Resolution on media freedom and further deterioration of the rule of law in Poland

2021/2880(RSP) - 16/09/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 502 votes to 149, with 36 abstentions, a resolution on media freedom and further deterioration of the rule of law in Poland.

Media freedom

On 11 August 2021, the Polish Sejm voted in favour of the 'Lex TVN' draft bill which proposes only to allow companies which are majority-owned by entities from the European Economic Area to hold broadcast licences. This draft bill was voted down by the Polish Senate on 9 September 2021, which does not mean the end of the legislative process given the possibility of the Polish Sejm to overrule this decision.

Parliament recalled that in its previous resolutions it expressed its concern about previously adopted and newly suggested changes to Polish media law, a re-shaping of the public broadcaster into a pro-government broadcaster. It considers this to be an attempt to **silence critical content and a direct attack on media pluralism** which violates fundamental rights under the Charter and the Treaties, EU internal market legislation and international human rights and trade law, such as the Audiovisual Media Services Directive.

Parliament strongly encouraged the Sejm to take into account the deliberations and subsequent rejection of the draft bill by the Senate. It is deeply concerned by the further deterioration of media freedom in Poland and the different reforms put in place by the ruling coalition in order to reduce diversity and critical voices within the media. It also strongly condemned the continuous smear campaigns in public media against judges, journalists and politicians critical of the current government, including SLAPP (strategic lawsuit against public participation) lawsuits initiated by government agencies, government officials, state-owned companies or individuals with close ties to the government coalition. The European Parliament is working on an own-initiative report on the subject of SLAPPs. It is also deeply concerned by the confirmation of the acquisition of Polska Press Group by a state-controlled oil company, PKN Orlen before the outcome of the Polish Ombudsman's appeal against the Competition Authority has been announced. The editorial changes made by the Polska Press Group's new owners, despite an ongoing appeal that temporarily freezes their rights, are also of great concern.

The Commission is called on to:

- ensure proper implementation of the Audiovisual Media Services Directive, in particular with reference to the independence of media regulators, transparency of media ownership and media literacy;

- make effective use of infringement procedures in situations where Member States implement these provisions incorrectly or incompletely.

Rule of law and independent judiciary

While welcoming the Commission's latest initiatives as regards the independence of the judiciary, Parliament stressed that **faster action** would have helped to avoid the continuous erosion of the independence of the judiciary in Poland. Parliament is deeply concerned by the fact that the Polish authorities recently have deliberately and systematically violated rule of law-related judgments and orders

of the CJEU. It also condemned the practice of prosecuting and harassing judges who are critical of the Polish Government. In this regard, the Commission is called on to:

- be more pro-active in launching an infringement procedure related to the independence of the prosecutor services;

- continue monitoring all the issues already identified and ask for interim measures whenever referring cases to the CJEU in the field of the judiciary and to request financial penalties in cases of non-compliance with the CJEU rulings.

Parliament regretted the lack of progress and the **deterioration of the rule of law** situation in Poland. It called on the Polish Prime Minister and the Prosecutor General to withdraw their motions, pending before the illegitimate 'Constitutional Tribunal', to review whether certain parts of the EU Treaties and of Article 6 of the European Convention on Human Rights (right to a fair trial) are constitutional.

Parliament reiterated its deep concerns over the attempts to criminalise the dissemination of sexuality education in Poland and insisted that age-appropriate and evidence-based comprehensive sexuality and relationship education is key to building young peoples' skills to form healthy, equal, nurturing and safe relationships, free from discrimination, coercion and violence.

As regards the Polish Recovery and Resilience plan, Parliament called on the Commission and the Council to carefully analyse every measure outlined in the draft plan and to only approve it if it is established that the Polish authorities have implemented all CJEU rulings, and in particular as regards the independence of the judiciary, and that it would not subsequently lead to the EU budget actively contributing to breaches of fundamental rights in Poland.