



Plenary sitting

B8-0464/2016

11.4.2016

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 in Poland

(2015/3031(RSP))

Robert Jarosław Iwaszkiewicz

on behalf of the EFDD Group

**European Parliament resolution on the situation in Poland
(2015/3031(RSP))**

The European Parliament,

- having regard to its debate of 19 January 2016 on the situation in Poland,
- having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Poland's own history includes multiple examples of its commitment to fighting for freedom and sovereignty, paid for with the sacrificial blood of its soldiers and civilians; whereas it should especially be borne in mind that Poland was the first country in Europe to resist the aggression of German Nazism, and that it was Poland that started dismantling the communist system;
- B. whereas Poland has been a pioneer of democracy, individual liberty and freedom of religion in Europe, whereas the Republic of Poland was the first country in Europe and the second in the world to adopt a constitution, and whereas for centuries the human rights and personal and religious freedoms upheld in Poland provided the finest possible model for Europe;
- C. whereas Article 197 of the current Polish constitution provides that the Constitutional Tribunal operates under the Act passed by the Polish parliament;
- D. whereas the statements and media activity of the President of the Constitutional Tribunal are deepening the conflict and making it difficult to reach a compromise on the functioning of the Constitutional Tribunal;
- E. whereas the Constitutional Tribunal crisis began in October 2015 and was linked to politically motivated actions taken by the PO-PSL coalition government after it lost the election; whereas the Constitutional Tribunal decided in December 2015 that the selection of two judges in October 2015 was unconstitutional;
- F. whereas the Venice Commission guidelines are not binding and may, but need not be, accepted by the governments of the Member States as a guide for introducing positive changes;
- G. whereas the President of the Venice Commission emphasises in his note that the reform of Poland's Constitutional Tribunal is an internal Polish issue and should be dealt with by the relevant national authorities;
- H. whereas Polish law explicitly regulates issues concerning deadlines for the publication of Constitutional Tribunal decisions;
- I. whereas the Treaties do not give either the Commission or any other EU authority the right to interfere in the political system of a Member State, especially when proposed changes do not violate the Universal Declaration of Human Rights;

- J. whereas the deepening Constitutional Tribunal crisis may have consequences for the functioning of the law in Poland;
1. Considers that the separation of constitutional power in Poland, the functioning of parliamentary democracy, fundamental freedoms and the rule of law are not in danger;
 2. Stresses that the Constitutional Tribunal crisis is an internal Polish issue and can only be resolved by the Polish Government in dialogue with all stakeholders;
 3. Recognises that the situation in Poland does not require any intervention from the Commission or any other EU institution; believes that the Polish Government is free and sovereign in its actions and cannot be obliged to consider the views of such bodies as the Venice Commission;
 4. Recognises that any interference by the Commission or any other EU body as regards respect for democratic norms in Poland is unjustified; stresses that such action would not be in line with the principle of subsidiarity enshrined in Article 5 of the Treaty on European Union;
 5. Emphasises that the actions taken by the Commission vis-à-vis Poland and the Polish Government are politically motivated and are being used by the opposition to deepen the impression of political chaos in Poland;
 6. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, and the President of the Republic of Poland.