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MEMBER OF THE EUROPEAN COMMISSION  
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Dear President,

Dear colleagues,

As I am unable to attend the College meeting on 1 June 2022 due to the late change in timing of the meeting and conflicting commitments, I would like to share with you my key concerns on the agenda item on the Polish recovery and resilience plan.

Independent and impartial justice systems are a key prerequisite for a comprehensive approach to fight corruption, as well as ensure a healthy business environment. The national justice systems must be sufficiently equipped, both legally and institutionally, to effectively enforce anti-corruption legislation by conducting impartial investigations and prosecutions as well as enacting sanctions. This is why the issue of judicial independence in Poland in the context of the Polish recovery and resilience plan is of particularly great concern to me as Commissioner for Home Affairs.

In this regard, I would like to share my concerns on the definition and implementation of the milestones to ensure judicial independence. The Polish authorities will enjoy a certain marge of manoeuvre in implementing them. It is essential that the Commission in its assessment, which must be a collegial exercise, ensures that the milestones are fulfilled in a way which is fully compliant with EU law requirements of judicial independence, as interpreted by the European Court of Justice.

Given the Polish recovery and resilience plan's substantial budget of up to EUR 60 billion, it is imperative that rule of law concerns are addressed proportionately and adequately within the plan.

Finally, in the unprecedented context of the Russian war against Ukraine, the Commission needs to be clear, now more than ever, about how important it is that our fundamental values are respected within the Union, including in Poland.

Yours sincerely,

  
Ylva Johansson

**Ms Ursula von der Leyen**  
President of the European Commission  


