

Focus on Poland

Monthly Newsletter – June

Topic of the month

The Battle for Independence Courts Continues

The European Commission has launched legal action against the PiS government over changes to the way judges are appointed in the country that observers say undermine the independence of its courts. EC sent a letter of formal notice to Warsaw regarding the new law, which is due to come into effect on July 3rd and which will automatically retire 27 out of 72 sitting supreme court judges against their will. EC claims the change breaches Article 19(1) of the Treaty on European Union and Article 47 of the Charter of Fundamental Rights – which guarantees “an independent and impartial” judiciary.

“Given the lack of progress through the rule of law dialogue, and the imminent implementation of the new retirement regime for Supreme Court judges, the Commission decided to launch this infringement procedure as a matter of urgency,” the Commission said in its statement.

Polish government now has a month to respond, but if it does not reverse course, a future step would involve the Commission suing Poland at the EU Court of Justice. If Poland were to lose, it could face heavy fines.

On June 27th, Prime Minister Mateusz Morawiecki defended his new legislation in the European Parliament, saying each state had the right to reform its legal system. Speaking in Strasbourg, he said Poland was at the forefront of a “democratic enlightenment” in Europe and the EU had to listen to the dissatisfaction of its voters who are against further integration.

Malgorzata Gersdorf, the First President of the Supreme Court, is just in the middle of this battle. She was appointed for a six-year term, ending in 2020, and did not submit a request to have her term prolonged under the new law. Ms Gersdorf has been loudly opposing all unconstitutional judicial changes that have been proposed by the PiS government since it came to power in 2015. She became in PiS’s eyes one of top enemies of the new rule and object of attacks of the party, the administration and the public TV.

On July 3rd Ms Gersdorf is being forced to resign under the legislation that lowers the mandatory retirement age for justices from 70 to 65, a change that could force one in every three judges out. “My term as the Supreme Court head is being brutally cut, even though it is written into the constitution,” Gersdorf told law students during a lecture. “We can speak of a crisis of the rule of law in Poland, of a lack of respect for the constitution.”

In a surprise move President Duda's Office announced that the temporary acting head of the Court will be another of its judges, Jozef Iwulski, who is... 66, and did not ask the President for permission to stay longer in the Court.

Poles again took to the streets in dozens of locations around the country. In the mornings and the evenings, crowds gather in Warsaw in front of a memorial dedicated to those who died in the city's 1944 uprising against Nazi Germany, chanting "Constitution!", "Free Courts!", "Solidarity!".

Ms Gersdorf said on the current situation in Poland: "Unfortunately the damage is very serious". "To a large extent, the independence of the Polish constitutional court has been destroyed. [Its] membership is manually set under the dictates of the ruling party's expectations. The justice minister, who is at the same time also the prosecutor-general, now has in his hands all the instruments that really allow [him] to influence the course of cases, especially criminal ones."

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

For the first time in EU legal history, 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. The Irish judge said then that the rule of law in Poland had been "systematically damaged" by *reforms* of Poland's judicial system.

European Court of Justice decided that Dublin should decide if a Polish man would get a fair trial in his homeland. The landmark case could unravel extradition agreements between EU members. The ECJ issued an opinion on June 28th that a Polish man in Ireland fighting extradition back to Poland would have to demonstrate to an Irish court why he personally could not expect a fair trial in his home country.

ECJ Advocate General Evgeni Tanchev said in a statement that an extradition request by Poland should be delayed if the Irish High Court found: a real risk of "flagrant denial of justice" due to deficiencies in the legal system in Poland and that the person subject to the warrant was exposed to such a risk.

Read more: <https://www.politico.eu/article/irish-court-must-decide-if-polish-judicial-system-allows-a-fair-trial/>

Politics

Rainbow Poland

Polish Prides, known as Equality Parades, have changed dramatically over the years. Only a few years ago they were small gatherings of dedicated activists from LGBTQ advocacy institutes. The 2018 Warsaw edition was a big and colorful event that attracted thousands of Varsovians and people from other cities in Poland

A party-like atmosphere prevailed at the parade in Warsaw as people waved rainbow flags and danced.

Before the Equality Parade on Saturday, a new rainbow monument was unveiled at a busy square, where a rainbow is formed by light bouncing off of water vapour, producing a holographic rainbow. The light-and-water show was sponsored by an US ice-cream maker that has been a longtime supporter of same-sex marriage rights. Companies are not afraid anymore to support LGBTQ issues in Poland. It was a symbolic event commemorating the sculpture of a rainbow that was exhibited in the same place for many years and was regularly burned down by local far right activists.

The pride celebrations come as LGBT activists say a conservative turn in Poland is forcing them to fight harder for their rights, even though their hope of seeing same-sex marriage legalized has no real chance in the country now. For Nowoczesna- the only Polish party present in the parliament that officially participated in the parade and had a stand in the Equality Village- it was a great occasion to promote its proposal of a civil union law.

A record number of LGBTQ pride marches are taking place across Poland this summer and autumn. For the first time the Parades will take place in symbolic cities like Rzeszów- the capital of the most conservative Polish region (Podkarpacie), the only one governed by PiS, and Częstochowa, spiritual (Catholic) capital of Poland and pilgrims' center.

Bill 2.0

A flagship academic reform of the Deputy-Prime Minister Jarosław Gowin brought controversies... also in his government.

Known as Bill 2.0, the proposal includes reduction funding and research opportunities for regional universities, and aims to diminish the control held by the University Senate — a body of students, academics and other university employees who organize the day-to-day running of the institution— in favor of a newly established University Council, consisting of persons from both inside and outside universities. Public universities are set to receive an additional PLN 3 billion in Treasury bonds, while funding for higher education next year will be increased by PLN 700 million (EUR 165 million). The law was warmly welcomed by most of the universities' bodies, especially rectors, whose authority would be strengthened thereby, and many of the official students' representations.

The bill has become highly controversial within the PiS party, especially among MPs representing mid-size cities whose universities could be downgraded and lose their academic status. But the bill was backed by Jarosław Kaczyński who guarantees it would pass and be implemented. In a process of looking for a compromise over 100 amendments were introduced to the bill by Prime Minister Mateusz Morawiecki, and only later it was sent for a second reading in the Sejm.

The first students' protest against it was announced on Facebook, a 5 June event titled "Wolne Dni Akademii" ("Free Academic Days"). Students from the University of Warsaw occupied the Rector's Kazimierz Palace balcony on the prestigious Warsaw Krakowskie Przedmieście street. Participants hosted panels and events, gaining the support of institutions from Poland and abroad. More students joined the protest in other universities but it never became a mass protest.

Some of the opposition groups were trying to capitalize on the protest and endorsed the protesters' postulates. The liberal opposition MPs from Nowoczesna in general supported the idea of the reform as much needed for Polish science but could not accept the way it was consulted with the universities. After the first bill was broadly consulted with stakeholders the ultimate bill with 100 governmental amendments was consulted very vaguely only with groups supporting the reform.

Foreign Affairs

Amendment of Controversial Law on National Remembrance

President Andrzej Duda has signed a legal amendment to decriminalize the false attribution to Poland and Poles of crimes committed by Nazi Germany during the WWII, signaling a partial retreat on contentious legislation enacted this year.

Before that Prime Minister Mateusz Morawiecki had asked the MPs to amend the legislation, which went into effect two months ago. PiS rushed through the amending process. They called an extraordinary session of the Sejm, officially to amend the law on trash (see the May edition of the Newsletter). In one day the amendments were voted by both houses of the parliament and sent to Riga where Andrzej Duda attended a bilateral meeting with his Latvian counterpart.

The piece of legislation, which threatened prison terms of up to three years for any breaches, sparked a war of words between Polish and Israeli politicians and an outpouring of anti-Semitic rhetoric in Poland, as right wing media sought to portray Poland as under attack from an international anti-Polish campaign orchestrated by foreign powers and "Jewish lobbyists".

Prime Minister Benjamin Netanyahu and his Polish counterpart issued a joint statement on Wednesday. "I am pleased that they have decided to completely cancel the clauses that have caused uproar and dissatisfaction in Israel and the international community. Relations with Poland are important to us and are based on trust. We stood for the truth and fulfilled our duty to ensure the historical truth about the Holocaust." Israel's Yad Vashem Holocaust Remembrance Center issued a statement saying the amendment was "a positive step in a proper direction."

Liberal opposition in Poland criticized PiS for the speedy process, with Kamila Gasiuk-Pihowicz, head of the Nowoczesna group in Sejm, tweeting that the process was "a setup of the nationalists with PiS to make it impossible to ask difficult questions of the government."

The move tailored to water down the law aimed to win back support of Washington during the open conflict with Brussels over the judiciary reform.

Polish lawmakers did not, however, remove another part of the law, criticized by Ukraine, which equated the World War II attacks by Ukrainian nationalists against Poles to that of Nazis and communists. Sadly, Ukraine's support is not needed at the moment...

Economy

Government takes control over PESA

PESA is the first Polish company to design, construct and deliver modern low-floor trams. PESA trams are now in use in most large cities in Poland and in several European cities, e.g. in Bulgaria, Hungary, Romania, the Czech Republic. It is bidding on tenders in Brazil. The company has become a Polish hegemon in a very short period.

PESA became a success of an old-style communist company that was able to reform itself and become a regional leader in its sector and expand to many foreign markets.

PESA has been in financial difficulties for some time due to a lack of major new train orders. Its main domestic rival Newag has beaten it in recent tenders to supply electric locomotives to PKP IC, while a major order to supply trams to Moscow has been scaled back amid political tensions with Russia. In addition, a large contract to supply Link DMUs to German Rail has caused cash flow problems for the company from Bydgoszcz because of a failure to get the trains certified for operation in Germany, which means PESA has yet to be paid.

Prime Minister Morawiecki since the beginning of its term saw PESA as one of the economic champions and a jewel in the crown of national companies that must be saved and developed. So when PESA got into trouble the government decided to help.

The troubled producer has signed an agreement regulating the details of the takeover of its shares, by the state-run Polish Development Fund PFR. According to unofficial information, the Polish Development Fund will pay PLN 200 million of the loan granted in November 2017 to PESA by a consortium of banks led by PKO BP and will invest PLN 100 million in the development of the company. The Office for Competition and Consumer Protection (UOKiK) has received an application for the takeover of Bydgoszcz Pesa by one of the funds belonging to the Polish Development Fund. The transaction will be finalized in the third quarter of this year, according to information acquired by the Polish Press Association

Culture

Vodka Museum Opens

After many years of waiting the Museum of Polish Vodka was finally opened.

Housed in a 19th-century vodka factory that has been abandoned for decades, the museum is located at the heart of the former working class Praga neighbourhood that has been undergoing regeneration. The main exhibition of the museum is located in a historic building in the former rectification plant, which is where vodka used to gain its unique and pure flavour. Visitors will discover the local tradition of vodka production and will learn about Polish Vodka's international career.

Since Poland entered the European Union in 2004, "Polish Vodka" strictly applies to spirits that are produced in the country according to traditional recipes using local potatoes or grains.

See: <http://muzeumpolskiejwodki.pl/>

Building of the Year

According to the *Bryła* magazine the Bałtyk building in Poznań became the building of the year, winning this popular award. In the final round it defeated the new Radio and Television Faculty of the Silesian University in Katowice.

Bałtyk appears totally different depending on what side it is approached from. A linear building with a concrete, entirely glass-fronted façade and clearly exposed aggregate grain, sets it apart from its surroundings and is an example of a balanced combination of "old" and "new" architecture in the context of the neighbouring historic building of Concordia Design and the Haven.

See all the competing building and the winner:

<http://www.bryla.pl/brylaroku/56,157152,23398804,bryla-roku-2017-poznajcie-zwyciezcow-i-zobaczcie-najlepsze.html>

Sports

Another game, another disappointment

Poland were the first European side to crash out of the World Cup in Russia after losing their first two games, against Senegal and Columbia. A 1-0 win in their third and final group match against Japan was not enough for Poland to avoid finishing bottom.

Polish Internet blossomed with memes laughing at the football players and the fact that in recent months they spent more time acting as celebrities and playing in commercials instead of playing football.

After coming back to Warsaw Adam Nawalka stepped down as coach of Poland. "I feel responsible for the fact that at the World Cup we didn't fulfil our plans nor the expectations of supporters," Nawalka said.

Polish football federation president Zbigniew Boniek told a press conference on Tuesday: "We are now looking for a new coach."

Germany and Poland

Germany No Longer Seen as Threat

A majority of Polish citizens think Germany no longer poses a military threat to Poland, and more than half think strengthening the German military would be "positive," according to the latest German-Polish barometer poll published in June.

The poll — which surveyed 1.000 Polish citizens and 1.0000 Germans in April — found that some 65% of Poles do not see Germany as a political or economic threat to their country, with two-thirds saying they favor stronger cooperation between the two countries. More than half said they think Germany contributes to "better cooperation" in Europe.

According to the survey, 76% of Germans think Berlin should not pay World War II reparations. Polish opinion on the issue is split: 40% said Warsaw should not demand compensation from Germany, while 46% said they are in favor of the government pursuing reparations.

A large majority of Germans (70%) said they think German-Polish relations should focus on the future, rather than the past. In Poland, 60% agree — a drop since the last poll in 2011, when 73% agreed. Some 32% of Polish respondents claimed Poland should focus on its past with Germany.

See: <https://www.politico.eu/article/germany-poland-no-longer-seen-as-threat-poll/>

HGPC turns 20

The House for Polish-German Co-operation in Opole (HPGC) celebrated its 20th anniversary.

The House for Polish-German Co-operation (HPGC) is a non-profit non-governmental organisation, a union of associations gathering a number of Polish and German non-profit organisations and institutions. The House for Polish German Co-operation was officially opened in February 1998 in the presence of the President of the Federal Republic of Germany Prof. Roman Herzog and - on behalf of the Polish President - Prof. Danuta Huebner, head of his Chancellery.

"...a House for Germans, Poles and other friends and neighbours, which serves the purpose of dialogue on where we come from, where we are and where we are going to..." said Prof. Herzog during the opening ceremony at the House

Polls & trends

Support for political parties

Estymator for "DoRzeczy", 28.06.2018

PiS (ECR)	42,3%
PO (EPP)	25,2% (-2,7)
Kukiz'15	8,9% (+0,6)
SLD (S&D)	7,5% (-1,1)
PSL (EPP)	5,5% (+0,1)
Nowoczesna (ALDE)	5,2% (+1)
Wolność (EFDD)	1,4% (-0,5)
Razem	2,6% (-0,3)

Poles and summer holidays

Where do Poles go when they go abroad for holidays with tour operators?

Travelplanet.pl 2018

Greece	27,8%	(-8,4 compared with last year)
Turkey	20,8%	(+11,4)
Bulgaria	16,1%	(-0,1)
Spain	8,2%	(-4,5)
Egypt	6,7%	(+1)
Albania	4,4%	(+1)
Italy	3,2%	(-0,3)
Tunisia	2,5%	(+2)
Croatia	2,1%	(-1,7)
Macedonia	1,3%	(+1,1)

How much do they spend on summer holidays?

Europe Assistance and IPSOS 2018

Poland	EUR 1.030
EU average	EUR 1.957

Where do Poles dream about going?

Europe Assistance and IPSOS 2018

Paris	27%
Rome	22%
New York	17%