



EUROPEAN COMMISSION

Office of the First Vice-President Mr Frans Timmermans

Member of Cabinet

Brussels, 08. 05. 2017
Ares(2017)52120

Dear Mr Czarniecki,

Thank you for your letter to President Jean-Claude Juncker in which you express concerns about a new law in Poland on retirement benefits for officials of the Police, the Internal Security Agency, Foreign Intelligence Agency, the Military Counterintelligence Service, Military Intelligence Service, Central Anticorruption Bureau, Border Guard, Government Protection Bureau, the State Fire Service and their families. I hereby reply on the President's behalf.

The Commission has taken note of the legislation concerned and of your statement that this legislation violates basic constitutional principles.

Let me stress that this matter illustrates once again the importance of having an effective constitutional review of legislation in Poland. On 21 December 2016 the Commission adopted a complementary Recommendation on the Rule of Law in Poland, in which the Commission expressed its concerns about the current situation of the Constitutional Tribunal and the effectiveness of constitutional review, inviting the Polish authorities to solve the problems identified as a matter of urgency. You can find the text of the Recommendation and additional information on the Commission's website.¹ On 20 February 2017 the Commission received the reply of the Polish Government. The Commission is currently carefully considering the next steps.

As regards possible legal remedies under EU law regarding the application of the legislation concerned, I must inform you that, on the basis of the information provided in your letter, the matter to which you refer does not appear to be related to the implementation of EU law.

Finally, let me recall that anyone who considers that her or his rights or freedoms guaranteed by the European Convention on Human Rights have been violated may lodge a complaint with the European Court of Human Rights (Council of Europe, 67075 Strasbourg Cedex, France²). Please note, however, that this Court may only deal with a complaint after all domestic remedies have been exhausted.

Please be assured that the Commission remains strongly committed to upholding the values on which the EU is founded and will continue to follow the developments in Poland in that respect.

Yours sincerely,

Thomas Zerdick

Zdzisław Czarniecki
President of the Federation of Associations of Uniformed Services
of the Republic of Poland
ul Marszałkowska 115 lok 368 B
00-102 Warsaw

¹ http://europa.eu/rapid/press-release_IP-16-4476_en.htm

² <http://www.echr.coe.int/ECHR>