Sejm of the Republic of Poland finds that the proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (COM(2017) 253 final) is incompatible with the principle of subsidiarity, as referred to in Article 5(3) of the Treaty on European Union.

The proposed Directive is to have a significant influence on ensuring work-life balance for working parents and carers and, therefore, repeal Directive 2010/18/EU. The objective of the project seems justified and desirable, in particular given the assumed strengthening of the role of the family in upbringing, which would become more effective, *inter alia*, thanks to specific measures regarding leaves and more flexible working arrangements or increasing the number of men who use such arrangements, giving them equal rights with women and more opportunities to care for and bring up their children.

However according to the Sejm an EU regulation must take into account measures already existing in the Member States' legislation. An EU regulation should not interfere with national legal measures which effectively ensure an adequate level of family protection in the area of parental care and child upbringing.

Despite the legitimacy of the EU legislator's objective to strengthen the role of the family (both parents) in parental care and child upbringing, the proposal for a Directive infringes upon the principle of subsidiarity since the European Commission failed to provide sufficient justification demonstrating that the objectives of the European Union specified in the proposed directive may be better achieved at EU

level. Pursuant to Article 5 of Protocol (No 2) on the application of the principles of subsidiarity and proportionality to the Treaty on European Union and the Treaty on the Functioning of the European Union, any draft legislative act should contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. Such a statement should contain the data allowing the assessment of the proposal's financial impact and, in the case of a directive, of its implications for the rules to be put in place by the Member States, including, as appropriate, regional legislation. The reasons for concluding that a Union objective can be better achieved at the Union level shall be substantiated by qualitative and, wherever possible, quantitative indicators. Draft legislative acts shall take account of the need for any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and commensurate with the objective to be achieved. The explanatory memorandum presented by the European Commission on the proposed Directive does not refer to Polish legal regulations which ensure a high level of family protection in the area of parental care and child upbringing.

To conclude, the Sejm considers that the proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU infringes upon the principle of subsidiarity.