

# Focus on Poland

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*Monthly Newsletter – July*

## Topic of the month

### *PiS tightens control over Supreme Court*

The battle over the courts continues (for background see June-Newsletter) and focuses on the replacement of the First President of the Court.

PiS government being afraid of the obstruction of the process of appointment of new Supreme Court judges and not being able to appoint a new First President, passed the 6<sup>th</sup> amendment of the Supreme Court Law. The biggest judges' association announced it could obstruct the process by a mass action of filling in applications and later protest against the selection committee's results. The ruling party said the reforms are necessary to "serve" Polish citizens.

The new proposal signed quickly by President Andrzej Duda allows the government to choose the next Supreme Court First President, and follows the removal of 22 Supreme Court judges earlier this month. In total, there are 72 justices on Poland's Supreme Court. The law signed in last Thursday of July allows Prof. Małgorzata Gersdorf's successor to be chosen when only two-thirds of the positions on the court are filled, instead of nearly all of them.

Jarosław Kaczyński is keen to push through his latest reforms quickly so that his party can appoint a new First President without having to have so many new judges in place and before the EU can intervene. Prime Minister Mateusz Morawiecki commented that Prof. Gersdorf had to be replaced quickly to avoid legal chaos and that Poland would not meet demands by Brussels to reverse its judicial "reforms". The European Commission is running an unprecedented rule of law investigation and has opened several separate legal cases against Poland, including some over the Supreme Court.

Prof. Gersdorf returned to work as ruling party officials, who say that she is retired, threatened her with disciplinary proceedings for potential obstruction. "According to the Constitution, I remain Supreme Court President and no statute can change that," she explained. "I'm fighting for the rule of law."

At the same time the National Council of Judiciary started interviewing candidates to become judges. The first hearing proved that the body is highly politicized and dominated by PiS activists. PiS MPs were asking candidates questions about the current political situation eliminating those who claim that according to the Constitution Małgorzata Gersdorf is still the First President of the Court. The Council came under public scrutiny when it rejected judge Marta Kozuchowska-Warywoda's promotion application after she took part in a European Parliament debate about Polish court reforms. Krystyna Pawłowicz, known as the most aggressive PiS MP, member of the Council, said last

week that judges like Kozuchowska-Warywoda can't "badmouth" Poland and "shamelessly" expect promotions.

Hundreds of people protested in many Polish cities, although the numbers were lower than the tens of thousands who turned out last summer to demonstrate against the government. In Warsaw, protesters in front of the Presidential Palace chanted "shame" and "free courts," and sang the national anthem.

For the first time in these protests, police used pepper spray against the protesters in some instances. Warsaw police spokesman Sylwester Marczak claimed that someone in the crowd "used gas against police officers," and that "due to the threat, one of the policemen also used a hand-held gas device." There is no evidence that the protesters used the gas first and the topic of using the disproportional means against the protesters became the most debated one in Polish media. Nowoczesna issued claims to the Chief Police and the prosecutors to explain details of this incidents and answer the question whether the use of pepper gas was sanctioned or suggested by political supervisors of the Police, namely the Minister of Interior.

Read more: <https://www.nytimes.com/2018/07/03/world/europe/poland-supreme-court-protest.html>

### **[Side note] Irish Judge Questions Polish Justice System's Independence**

In an EU-legal first, an Irish high court judge in March refused to extradite the accused Polish national back to Warsaw due to concerns about the integrity of the Polish justice system. Irish judge said then that the rule of law in Poland had been "systematically damaged" by *reforms* of Poland's judicial system.

July 26<sup>th</sup>, the European Court of Justice (ECJ) upheld an Irish court ruling that Ireland could refuse to extradite a Polish suspect accused of drug offences under a European arrest warrant, if the Irish judiciary determines the suspect may not receive a fair trial in Poland. Other EU countries potentially may use the ECJ ruling as a basis to reject other Polish arrest and extradition warrants.

Read more: <https://www.irishtimes.com/news/crime-and-law/eu-court-opinion-says-irish-judge-must-decide-on-polish-rule-of-law-1.3546759>

## **Politics**

### *Daddy*

The father of Poland's Prime Minister Morawiecki, Kornel, is becoming a more and more controversial figure in Polish politics due to his warm feelings towards Putin's Russia.

Kornel Morawiecki became famous and respected for his oppositionist activities during the communist era in Poland. He was the founder and leader of Fighting Solidarity (Solidarność Walcząca), one of the more radical splinters of the Solidarity movement in Poland during the 1980s. Fighting Solidarity was a unique political opposition organization in Poland and the countries of the Soviet Bloc. It was the only group which from the beginning of its existence called for an end to

communism in Poland and other Soviet republic, the establishment of sovereign states independent from USSR therein, the breakup of the Soviet Union and separation of the USSR republics into new nation states, and the reunification of Germany within its Potsdam-imposed borders. While eventually all these things did in fact come to pass, at the time this program was seen as quite radical and unrealistic, even in dissident circles.

After the declaration of martial law in Poland in 1981, Kornel Morawiecki became one of the most wanted people in Poland. In 1987 he was captured by the SB, communist security service, and imprisoned in the infamous Rakowiecka prison in Warsaw.

Kornel Morawiecki registered his candidacy for the post of President of Poland in 1990, but in the end was unable to collect the required 100,000 signatures. He was one of the candidates in the 2010 Polish presidential election, but received only 0.13% of the vote and did not make it into the second round.

His big come back to Polish national politics happened in 2015 when he was lead-candidate on the right-wing populist Kukiz'15 electoral list of Paweł Kukiz in the Wrocław constituency. As the oldest MP of the lower chamber he got the honorary title of "Speaker Senior".

In 2016 Morawiecki was involved in a parliamentary scandal. He left his Sejm MP card in the voting device after feeling ill and exiting the debating hall, resulting in MP Małgorzata Zwiercan casting his vote for him. The opposition notified the Prosecutor's Office of this event. Following the scandal, he left Kukiz'15 and began organizing his own party along with Małgorzata Zwiercan, who had been expelled from the Kukiz'15 parliamentary club. Now he is the leader of Poland's Freedom and Solidarity (Wolni i Solidarni) party, a satellite of the ruling Law and Justice (PiS) party.

Recently in some interviews he presented his very favorable views on Putin's Russia. In one of them he has said that Poland should not "make a national relic" out of the wreckage of the Tupolev Tu-154 plane which crashed near Smolensk in Russia in April 2010, killing then Polish president Lech Kaczyński and 95 statesmen. "I wouldn't pay too much attention to the wreckage from the Tupolev Tu-154 plane. We are not going to find out anything about the plane crash anyway," he said Mr. Morawiecki Sr. in an interview with right-wing weekly magazine "Do Rzeczy".

Speaking to Russian propaganda news site Sputnik, he advised his son to do more to try to improve relations with Russia (sic!). "I am very upset that both the Polish government and Polish media, and one could say Polish elites and much of the population, are against the Russians," he said. "Each of our peoples has had a very complex historical destiny. At one time we each fought for hegemony, and Russia won this battle. Nevertheless, I believe that it is in the interest of our peoples, of Europe and even the whole world to see an improvement in relations between Poland and Russia. I would really like that," Morawiecki added. He noted also that when President Putin won another term after March's presidential elections, he did not receive congratulations from Warsaw and concluded that he "would like to ask that President Putin, when we have some changes here, like elections, that he draws attention to this, and expresses a gesture of openness toward the Poles."

It looks like Kornel Morawiecki is filling the pro-Putin party gap in Polish political scene. So far there was no important party, or prominent figure in Poland to represent pro-Kremlin views, which made Poland different from other Central and Eastern European countries. This, together with a fact that

Kornel Morawiecki played an active role in supporting the bankrupt GetBack debt collecting company (a company that supported PiS and right wing media, and bankrupted failing to redeem bonds worth couple of millions of euros (read more in the April issue)) could influence his son's popularity badly and lower his position in PiS where Mateusz Morawiecki is said to fight for succession after Jarosław Kaczyński.

## Foreign Affairs

### *Duda Meets Trump. Kind of*

President Andrzej Duda has been mocked for three years already for not having been invited by the US President. The opposition media kept on reminding that previous presidents of Poland were invited to the White House very early after being elected, while Andrzej Duda was not.

So when finally President Duda met President Trump very briefly during the NATO Summit in July, PiS-supporting media presented it as an unprecedented success. "Polish President Andrzej Duda discussed military cooperation during a brief meeting with US leader Donald Trump ahead of a NATO summit in Brussels on Wednesday", Polish Radio reported.

Duda's foreign minister Krzysztof Szczerski told Polish Radio that he and US national security adviser John Bolton joined the two presidents during the talks, which he said focused on details of Polish-US military cooperation and plans for possible top-level meetings. According to American media Duda is lobbying to have thousands of American troops permanently stationed in Poland as a deterrent against a resurgent Russia and the Warsaw government has offered up to \$2 billion to help build the infrastructure for the permanent deployment.

"Central and East European countries are threatened by the Russian aggressive policy," said Polish Foreign Minister Jacek Czaputowicz at the summit. "Only the United States can guaranty security for countries like Poland on the Eastern flank."

But Donald Trump's speeches and tweets from the Summit were not optimistic for the European security. They were fueling uncertainty among US allies about America's commitment to defend Europe, prompting new efforts in the region to beef up its own security. "We must be ready to prepare our Union for worst-case scenarios," European Council President Donald Tusk said last month.

During the summit both Poland and USA criticized Germany for buying natural gas from Russia. "The threat perception in Poland and the Baltic states is different than in Germany," said Mr. Czaputowicz.

Also, the Helsinki Trump-Putin summit was observed with great fear by the Polish government. There was a concern that Trump might make dramatic concessions to Russia and leave Eastern Europe with too little protection. Krzysztof Szczerski summed it up with rather pessimistic conclusions: "prophesies that the Trump-Putin meeting will lead to a second Yalta were very wrong."

The 1945 Yalta Conference is seen as a symbol of political treason, because without Poland's participation and against Poland's will, it put the country under Soviet control for decades, until 1989.

PAP was told by a diplomatic source in Washington that Presidents Trump and Duda "are likely to meet at the White House in September, after Labour Day, which marks the traditional end of holidays in the US and the beginning of a new political season. US Presidential National Security Adviser John Bolton has confirmed on Twitter that President Donald Trump and his Polish counterpart will meet at the White House. It's happening. Finally!

## Economy

### *Changes in Polish energy sector?*

Poland generates more than 90% of its electricity from coal, and supporting mining industry has been presented by the current government as part of national economic strategy. In 2016, the government banned construction of new wind farms close to dwellings and imposed new taxes on investors that made many wind farms loss-making. It also took Poland off the track to meet its EU target of 15% of energy from renewable overall in gross final energy consumption. But shrinking deposits and rising emission costs have been forcing the government to look to cleaner sources of energy.

The first trigger for introducing the amendments was the need to execute the European Commission Decision conditionally allowing the Polish auction-based model of supporting RES.

The long-awaited law to the Renewable Energy Sources Act (RES) is now in effect. Warsaw proposed the amendment to remove the tax disincentives and kick off auctions under a new subsidy system in which renewable producers would be assured a stable price for their energy in any given period. In order to improve competitiveness, a provision was added in which the offers submitted to a particular auction may not exceed 80% of that auction's volume. The amendment also introduces an obligation to earmark at least 5% of auction volume for entities with installations off Polish soil. The proximity restriction for biomass used in RES installations was lifted. The previously enacted 300 km radius for biomass use was scrapped.

But it is not all positive. Not only was the proximity barrier for new wind installations upheld, also so-called repowering of existing wind mills by increasing their output was not allowed.

A state-run energy company Tauron, the third biggest power producer in Poland, is also the country's most indebted utility, which of course generates most of its electricity from coal, announced it will spend around PLN 1 billion (EUR 220 millions) to upgrade its power plants to reduce toxic pollutants in line with EU targets by 2021. Power plants in the EU are obliged to cut the amount of toxic pollutants they emit under rules approved by EU member states in 2017. Warsaw has appealed the EU decision over the limits, but utilities in the country are making plans to upgrade their coal-fueled power stations as failing to do so could incur fines.

Tauron also announced it wants to produce more power from renewable sources to satisfy its debt-holders, as banks are reluctant to finance energy produced from polluting coal. The company wants to finance green investment with the funds it expects to receive from the so-called capacity market - a planned scheme in which power producers are paid not only for the power they sell but also for their readiness to provide electricity when needed. This mechanism is supposed to finance the

modernization of coal-fueled power plants. Environmentalists claim that this will only extend the life of the most polluting utilities with public funds and rise electricity prices.

What is more, at the end of July the Polish government announced that all power companies will have to sell all electricity they produce except for green energy on a power exchange in order to prevent further price surges. Currently they are obliged to sell 30% of their electricity output on the power exchange that frequently translates into unexpected and significant price movements.

Electricity prices in Poland have risen in the past few months due to higher coal prices and carbon emission costs. The energy market regulator is investigating the case.

## Culture

### *Polish Opera Director Best in Europe*

Karolina Sofulak has won the 10th European Opera Directing Prize in a competition held at the Opera House in Zurich. More than 200 candidates from 32 nations submitted a concept for Puccini's opera *Manon Lescaut*. Ten of them were entitled to give an oral presentation in front of a jury in the semi-final stage, and in the final round four directors were given an opportunity to develop a scene from their concepts on the rehearsal stage in Zurich.

Karolina Sofulak has worked as an assistant director at the Polish National Opera in Warsaw as well as with several foreign companies, including the English National Opera, Badisches Staatstheater Karlsruhe, Teatro Regio di Torino, Opéra National de Bordeaux, and Opéra de Dijon. Last year she directed Mascagni's *Cavalleria rusticana* at Opera North in the UK.

She shared the top honour with British director Gerald Jones. No other prizes were handed out.

### *Sad Weekend for Polish Music*

During the last weekend of July two outstanding Polish musicians died, Kora and Tomasz Stańko.

Kora was a stage name of Olga Sipowicz, rock vocalist and songwriter, lead singer of the Polish rock band Maanam. Kora was known as the Queen of Polish rock. Many Maanam songs became legendary in Poland, being enjoyed by generations of fans. The best known hits of the band were: *Kocham cię, kochanie moje*," *"Cykady na Cykladach*," *"Boskie Buenos*" and *"Szare Miráže*."

In her youth she was involved in the hippie movement and the "Solidarity" trade union. She called for the legalization of recreational drugs and supported feminist organizations.

Tomasz Stańko was a trumpeter, composer and prominent figure in avant-garde and free jazz for decades. Stańko's early influences came from jazz trumpet icons such as Miles Davis and Chet Baker, but he was soon drawn primarily to the free-form jazz of Ornette Coleman and Don Cherry.

In recent years, Stanko often played in jazz clubs in New York, where he had a Manhattan apartment, and recorded with a band called New York Quartet. His last studio album, "Wislaw," was released in 2013. It was inspired by the poetry of Polish poet and Nobel laureate Wislawa Szymborska.

They both died of cancer.

*More:*

Kora's *song* *mix*  
[https://www.youtube.com/watch?v=mh8ZqQS1EPM&start\\_radio=1&list=RDmh8ZqQS1EPM](https://www.youtube.com/watch?v=mh8ZqQS1EPM&start_radio=1&list=RDmh8ZqQS1EPM)

Tomasz Stańko performance in Salzau [https://www.youtube.com/watch?v=Bzb-A3Xb\\_0U](https://www.youtube.com/watch?v=Bzb-A3Xb_0U)

## Sports

### *Irena Szewińska dies at 72*

Irena Szewińska, a sprinter and long jumper who won seven medals in five Olympic Games, tying an Olympic women's record and becoming a national hero in Poland, died on July 3<sup>rd</sup>. Szewińska's athletic accomplishments and long run of Olympic appearances led many to consider her one of the greatest Polish athletes of the 20th century.

She set multiple world records; at one point she had the fastest times in the 100-, 200- and 400-meter sprints. She stood a reedy 5 feet 9 inches tall and had a devastating kick, or last burst of speed, that sometimes let her snatch victory by a stride. She won 4x100m relay gold at the 1964 Tokyo Olympics, adding individual gold over 200m four years later and winning the 400m in 1976.

## Summer and the City

### *Python in Warsaw*

The shed skin of an almost six-meter-long python was found by the river in the Piaseczno suburbs of Warsaw. Police from Piaseczno have asked people to stay away from the river until the renegade reptile is recovered... This is how a Warsaw python-mania started and lasted for a few weeks when media were reporting on snake's finding mission.

The drones were scouting banks of the Vistula. A search team comprised of four boats and up to 80 volunteers, police officers and firefighters, have taken over 2.000 photographs now being studied by wildlife experts in the hope they can spot the snake lurking in the wooded banks of Poland's longest river.

How the giant animal got into the river remains unclear, but reptile experts believe that it may have been kept as an exotic pet but then released into the wild when it became too large for its owner to handle.

The python has not been found...

## Germany and Poland

### *Through the Soundproof Curtain.*

This July, ZKM Center for Art and Media in Karlsruhe opened the first such extensive presentation of the Polish Radio Experimental Studio (PRES).

The exhibition will present PRES as an institution oriented towards audio-visual experimentation, constantly looking forward. Being influenced by visual arts and happenings, artists and composers, the PRES managed to establish a new language that is open to the listener's interpretation.

The Polish Radio Experimental Studio was founded in Warsaw in 1957. Its establishment had also symbolic value, as it became a major platform for freedom of expression within the Eastern Bloc. The PRES was a unique space for creative autonomy. Along with the »Warsaw Autumn International Festival of Contemporary Music«, it was the only platform that enabled artistic exchange on such a large scale, inviting guests from the United States, Western Europe and Scandinavian countries.

More: <https://culture.pl/en/event/through-the-soundproof-curtain-the-polish-radio-experimental-studio-on-show-in-karlsruhe>

### *Most Ukrainians in Poland would leave for Germany*

Dziennik Gazeta Prawna: 59% of Ukrainians working in Poland have said they would leave the country if the German labour market opened up to them. Such a scenario "would deepen Poland's labour shortages from 150,000 vacancies to 500,000," Maciej Witucki, CEO of human resources company Work Service, which conducted the study, was quoted by the daily as saying.

The study also shows that nearly 80% Ukrainian migrants said they were happy with the working conditions in Poland. 84% percent of them said they would recommend working in Poland to their friends and family, the paper said. Over 65% of the respondents said they were working below their qualifications.

According to Polish-Ukrainian Economic Chamber there is more than 2 million Ukrainians working in Poland.

## Polls & trends

### *Support for political parties*

Pollster for "SuperExpress" for 14.07.2018

PiS (ECR)	40%
PO (EPP)	27%

Kukiz'15	9%
SLD (S&D)	8%
PSL (EPP)	6%
Nowoczesna (ALDE)	5%

### *Summer Topics*

**Poland's ice cream production is growing rapidly, making the country 5<sup>th</sup> biggest producer in Europe. Polish ice cream has been exported not only to the Mediterranean, but also to Africa's Gambia or Libya.**

Europe's top ice cream producers (in million liters)

Italy	595	(+2,4% compared to previous year)
Germany	515	(-4,7%)
France	454	(-0,3%)
Spain	301	(-0,6%)
Poland	264	(+28,6%)
UK	258	(-9,1%)

### **About the author**

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Expert at the Nowoczesna party. PhD, formerly a part-time teacher at Reykjavik University School of Law. His main areas of interest are comparative constitutional law and federalism. Board member of Projekt: Polska Association. Until September 2015, he worked as an expert within "Presidential Experts' Programme" at the Chancellery of the President of the Republic of Poland.