



Plenary sitting

B8-0594/2017

6.11.2017

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on the situation as regards the rule of law and democracy in Poland
(2017/2931(RSP))

**Ryszard Legutko, Anna Fotyga, Tomasz Poręba, Ryszard Czarnecki,
Karol Karski, Edward Czesak, Beata Gosiewska, Czesław Hoc, Marek
Jurek, Sławomir Kłosowski, Zdzisław Krasnodębski, Urszula Krupa,
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on behalf of the ECR Group

B8-0594

European Parliament resolution on the situation as regards the rule of law and democracy in Poland (2017/2931(RSP))

The European Parliament,

- having regard to Articles 2, 3, 4, 5 and 6 of the Treaty on the Functioning of the European Union (TFEU) defining the categories and areas of competence of the EU,
 - having regard to Article 5 of the Treaty on European Union (TEU) and the principle of subsidiarity,
 - having regard to Article 7 of the TEU on the risk of a serious breach or a serious and persistent breach of the rule of law,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the current Polish Government has the strongest mandate to govern in the country's history since the fall of communism;
- B. whereas a consultation process is ongoing between the Commission and the Polish Government regarding the Constitutional Tribunal and the reform of the National Judicial Council and the Supreme Court;
- C. whereas under Article 7 of the TEU, it is the Council and the European Council, rather than the Commission, that are competent to determine the risk of a serious and persistent breach of the rule of law;
- D. whereas Poland has never wavered in its commitment to the rule of law; whereas it is this principle that guides the government in implementing the reforms announced during the election campaign;
- E. whereas, in accordance with the Treaty principle of sincere cooperation, Poland is engaging in exhaustive dialogue with the Commission on government reforms and is providing comprehensive explanations in this regard, both to the Commission and to the Member States;
- F. whereas changes to the judicial system are subject to broad public and political consultations, and whereas the final form of legislation governing the Supreme Court and the National Judicial Council is still unknown;
- G. whereas the Polish Government has responded in a comprehensive and timely manner to all previous recommendations made by the Commission concerning the rule of law in Poland, underlining that the legislative measures taken, which have as their primary objective the reform of the justice system, are in line with European standards and meet the public's expectations in this respect;

1. Stresses that pursuant to Article 5 of the TEU, which lays down the principle of subsidiarity in areas which do not fall within its exclusive competence, the Union acts only if and in so far as the objectives of the intended action cannot be sufficiently achieved by the Member States;
2. Points out, therefore, that new legislative proposals, such as the proposals for laws on the National Judicial Council and Supreme Court, should not be subject to interference from the EU institutions, as their objectives will be best achieved by the Polish authorities on the basis of the subsidiarity principle;
3. Reiterates that advanced consultations between the European Commission and Poland are ongoing; stresses that changes in the above areas are the subject of discussion between the government, the President, the opposition and experts, as well as non-governmental and social organisations;
4. Points out that the Commission, in its dialogue with Poland, is referring to an ongoing legislative process and is thus becoming a participant in an internal political debate, which does not facilitate a substantive resolution of the dispute;
5. Regrets the fact that the Commission often applies double standards when making its reservations, condemning the government for introducing measures that are applied in other Member States, such as different retirement ages for women and men;
6. Stresses that a debate of this kind cannot be politicised and should be based on the facts and on respect for the sovereignty of the Member States; considers that the number of cases before the Court of Justice concerning the non-execution of its judgments could be an indicator in this respect; Notes that Poland has only two such cases in the pre-judicial phase, which is far fewer than some other Member States, which have as many as 11 such cases;
7. Recalls that it is the Council and the European Council, rather than the Commission, that are competent to determine the risk of a serious and persistent breach of the rule of law;
8. Instructs its President to forward this resolution to the Commission, the Council, the Member States, the Council of Europe and the European Commission for Democracy Through Law.