**Follow up to the European Parliament non-legislative resolution of 1 March 2018 on the Commission decision to activate Article 7(1) TEU as regards the situation in Poland**

**2018/2541 (RSP)**

**1. Resolution to wind up the debate on the statement by the Commission pursuant to Rule 123(2) of the Rules of Procedure by the Committee on Civil Liberties, Justice and Home Affairs**

**2. EP reference number:** B8-0119/2018 / P8\_TA-PROV(2018)0055

**3. Date of adoption of the resolution**: 1 March 2018

**4. Subject:** European Parliament resolution on the situation of the rule of law and democracy in Poland

**5.** **Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs

**6. Brief analysis/ assessment of the resolution and requests made in it:**

The Parliament reiterates its position expressed in its resolution of 15 November 2017 whereby it stated that the current situation in Poland represents a clear risk of a serious breach of the values referred to in Article 2 of the Treaty on European Union (TEU)[[1]](#footnote-1). The Parliament (i) welcomes the Commission's decision to activate the Article 7(1) TEU procedure in its decision of 20 December 2017 and supports the Commission's call on the Polish authorities to address the problems. Furthermore, the Parliament
(ii) calls on the Council to undertake swift action in accordance with Article 7(1) TEU, and (iii) calls on the Commission and the Council to keep it fully and regularly informed of progress made and action taken at every step of the Article 7(1) TEU procedure. Lastly, the Parliament (iv) instructs the President of the European Parliament to forward this resolution to the Commission and the Council, the President, Government and Parliament of Poland, the governments and parliaments of the Member States, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).

**7. Response to requests and overview of action taken, or intended to be taken, by the Commission:**

The Commission welcomes the support expressed by the Parliament for the Commission's decision to activate the Article 7(1) TEU procedure and its support for the Commission's call on the Polish authorities to address the problems identified in its Rule of Law Recommendations.

On 27 February 2018, at the General Affairs Council, First Vice-President Timmermans presented the Commission's reasoned proposal under Article 7(1) TEU concerning the Rule of Law in Poland. Poland noted that it disagrees with the Commission's assessment but confirmed its satisfaction with the ongoing dialogue.
A broad majority of Member States encouraged the continuation of the dialogue with a view to addressing the Commission's concerns on the rule of law.

On 8 March 2018, a "white paper" setting out the Polish position was published. The document does not contain any proposals, actions or initiatives to address the Commission's concerns. On 9 March 2018, additional meetings with the Polish authorities took place when President Juncker and First Vice-President Timmermans met with the Prime Minister of Poland, Mateusz Morawiecki.

As regards other developments, in a judgment of 27 February 2018 (Case C-64/16), the Court of Justice of the EU held that Member States must ensure that any court or tribunal which may rule on questions concerning the application or interpretation of EU law meets the requirements essential to effective judicial protection and that in order for that protection to be ensured, maintaining such a court's or tribunal’s independence is essential. On 12 March 2018, the High Court of Ireland decided to ask the Court of Justice for a preliminary ruling in a case regarding a European Arrest Warrant of a Polish citizen, against the background of the current situation concerning the rule of law in Poland (Case C-216/18 PPU). The Irish High Court concludes inter alia, based upon the information before it, that the rule of law in Poland has been systematically damaged by the cumulative impact of all the legislative changes that have taken place over the last two years.

On 20 March 2018, First Vice-President Timmermans further updated the General Affairs Council on developments concerning the rule of law in Poland, as a follow-up to his presentation of 27 February 2018. First Vice-President Timmermans noted that whilst the high-level dialogue between the Commission and the Polish authorities is continuing, Poland is pressing on with its judicial reform agenda without taking into account the Commission's fourth Rule of Law Recommendation. A broad majority of intervening Member States expressed continued support for the work of the Commission in the dialogue with Poland. On the same day Poland submitted its reply to the Commission's fourth Recommendation which rejects the arguments of the Recommendation and does not contain any measures to address the Commission's concerns.

On 22 and 30 March 2018, the parliamentary majority submitted three draft laws to the Sejm, amending the law on the Supreme Court, the law on the Ordinary Courts Organisation, the law on the National Council for the Judiciary, and one of the laws on the Constitutional Tribunal. These draft laws were adopted on 12 April 2018 by the Sejm, approved on 16 April 2018 by the Senate, and signed by the President of the Republic on 3 May 2018. On 4 May 2018, a new draft law amending the Supreme Court Law and certain other laws, relating to the extraordinary appeal procedure and the assistant judges, was introduced in the Sejm by the parliamentary majority.

On 9 April 2018, First Vice-President Timmermans visited Poland where he discussed rule of law matters with Polish authorities (including the Prime Minister, the Foreign Minister, the First President of the Supreme Court, as well as the Ombudsman) and other stakeholders. The Commission welcomed the fact that there is now a genuine dialogue with Polish authorities and stressed that it is urgent to find solutions.

On 17 April 2018, First Vice-President Timmermans updated the General Affairs Council as regards the situation of the rule of law, welcoming a recent intensification in the dialogue with Poland and the encouraging discussions during his visit to Poland. However, First Vice-President Timmermans stressed that despite the recent legislative amendments, further tangible and concrete solutions to the Commission's concerns are still needed. He committed to provide a further assessment to Ministers at the next General Affairs Council on 14 May 2018.

1. P8\_TA(2017)0442 [↑](#footnote-ref-1)