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## **POLAND FACES TURBULENT MONTHS AT HOME AND IN EU**

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Will the European Union continue to allow the Polish government to deceive it over violations of the rule of law? Will the opposition manage to consolidate? Will Jarosław Kaczyński return to Polish politics? The fate of Polish democracy could be decided over the coming months. EURACTIVS media partner Gazeta Wyborcza reports.

None of these questions can now be answered unequivocally. Anything can still happen in Polish politics, and we could also see an escalation within the country and the isolation of Poland in the EU. Is Brussels taking such a situation into consideration?

On July 3, the new law on Poland's Supreme Court will come into force, the final element of the so-called reform of the judiciary initiated last year by the ruling Law and Justice party (PiS).

Under the law, 40% of the Supreme Court judges will have to retire. Among them will be the First Chief Justice of the court, although the Constitution clearly says that her term lasts six years.

The judges will most likely be replaced by new ones, entirely loyal to the party and government. PiS has already used a similar mechanism in the prosecutors office and in changing the presidents of courts throughout the country.

The division of power and the rule of law will definitely become a thing of the past, the judiciary will be subordinated to the executive. The key figure will be Justice Minister Zbigniew Ziobro, who will influence the work of the courts and, as procurator general, will also have the prosecutors under his control.

One can imagine a situation in which the governments opponents will be detained by political decree, with the courts placing them under arrest and then issuing whatever sentences the authorities would like to see imposed.

There are currently about a thousand legal cases in Poland brought against people who participated in anti-government demonstrations. One of them is prosecuted for having shouted Lech Wałęsa [the Solidarity leader under Communism] during a demonstration.

There have also already been cases where superiors have disciplined judges who acquit demonstrators. One can expect that there will be more such cases.

## **Pressure mounts**

For the moment, the European Union is trying to get along with Prime Minister Mateusz Morawiecki, who promised Commission boss Jean-Claude Juncker upon taking office that he would compromise and change the judiciary laws so that they are no longer objectionable to the EU. Six months on and it is clear that PiS is not going to concede and that the changes are cosmetic.

It is clear that the European Union will put pressure on Poland. Proceedings under Article 7 will continue, there will be hearings in the European Parliament and the EU Council, criticism of Poland will not be weakened. Warsaw will find it increasingly difficult to defend its interests.

In the fight to get a generous allocation from the new EU budget, Polands voice may lose significance. But this sort of grilling for Poland does not guarantee concrete results.

Will the European Commission decide to challenge the law on the Supreme Court before the Court of Justice of the European Union, and at the same time ask the CJEU to suspend the application of the statutes provisions?

Many Polish dignitaries have appealed to the Commission for such a move, including former presidents, prime ministers and foreign ministers. The Commission has so far been against this because of a difference of opinion between Juncker and his first deputy, Frans Timmermans.

Now that it is clear that Morawiecki has been deceiving Brussels, the Commission has sharpened its stance. But will it be enough for the EU executive to bang its fist on the table? We shall soon see. Timmermans, who was in Warsaw on Monday, warned Morawiecki against any purges in the Supreme Court.

## **Local elections test waters ahead of European vote**

PiS evidently wants to protect itself from the consequences of its policies and, to this end, is looking for a way to enlist in the ranks of the European Peoples Party (EPP) after next years elections.

Gazeta Wyborczas sources say that PiS politicians broach this issue at every possible meeting with representatives of the European Christian Democrats. Were Polands governing national conservatives to join the EPP, they would gain the same immunity that Hungarys Fidesz enjoys at present.

For the moment, the EPP says no, but the question is what it will say after the European elections, when its ranks thin out. PiS wields 29 sabres in the European Parliament at the moment. The EPP may need them.

Octobers local elections will have an impact on the outcome of the Polish vote for the European Parliament in May next year. This will be the first electoral struggle between PiS and its opponents, whose results will show the true support for the government and the opposition.

The government intends to play the same card which won it the last parliamentary election. In 2015, it promised PLN 500 per month for the second and subsequent child, and is now promising PLN 300 for a starter kit for every child for the start of the new school year (which falls on

September 1), as well as special payments for pensioners.

These ideas are constantly aired on public television, which the government turned into its propaganda channel two years ago. The opposition is constantly consolidating. Civic Platform (PO) and Nowoczesna have announced joint candidates for city mayors.

This does not work everywhere, but when the parties were counted together in the opinion polls, they achieved a result similar to PiS. And the ruling party has hit a losing streak.

After a scandal over massive annual bonuses paid to ministers, its handling of a protest by disabled people who set up camp inside the Polish parliament building was abysmal. If PiS loses the autumn election, it will be possible to talk about a change of mood in Poland.

But if the opposition is defeated, it will mean that PiS still enjoys wide support. The key battle will take place in Warsaw, where Rafał Trzaskowski, a former MEP and minister for European affairs, supported by PO and Nowoczesna, will run against Patryk Jaki, deputy justice minister in the PiS government.

Trzaskowski is the favourite in this clash but Jaki is running a strong campaign. If he manages to win, he will deal a strong blow to PO, from which the party may not recover.

### **Kaczynskis health may weigh on PiS**

The third factor influencing Polish politics is the health of Jarosław Kaczyński, the head of PiS, who – although officially just an ordinary member of parliament – has a decisive role in the country.

Kaczyński completely withdrew from politics in May and spent a month in one of Warsaw's best hospitals. Officially, the problem was his knee and an infection that occurred in the course of treatment.

According to a statement issued by the hospital when Kaczyński was discharged two weeks ago, it appears that doctors had to use special treatments to stabilise his health. Even a layperson can see that this is no trivial matter.

PiS begrudged information about their leaders' health because it did not want to dent his image of a steely politician who pursues his goals, heedless of adversities. Perhaps the state of Kaczyński's health is much more serious?

Some journalists have begun sketching out scenarios for the event that Kaczyński should leave politics. It is clear that PiS is not a monolith, and only Kaczyński has been able to maintain a balance between its factions. Without him, their leaders will be at each other's throats.

At the moment, Jarosław Kaczyński is still absent from official politics. It is also being said that he is to return to hospital.

Speaking of returns, another important question is the possible return to Poland of Donald Tusk, who ends his term as the president of the European Council in 2019.

Will he become involved in the European election campaign? Will he challenge PiS and run against Andrzej Duda in the presidential election in 2020? In Tusks' interviews and in his social media

activity, there are many indications that this will indeed be the case. But Tusk has yet to make an official decision.

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