

**OPINION
OF THE SENATE OF THE REPUBLIC OF POLAND
of 21 October, 2016**

**on the incompatibility with the principle of subsidiarity
of the Proposal for a Regulation of the European Parliament and of the Council
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(2016)270

Having considered the Proposal for a Regulation of the European Parliament and of the Council 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(2016) 270, the Senate finds that it is incompatible with the principle of subsidiarity as referred to in Article 5(3) of the Treaty on European Union.

1. The Senate of the Republic of Poland does not deny the need of seeking for a solution of the European migration crisis at a level higher than regional or national ones.
2. At the same time the Senate of the Republic of Poland considers that the proposed solution is incompatible with the principle of subsidiarity as regards the so-called mechanism of corrective allocation of persons applying for international protection, due to the mandatory and permanent character of this mechanism.
3. Furthermore, the Senate considers that the proposed regulation thus encroaches too far on the competences reserved to the Member States in the areas of security policy and social rights.

Therefore, it should be stated that the proposed regulation is in breach of the subsidiarity principle.