



Speech by President von der Leyen at the European Parliament Plenary on the rule of law and the potential approval of the Polish national recovery plan

Strasbourg, 7 June 2022

Mr President,

Madame la ministre,

Honourable Members,

Last week, the European Commission, after one year of negotiations, gave its green light to Poland's recovery and resilience plan. Now, the Council has to decide on it – we just heard it. This plan will support the Polish people on their way to a more sustainable, digital and resilient future. This is a path we have all agreed on. But the plan will do more and that is what we are debating here today. Because as in all recovery and resilience plans, there are investments linked to reforms. The approval of this plan is linked in particular to clear commitments by the Polish government on the independence of the judiciary. These commitments are intended to meet the three elements that I laid out to you last October in this hemicycle. And I laid them out again, last week, in Warsaw. So please allow me to reiterate them.

First, the current Disciplinary Chamber must be abolished and replaced by an independent and impartial court established by law. That means that the new Disciplinary Chamber must be substantially different – that is the term the ECJ has used – from the current one to respond to the ECJ ruling. Second, the disciplinary regime has to be reformed. That means that controversial disciplinary offences have to be removed. For example the requests to the ECJ, this is not an offence any more. Or the questioning of the status of another judge, this cannot be an offence any more. And third, all judges affected by the rulings of the Disciplinary Chamber shall have the right to have their case reviewed by the new Chamber within a clear timeframe and on the basis of the new regime, free from inappropriate offences. These are the three milestones.

Let me be very clear. These three commitments, translated into milestones, must be fulfilled before any payment can be made. I know that some of you are sceptical, but let me assure you that no money will be disbursed until these reforms are undertaken. The plan is public. A first payment will only be possible when a new law is in force that ticks all the boxes under this contract. In addition, Poland must demonstrate by the end of 2023 that all unlawfully dismissed judges have been reinstated. If this is not the case, there cannot be any further disbursement. When delivered, this is progress, but we are not at the end of the road on the rule of law in Poland.

Agreeing to Poland's recovery plan does not stop any of the other procedures concerning the rule of law in Poland. We will continue the ongoing infringement proceedings and we will not hesitate to start new ones if needed. The rulings of the Court of Justice concerning the disciplinary regime remain binding on Poland. And the Commission will continue to enforce the order of the Court and apply the daily penalty payments until the Polish government complies. The milestones in our plan are a safety net to the legal procedures of the Court.

Honourable Members,

As you see, our strategy is to use all the instruments at our disposal to address all the rule of law issues in Poland. The full implementation of the milestones will lead to solving important issues related to the disciplinary regime as identified by the European Court of Justice. But the RRP does not replace the judgement. It is a safety net, as I said, for Poland's compliance with it.

When we started our negotiations with the Polish government on the recovery plan in May one year ago, these commitments were not there. Our negotiations on NextGenerationEU triggered the necessary movement. Now, the Polish parliament is debating a new law. And unlawfully dismissed judges have a clear perspective of being reinstated. So, is everything solved? No, certainly not. But now, we have movement in the right direction and leverage so that it leads to the results needed.

And finally, when I visited Warsaw last week, I made it very clear. When we are talking about NextGenerationEU, we are talking about common European money, taxpayers' money. The European Parliament and Member States must be certain that this money is being spent in line with our rules and our values, everywhere in our Union. And we have given ourselves the instruments to make sure that the European budget is protected. Both, the Parliament and the Commission, have initiated Article 7 procedures. The NextGenerationEU Regulation allows us to push through necessary reforms, as identified in the country-specific recommendations. This is hard work. This is a day-to-day struggle. This is our duty. And I call on all of us to work together in these challenging times to uphold and protect the rule of law.

Thank you.

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Press contacts:

[Eric MAMER](#) (+32 2 299 40 73)

[Dana SPINANT](#) (+32 2 299 01 50)

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