

(English version)

**Question for written answer E-002168/26
to the Commission
Arkadiusz Mularczyk (ECR)
(27 May 2026)**

Subject: EU participation in the Special Tribunal for the Crime of Aggression against Ukraine — implications for Polish WWII victims

On 15 May 2026, the Commission formally joined the Special Tribunal for the Crime of Aggression against Ukraine ⁽¹⁾ — a mechanism addressing the same category of international crime committed by Nazi Germany against Poland in 1939, which caused the deaths of approximately 5.9 million Polish citizens.

The Commission maintains that World War II (WWII) crimes are a bilateral matter, that no EU competence exists to act on historical crimes within Member States, and that transitional justice instruments apply only externally.

The Commission's participation in the Special Tribunal directly contradicts each of these positions.

1. How does the Commission reconcile its institutional support for accountability for the crime of aggression against Ukraine with its refusal to support equivalent mechanisms for Polish WWII victims, given that both involve the same category of crime under international law?
2. Does the Commission's participation in the Special Tribunal constitute a precedent under Article 3(5) of the Treaty on European Union — which commits the EU to strictly observing international law — that could support a dedicated accountability mechanism for WWII crimes against Poland?

Submitted: 27.5.2026

**Answer given by Mr McGrath on behalf of the European Commission
(10 July 2026)**

The Commission attaches utmost importance to accountability for violations of international law and to the preservation of the memory of all victims of war and serious crimes committed in Europe.

The Commission recognises the immense suffering endured by the Polish people during the Second World War and honours the memory of the millions of victims of the aggression and occupation by Nazi Germany.

The EU's support for the establishment of the Special Tribunal for the Crime of Aggression against Ukraine reflects its longstanding commitment to upholding the principles of the UN Charter and ensuring accountability for violations of international law.

The EU's engagement is based on the specific legal, institutional and geopolitical circumstances arising from the Russian Federation's ongoing war of aggression against Ukraine and is conducted within the framework of the competences conferred to the EU by the Treaties.

The Commission notes that matters relating to the legal and political consequences of historical events, including questions of reparations and accountability for crimes committed during the Second World War, fall primarily within the framework of international law, the relevant treaties and agreements concluded by the states concerned, and the responsibilities of those states.

The Commission remains committed to supporting initiatives, remembrance, historical research, and education aimed at preserving the memory of the victims of the Second World War across Europe.

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1087.