

SENATE OF THE REPUBLIC OF POLAND

Report on the subsidiarity and proportionality check on the proposal for a Council Framework Decision on combating terrorism (COM (2007)650).

At the sitting on 8th January 2008 the Senate's European Union Affairs Committee carried out a subsidiarity and proportionality check following the procedure agreed by the COSAC. The check was completed and the conclusions formulated as follows:

Procedure:

1. What was the procedure used to conduct the check? Please specify with regard to the following topics:

- which committees were involved?

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

- did your government provide any information as part of the scrutiny process?

The government's written position on the said framework decision, 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.

- in case of a bicameral system, did you cooperate with the other chamber?

No.

- did you consult regional Parliaments?

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

- did you make use of external expertise?

Yes, the Committee had commissioned an outside expert opinion from professor Zdzisław Galicki of the Warsaw University, specialist in international law and combating terrorism. Prof. Galicki participated in the Committee's sitting.

2. Did you cooperate with other national Parliaments in the process opinion?

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 the subsidiarity check mechanism as foreseen in the Lisbon Treaty or is it planning to do so?

This subsidiarity check was based on the procedures hitherto employed. This year, before the Lisbon Treaty comes into force, the Committee is planning to work out and establish a routine cooperation with Government in terms of subsidiarity and proportionality checks.

Findings:

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

The European Union Affairs Committee came to the conclusion that the Council Framework Decision does not breach the subsidiarity and proportionality principle.

6. Did you adopt a reasoned opinion on the Framework Decision? (please enclose a copy)

No.

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

Yes.

8. Any other observations?

The Committee pointed out a major discrepancy, namely under the Council of Europe Convention on the Prevention of Terrorism of May 16 2005 States-Parties to the convention are obliged to establish, implement and apply criminalisation of attempted offences of "recruitment for terrorism" and "training for terrorism", while the proposed Council framework decision does not stipulate any such obligation for UE members, which may create problems in relations between members of those two organisations.

The government official present at the Committee meeting promised to take into consideration the above mentioned opinion while further working on the proposal of the Council Framework decision.