



Brussels, 15.11.2021

Dear President von der Leyen,

We demand that the Commission, as guardian of the Treaties, refrains from approving the Polish recovery plan until all conditions under the Recovery and Resilience Regulation are met.

A government that denies the primacy of EU law and violates the principles of the Rule of Law cannot be deemed trustworthy of fulfilling the commitments and obligations under our legal instruments. This includes the relevant criteria for the assessment of national recovery and resilience plans. The RRF requires that the bodies tasked with control and supervision have the legal empowerment and administrative capacity to exercise their tasks.

Parliament has expressed this view several times and has called on the Commission to take all the necessary measures in its power to rectify the situation as soon as possible.

Polish courts of all instances have demonstrated that they cannot ensure the right to a fair trial by an independent and impartial tribunal established by law, as recognised also by the Court of Justice and the European Court of Human Rights. This means that final control instances are not legally empowered to exercise their role and tasks as necessary for the approval of a national plan and the correct implementation of the NRRP.

A commitment in the form of milestones and targets would not be sufficient to allow for approval, especially in light of the interim measures taken by the Court of Justice. The Court of Justice's measures can be summarized as 'comply immediately or pay', to which the Commission cannot take a stance of 'commit to comply in the future, and we will pay'.

Our demand must not be seen as punitive against the people of Poland, but as a means to support the restoration of the Rule of Law in Poland in the light of its continued deterioration

Respectfully,

Mr. Manfred Weber
President of the EPP Group

Ms. Iratxe Garcia Pérez
President of the S&D Group

Mr. Stéphane Séjourné
President of the Renew
Europe Group

**Ms. Ska Keller &
Mr. Philippe Lamberts**
Co-Presidents of the Greens Group

**Ms. Manon Aubry &
Mr. Martin Schirdewan**
Co-Chairs of The Left Group