

APPENDIX 2

Description of the political events reported on the news service *Wiadomości TVP 1* in 2016 and 2017, accompanied by the strips discussed in the report

Topic no. 1 (from November 13, 2015)

Events related to the acts or amendments to the acts on the Constitutional Tribunal, on the Supreme Court, on the National Council of the Judiciary and on the Law on the Common Court System.

The Law and Justice electoral list in the parliamentary elections of October 25, 2015, obtained a parliamentary majority. Only a few weeks later, a group of Law and Justice parliamentarians submitted to the Sejm of the eighth term a draft amendment⁶¹ to the Act on the Constitutional Tribunal.⁶² The justification for the submitted amendment was primarily to correct the mistakes⁶³ that the Sejm of the seventh term was supposed to have made when passing this law.

The applicants criticized in particular the fact that the law allowed for the election of five judges of the Constitutional Tribunal by the outgoing Sejm (this was done in October 2015), in a situation where their terms of office were to start after the parliamentary elections (the terms of three

61 Draft bill of the Act on Amending the Law on the Constitutional Tribunal (the Sejm of the Republic of Poland, Document no. 12 of Nov. 13, 2015).

62 The Act of Jun. 25, 2015 in the Constitutional Tribunal (Journal of Laws of Jul. 30, 2015, item 1064).

63 This term was used by the reporter of the Commission, MP Marek Ast. See: the Shorthand report of the First Session of the Polish Sejm on November 19, 2015, Warszawa 2015, p. 146.

judges expired on November 6, 2015, and two more on December 2 and 8, 2015, respectively).

President Andrzej Duda, acknowledging the legitimacy of the charges against the procedure of electing the five judges of the Constitutional Tribunal by the outgoing Sejm of the seventh term, did not have any of them sworn in⁶⁴ and also accepted the amendment to the law proposed by the Law and Justice party⁶⁵ which was adopted in an extraordinary manner and at a record pace (the legislative process took seven days).

On November 25, 2015, the Sejm of the 8th term in an unprecedented way adopted five resolutions stating that the resolutions of the Sejm of the 7th term were invalid, insofar as they concerned the appointment of judges of the Constitutional Tribunal in October 2015.⁶⁶ On November 30, 2015, the Constitutional Tribunal called on the Sejm to refrain from appointing new judges of the Constitutional Tribunal until a judgment was issued on compliance with the Constitution of the Act on the Constitutional Tribunal adopted by the Sejm of the previous term.⁶⁷ The Polish Sejm of the Republic of Poland for the 8th term of office did not recognize this appeal and on December 2, 2015 appointed five new judges to the Constitutional Tribunal.⁶⁸ The President swore in the four newly elected judges on the night of December 2 to 3, 2015, and the fifth judge on December 9, 2015.⁶⁹

64 <https://wydarzenia.interia.pl/tylko-u-nas/news-100-dni-rzadow-dudy-co-w-tym-czasie-zrobil-prezydent,nId,1924881>; <https://tvn24.pl/polska/nie-powolano-nowych-sedziow-tk-byli-prezesi-wydali-oswiadczenie-ra593450-3317722>.

65 <https://www.polskieradio.pl/5/3/Artykul/1546853,Prezydent-Andrzej-Duda-pod-pisal-nowelizacje-ustawy-o-Trybunale-Konstytucyjnym-Wejdzie-w-zycie-5-grudnia>; <https://wiadomosci.onet.pl/kraj/prof-andrzej-zoll-skonczylo-sie-dwudziestopieciolecie-polski-demokratycznej/2rjbz0>.

66 Resolutions of the Sejm of the Republic of Poland of Nov. 25, 2015 on the declaration of nullity of Resolutions of the Sejm of the Republic of Poland of Oct. 8, 2015, on the election of a judge of the Constitutional Tribunal, published in the Polish Monitor (M.P.) on Oct. 23 2015. (M.P. of Nov. 26, 2015., items 1131, 1132, 1133, 1134, and 1135).

67 Ruling of the Constitutional Tribunal of Nov. 30, 2015 regarding case ref. no. K 34/15.

68 Resolutions of the Sejm of the Republic of Poland on the election of a judge of the Constitutional Tribunal (M.P. of Dec. 2, 2015, items 1182, 1183, 1184, 1185, and 1186).

69 <https://www.prezydent.pl/aktualnosci/wydarzenia/prezydent-odebral-slubowanie-od-sedziow-tk,70>.

On December 3, 2015, the Constitutional Tribunal issued a judgment in which it found, among other things, that the provisions of the Act on the Constitutional Tribunal, insofar as they concerned the appointment of judges to replace those judges whose term of office had expired in November 2015, were consistent with the Polish Constitution, while insofar as they concerned the appointment of judges to replace judges whose term of office expired in December 2015, they were inconsistent with the Constitution.⁷⁰ However, President Andrzej Duda refused to swear in the three properly appointed judges in October 2015 due to the fact that these positions were filled by virtue of resolutions of the Polish Parliament of December 2, 2015.⁷¹

The actions of the parliamentary majority and the President of the Republic of Poland in relation to the Constitutional Tribunal have been criticized not only by opposition groups, but also by academic bodies and non-governmental organizations. They have also become a source of civil protests,⁷² and led to the European Commission launching a procedure to control the rule of law in Poland.

In the following months, representatives of the parliamentary majority took further actions aimed at comprehensive changes in the justice system.⁷³ As a result of these activities, in 2016 and 2017, the Polish Parliament adopted and the President of the Republic of Poland signed a new Act on the Constitutional Tribunal⁷⁴, an amendment to the law on the common court

70 Judgment of the Constitutional tribunal of Dec. 3 2015, file reference no. K 34/15 (Official Journal of Dec. 16, 2015, item 2129).

71 <https://www.polskieradio.pl/5/3/Artykul/1554973>.

72 Academic committees: <https://www.uw.edu.pl/wp-content/uploads/2015/12/uchwala-senatu-uw-w-sprawie-poszanowania-ladu-konstytucyjnego.pdf>; <https://wpia.uj.edu.pl/documents/41601/89321185/201512010845.pdf>. Organizations: https://www.hfhr.pl/wp-content/uploads/2016/04/KH_22042016.pdf; <https://bip.siecobywatelska.pl/userfiles/file/Opinie/10-tez-o-naturze-konfliktu-potrzebie-kompromisu-i-kierunku-reformy-Trybuna%C5%82u-Konstytucyjnego.pdf>. Civic protests: <https://www.rp.pl/kraj/art4122161-protest-pod-sejmem-rece-precz-od-trybunalu>.

73 <https://www.pap.pl/aktualnosci/news%2C897690%2Cpis-zlozylo-projekt-zmiany-ustawy-o-sadach.html>; <https://www.radiomaryja.pl/informacje/pis-zlozylo-projekt-zmiany-ustawy-o-sadach/>; <https://polskatimes.pl/reforma-sadownictwa-co-dokladnie-ma-sie-zmienic-w-sadach/ar/12275916>; <https://www.tvp.info/33917664/nikogo-nie-mozna-odwolac-no-blagam-rusza-kampania-sprawiedliwe-sady>.

74 The Act of Jul. 22, 2016 on the Constitutional Tribunal (Journal of Laws of Aug. 1 2016, item 1157).

system,⁷⁵ an amendment to the Act on the National Council of the Judiciary and a new Act on the Supreme Court.⁷⁶

Critics of the adopted solutions pointed to their unconstitutionality. As a result of the adoption of the acts there was, among other things, a legal dispute related to the retirement age for Supreme Court judges (including the First President of the Supreme Court during her constitutional term),⁷⁷ and to suspension of the membership of the National Council of the Judiciary in the European Network of Councils for the Judiciary on the grounds that it did not meet the criterion of full independence from the executive branch.⁷⁸ During the legislative process there have also been numerous demonstrations by citizens demanding that the state authorities respect the Polish Constitution and respect the rule of law.⁷⁹

Topic no. 2 (from January 12, 2016)

Events related to the actions of EU institutions regarding control of the rule of law in Poland.

In response to the events related to the adoption of the amendment to the Act on the Constitutional Tribunal in November 2015 by the Polish Parliament of the 8th term, which resulted in controversy over the composition of the Constitutional Tribunal, and due to legislative solutions concerning public media in Poland, the European Commission decided on January 13, 2016, to start the procedure of controlling the rule of law in Poland.⁸⁰ The Polish government opposed this decision.⁸¹

75 The Act of Jul. 12, 2017 amending the Law on the System of Common Courts and certain other acts (Journal of Laws of Jul. 28, 2017, item 1452).

76 The Act of Dec. 8, 2017 amending the Act on the National Judicial Council and certain other acts (Journal of Laws of Jan. 2, 2018, item 3); the Act of Dec. 8, 2017 on the Supreme Court (Journal of Laws of Jan. 2, 2018, item 5).

77 <https://www.rp.pl/sady-i-trybunaly/art1759141-prezes-sadu-najwyzszego-malgorzata-gersdorf-uznaje-stan-sporozynku>.

78 <https://www.encj.eu/node/495>.

79 <https://wyborcza.pl/7,75398,23631643,europo-nie-odpuszczaj-polska-protestuje-w-obronie-sadu-najwyzszego.html>; <https://wiadomosci.wp.pl/malgorzata-gersdorf-w-sadzie-najwyzszym-protest-w-warszawie-6269670948718721a>.

80 *College Orientation Debate on recent developments in Poland and the Rule of Law Framework: Questions & Answers*, http://europa.eu/rapid/press-release_MEMO-16-62_en.htm.

81 Cf. e.g. the speech by Prime Minister Beata Szydło to the European Parliament on Jan. 19, 2016. <https://www.europarl.europa.eu/doceo/document/CRE-8-2016-01-19->

The initiation of the control procedure for the rule of law was to lead to a de-escalation of the conflict related to accusations against Polish authorities of violating the constitutional principle of separation of powers by the Polish authorities and to prevent the launch of the procedure provided for in Article 7 (1) of the Treaty on European Union.⁸² To this end, the European Commission issued recommendations to the Polish government concerning the rule of law.⁸³ In December 2017, the European Commission decided that the results of the dialogue with the Polish government had been insufficient, and launched the procedure provided for in Article 7(1) of the Treaty on European Union, which meant requesting that the Council identify a serious risk of a Member State violating the values of the European Union.⁸⁴ The launch of the procedure provided for in Article 7(1) of the Treaty on European Union was an unprecedented event – no such measures had previously been applied to any other Member State. A Member State's non-compliance with the rule of law is subject to sanctions, including suspension of voting rights.⁸⁵

The Polish government questioned the validity of the European Commission's substantive argumentation on the doubts related to the reforms of the most important institutions of the judiciary in Poland, but also its formal legitimacy to control the rule of law in Poland. The government also presented arguments justifying the need for a comprehensive reform of the judiciary, the proportionality of actions taken in relation to social needs and referring to the need and desire for dialogue and the need for

ITM-010_EN.html. More on this in Cianciara (2018).

82 *Traktat o Unii Europejskiej (wersja skonsolidowana)* (Journal of Laws C 326 of Oct. 26, 2012).

83 Recommendation of the Commission (EC) 2016/1374 of Jul. 27, 2016 on the rule of law in Poland (Official Journal L 217/53 of Aug. 12, 2016); Recommendation of the Commission (EC) 2017/146 of Dec. 21, 2016 on the rule of law in Poland, complementing Recommendation (EC) 2016/1374 (Official Journal L 22/65 of Jan. 27, 2017); Recommendation of the Commission (EC) 2017/1520 of Jul. 26, 2017 on the rule of law in Poland, complementing Recommendations of the Commission (EC) 2016/1374 and (UE) 2017/146 (Official Journal L 228/19 of Sep. 2, 2017); Recommendation of the Commission (EC) 2018/103 of Dec. 20, 2017, on the rule of law in Poland complementing Recommendations (UE) 2016/1374, (UE) 2017/146 i (UE) 2017/1520 (Official Journal L 17/50 of Jan. 23, 2018).

84 Cf. Grzelak 2018, pp. 213–230.

85 Zawidzka-Łojek, Barcz 2018, p. 11–12.

the European Commission to respect the autonomy of sovereign members of the European Union.⁸⁶

Representatives of the opposition parties in Poland, in turn, argued that as a result of actions causing the dispute with European Union institutions, Poland had lost its important international position and was not being regarded by the largest European countries as a strategic partner. Referring to the nearing Brexit, the opposition leaders warned that the attitude of the Polish government could ultimately lead to similar consequences.⁸⁷

Topic no. 3 (from July 19, 2016)

Events related to the actions of the Commission of Inquiry to investigate the correctness and legality of the activities of public authorities and institutions toward the entities comprising the Amber Gold Group.

Amber Gold started its operations in 2009, offering its customers attractive high-interest deposits in the form of a precious metal storage agreement. That same year, the Polish Financial Supervision Authority (KNF) submitted a notification to the public prosecutor's office about the possibility of a crime being committed, suspecting the company's authorities of conducting banking activity without the required permits. The KNF also entered the company on its list of public warnings. However, the number of the company's clients continued to grow. In 2012, Amber Gold was shut down and all its clients' contracts were terminated. In September 2012, the court declared Amber Gold insolvent.⁸⁸

The case of Amber Gold's bankruptcy caused protests from clients, who demanded the recovery of the invested funds (almost eighteen thou-

86 *Biała Księga w sprawie reform polskiego wymiaru sprawiedliwości*, Kancelaria Prezesa Rady Ministrów, Warszawa 2018, <https://www.gov.pl/attachment/c9882d3c-1897-48c0-8f58-676505fc758f>; Cianciara, op. cit.; <https://www.tvp.info/36462212/msz-polska-w-odpowiedzi-na-zalecenia-ke-zadeklarowala-gotowosc-dalszego-dialogu>.

87 <https://www.tokfm.pl/Tokfm/7,103454,22810279,opozycja-po-decyzji-ke-pis-sam-jest-sobie-winien-teraz-musi.html>; <https://www.rp.pl/plus-minus/art2166011-polacy-to-euroentuzjasci-kto-nas-wrabia-w-polexit>.

88 <https://prawo.money.pl/aktualnosci/wiadomosci/arttykul/afera;z;amber;gold;zaczela;sie;w;2009;roku;oto;cala;jej;historia,27,0,1150747.html>; <https://radiogdansk.pl/wiadomosci/2016/09/07/krotka-historia-amber-gold-gdzie-podzialy-sie-te-miliony/>; <https://www.bankier.pl/wiadomosc/KNF-ostrzega-przed-firma-pozyczkowa-Amber-Gold-2120754.html>; <https://tvn24.pl/biznes/z-kraju/amber-gold-kalendarium-wydarzen-co-ustalono-w-tej-sprawie-ra750620-4481475>.

sand people were ultimately wronged⁸⁹) and accused state institutions of lack of proper information about the risk associated with investing money in financial instruments based on a pyramid scheme.⁹⁰

After the parliamentary elections of 2015, victorious for Law and Justice, a committee of inquiry for Amber Gold was established in the Polish Parliament.⁹¹ The committee's actions were to demonstrate, among other things, how effective the actions of state bodies had been, to the extent that they could have prevent the establishment or functioning of Amber Gold. After the adoption of the motion to establish a commission of inquiry in 2016, the opposition accused the Law and Justice party that the main reason for the commission's establishment was an attempt to hold the former prime minister Donald Tusk (already President of the European Council at the time), politically responsible for the bankruptcy of Amber Gold. In the analyzed period, the media reported on the course of the committee of inquiry's meetings with the accused owners of Amber Gold and the most important politicians called for explanations.

Topic no. 4 (March 22, 2016–November 4, 2016)

Events related to the actions of authorities and citizens in connection with the legal regulation of the conditions of admissibility of abortion and related matters.

Under the Act of 7 January 1993, abortion was legal in Poland in three cases: when the pregnancy poses a threat to the life or health of the mother, when there are reasons to believe that there are serious and irreversible impairments of the fetus or an incurable disease threatening its life, or when the pregnancy is the result of a prohibited act. This was one of the most restrictive laws in Europe that sets out the conditions for the admissibility of abortion.⁹² However, it was usually described in Polish public discourse as a compromise.

89 <https://www.money.pl/gospodarka/wiadomosci/artykul/sledztwo;w;sprawie;amber;-gold;18;tys;pokrzywdzonych;851;mln;zl;strat,3,0,1597955.html>.

90 <https://radiogdansk.pl/wiadomosci/2016/09/07/krotka-historia-amber-gold-gdzie-podzialy-sie-te-miliony/>.

91 Committees of inquiry in the Polish Parliament are meant to constitute an instrument of parliamentary control over government activities. See: Bagieńska-Masiota 2010; Żukiewicz 2009; Banaszak 2007.

92 The Act of Jan. 7, 1993 on family planning, human embryo protection and conditions of permissibility of abortion (Journal of Laws of 1993, No 17, item 78 as amended), Section 4 (a) (1).

In April 2016, the ‘Stop Abortion’ Committee started a campaign of collecting signatures for a civic project which envisioned repealing all of the above conditions of the admissibility of termination of pregnancy (which would be tantamount to a *de facto* ban on abortion).⁹³

In response to this initiative, one month later, the ‘Save the Women’ Committee began collecting signatures for a civic bill on women’s rights and informed motherhood. This bill envisaged the right of women to terminate a pregnancy until the twelfth week after conception, and in three special cases – also after the twelfth week of pregnancy.⁹⁴

Both civic bills were submitted to the Polish Parliament together with the required number of signatures. On September 23, 2016, a vote was held. MPs decided by a majority of votes to refer the “Stop abortion” project to the committees, whilst rejecting the project proposed by “Save the Women.” Voting within the various parliamentary clubs was not unanimous.⁹⁵

The decision of the MPs triggered spontaneous social protests called ‘black protests’ and led to the formation of the informal civil movement ‘All-Poland Women’s Strike.’ On October 3, 2016, multiple demonstrations modelled on the 1975 absentee strike of women in Iceland took place in many cities. Between one and several hundred thousand women and citizens took part in them.⁹⁶ The strike was described as an ‘umbrella revolution’, a ‘black Monday’ or a ‘black march’. It was reported on by the world’s most important news services.⁹⁷ As a result of the protests, the

93 Draft bill on amending the law of Jan. 7, 1993 on family planning, human embryo protection and conditions of permissibility of abortion of Jun. 6, 1997, Penal Code, (Sejm RP, Document no. 784 of Aug. 19, 2016).

94 Draft bill of the Act on Women’s Rights and Informed Parenting (the Sejm of the Republic of Poland, Document no. 830 of Sept. 9, 2016).

95 Shorthand report of the 26th session of the Polish Sejm on Sept. 22, 2016, Warszawa 2016, pp. 184–246; Shorthand report of the 26th session of the Polish Sejm on Sept. 23, 2016, Warszawa 2016, pp. 268–271.

96 <https://www.wprost.pl/kraj/10025692/szef-policji-podsumowal-czarnyprotest-i-odpowiedzial-krytykom-niemal-100-tys-uczestnikow-w-143-miejscach.html>; <https://wiadomosci.gazeta.pl/wiadomosci/7,114883,20786378,w-warszawie-30-tys-protestujacych-we-wroclawiu-20-tys-tlumy.html>.

97 <https://www.bbc.com/news/world-europe-37449903>; <https://www.theguardian.com/world/video/2016/oct/05/poland-signals-u-turn-total-abortion-ban-protests-video-report>; <https://www.independent.co.uk/news/world/europe/abortion-ban-poland-warsaw-parliament-vote-party-jaroslav-kaczynski-pis-a7358036.html>; <https://www.washingtonpost.com/news/worldviews/wp/2016/10/03/polish-women-go-on-nationwide-strike-against-proposed-abortion-ban/>.

Polish Parliament also rejected the civic project, which assumed the introduction of a total ban on abortion.⁹⁸

Topic no. 5 (from February 4, 2016)

Events related to the commemoration and explanation of the causes of the plane crash near Smolensk on April 10, 2010.

The crash of the TU-154 aircraft near Smolensk (Russia) on April 10, 2010, killed 96 prominent politicians and officials, including the President of Poland Lech Kaczyński and his wife.⁹⁹ Both the Polish and Russian sides appointed special commissions to explain the causes of the disaster. The first to announce its findings, on January 12, 2011, was the Joint Committee of the Interstate Aviation Committee (MAK) and the Russian Ministry of Defense.¹⁰⁰ The Polish Commission for the Investigation of Air Accidents of the State Aviation Administration prepared a report that was officially presented to the public on July 29, 2011.¹⁰¹

The findings of both committees were questioned by the then parliamentary opposition, mainly by representatives of Law and Justice.¹⁰² In November 2010, the Parliamentary Group for Investigating the Causes of the Tu-154M Disaster of April 10, 2010, was established in the Sejm of the 7th term.¹⁰³ The Team presented a report on its work on April 10, 2013.¹⁰⁴ The report was criticized by both members of the State

98 Shorthand report of the 27. session of the Polish Sejm on Oct. 6, 2016, Warszawa 2016, pp. 298–304.

99 <https://wiadomosci.wp.pl/lech-kaczynski-nie-zyje-katastrofa-samolotu-96-ofiar-6037566880612993a>; <https://www.tokfm.pl/Tokfm/7,103086,7752546,katastrofa-samolotu-prezydenta-nikt-nie-przezyl.html>.

100 <https://www.newsweek.pl/polska/raport-koncowy-mak-byla-presja-by-ladowac-pobierz-dokumenty/615sv07>; <https://tvn24.pl/wiadomosci-z-kraju,3/raport-mak-nie-jest-kompletny,158741.html?h=1680>.

101 *Final Report from the examination of the aviation accident no. 192/2010/11 involving the Tu-154M airplane, tail number 101, which occurred on April 10th, 2010 in the area of the SMOLENSK NORTH airfield*, Warszawa 2011 (selected internet sources: https://doc.rmf.pl/rmf_fm/store/rkm.pdf; https://aviation-safety.net/reports/20100410-0_T154_101_POL.pdf).

102 <https://jedyinka.polskieradio.pl/artykul/936891>.

103 <http://www.sejm.gov.pl/sejm7.nsf/agent.xsp?symbol=ZESPOL&Zesp=94>.

104 <https://www.polskieradio.pl/5/3/Artykul/820253>.

Commission for Aviation Accident Investigation and by experts on aviation.¹⁰⁵

After the victory of Law and Justice in the parliamentary elections in October 2015, the idea of re-evaluating the official causes of the Smolensk plane crash returned. For this purpose, on February 4, 2016, the 8th term Subcommittee on Aviation Accident Re-examination was appointed in the Polish Parliament.¹⁰⁶

The actions of the authorities in this matter provoked protests from both the parliamentary opposition and citizens opposing the use of the catastrophe for political gain. The Civic Platform established its own Team for the Investigation of Instances of Manipulation of the Causes of the Disaster of April 10, 2010.¹⁰⁷ Members of the Subcommittee of the Ministry of National Defense were accused of not having sufficient experience in air disaster investigation.¹⁰⁸

Apart from the institutional and legal dimension, the tragic consequences of the Smolensk catastrophe have also gained a symbolic dimension. In 2017, the Mazovian Voivode gave permission for cyclical meetings to pay tribute to the victims of the Smolensk catastrophe in the center of Warsaw. These events (including the culminating march) were to be organized from May 2017 to April 2020, on the tenth day of each month from 6 am to 10 pm.¹⁰⁹ However, marches on these days were

105 <https://www.polityka.pl/tygodnikpolityka/kraj/1541041,1,prof-pawel-artymowicz-komentuje-raport-zespolu-antoniego-macierewicza.read>; <https://wiadomosci.wp.pl/edward-lojek-zarzuty-macierewicza-to-wierutne-bzdury-6031557211096193a>.

106 <https://wydarzenia.interia.pl/raporty/raport-lech-kaczynski-nie-zyje/przyczyny-tragedii/news-powolanie-podkomisji-ds-ponownego-zbadania-katastrofy-smolensk,nId,2139883>; <https://www.radiomaryja.pl/informacje/szef-mon-wyjasnia-powolanie-podkomisji-ds-katastrofy-smolenskiej/>.

107 <https://faktysmolensk.niezniknelo.com/sklad.html>.

108 <https://www.newsweek.pl/polska/polityka/do-rzeczy-krytykuje-komisje-macierewicza-mizerne-efekty-prac/ljzsfz>; <https://www.tokfm.pl/Tokfm/7,102433,23247107,-ci-pseudoeksperci-nie-znaja-fizyki-i-aerodynamiki-ekspert.html>; <https://www.wprost.pl/kraj/10109939/opozycja-krytykuje-podkomisje-smolenska-za-brak-wynikowto-dojna-krowa-wydalismy-na-to-publiczne-pieniadze.html>; <https://www.fakt.pl/wydarzenia/polska/poslanka-pis-elzbieta-kruc-krytykuje-podkomisje-macierewicza-mocne-slowa/cq37pkq>.

109 <https://oko.press/images/2018/02/decyzja-z-27-kwietnia.pdf>. The permission was withdrawn by decision of the Mazovian Voivode issued on June 29, 2018, no. WSO-I.6110.1.16.2018: <https://bip.mazowieckie.pl/artykuly/441/informacja-o-miejscach-i-terminach-zgromadzen-organizowanych-cyklicznie>.

blocked by members of the Obywatele RP [Citizens of Poland] social movement. As a result, the police secured the participants of marches with a special cordon, while those blocking the march were accused of disturbing public gatherings.¹¹⁰

Topic no. 6 (December 16, 2016–February 22, 2017)

Crisis in the Polish parliament (Sejm) in relation to the transfer of proceedings from the plenary chamber to the Column Hall.

On December 16, 2016, the Speaker of the Sejm excluded from the session a member of the Civic Platform, Michał Szczęrba¹¹¹ for disturbing the session by posting on the rostrum a card with the inscription “#Wolne-MediawSejmie” [#FreeMedia in the Sejm].

Members of the parliamentary clubs of the Civic Platform and Nowoczesna began the occupation of the parliamentary rostrum in protest against the decision of the Speaker of the Sejm.¹¹² In order to enable further deliberations, including proceedings on the budget law, the Speaker of the Sejm decided to move the session from the Plenary Hall to the Column Hall of the Sejm.¹¹³ However, journalists were not allowed in this room, and opposition MPs were prevented from accessing the venue by blocking the entrance with chairs. Opposition MPs protested and indicated that there was no quorum in the Column Hall of the Sejm and that they were being prevented from submitting formal motions, so that the decisions taken there had no legal force.¹¹⁴

110 <https://www.pap.pl/aktualnosci/news%2C763152%2Cobywatele-rp-bedzie-kolejna-kontrmanifestacja-miesiecznicze-smolenska.html>; <https://natemat.pl/196503,obywatele-rp-od-rana-blokują-miesiecznicze-smolenska-trwa-protest-na-krakowskim-przedmiesciu>; <https://tvn24.pl/tvnwarszawa/najnowsze/wzrosł-koszt-ochrony-miesiecznicy-z-powodu-kontrmanifestacji-285977>; <https://polska-times.pl/87-miesiecznica-i-kontrmanifestacja-obywateli-rp-zdjecia/ar/12255209>.

111 Shorthand report of the 33. session of the Polish Sejm on Dec. 16 2016, Warszawa 2016, p. 62.

112 <https://dorzeczy.pl/kraj/17074/poslowie-opozycji-okupują-sejmowa-mównice.html>.

113 <https://wpolityce.pl/polityka/319659-awantura-w-sejmie-szczęrba-wychodzi-z-kartka-o-wolnych-mediach-kuchcinski-wyklucza-go-z-obrad-poslowie-po-i-n-okupują-mównice-wideo>.

114 <https://www.wprost.pl/kraj/10035158/protest-opozycji-i-starcia-przed-sejmem-co-wydarzyło-sie-minionej-nocy.html>; <https://oko.press/kuchcinski-wielokrotnie-lamał-wczoraj-regulamin-sejmu-16-grudnia-groza-mu-lata-wiezienia/>; <https://tvn24.pl/polska/pis-zapewnia-kworum-bylo-opozycja-pokazuje-listy-obecnosci-ra700470>;

Activities inside the building of the Sejm led to a civic demonstration before it. The demonstrators blocked the exit from the Sejm at night and there were clashes with the police.¹¹⁵ The protest of the members of the Civic Platform and Nowoczesna in the Plenary Hall was continued until the day of the next session of the Sejm, which was held on January 11, 2017. On December 24, the protesting MPs organized a parliamentary Christmas Eve supper, and several hundred citizens gathered in front of the building of the Polish Sejm, expressing their symbolic support for the protesting MPs.¹¹⁶ The civic protests lasted until January 1. The occupation of the Plenary Hall and clashes between demonstrators and the police in front of the building of the Polish parliament were widely commented on in world media.¹¹⁷ The leaders of Law and Justice argued that the protest of MPs and their supporters was a coup against the democratically elected authorities.¹¹⁸

The opposition suspended the protest at the Sejm on January 12, 2017, filing a motion to dismiss Marek Kuchciński from the post of Speaker of the Sejm. The motion was considered on February 22, 2017, and did not gain the approval of the parliamentary majority.¹¹⁹

<https://pomorska.pl/posel-brejza-nagral-ziobre-podpisujacego-liste-obecnosci-po-zamknieciu-obrad-sejmu/ar/11589374>; <https://www.money.pl/gospodarka/wiadomosci/artykul/budzet-2017-sejm-chaos-w-sejmie-jaroslaw,250,0,2220794.html>.

115 <https://www.radiolodz.pl/posts/31261-chaos-w-sejmie-kilkudziesieciosobowa-grupa-poslow-opozycji-okupuje-mownice-sejmowa>; <https://wiadomosci.dziennik.pl/polityka/artykuly/538081,awantura-krzyki-w-sejmie-posel-wstawil-sie-za-dziennikarzami-politycy-opozycji-zablokowali-mownice-sejmowa.html>; <https://www.fakt.pl/polityka/policja-atakuje-demonstrantow-przed-sejmem/8xjm1g6>.

116 <https://wiadomosci.gazeta.pl/wiadomosci/7,114884,21167638,wigilia-opozycji-w-sejmie-przed-sejmem-tez-stanal-swiateczny.html>; <https://www.wprost.pl/kraj/10036245/sejmowa-wigilia-protestujacy-poslowie-spedzaja-swieta-na-wiejskiej.html>.

117 <https://www.bbc.com/news/world-europe-38347674>; <https://www.euronews.com/2016/12/17/protest-broken-up-outside-poland-s-parliament>; <https://www.reuters.com/article/us-poland-politics-crisis/police-break-up-blockade-of-polands-parliament-amid-political-crisis-idUSKBN1452TL?il=0>.

118 <https://wiadomosci.wp.pl/pis-nazwal-to-puczem-wyjasniamy-na-czym-polega-problem-z-glosowaniem-w-sali-kolumnowej-6199706250004609a>.

119 Shorthand report of the 36th session of the Polish Sejm on February 22, 2017, Warszawa 2017, pp. 4–18.

Topic no. 7 (from December 16, 2016)

Activities in connection with the Nature Conservation Act and in connection with the felling of trees in the Białowieża Forest.

On December 16, 2016, during the parliamentary crisis, an act was adopted under which the freedom of property owners to remove trees and shrubs located on their premises was increased.¹²⁰ In a short space of time, this led to an increase in the number of felled trees with no administrative control. It was pointed out that the adopted law could be of great benefit to developers who would gain additional space for investments at the expense of trees and shrubs.¹²¹

On February 20, 2017, at a meeting with party activists, leader of the Law and Justice party Jarosław Kaczyński criticized the law supported by the Minister of the Environment.¹²² In the meantime (March 2017), the opposition submitted a motion to pass a vote of no confidence regarding the minister, but it did not gain the approval of the parliamentary majority.¹²³

In May 2017, the European Commission responded to the decision to increase the felling zone in Primeval Forest of Białowieża, a protected area, unique in Europe. The Ministry of the Environment argued that these actions were necessary due to the invasion of a certain species of bark beetle, which caused tree death. Many scientists and conservationists protested this decision, pointing to the commercial background of the Minister of the Environment's decision to increase the clearing area. In May and June, environmentalists organized protests in the area of the Białowieża Forest, preventing the entry of heavy logging equipment and thereby making any felling activities impossible.¹²⁴

120 The Act of Dec. 16, 2016 amending the Nature Protection Act and the Forest Act (Journal of Laws of Dec. 30, 2016., item 2249).

121 <https://oko.press/wycinka-bez-kontroli-pis-sali-kolumnowej-przeglosowalo-projekt-ministra-szyszki/>; <https://www.agrofakt.pl/wycinka-drzew-na-wlasnej-posesji-2017/>; <https://www.money.pl/gospodarka/wiadomosci/arttykul/wycinka-drzew-zezwole-nia,157,0,2245533.html>; <https://www.prawo.pl/biznes/prezydent-podpisal-ustawe-umozliwiajaca-wycinke-drzew-na-prywatnej-posesji-bez-zezwole-nia,167583.html>.

122 <https://dorzeczy.pl/kraj/22507/szyszko-odpowiada-kaczynskiemu-ws-wycinki-drzew.html>; <https://www.wprost.pl/kraj/10043619/kaczynski-krytykuje-ustawe-minister-jej-broni-to-bardzo-dobry-projekt-z-punktu-widzenia-prawa-wlasnosci.html>.

123 Shorthand report of the 38th session of the Polish Sejm on March 23, 2017, Warszawa 2017, p. 259.

124 <https://puszcza-bialowieska.blogspot.com/2017/04/komisja-europejska-odrzuca-argumenty.html?m=0>; <https://www.fakt.pl/wydarzenia/polityka/puszcza-bialowieska-dru>

On July 20, 2017, the European Commission brought an action before the EU Court of Justice vis a vis Poland's failure to comply with the directives established for the conservation of protected sites located in Natura 2000 areas. On July 27, the Court's vice-president ordered that the felling be stopped immediately.¹²⁵ The Polish government did not comply with this decision.¹²⁶ The dispute continued until November 2017, when the Court again ordered the immediate cessation of felling and threatened the Polish government with financial penalties.¹²⁷ Only the day after that was the felling of trees in the Białowieża Forest discontinued.

Topic no. 8 (November 24, 2016 – October 1, 2017)

Events in connection with the amendment of the Act on retirement pensions for uniformed officers and their families.

On November 24, 2016, the Law and Justice government submitted to the Sejm of the Republic of Poland a bill on abolishing pension privileges for uniformed officers connected in any way with the security apparatus of the Polish People's Republic from July 22, 1944 to July 31, 1990¹²⁸ (even if they were positively verified and qualified to work in the uniformed services of the democratic Third Republic after 1990).

gie-ostrzezenie-dla-polski/6c5ljf5; <https://www.rmfm24.pl/fakty/pol-ska/news-polska-przed-trybunalem-ue-za-wycinke-w-puszczy-bialowieskie>; <https://www.polsatnews.pl/wiadomosc/2017-05-15/stuletnie-deby-wciaz-padaja-m-in-stuhr-janda-i-staszcyk-staja-w-obronie-puszczy-bialowieskiej/>; <https://www.tokfm.pl/Tokfm/7,102433,21857767,przy-jechal-lesniczy-i-oglosil-ze-las-jest-zamkniety-ekolodzy.html>.

125 Decision of the Vice-President of the Tribunal of Jul. 27, 2017. Proceedings regarding an interim measure – Request for applying interim measures – Application for review *inaudita altera parte* – Directive 92/43/EEC – Directive 2009/147/EC – Protection of natural habitats and wild fauna and flora C-441/17 R.

126 <https://www.polityka.pl/tygodnikpolityka/kraj/1714496,1,wycinka-w-puszczy-trwarzad-zadnych-kar-sie-nie-boi.read>; <https://businessinsider.com.pl/polityka/ministerszyszo-o-ke-i-wycince-drzew-w-puszczy-bialowieskiej/mhpn2ge>.

127 Ruling of the Tribunal (Grand Chamber) of Nov. 20, 2017. Proceedings regarding an interim measure – Request for applying interim measures – Directive 92/43/EEC – on the conservation of natural habitats and of wild fauna and flora – Directive 2009/147/EC – protection of wild birds, case C-441/17 R.

128 Draft bill on amending the Act on retirement provision for officers of the Police, Internal Security Agency, Intelligence Agency, Military Counterintelligence Service, Military Intelligence Service, Central Anti-Corruption Bureau, Border Guard, Government Protection Bureau, State Fire Service and Prison Service and their families (the Sejm of the Republic of Poland, Document no 1061 of Nov. 24, 2016).

The draft law triggered multiple protests of representatives of uniformed services and trade unions, who opposed the use of collective responsibility by the government without taking into account each officer's individual service record after 1990.¹²⁹ The Supreme Court in its opinion on the draft law indicated that for those who had passed the verification and obtained decisions on being qualified to work in the uniformed services after 1990, the principle of trust in the state and the law might be violated.¹³⁰

The proponents of the act and its supporters stressed the need to restore social justice, which in their opinion meant that people involved in serving the Polish People's Republic cannot be privileged over those who were not involved in the system or those who actively fought for Poland to regain full sovereignty before 1990, and who are deprived of such privileges.¹³¹ Despite the protests, the Act entered into force on October 1, 2017.

Topic no. 9 (from November 11, 2016, cyclically)

Celebrations of National Independence Day.

National Independence Day falls on November 11, and commemorates the events of 1918, when Poland regained its independence after 123 years of partitions. In the following years, the celebrations were ritualized and official: representatives of the authorities participated in state ceremonies, special concerts, exhibitions and other cultural events were organized.

On that day, other marches were also initiated by circles on the extreme right: Młodzież Wszechpolska [All-Polish Youth] and Obóz Narodowo-Radykalny [the Radical-National Camp] also initiated their own marches. Since

129 https://www.rmf24.pl/news-protest-mundurowych-przeciwko-ustawie-dezubekizacyjnej-wszysnId,2316705#crp_state=1; <https://www.radiokrakow.pl/aktualnosci/krakow/byli-funkcjonariusze-sluzb-mundurowych-protestuja-nie-zgadza-sie-na-obnizenie-emerytur/>.

130 Comments of the Supreme Court to the governmental bill amending the Act on the retirement provisioning of officers of the Police, Internal Security Agency, Intelligence Agency, Military Counterintelligence Service, Military Intelligence Service, Central Anti-Corruption Bureau, Border Guard, Government Protection Bureau, State Fire Service and Prison Service and their families of Dec. 9, 2016 (BSA 111-021-525/16).

131 <https://www.gazetaprawna.pl/wiadomosci/artykuly/1075156,premier-ustawa-dezubekizacyjna-to-przywrocenie-sprawiedliwosci.html>; <https://www.polskieradio.pl/128/3/Artykul/1864725,Mariusz-Blaszczak-ustawa-dezubekizacyjna-to-akt-sprawiedliwosci-spoecznej>.

2011 the march had been organized by Stowarzyszenie Marsz Niepodległości [the Independence March Association]. In the years 2011–2014, during the march there were several riots, hooligan excesses and clashes with the police.¹³²

Since 2015, the main slogans of the Independence March emphasized the radical, agonic, religious, and national character of the event: 2015 – *Polska dla Polaków, Polacy dla Polski* [Poland for Poles, Poles for Poland]; 2016 – *Polska bastionem Europy* [Poland [as a] bastion of Europe]; 2017 – *My chcemy Boga* [We want God].¹³³ The number of demonstrations increased at that time to tens of thousands of participants.

Every year, the police recorded incidents related to illegal use of flares and firecrackers during the march. The media also recorded that some of the participants had raised slogans that were clearly racist, xenophobic and hateful.¹³⁴ As a result of these incidents, independence marches were reported on not only in the national but also in the global media.¹³⁵ It was emphasized that the Independence March had state legitimacy because a letter was addressed to its participants by President Andrzej Duda.¹³⁶ At the same time, the organizers invited European politicians from e.g. the Italian party Forza Nuova to participate in the march.¹³⁷ In 2017, by virtue of an amendment to the Act on Assemblies, the Independence March Association registered the march in the streets of Warsaw on November 11 as a cyclical assembly, which gave it priority in terms of organization.¹³⁸

132 Malinowska, Winiewski, Górka 2016, p. 2; Malendowicz 2016, pp. 195–197.

133 <https://www.wprost.pl/kraj/10081397/narodowcy-oglosili-haslo-marszu-niepodleglosci-2017-my-chcemy-boga.html>; <https://natemat.pl/194353,11-listopada-marsze-zgromadzenia-i-parady-niepodleglosciowe-w-calym-kraju>; <https://www.polskieradio.pl/5/3/Artykul/1529492,Polska-dla-Polakow-Polacy-dla-Polski-Marsz-Niepodleglosci-zgloszony-do-stolecznego-urzedu>.

134 <https://www.wprost.pl/kraj/10086084/faszystowskie-hasla-i-symbole-na-marszu-niepodleglosci-w-warszawie-i-na-wieczu-we-wroclawiu.html>.

135 <https://polskatimes.pl/marsz-niepodleglosci-2017-swiatowe-media-o-marszu-pokaz-nacjonalizmu-faszyzmu-i-rasizmu/ar/12669490>.

136 <https://www.gazetaprawna.pl/wiadomosci/artykuly/904596,list-prezyden-ta-dudy-do-uczestnikow-marszu-niepodleglosci.html>.

137 <https://oko.press/roberto-fiore-faszysta-terrorysta-rycerz-bialej-europy-gwiazda-marszu-niepodleglosci-a-margines/>.

138 <https://amnesty.org.pl/raport-z-observacji-zgromadzen-11-listopada-2017-w-warszawie/>.

Topic no. 10 (March 2, 2017 – March 10, 2017)

Renewal of the term of office of Donald Tusk as President of the European Council.

Former Polish Prime Minister (2007–2014) Donald Tusk was elected President of the European Council on August 30, 2014, although he formally took office on December 1, 2014.¹³⁹ According to Article 15(5) of the Treaty on European Union, the European Council elects its President by a qualified majority for a term of two and a half years, renewable once.¹⁴⁰ Following the declaration by Donald Tusk himself on his wish to extend his mandate for the period from June 1, 2017 to November 30, 2019, the European Council had to decide at the beginning of 2017 whether to agree to such an extension.

The Polish government formed in 2015 by Law and Justice, i.e. a party in opposition to Donald Tusk, faced the question whether to support its rival. Initially, some Law and Justice politicians suggested that the domestic political rivalry did not have to be reflected in decisions relevant to Poland's international position.¹⁴¹

However, on March 4, 2017, the Law and Justice Political Committee adopted a resolution in which it opposed supporting Donald Tusk on the grounds that he had violated the principle of neutrality toward a member state (i.e. Poland).¹⁴² At the same time, the Polish Ministry of Foreign Affairs informed that the official candidate of the Polish government for the post of President of the European Council was MEP Jacek Saryusz-Wolski.¹⁴³

139 <https://www.tvp.info/16641967/to-ogromne-uznanie-dla-polskiej-pozycji-tusk-sze-fem-re-relacja>; <https://www.polskieradio.pl/5/3/Artykul/1305544>.

140 *Treaty on European Union (consolidated version)* (Journal of Laws C 326 of Oct. 26, 2012).

141 Ryszard Czarnecki wrote in the Rzeczpospolita daily on 8 May 2016: “But Jarosław Kaczyński will not sacrifice the principles in the name of revenge. If Tusk does not become head of the European Council again, it is not because of the action of the Law and Justice government, but because of the lack of support from other states. Ours he will have, unlike his home party, our leader will not break the rule that a Pole votes for a Pole.” (<https://www.rp.pl/opinie-polityczno-spoeczne/art3699231-czarnecki-poprzemy-tuska>).

142 <https://pis.org.pl/aktualnosci/polski-rzad-nie-poprze-kandydaty-donald-tuska-na-szefa-re>.

143 <https://www.salon24.pl/newsroom/761153,msz-lobbuje-na-rzecz-saryusz-wolskiego-niemiecki-europosel-poucza-polski-rzad>; <https://wiadomosci.onet.pl/swiat/waszcykowski-lobbuje-w-brukseli-za-saryusz-wolskim/jhss8qk>.

During a meeting of the European Council on March 9, 2017, however, it was Donald Tusk who obtained a renewal of his term as President of the European Council, gaining the support of representatives of 27 EU member states. Only the Polish representative, Prime Minister Beata Szydło, expressed her opposition to this candidacy.¹⁴⁴

Topic no. 11 (from March 9, 2017)

Actions taken by the Commission for Removal of the Legal effects of Reprivatization Decisions Issued in Violation of the Law, in Relation to Certain Warsaw Properties.

After the political changes of 1989, no reprivatization act was passed in Poland which would enable the rightful owners of properties nationalized in 1945 or later to recover them.¹⁴⁵ This led to the situation in which the owners, their heirs or attorneys made their claims before the common courts. It also resulted in the popularization of the phenomenon of so-called ‘wild reprivatization,’ including the purchase of such claims at greatly discounted prices.¹⁴⁶

Irregularities in the process of ‘wild reprivatization’ were repeatedly pointed out by municipal activists, tenant associations, the media, and local political activists.¹⁴⁷ However, it was only after a series of investigative articles published in the press that the true scale of the abuse was exposed and the number of people involved in the illegal practice of seizing townhouses for sale on the free market.¹⁴⁸

In the course of a journalistic investigation, it was revealed that some officials of the Warsaw City Hall were also involved in the ‘wild reprivatization’,¹⁴⁹ which immediately had political repercussions. Representatives

144 <https://www.consilium.europa.eu/pl/press/press-releases/2017/03/09/european-council-president-election/>; <https://www.polityka.pl/tygodnikpolityka/swiat/1697180,1,donald-tusk-ponownie-wybrany-na-szefa-rady-europejskiej-tylko-polska-byla-przeciw.read>.

145 <https://wydarzenia.interia.pl/agnieszka-maj/news-rzecznik-brak-ustawy-reprywatyzacyjnej-to-lekcewazenie-praw-,nId,2586907>; <https://www.radiokrakow.pl/rozmowy/marek-sowa-brak-ustawy-reprywatyzacyjnej-to-ogromne-zaniedbanie/>.

146 <https://polskatimes.pl/jak-chodzila-dzika-reprywatyzacja-w-warszawie-studium-przypadkow/ar/12750505>.

147 <https://wiadomosci.wp.pl/reprywatyzacja-w-warszawie-co-warto-wiedziec-6049263652242562a>.

148 See also: Szpala, Zubik 2017.

149 I. Szpala, M. Zubik, “Układ warszawski. Czy reprivatyzacja w stolicy zatrząśnie polską

of Law and Justice demanded the resignation of Hanna Gronkiewicz-Waltz, the then Mayor of the City, representing the Civic Platform. However, the Mayor's response was ultimately limited to a personal and structural reorganization of the office.¹⁵⁰

On March 9, 2017, the Sejm passed a law¹⁵¹ establishing the Commission for Removal of Legal Effects of Reprivatization Decisions issued in violation of the law, concerning certain Warsaw properties.¹⁵² The legal and administrative status of the Commission aroused a good deal of controversy, with objections raised, among others, by the Ombudsman or the Sejm's Office of Analyses.¹⁵³ The committee gained the power to overrule reprivatization decisions in cases of violation of specific provisions of law, but also when their issuance led to effects that were grossly contrary to the public interest.

The political aspect of the Commission's activity, acting under the leadership of the candidate put forward by Law and Justice in the elections for the Mayor of Warsaw, was emphasized by the incumbent President, Hanna Gronkiewicz-Waltz, who questioned its constitutionality, and repeatedly failed to appear at its hearings, ignoring the committee's summons.¹⁵⁴

polityką?" *Gazeta Wyborcza*, <https://wyborcza.pl/magazyn/7,124059,20572140,uklad-warszawski-czy-reprywatyzacja-w-stolicy-zatrzesie-polska.html>.

150 <https://polskatimes.pl/afery-reprywatyzacyjna-hanna-gronkiewiczwaltz-zgrillowana-przez-partyjnych-kolegow-video/ar/10608280>; <https://www.tvp.info/26863052/dymisje-w-warszawskim-ratuszu-po-afery-reprywatyzacyjnej>.

151 The Act of Mar. 9, 2017 on special rules for removing the legal effects of reprivatization decisions issued in violation of the law, concerning certain Warsaw properties, (Journal of Laws 2017, item 718).

152 From Jan. 26, 2018, onwards known as "Komisja do spraw reprivatyzacji nieruchomości warszawskich" [Commission for Reprivatization of Warsaw Real Estate]. Cf. The Act of Jan. 26, 2018 on amending the Act of Mar. 9, 2017 on special rules for removing the legal effects of reprivatization decisions issued in violation of the law, concerning certain Warsaw properties (Journal of Laws of 2018, item 431).

153 <https://bip.brpo.gov.pl/sites/default/files/Komisja%20Reprywatyzacyjna%20-%20wyst%C4%85pienie%20do%20Marsza%C5%82ka%20Senatu%2C%20.022017.pdf>. Legal opinion on the constitutionality of the draft bill on special rules for removing the legal effects of reprivatization decisions issued in violation of the law, concerning certain Warsaw properties (doc. no. 1056): <https://orka.sejm.gov.pl/rexdomk8.nsf/0/2DC404B8201AEDFAC1258083003A5D0C/%24File/i2608-16A.rtf>.

154 <https://tvn24.pl/tvnwarszawa/najnowsze/sad-uchylil-grzywny-dla-gronkiewicz-waltz-613245>; <https://www.prawo.pl/samorzad/nsa-komisja-ds-reprywatyzacji-nie-miala-prawa-ukarac-grzywna,114682.html>.

The Office of the Ombudsman also received complaints from persons summoned and questioned by the commission about the failure of the body conducting the proceedings to observe the standards of interrogation.¹⁵⁵ Administrative decisions issued by the Commission were repeatedly challenged in courts.¹⁵⁶

Topic no. 12 (from February 11, 2016)

Events in connection with the Act on State aid in Raising Children.

In its election platform in 2014, Law and Justice announced that after a possible victory in the parliamentary elections, the newly formed government would introduce a monthly allowance of PLN 500 for the second, third and subsequent child in a family. The aid was to be paid until the child turned 18, and in the case of low-income families, it was to be paid also for the first child.¹⁵⁷

After Law and Justice (PiS) took power in the Ministry of Family, Labor and Social Policy, work was started on preparing the relevant draft bill. It was submitted to the Sejm on February 1, 2016, and the act itself was passed on February 11, 2016.¹⁵⁸ The act, which was promoted by the government as the “Family 500+” program, was one of the largest social-demographic programs in Poland after 1989. The opposition accused the government that it would overburden the budget and the fact that the allowance did not cover all children, but only the second child and any subsequent ones.¹⁵⁹

155 <https://bip.brpo.gov.pl/sites/default/files/Wyst%C4%85pienie%20do%20Sekretarza%20Stanu%20w%20Ministerstwie%20Sprawiedliwo%C5%9Bci%20w%20sprawie%20standard%C3%B3w%20przes%C5%82ucha%C5%84%20przed%20tzw.%20Komisj%C4%85%20Weryfikacyjn%C4%85.pdf>.

156 <https://oko.press/niemozliwe-okazalo-sie-mozliwe-osiagnela-komisja-weryfikacyjna-dlaczego-nikt-zostal-skazany/>; <https://warszawa.wyborcza.pl/warszawa/7,54420,23504142,sad-przyjrzy-sie-pracy-komisji-jakiego.html>; <https://www.tvp.info/39091629/kaleta-gronkiewiczwaltz-wszystkie-decyzje-komisji-dotyczace-mieszkanow-zaskarzylo-do-sadu>.

157 *Zdrowie. Praca. Rodzina. Program Prawa i Sprawiedliwości 2014*, <https://pis.org.pl/media/download/528ca7b35234fd7dba8c1e567fe729741baaaf33.pdf>.

158 The Act of Feb. 11, 2016 on state aid raising children (Journal of Laws of 2016, item 195).

159 <https://www.polskieradio.pl/5/3/Artykul/1583849>; <https://wydarzenia.interia.pl/kraj/news-opozycja-krytycznie-o-programie-500-plus-debata-w-sejmie,nId,2142836>.

In public opinion polls, the program was assessed very positively and perceived as state aid to those most in need.¹⁶⁰ According to data from the Ministry of Family, Labor and Social Policy, during the first two years of the program's operation, 3.684 million children from 2.413 million families benefited from the aid.¹⁶¹

Topic no. 13 (October 2, 2017 – February 8, 2018)

Protest of resident physicians.

On October 2, 2017, a group of resident doctors began a hunger strike. Their demands included increasing healthcare spending to the European level, no less than 6.8% of GDP over three years, addressing the shortage of medical personnel effectively, and improving the conditions of work and pay in healthcare.¹⁶² Initially, a hunger strike was undertaken at the Children's Clinical Hospital of the Warsaw Medical University. In the following days, more doctors joined the group, and strike actions was also initiated in other medical facilities.¹⁶³

All across Poland, resident physicians donated blood to legalize their absence from work, or applied for a leave, which in many places led to problems with the staffing of hospital wards and clinics. The first talks between the Minister of Health and the protesters took place during the night of October 4–5, but the negotiations on the following days ended in failure. On October 11, talks with Prime Minister Beata Szydło took place. She proposed to set up a team consisting of representatives of resident physicians, other medical professionals and the government, which would work out how best to fulfill the demands of the protesters by December 15. This did not meet with the approval of the protesters, who decided to continue the strike.¹⁶⁴

160 <https://www.tvp.info/24278068/polacy-od-programie-500>; <https://tvn24.pl/biznes/z-kraju/cbos-polacy-wiedza-o-co-chodzi-w-programie-500-i-go-popierajara620525-4466478>.

161 <https://businessinsider.com.pl/finanse/makroekonomia/program-rodzina-500-plus-wyniki-po-dwoch-latach/pqmv3ym>.

162 *Stanowisko i postulaty Porozumienia Rezydentów OZZ*: <http://www.rezydenci.org.pl/2017/10/02/protest-2-pazdziernika-stanowisko-postulaty-pr-ozzl/>.

163 <https://trojka.polskieradio.pl/artykul/1875821>.

164 <https://dorzeczy.pl/obserwator-mediow/43785/premier-gotowa-na-rozmove-z-rezydentami.html>; <https://www.tokfm.pl/Tokfm/7,103454,22500529,nie-bylo-rozmowy-potraktowano-nas-niecelegancko-rezydent.html>; <https://tvn24.pl/polska/premier-nie-przyszla-naspotkanie-z-lekarzami-czujemy-sie-upokorzeni-ra780931-2573300>.

Faced with the lack of agreement with the government at the turn of November, the resident physicians decided to change the form of their protest. The hunger strike was discontinued, but an action was launched to encourage doctors not to sign the so-called opt-out clauses, whereby doctors could work more than 48 hours per week. Widespread refusal to do so resulted in personnel problems in many outpatient clinics and hospitals, which began to lack the necessary number of doctors.¹⁶⁵

165 <https://polskatimes.pl/zaostrza-sie-protest-lekarzy-rezydentow-klauzule-optout-wypowiedzialo-juz-4200-medykow/ar/12772504>; <https://www.money.pl/gospodarka/wiadomosci/artykul/protest-lekarzy-klauzula-opt-out,137,0,2395273.html>; <https://polityka.se.pl/wiadomosci/protest-lekarzy-odmowa-dodatkowych-dyzurow-uderzyw-pacjentow-aa-jiFv-Gtd8-HAkk.html>.