

OPINION
of the Foreign and European Union Affairs Committee of the Senate of the Republic of Poland
concerning the Proposal for a Regulation of the European Parliament and of the Council
establishing a European Labour Authority
COM(2018)131
adopted at the sitting of 26 April 2018

1. The Foreign and European Union Affairs Committee of the Senate of the Republic of Poland (hereinafter referred to as “*FEUAC*”) does not support the Proposal in its current form.
2. While FEUAC concurs with the need to assure fair mobility of employees across the European Union, it does not see the related need to establish a costly bureaucratic structure the Labour Authority would be. The Authority’s added value is not obvious, especially in light of the fact that the European Commission failed to produce sufficient justification for its forming.
3. FEUAC believes that the initiative to establish the Authority would validate support, if it were to be charged with tasks formerly unrealised or realised insufficiently – whereas the Commission’s claim concerning former problems with securing a fair and efficient enforcement mechanism in the area of employee mobility was not backed up with any facts or statistics.
4. FEUAC underscores that the Proposal involves multiple ambiguous and unclear terms, a phenomenon unacceptable for any legal text, and particularly disqualifying in case of a Proposal for a Regulation – a law applicable directly.
5. FEUAC affirms that consequences of such vaguely phrased text include difficulties with interpreting individual clauses. This yields i.a. the inability to conclude as to specific competencies assigned to the newly formed organisation (Articles 5, 6, and 8).
6. In FEUAC’s opinion, joint inspection-related provisions create the greatest number of interpretation issues. As a result of precision deficit and generality coupled with the lack of provisions or references to provisions regulating specific matters, it remains largely unknown what the potential scope of inspections could be, what conditions they would have to meet, and whether one or several member states could instigate such inspection in another member state without its consent or participation of the inspected state’s relevant authorities therein.
7. FEUAC points to the fact that vague and general legal provisions produce an inability to conclude unequivocally whether competencies have been transferred, which in turn makes it impossible to appraise the conformity of inspection-related clauses with the subsidiarity principle.