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Texte au verso
Brussels vows swift response to Poland’s ruling against EU law

Ursula von der Leyen says European Commission will decide on next steps to take

The Guardian - Jennifer Rankin, in Brussels 08/10/2021

The head of the European Commission has vowed a swift response to a ruling from Poland’s top court rejecting the supremacy of EU law, which has thrown relations between Brussels and Warsaw into a crisis.

Ursula von der Leyen said she was deeply concerned by Thursday’s ruling of the Polish constitutional tribunal, which concluded that basic principles of EU law were incompatible with Poland’s constitution.

While the European Commission is embroiled in a legal dispute with Germany’s constitutional court over EU law, the latest ruling from Poland is seen by Brussels as far more serious. Polish judges have rejected the basic principle of EU legal primacy – a core pillar of the bloc’s legal order that all member states sign up to on joining.

The Polish ruling rejects significant articles of the EU treaties, including that member states will take “appropriate measures” to fulfil their obligations under EU law.

Politicians and legal scholars have described the move as a “legal Polexit” that jeopardises Poland’s access to EU funds and the rights of its largely pro-EU population and businesses.

France’s Europe minister, Clément Beaune, said the situation was very serious. “There is the risk of a de-facto exit,” of Poland from the EU, he told the BFM-TV broadcaster, adding that he did not want Poland to leave. “This is not a technical or a legal question. This is a highly political topic that adds to a long list of provocations aimed at the EU,” he said.

Luxembourg’s foreign minister, Jean Asselborn, told the Polish government it was playing with fire. “The primacy of European law is essential for the integration of Europe and living together in Europe. If this principle is broken, Europe as we know it, as it has been built with the Rome treaties, will cease to exist.” (…)

The latest conflict adds to the dilemma in Brussels over whether to approve a €58bn (£49bn) coronavirus recovery plan for Poland. (…)

EU officials were expected to approve the funds for Poland later this month, subject to conditions on judicial reform. But the latest court ruling complicates that goal, with some MEPs calling for all EU financial flows to Warsaw to be frozen as soon as the judgment is legally binding, because of concerns over lack of independent courts to safeguard proper spending of the money. (…).