Resolution on the rule of law and the potential approval of the Polish national recovery plan (RRF)

2022/2703(RSP) - 09/06/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 411 votes to 129, with 31 abstentions, a resolution on the rule of law and the potential approval of the Polish national recovery plan (RRF).

The text adopted in plenary was tabled by the EPP, S&D, Renew, Greens/EFA and the Left groups.

As a reminder, in 2017, the Commission initiated a procedure under Article 7 of the Treaty on European Union (TEU) to address a possible risk of breach of EU values in Poland.

Parliament has repeatedly called for the Commission and the Council to refrain from approving Poland's draft recovery and resilience plan until Poland implements the judgments of the Court of Justice of the European Union and international courts fully and properly, and to ensure that the assessment of the plan guarantees compliance with the relevant country-specific recommendations, in particular on safeguarding judicial independence.

The resolution noted that changes initiated by the Polish Government, in particular in the justice system, have led to a **serious erosion of democracy and the rule of law**. In addition, a decision taken on 1 June 2022 by the College of Commissioners on a proposal for a Council implementing decision on the approval of the assessment of the recovery and resilience plan for Poland was reportedly not unanimous.

Parliament expressed grave concerns about the Commission's assessment, on 1 June 2022, of Poland's recovery and resilience plan, considering the country's existing and continued breaches of the values enshrined in Article 2 TEU, including of the rule of law and the independence of the judiciary. It stressed that compliance with European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR) rulings and compliance with the primacy of EU law are **non-negotiable** and cannot be treated as a bargaining chip.

Parliament strongly urged the Council to only approve Poland's national plan under the RRF once it has fully complied with the requirements of the RRF Regulation, notably with a view to safeguarding the Union's financial interests against conflict of interest and fraud and the rule of law, and once it has implemented all the relevant judgments of the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR).

Members stressed that the milestones and targets related to the rule of law, the protection of the EU's financial interests, the establishment of an adequate control system, the independence of the judiciary, and the prevention and detection of and fight against fraud, conflicts of interest and corruption are **pre-conditions and must be fulfilled before the submission of a first payment request** and recalls that no payment under the RRF can be made before their fulfilment.

The resolution acknowledged the decision of the Commission to set the **closure of the illegal Disciplinary Chamber of the Supreme Court** and transfer of disciplinary functions to another chamber of the Supreme Court as one of the key conditions for the release of funds under the RRF. Members urged

the Commission to apply a robust verification mechanism as well as a probation period to ensure that the new chamber meets the criteria of an independent and impartial court established by law as required under Article 19 TEU before the release of any funds.

Members also regretted that the issues regarding the illegitimate Constitutional Tribunal and the illegitimate National Council of the Judiciary are not addressed in the milestones and called for an infringement procedure.

Lastly, Parliament recalled that adherence to the rule of law and the sound financial management of EU funds are to be continuously evaluated throughout the lifecycle of the RRF and that the satisfactory fulfilment of milestones and targets and the related payments presuppose that there has been no reversal of measures related to milestones and targets that have already been satisfactorily fulfilled. The Commission must refrain from disbursing funding and, where applicable, recover funds in the event that such conditions are no longer fulfilled.