

EU warns Poland over judicial reforms while also reaching out with call for dialogue

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News

Greens MEP Sven Giegold has welcomed the European Commission's 'get tough' response to Polish government plans to give politicians more power to sack and appoint judges.



Polish flag | *Photo credit: Press Association*

Greens MEP Sven Giegold has welcomed the European Commission's 'get tough' response to Polish government plans to give politicians more power to sack and appoint judges.

On Wednesday, the Commission launched legal action against Poland saying it would be stripped of its EU voting rights if it went ahead with proposals to force all Supreme Court judges into retirement.

Poland's president has vetoed two of the most controversial bills, but the government wants to press

on with them, despite mass street protests.

The Commission's Vice-President, Frans Timmermans, said the reforms would have a "very significant negative impact on the independence of the Polish judiciary".

He welcomed a decision by Polish President Andrzej Duda on Monday to veto some of the laws, including the one that would have overhauled the Supreme Court.

But Timmermans said the Commission would launch immediate action to strip Poland of its voting rights if Warsaw went ahead with it anyway.

Such a penalty, known as Article 7, requires the agreement of all EU member states, and Hungary says it will back Poland.

Reacting to the latest developments Greens group MEP Sven Giegold, the European parliament's rapporteur on transparency, integrity and accountability of EU institutions, told this website, "The Commission has sent a clear signal to the Polish government without overstepping its legal possibilities."

He added, "This is good news for the rule of law and European democracy. The independence of the judiciary is an indispensable part of the rule of law and democratic principles."

"The Commission has sent a clear signal to the Polish government without overstepping its legal possibilities" Sven Giegold MEP

The German deputy went on, "Nevertheless, the government majority in Poland has enacted more laws which seem to violate EU law. Therefore, I have written to Timmermans to analyse these laws as well and to consider infringement procedures. The list of potential breaches of EU law is based on work of the Polish legal NGO 'Frank Bold'."

Further comment came from Commission President Jean-Claude Juncker, who said: "The Commission is determined to defend the rule of law in all our member states as a fundamental principle on which our European Union is built. An independent judiciary is an essential precondition for membership in our Union.

"The EU can therefore not accept a system which allows dismissing judges at will. Independent courts are the basis of mutual trust between our member states and our judicial systems. If the Polish government goes ahead with undermining the independence of the judiciary and the rule of law in Poland, we will have no other choice than to trigger Article 7."

His comments were endorsed by Timmermans, who said: "Our Recommendations to the Polish authorities are clear. It is time to restore the independence of the Constitutional Tribunal and to either withdraw the laws reforming the judiciary or bring them in line with the Polish Constitution and with European standards on judicial independence."

"Polish courts like the courts of all member states are called upon to provide an effective remedy in case of violations of EU law, in which case they act as the "judges of the Union" and must comply with the requirements of the independence of the judiciary in line with the Treaty and the Charter of Fundamental Rights. We want to resolve these issues together in a constructive way."

Timmermans went on, "The Commission's hand remains extended to the Polish authorities for

dialogue, and we welcome any steps to amend these laws in line with our recommendations."

About the author

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[European Commission](#) [1]

[Justice and Rights](#) [2]

Categories

[Public order, justice and rights](#) [3]



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