

OPINION

**OF THE SENATE OF THE REPUBLIC OF POLAND
of 27 July, 2017**

**on incompatibility with the principle of subsidiarity of the proposal for a directive of the
European Parliament
and of the Council amending Directive 2006/22/EC as regards enforcement requirements and
laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for
posting drivers
in the road transport sector**

COM(2017) 278

Having considered the proposal for a directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector – COM(2017) 278, the Senate of the Republic of Poland declares that this proposal is incompatible with the principle of subsidiarity, as referred to in Article 5(3) of the Treaty on European Union.

The Senate of the Republic of Poland underlines that the common transport policy of the Union should pursue the objectives of the Treaties (Article 90 TFEU), especially those relating to the functioning of the internal market, on the basis of the sustainable development of Europe and balanced economic growth within a highly competitive social market economy, aiming at full employment and social progress (Article 3(3) TEU). The Union's aim is to promote the well-being of its peoples (Article 3(1) TEU).

In the opinion of the Senate of the Republic of Poland, the proposed amendments of the discussed regulations may contribute to a collapse of a substantial sector of the Polish economy, which is related to road transport. As reports show, there are potential important negative consequences of the proposed regulations, which may entail a demise (bankruptcy) of transport undertakings and dismissals of employees in the transport sector. These effects are visibly contrary to the objectives of the functioning of the common market, based on the fundamental free movement of services and the respect of the competition law.

The discussed amendments in the proposed shape infringe the provisions on the common transport policy (Article 91(2) TFEU), which require taking account of the cases where the implementation of international transport measures may seriously affect the standard of living and level of employment in certain regions. The Senate of the Republic of Poland believes that this is the case for the proposed regulations.

In the opinion of the Senate of the Republic of Poland, the objectives of the discussed regulations that concern the law enforcement and setting out detailed rules for posting of drivers may be achieved more efficiently at a Member State level, subject to the Union legislation.

It thus needs to be deemed that the proposed regulations are in breach of the principle of subsidiarity.