



# Weekly Briefing

**Poland Political briefing:**  
**Poland Domestic Political Affairs**  
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The latest development in Polish domestic affairs was mainly concentrated on two issues: first special financial prizes for the member of former Prime Minister Beata Szydlo's cabinet, and other controversies over the judiciary system.

In March 2018 former PM Beata Szydlo defended her decision on special financial prizes for ministers. In her speech in front of the Parliament, she declared: *These awards were official, for hard work. These were not watches from fellow people in business*, and she referred to the case of Minister Sławomir Nowak (Minister of Infrastructure of the Civic Platform).

Contrary to her statement, supported by the Law and Justice leader Jaroslaw Kaczynski this decision was not popular among the public opinion. As public opinion pools stated the support for the Law and Justice dropped drastically to 31.8 percent. This is 7.6 percentage points less than in the same survey from a month ago. The second place in the election would be the Civic Platform, with 22 percent of the support. This party recorded an increase of 6 percentage points compared to the survey in February 2018. The third force in the parliament would be the Kukiz'15 movement with 10% support (an increase of four percentage points). The next place would go to the Democratic Left Alliance (nine percent), which in the previous study with three percent support would not exceed the electoral threshold. Nowoczesna, with a six percent score (a drop of two percentage points), would get to the parliament. The Freedom Party (formerly KORWiN) and the Polish People's Party (five % of support) would also cross the electoral threshold.

After the public opinion polls were published the Law and Justice party took further steps towards regaining public support. After the meeting of the Political Committee of the Law and Justice, A draft bill lowering parliamentary and senate salaries by 20% was declared to be ready for further proceeding. Moreover, the all constitutional ministers and secretaries of state was asked to

donate their awards to charity (Catholic organisation Caritas), and additional benefits will be removed from the management of state-owned companies.

Besides "new lowered limits" are to be introduced for mayors, mayors, presidents, marshals and lower level administration, as well as for their deputies. *'We will strictly enforce discipline in these matters,'* stressed the PiS president. *'If someone would not vote for such decisions, because I repeat, in most cases they must be taken through laws, it loses the chance of a place on the electoral list, loses chances for further participation in politics'* - he declared. After the "special financial prizes scandal" the society "expects modesty." *'Therefore, this modesty will be introduced'* declared the PiS president. This decision correlates with the recent declaration of Prime Minister Morawiecki who announced the liquidation of all prizes, bonuses for ministers and deputy ministers. He also announced that in the next 2-3 months he wants to reduce the number of ministers and deputy ministers by 20-25 percent, as well as the transition of undersecretaries of state to a group of civil servants. So far Morawiecki accepted the resignation of 21 deputy ministers.

What should be also mentioned here, the amount of the parliamentary salary corresponds to the amount of the wages of the undersecretary of state, excluding the allowance for the service of years and currently amounts to PLN 10,020,80 gross. MEPs also receive a parliamentary diet, i.e. funds to cover costs related to expenses incurred in connection with the exercise of a mandate in the country. The parliamentary diet is 25 percent. salaries. Currently, it is PLN 2,505.20 gross. The parliamentary diet is free from personal income tax within limits set in the regulations for allowances received for the fulfilment of civic duties.

The second, even more, the critical issue is the blockade in the judiciary system. In mid-March, the Law and Justice withdrew from the Parliament a draft amendment to the Act on the National Council of the Judiciary. This draft assumed that the President of the Constitutional Tribunal would convene the first meeting the National Council of Judiciary. The meeting would be chaired

by a member of the National Council of Judiciary, indicated by the president of the Constitutional Tribunal. But after few days the Law and Justice realised that the Constitutional Tribunal has no connection with the National Council of Judiciary, and this amendment would be brought more chaos to the system.

At the beginning of March the Parliament elected 15 judges for members of the National Council of Judiciary, and on the same day professor, Małgorzata Gersdorf resigned from being the chairwoman. Under the new law, the new members' term of office began the next day, but the Council has no chairperson or vice-chairmen. In this situation, the first meeting of the Council, at which its chairman and vice-chairmen should be elected, should be convened by the president of the Supreme Court. Professor Gersdorf said she would do it with the law, but she did not specify when she would do it.

Nine candidates were nominated by the Law and Justice parliament club, six by the Kukiz'15 parliament club. The remaining parliamentary clubs did not exercise their right to nominate candidates. The congressional opposition the Civil Platform, Nowoczesna and the Polish People's Party did not take part in the vote. The Minister of Justice Zbigniew Ziobro asked the First President of the Supreme Court to **immediately**<sup>1</sup> call the first session of the National Council of Judiciary with the participation of the judges elected as members of the Council by the resolution of the Parliament. In response, professor Gersdorf wrote that the obligation '*to convene a meeting of an institution to perform the function of the National Council of the Judiciary*' is known to her and would be implemented following the law.

The issue is not only the matter for the government and central administrative bodies. The General Assembly of Judges of the Supreme Courts adopted the resolution in which clearly stated that the Act on the National Council of the Judiciary (Journal of Laws, 2018 item 3) is contrary to the Constitution and further work carried out in the current composition "threaten

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<sup>1</sup> Immediately in Polish law regulations, and interpretations mean no later than two weeks.

with dangerous consequences for the stability of the entire legal system of our State".

The further problems have raised from the fact that the person authorised by law to convene the first meeting of the National Council of Judiciary, for example, the First President of the Supreme Court, is not intended to do so. In this context, the oldest member of National Council of the Judiciary called for the informal meeting of 15 elected judges. In the opinion of Wieslaw Johann (former judge, nominated by the President of the Republic of Poland) the situation is dramatic, because if professor Gersdorf ceases to be the first president of the Supreme Court, then you will have to wait for the appointment of the new First President of the Supreme Court. The candidates for this function are reported to the president by the Supreme Court and Assembly of Judges. But it is not known whether this gathering will take place in the light of the new regulations on the Supreme Court and the expiration of the term of the judges due to the retirement age. *Minister Ziobro has cancelled the head of the KRS office. As mentioned by Johann: The head of the office is appointed by the chairman of the National Council of the Judiciary, which is not present. Everything got so looped that I do not know how we'll get out of it.*

## **Conclusions**

The decision taken by the Law and Justice on reducing salaries of ministers, vice ministers, MEP etc. was dictated by the fact, that "special financial prizes" had a negative impact on the electorate. The Law and Justice which won the election with the slogan of "Better Changes", was accused of "making money" instead of serving people. The paradox here is that two weeks ago the whole governing party with former PM Beata Szydlo defended this decision. Now, when Law and Justice have only 31% of public support the decision was taken in the expeditious manner. At the current stage, the opposition parties namely the Civic Platform, Nowoczesna, the Left Democratic Alliance and the Polish Peoples' Party are supported by 42 percent of the public opinion, and in this

situation could form the coalition cabinet. What should be mentioned that this public opinion polls might have the impact on the local elections later this year.

The second, more critical issue is a so-called "dual power" in the judiciary system. This paralysis prevents the new nominations and promotions as well as go into the retirements. As was mentioned by Wieslaw Johann the situation is dramatic. The question here is whether the new amendments proposed by the Law and Justice, that named the President of the Republic to call for the first meeting of National Council of Judiciary will change the situation remains unanswered.