Do not approve Polish recovery plan until conditions are met, MEPs warn

• Parliament criticises Commission for endorsing the Polish government’s €35.4 billion Recovery and Resilience Facility plan
• Call on Council to not approve the plan until all conditions are met
• Need for robust monitoring and verification mechanisms each step of the way

MEPs worry that the Commission’s milestones are not enough and stress that full compliance with EU values is a prerequisite for Recovery and Resilience Facility funding.

In a resolution adopted on Thursday with 411 votes in favour, 129 against, and 31 abstentions, Parliament expresses grave concerns about the Commission’s endorsement of Poland’s €35.4 billion plan under the Recovery and Resilience Facility (RRF).

MEPs once again point to the existing and continued breaches of the values enshrined in Article 2 TEU, including of the rule of law and the independence of the judiciary, and deplore that, because of the Polish Government’s actions, funding has not yet reached the people of Poland.

No money until compliance with EU law and values is guaranteed

MEPs reiterate that the rulings of the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR), as well as the primacy of EU law, cannot be treated as bargaining chips. They point out that compliance with EU values is a prerequisite to have access to the Facility and that the rule of law conditionality mechanism is fully applicable here.

They strongly urge the Council to only approve Poland’s plan once it has fully complied with the provisions of the RRF Regulation on conflicts of interest and fraud and with all European Semester country-specific recommendations in the field of the rule of law. Poland also needs to implement all relevant judgments of the ECJ and the ECtHR before its plan can be approved. MEPs also highlight that the key steps towards implementation (milestones) related to the financial interests of the European Union must be fulfilled before a first payment request is submitted.
Commission’s conditions not enough, and will need consistent monitoring

The closure of the illegal Disciplinary Chamber and the transfer of its functions to another chamber of the Supreme Court is one of the Commission’s key conditions. A robust system will need to be in place to verify this process and a probation period, to ensure that the relevant standards are met.

MEPs regret that the issues regarding the illegitimate Constitutional Tribunal and the illegitimate National Council of the Judiciary are not addressed in the milestones, and call for an infringement procedure. Lastly, they recall that whether or not a country is observing the rule of law and managing EU funds correctly are to be evaluated continuously, including to ensure that reversals are avoided. Based on this monitoring and assessment taking place, the Commission must stop disbursing funds at any point in the RRF cycle, or should even recover them where applicable.

Background

In 2017, the Commission initiated a procedure under Article 7 to address a possible risk of breach of EU values in Poland. Parliament has since repeatedly asked the Council to act, and in 2020 warned about further backsliding. MEPs have repeatedly called for the conditionality mechanism to be activated to protect the EU budget from breaches of the rule of law in Poland.

Further information

Adopted text (09.06.2022)
Recorded debate in EP plenary (07.06.2022)
EU values in Poland: MEPs wrap-up fact-finding visit to Warsaw (23.02.2022)
EP resolution on the Rule of law crisis in Poland and the primacy of EU law (21.10.2021)
EP resolution on determination of a clear risk of a serious breach by Poland of the rule of law (17.09.2020)
Rule of law concerns: how the EU can act (infographic)
European Commission 2021 Rule of Law Report - Country Chapter Poland
Free photos, video and audio material (the rule of law in Poland)

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