

(English version)

**Question for written answer E-001671/24
to the Commission
Maciej Wąsik (ECR)
(10 September 2024)**

Subject: Violation of the rule of law by the Polish Government of Donald Tusk as exemplified by the municipality of Supraśl

On 9 September 2024, the municipality of Supraśl lodged a complaint with the Commission concerning actions taken by the Polish Government of Donald Tusk and the Minister of Internal Affairs and Administration. The complaint concerns the decision of the Polish Ministry of Interior and Administration to subdivide the new municipality of Grabówka from the territory of the Supraśl municipality without holding the necessary local referendum and public consultations. The residents' grassroots initiative was blocked by the Governor of Podlaskie Province. Meanwhile, the procedure to subdivide the municipality is being carried out with no regard for the municipal authorities or residents. The requests and letters from the municipal authorities remain ignored and unanswered by the government authorities ⁽¹⁾. The voice of the inhabitants has been completely disregarded and ignored by the current authorities in Poland.

At the same time, it should be emphasised that the actions of the current Polish Government of Donald Tusk in relation to the municipality of Supraśl violate a number of EU legal acts ⁽²⁾.

1. Does the Commission intend to intervene in respect of violations of the EU principles of the rule of law, in particular Article 2 TEU and Articles 3 and 5 of the European Charter of Local Self-Government?
2. Will the above case be taken into account by the Commission when it produces its next Rule of Law Report for 2024?

Submitted: 10.9.2024

**Answer given by Mr Reynders on behalf of the European Commission
(30 October 2024)**

Article 5 of the Treaty on the Functioning of the European Union (TFEU) states that the limits of EU competences are governed by the principle of conferral and that the use of EU competences is governed by the principles of subsidiarity and proportionality.

Under the principle of conferral, the EU will act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. However, the EU does not have competences on the administrative and territorial organisation of the Member States.

It is the competence and the responsibility of the Member States to lay down the specific conditions for the conduct of their local referendums and public consultations, subject to the respect of the values enshrined in Article 2, which are given expression in basic principles, such as the principle of democracy laid down in Article 10 of the Treaty on European Union (TEU), and their international commitments.

Additionally, it is the responsibility of the competent national administrative and judicial authorities to ensure compliance with applicable law.

The Commission is committed to promote and uphold the rule of law, which is one of the values of Article 2 TEU. A key work stream in this respect is the Commission's annual Rule of Law Report.

The annual Rule of Law Report focuses on developments, both positive and negative, in four key areas for the rule of law: the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues related to checks and balances.

It presents the Commission's own assessment of developments occurring in these areas in each Member State. The annual Rule of Law Report does not focus on issues of local self-government.

¹ The details of the entire case are presented in the complaint submitted by the Municipality of Supraśl to the Commission on 9 September 2024, which is annexed to this question.

² *Inter alia*, Article 2 TEU (consolidated version, which indicates that '(t)he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.', (OJ C 326, p. 13, as amended), Articles 3 and 5 of the European Charter of Local Self-Government.