New electoral rules and the “Lex Tusk”: Poland’s latest threats to EU values

- Electoral reform not in line with international democratic standards
- New “State Commission on Russian interference” should be scrapped or suspended and amended
- Further concerns about judicial independence

Parliament has raised concerns about the recent election reform in Poland and criticised heavily the “State Commission for the examination of Russian interference”.

The resolution adopted by plenary on Tuesday takes stock of the latest developments in the country that, according to MEPs, point to further backsliding on European values, following the exchange of views that took place on 14 June.

Electoral reform

MEPs have concluded that the amendments to the Polish Electoral Code adopted ahead of the country’s forthcoming parliamentary elections in autumn 2023, and with the June 2024 European elections on the horizon, are deeply concerning. The changes may discriminate against those voting from abroad, MEPs point out. They also recall that the Chamber of the Polish Supreme Court tasked with electoral disputes “cannot be considered an independent and impartial tribunal”. The resolution urges the Polish authorities to bring the way they run elections into line with the Organisation for Security and Cooperation in Europe (OSCE) and other international democratic obligations and standards. Parliament calls for a full-scale election observation mission for the upcoming parliamentary elections while the EU’s assessment of the rules is underway.

“Lex Tusk”
Regarding the “State Commission for the examination of Russian interference in the internal security of Poland” from 2007 to 2022 (an administrative body with the power to bar individuals from public office), Parliament urges the Polish authorities to repeal the relevant act - which, according to critics, targets opposition figures, including former Prime Minister Donald Tusk-, or at least to suspend its effect until the Venice Commission has delivered its urgent opinion and the legislation has been amended accordingly. If the act remains in force, the Commission should pursue an expedited infringement procedure as soon as possible and apply to the EU Court of Justice for interim measures, MEPs assert.

Other issues

MEPs reaffirm once again that the rule of law has been deteriorating in Poland as a result of the government’s systematic actions for several years, including through the illegitimate Constitutional Tribunal and the National Council of the Judiciary (NJC). They also express concerns that proposed reforms would give the Supreme Administrative Court a new mandate to deal with disciplinary cases involving judges, without making a distinction between judges appointed legally and those appointed by the illegitimate NCJ.

Parliament approved the resolution with 472 votes in favour, 136 against, and 16 abstentions.
Further information
Committee on Civil Liberties, Justice and Home Affairs

Adopted text (11.07.2023)
Procedure file

Breaches of EU values: how the EU can act (infographic)

EP briefing - “Rule of law-related ‘super milestones’ in the recovery and resilience plans of Hungary and Poland” (January 2023)

EP study - “Primacy of EU law and jurisprudence of Polish Constitutional Tribunal” (June 2022)

Commission’s 2023 Rule of law report - Communication and country chapters

Free photos, video and audio material (rule of law in Poland)
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