

2015/3031(RSP) - 13/04/2016 Text adopted by Parliament, single reading

The European Parliament adopted by 513 votes to 142 with 30 abstentions, a resolution on the situation in Poland. The resolution was tabled by the EPP, S&D, ALDE, GUE/NGL and Greens/EFA groups.

It stated that it was seriously concerned that the effective paralysis of the Constitutional Tribunal, which was established as one of the central elements in constitutional democracy, posed a danger to democracy, human rights and the rule of law. Members recalled that recent events in Poland, in particular the political and legal dispute concerning the composition of the Constitutional Tribunal and new rules on its operation (relating, among other things, to the examination of cases and the order thereof, the raising of the attendance quorum and the majorities needed to pass decisions of the Tribunal) have given rise to concerns regarding the ability of the Constitutional Tribunal to uphold the constitution and guarantee respect for the rule of law.

Furthermore, the Venice Commission stated that the Constitutional Tribunal cannot fulfil its role owing to the fact that the Tribunal's verdict of 9 March 2016 was unpublished and therefore cannot enter into force. Parliament called on the Polish Government to respect, publish and fully implement without further delay the Constitutional Tribunal's judgment of 9 March 2016 and to implement the judgments of 3 and 9 December 2015, as well as the recommendations of the Venice Commission.

Members supported the Commission's decision to launch a structured dialogue under the Rule of Law Framework, which should clarify whether there is a systemic threat to democratic values and the rule of law in Poland. Should the Polish Government fail to comply with the Venice Commission recommendations in the course of the structured dialogue, the Commission was asked to activate the second stage of the rule of law procedure (which was initiated following the orientation debate of 13 January 2016), by issuing its rule of law recommendation, and to offer its support to Poland in developing solutions to strengthen the rule of law. Parliament added that it hoped that the structured dialogue between the Polish Government and the Commission would also result in other decisions of the Polish Government that have given rise to concerns as to their legality and potential impact on fundamental rights being reviewed. The Commission should keep Parliament regularly and closely informed of its assessments, the progress made and the actions taken.

Lastly, Parliament stressed that all the steps to be taken must respect the competences of the EU and of its Member States, as set by the Treaties and the principle of subsidiarity. It expected the Commission to monitor all Member States in the same way as regards respect for democracy, the rule of law and fundamental rights, thus avoiding double standards, and to report back to Parliament.