

Question for written answer E-004630/2021
to the Commission
Rule 138
Jérôme Rivière (ID)

Subject: Ruling of the Polish Constitutional Tribunal

On 7 October 2021, in a ruling on the principle of primacy of EU law, the Polish Constitutional Tribunal ruled that Articles 1 and 19 of the Treaty on European Union are 'incompatible' with the Polish Constitution. Article 1 establishes a contractual relationship between an 'ever closer Union' and Poland, and Article 19 defines the role and composition of the Court of Justice of the European Union.

It is not unprecedented for Member States to rule on the compatibility of EU law with their respective constitutions: the constitutional courts of Germany, Italy, the Czech Republic and Denmark have already done so.

1. Why is Poland the only Member State to receive such a response to its decision?
2. Will the Commission recognise Poland's right to choose which laws apply on its own soil, thus respecting the choice of a sovereign nation?