



STATEMENT ON THE POLISH CONSTITUTIONAL COURT DECISION OF 7 OCTOBER 2021

The backsliding of Rule of Law in Poland has known another important chapter, with the decision issued by the Polish Constitutional Court on 07 October 2021.

MEDEL has been for many years raising concerns about the serious situation of the Polish Constitutional Court. In its statement of 13 July 2017 (<https://www.medelnet.eu/index.php/news/europe/383-medel-communique-on-the-situation-of-the-constitutional-court-in-poland>), MEDEL already pointed out that “the ruling majority in Poland has in practice eliminated the Constitutional Court from Polish legal system. It has affected the independence of the Constitutional Tribunal by appointing a working majority of loyalists to the Government”, highlighting that “it is striking that a country which has suffered so much from fascism and communism is depriving itself of a crucial safeguard introduced to prevent dictatorship”.

More than four years have passed and since then the institution, under the leadership of Julia Przyłębska, a loyalist to the executive power, has been compromised many times, legalizing laws blatantly abusing basic European and democratic standards. The decision of 07 October 2021, through which the Tribunal rejected the supremacy of EU laws (despite only the Court of Justice of the European Union has the competence to interpret them) is the most extreme example of “legalizing” unlawfulness, violation of EU laws and deprivation of European citizens of basic human rights in Poland.

The verdict is based on an alleged “contradiction” between the Polish Constitution and European Law and deprives Polish citizens of the right to a fair trial in front of an independent court, thus deepening the legal chaos in Poland.

Although the verdict may be easily challenged, since it was delivered by invalid panel (as clearly stated by the ECtHR, in the *Xero Flor w Polsce sp. z o.o. v. Poland* ruling, application no. 4907/18), its consequences might be severe not only for Poland, but for the whole European Union. It is therefore more urgent than ever that the European authorities take a clear position.

MEDEL declares its full support and urges the European Commission to take all actions in its capacity of guardian of the Treaties to safeguard the uniform application and integrity of Union Law.

MEDEL appeals to all European magistrates and citizens to stand by our brave Polish colleagues, who tirelessly fight for the Rule of Law, the independence of the Judiciary and the future of the European Union.

11 October 2021