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Madame President,

Dear colleagues,

In view of my absence at the College meeting related to my visit to the United States, I want to share with you some observations as regards the Polish Recovery and Resilience Plan which you will discuss today.

This Plan is of particular importance for the rule of law in the EU. I appreciate the efforts made by many colleagues in the Commission in long and difficult negotiations on the milestones relating to the Polish justice system, in particular the disciplinary regime of judges. I hope that these milestones may lead Polish authorities to take steps that will indeed improve the rule of law situation. At the same time, I still have substantial doubts on certain aspects of these milestones, notably as regards the re-instatement of suspended judges.

As regards the implementation of these milestones, Polish authorities will enjoy a certain room for manoeuvre. I want to call for vigilance when the Commission will assess whether these milestones are fulfilled in a manner that is fully compliant with the EU law requirements of judicial independence, as interpreted by the European Court of Justice. This assessment must also be a collegial exercise.

As regards the communication towards the Polish authorities and the public, the approval of the Plan must not be seen as any sort of endorsement of the draft legislation currently under discussion. I welcome that the recitals of the draft Council Implementing Decision underline this.

I also welcome that draft Council Implementing Decision clarifies another key point: the milestones address only certain aspects of the concerns relating to judicial independence in Poland. More remains to be done. The fulfillment of the milestones is explicitly without prejudice to any ongoing and future infringement proceedings, and, more generally, to the obligation of Poland to comply with Union law and the rulings of the Court of Justice. The Commission will continue to exercise its role as the Guardian of the Treaties.

Ms Ursula von der Leyen
President of the European Commission



As Commissioner for Justice, I am committed to ensure that the rule of law as the basic tenet of our common order will be upheld to the benefit of all Member States and our citizens.

The approval of the Polish Recovery and Resilience Plan takes place in a situation where in Poland the supremacy of EU law continues to be undermined by the Constitutional Tribunal, while at the same time the concerns relating to the lack of independence of the National Council for the Judiciary – as confirmed in a number of rulings of the Court of Justice and the European Court of Human Rights – continue to persist, contaminating the process of judicial appointments in Poland.

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

I hope that these remarks will be taken into account in our communication.

Sincerely yours,

(e-signed)

Didier REYNDERS