

11.9.2020

A9-0138/92

Amendment 92

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

Subheading 18

Motion for a resolution

Amendment

*The right to information and freedom of
expression, including media freedom and
pluralism*

deleted

Or. en

A9-0138/93

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

A9-0138/2020

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

Paragraph 42

Amendment

42. Recalls that, in its resolution of 14 September 2016, Parliament expressed its concern about previously adopted and newly suggested changes to Polish media law; repeats its call on the Commission to carry out an assessment of the legislation adopted as regards its compatibility with Union law, in particular with Article 11 of the Charter and Union law on public media; **deleted**

Or. en

Amendment 94

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 44***Motion for a resolution**Amendment*

44. Is deeply concerned by the excessive use of defamation cases by some politicians against journalists, including by imposing criminal fines and suspending journalists from exercising their profession; fears that there will be a chilling effect on the profession and independence of journalists and media⁸⁵ ; calls on the Polish authorities to guarantee access to appropriate legal remedies for journalists and their families who become the subject of lawsuits intended to silence or intimidate independent media; calls on the Polish authorities to fully implement the Council of Europe's Recommendation of 13 April 2016 on the protection of journalism and safety of journalists and other media actors⁸⁶ ; regrets that so far the Commission has not come up with the anti-SLAPP (strategic lawsuit against public participation) legislation that would also protect Polish journalists and media from vexatious lawsuits;

deleted

⁸⁵ Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, 2020 Annual Report, March 2020, p. 42.

⁸⁶ Council of Europe, Recommendation CM/Rec(2016)4 of 13 April 2016 of the Committee of Ministers to Member States on the protection of journalism and safety

of journalists and other media actors.

Or. en

Amendment 95

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

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A9-0138/2020

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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 45

Motion for a resolution

Amendment

45. Is concerned about reported cases of detention of journalists for doing their job when reporting on anti-lockdown protests during the COVID-19 epidemic⁸⁷ ; *deleted*

⁸⁷ *International Press Institute (IPI)
Tracker on Press Freedom Violations
Linked to COVID-19 Coverage,
<https://ipi.media/covid19-media-freedom-monitoring/>.*

Or. en

11.9.2020

A9-0138/96

Amendment 96

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

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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

Subheading 19

Motion for a resolution

Amendment

Academic freedom

deleted

Or. en

Amendment 97

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 46***Motion for a resolution**Amendment*

46. Expresses concern over the use and threat of defamation litigation against academics; calls on the Polish authorities to respect freedom of speech and academic freedom, in line with international standards;⁸⁸ *deleted*

⁸⁸ *Council of Europe, the Organisation of American States et al., Declaration of the Global Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy, 21 June 2019.*

Or. en

Amendment 98

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

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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 47***Motion for a resolution**Amendment*

47. Calls on the Polish parliament to repeal Chapter 6c of the Act of 18 December 1998 on the Institute of National Remembrance – Committee for the Prosecution of the Crimes against the Polish Nation⁸⁹, which jeopardises freedom of speech and independent research by rendering it a civil offense that is actionable before civil courts to cause harm to the reputation of Poland and its people, such as by making any accusation of complicity of Poland or Poles in the Holocaust⁹⁰ ; *deleted*

⁸⁹ Ustawa z dnia 18 grudnia 1998 r. o Instytucie Pamięci Narodowej - Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu (Dz.U. 1998 nr 155 poz. 1016).

⁹⁰ See as well the Statement of 28 June 2018 by the OSCE Representative on Freedom of the Media.

Or. en

11.9.2020

A9-0138/99

Amendment 99

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on behalf of the ECR Group

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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

Subheading 20

Motion for a resolution

Amendment

Freedom of assembly

deleted

Or. en

Amendment 100

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 48***Motion for a resolution*

48. ***Reiterates its call on the Polish government to respect the right of freedom of assembly by removing from the current Act of 24 July 2015 on public assemblies⁹¹, as amended on 13 December 2016⁹², the provisions prioritising government-approved ‘cyclical’ assemblies⁹³; urges the Polish authorities to refrain from applying criminal sanctions to people who participate in peaceful assemblies or counter-demonstrations and to drop criminal charges against peaceful protesters; urges the Polish authorities moreover to adequately protect peaceful assemblies and bring to justice those who violently attack people participating in peaceful assemblies;***

Amendment

48. ***Recalls that on 2 April 2017, an amendment to the Act on public assemblies came into force, with Article 12(1) of the act being amended through the introduction of a rule stipulating that different assemblies may not be held within 100 metres of each other, thus the amendment reduces the likelihood of a threat to the safety of participants in concurrent assemblies by increasing the distance between them, while their participants are able to express their opinions; recalls that persons or organisations have the right to organise assemblies once the formal requirements set out in the Act of 24 July 2015 have been met;***

⁹¹ Ustawa z dnia 24 lipca 2015 r. - Prawo o zgromadzeniach (Dz.U. 2015 poz. 1485).

⁹² Ustawa z dnia 13 grudnia 2016 r. o zmianie ustawy - Prawo o zgromadzeniach (Dz.U. 2017 poz. 579).

⁹³ See as well the Communication of 23 April 2018 by UN Experts to urge Poland to ensure free and full participation at climate talks.

Or. en

Amendment 101

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 49***Motion for a resolution*

49. *Is concerned about the very restrictive ban on public assemblies⁹⁴ which was in force during the COVID-19 pandemic without the introduction of a state of natural disaster as laid down in Article 232 of the Polish Constitution and insists on the need to apply the principle of proportionality when restricting the right to assembly;*

Amendment

49. *Recalls that persons or organisations have the right to organise assemblies after meeting the formal requirements set out in the Act of 24 July 2015, and that police officers are to take action only against persons who violate the prevailing legal order, first of all by trying to separate them from participants in the assembly who are peacefully demonstrating their views; recalls, furthermore, that the Constitutional Tribunal has pointed out that the introduction of the institution of cyclical assemblies is an additional and new way of defining the legal framework for the exercise of freedom of assembly;*

⁹⁴ Polish Commissioner for Human Rights, letter to the Ministry of the Interior and Administration, 6 May 2020.

Or. en