

Amendment 54

Jadwiga Wiśniewska, Joachim Stanisław Brudziński, Elżbieta Kruk
on behalf of the ECR Group

Report**A9-0138/2020****Juan Fernando López Aguilar**

Determination of a clear risk of a serious breach by the Republic of Poland of the rule of law
2017/0360R(NLE)

Motion for a resolution**Paragraph 8***Motion for a resolution**Amendment*

8. Denounces the fact that the Polish parliament assumed powers of constitutional revision which it did not have when it acted as the ordinary legislature in adopting the Act of 22 December 2015 amending the Act on the Constitutional Tribunal²⁵ and the Act of 22 July 2016 on the Constitutional Tribunal²⁶, as found by the Constitutional Tribunal in its judgments of 9 March²⁷, 11 August²⁸ and 7 November 2016^{29 30}; *deleted*

²⁵ Ustawa z dnia 22 grudnia 2015 r. o zmianie ustawy o Trybunale Konstytucyjnym (Dz.U. 2015 poz. 2217).

²⁶ Ustawa z dnia 22 lipca 2016 r. o Trybunale Konstytucyjnym (Dz.U. 2016 poz. 1157).

²⁷ Judgement of the Constitutional Tribunal of 9 March 2016, K 47/15.

²⁸ Judgement of the Constitutional Tribunal of 11 August 2016, K 39/16.

²⁹ Judgement of the Constitutional Tribunal of 7 November 2016, K 44/16.

³⁰ See Venice Commission Opinion of 14 October 2016 on the Law of 22 July 2016 on the Constitutional Tribunal, Opinion no. 860/2016, para. 127; Commission Reasoned Proposal of 20 December 2017, paras 91 and following.

Amendment 55

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Motion for a resolution**Paragraph 9***Motion for a resolution**Amendment*

9. *Regrets, furthermore, that many particularly sensitive legislative acts have been adopted by the Polish parliament at a time when independent constitutional review of laws can no longer be effectively guaranteed, such as the Act of 30 December 2015 amending the Act on Civil Service and certain other acts³¹, the Act of 15 January 2016 amending the Act on the police and certain other acts³², the Act of 28 January 2016 on the public prosecution office³³ and the Act of 28 January 2016 - regulations implementing the Act on the public prosecution office³⁴, the Act of 18 March 2016 amending the Act on the Ombudsman and certain other acts³⁵, the Act of 22 June 2016 on the National Media Council³⁶, the Act of 10 June 2016 on anti-terrorist actions³⁷ and several other acts fundamentally reorganising the judicial system³⁸;* *deleted*

³¹ Ustawa z dnia 30 grudnia 2015 r. o zmianie ustawy o służbie cywilnej oraz niektórych innych ustaw (Dz.U. 2016 poz. 34).

³² Ustawa z dnia 15 stycznia 2016 r. o zmianie ustawy o Policji oraz niektórych innych ustaw (Dz.U. 2016 poz. 147).

³³ Ustawa z dnia 28 stycznia 2016 r. Prawo o prokuraturze (Dz.U. 2016 poz. 177).

³⁴ *Ustawa z dnia 28 stycznia 2016 r. Przepisy wprowadzające ustawę - Prawo o prokuraturze (Dz.U. 2016 poz. 178).*

³⁵ *Ustawa z dnia 18 marca 2016 r. o zmianie ustawy o Rzeczniku Praw Obywatelskich oraz niektórych innych ustaw (Dz.U. 2016 poz. 677).*

³⁶ *Ustawa z dnia 22 czerwca 2016 r. o Radzie Mediów Narodowych (Dz.U. 2016 poz. 929).*

³⁷ *Ustawa z dnia 10 czerwca 2016 r. o działaniach antyterrorystycznych (Dz.U. 2016 poz. 904).*

³⁸ *See Commission Reasoned Proposal of 20 December 2017, paras 112-113.*

Or. en

11.9.2020

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Amendment 56

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on behalf of the ECR Group

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Motion for a resolution

Subheading 3

Motion for a resolution

Amendment

*The use of expedited legislative
procedures*

deleted

Or. en

Amendment 57

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Motion for a resolution**Paragraph 10***Motion for a resolution**Amendment*

10. Deplores the frequent use of expedited legislative procedures by the Polish parliament for the adoption of crucial legislation redesigning the organisation and functioning of the judiciary, without meaningful consultation with stakeholders, including the judicial community³⁹ ; *deleted*

³⁹ ENCJ, Warsaw Declaration of 3 June 2016.

Or. en

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Amendment 58

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Motion for a resolution

Subheading 4

Motion for a resolution

Amendment

***Electoral law and organisation of
elections***

deleted

Or. en