



European Commission - Speech [Check Against Delivery]



Speech by President von der Leyen at the European Parliament Plenary on the rule of law crisis in Poland and the primacy of EU law

Strasbourg, 19 October 2021

Dear Vice-President Silva Pereira,

Dear Prime Minister Morawiecki,

Dear Minister Logar,

Honourable Members,

Almost 40 years ago, in December 1981, the Communist regime in Poland imposed martial law. Many members of *Solidarność*, the independent trade union, and of other groups were put in jail. Simply, because they stood up for their rights. The people of Poland wanted democracy, like millions of other Europeans from Budapest to Tallinn, to East Berlin. They wanted the freedom to choose their government. They wanted free speech and free media. They wanted an end to corruption. And they wanted independent courts to protect their rights. The people of Central and Eastern Europe wanted to join the European family of free peoples, a strong community of values and democracy. Because that is what Europe is about and that is what Europe stands for.

Honourable Members,

The recent ruling of the Polish Constitutional Court puts much of this into question. We have been concerned about the independence of the judiciary for some time. Judges have seen their immunity being lifted and have been driven out of office without justification. This threatens judicial independence, which is a basic pillar of the rule of law. We have taken a number of measures. We continue to have a regular dialogue. But unfortunately the situation has worsened. And this is not only the Commission's conclusion: This is what has been confirmed by the European Court of Justice and the European Court of Human Rights. And this has culminated in the most recent ruling of the Polish Constitutional Court.

Honourable Members,

The European Commission is, at the moment, carefully assessing this judgement. But I can already tell you: I am deeply concerned. This ruling calls into question the foundations of the European Union. It is a direct challenge to the unity of the European legal order. Only a common legal order provides equal rights, legal certainty, mutual trust between Member States and therefore common policies. This is the first time ever that a court of a Member State finds that the EU Treaties are incompatible with the national constitution. This has serious consequences for the Polish people. Because the ruling has a direct impact on the protection of the judiciary. The ruling undermines the protection of judicial independence as guaranteed by Article 19 of the Treaty and as interpreted by the European Court of Justice. Without independent courts, people have less protection and consequently their rights are at stake.

Honourable Members,

Polish people must be able to rely on fair and equal treatment in the judicial system, just like any other European citizen. In our Union, we all enjoy the same rights. This basic principle fundamentally impacts people's lives. Because if European law is applied differently in Grenoble, Göttingen or Gdańsk EU citizens would not be able to rely on the same rights everywhere.

Honourable Members,

When joining the EU the Polish people put their trust in the European Union. They expected the EU to defend their rights. And rightly so. The Commission is the guardian of the Treaty. It is my Commission's duty to protect the rights of EU citizens, wherever they live in our Union. The rule of law is the glue that binds our Union together. It is the foundation for our unity. It is essential for the protection of the values, on which our Union is founded: freedom, democracy, equality and respect for human rights. This is what all 27 Member States have signed up to as part of this Union, as

sovereign countries and free peoples.

Honourable Members,

We cannot and we will not allow our common values to be put at risk. The Commission will act. And the options are all known. The first option are infringements, where we legally challenge the judgement by the Polish Constitutional Court.

Another option is the conditionality mechanism and other financial tools. The Polish government has now to explain to us how it intends to protect European money, given this ruling of their Constitutional Court. Because in the coming years we will be investing EUR 2.100 billion with the Multiannual Budget and the NextGenerationEU recovery programme. This is European taxpayers' money. And if our Union is investing more than ever to advance our collective recovery, we must protect the Union budget against breaches of the rule of law.

The third option is the Article 7 procedure. This is the powerful tool in the Treaty. And we must come back to it. Because let me remind you: The Polish Constitutional Court that today has cast doubts on the validity of our Treaty is the same court that under Article 7 we consider not to be independent and legitimate. This comes in many ways full circle.

Honourable Members,

I deeply regret that we find ourselves in this situation. I have always been a proponent of dialogue and I will always be. This is a situation that can and must be resolved. And we want a strong Poland in a united Europe. We want Poland to be at the heart of our debates in building a common future. Poland has a stake in Europe. Together, we can build a Europe that is strong and confident in a world where other big powers become more and more assertive. Europe has benefited from Poland's unique experience. Without the people of Poland, our European journey would have been very different.

When Karol Wojtyła, as Pope John Paul II went to his homeland, he changed European history forever. When Lech Wałęsa with a scattered group of trade unionists overcame a mighty army, we saw the beginning of the fall of the Iron Curtain. And when President Lech Kaczyński ratified the Lisbon Treaty together with the Charter of Fundamental Rights, he reaffirmed Poland's commitment to our values. Polish people have played a fundamental role in making our Union whole, in enabling their homeland to thrive as a vital part of our Union. And they will always be. Poland, you are and you will always be at the heart of Europe.

Polsko, jesteś i zawsze będziesz w sercu Europy!

Niech żyje Polska!

Niech żyje Europa!

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