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**COMPETENCE OF THE EUROPEAN UNION TO
DECIDE ON JUDICIAL APPOINTMENTS IN POLAND**

Abstract: A member state of the European Union (EU) cannot function within the EU network of legal regulations if it rejects the principle of cooperation based on the impartiality of the courts. This principle subscribes to the EU standards of the rule of law and mutual trust and cooperation with the Court of Justice of the European Union. In November 2019, it received judicial recognition when the Court laid down the characteristics of an unbiased court within the EU legal framework. Thus, it is imperative for member states, which includes Poland, to recognise this principle and ensure its application in their domestic legal structure. They have to acknowledge that the EU is still a supranational network of regulation, economics, and values.

Key words: EU Competence, Judicial Appointments, Polish Judiciary, Judicial Reforms.

Introduction

Over the last decade, there has been significant turbulence in the European Union with member states such as Poland being “inspected”

for non-adherence to its rule of law, upkeep of human rights and failure to comply with the values enshrined in the various instruments of the European Union. Under the surface, this debate hinges on an interface between the legal system and national sovereignty of Poland and the treaties in place in the European Union. While this legal war has been continuing for a long time, Poland recently came under the spotlight when the Court of Justice of the European Union (CJEU) ruled that the Polish Government-established disciplinary chamber of judges violated EU law and needed to be dissolved. However, the Polish Government adopted a stance that its Constitutional Tribunal had recently delivered a controversial ruling that EU treaty law was incompatible with the Constitution of Poland thereby signalling to Polish governmental institutions to reject the enforceability of EU treaty law in Poland.

This article addresses the pivotal debate on the competence of the institutions of the European Union to interfere with the judicial systems of EU member states such as Poland, particularly, concerning the appointment of judges to the Polish Judiciary. This article will highlight the principles of the rule of law and the independence of the judiciary as enshrined in EU treaty law that all EU member states have to follow. Since EU law is based on cooperation between domestic courts of member states and the ECJ, failure to adhere to the principles of judicial independence as per EU law will attract scrutiny and possible sanctions.

This article seeks to answer the question of how the EU derives its authority to rule on judicial appointments in member states, in this case, Poland, to protect the rule of law. It also attempts to understand if a member state can navigate this authority while enacting decisions that violate the EU's fundamental standards of judicial independence and accountability.

In this endeavour, the article undertakes to comprehensively research treaty provisions such as the Treaty of European Union and Charter of Fundamental Rights, literature from specialised EU bodies and relevant case law. It analyses Articles 2 and 7 of the Treaty to describe the process adopted by the EU to protect the rule of law in member states. It also discusses the Portuguese Judge's case decided by the European Court of Justice to highlight the primacy given by the EU to its fundamental legal principles. The article juxtaposes the actions of the Polish Government with EU principles to depict its efforts to negate the application of the principles to Polish constitutional law.

Overview of the Rule of Law Framework in EU Treaty Law vis-à-vis Judicial Independence

The rule of law is one of the founding principles of the EU community and is the backbone of the constitutional democracies of its member states. The bedrock of the EU community lies in upholding its core values, fundamental rights, and democracy.¹ In other words, upholding these values is a common obligation of the institutions of the European Union as well as constituent member states.

The rule of law is enshrined in several instruments of EU treaty law such as Article 2² of the Treaty on the European Union (TEU) and the Preamble to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Particularly, Article 2 recalls that the European Union is “founded on values of respect for rule of law” and are common to the constituent member states. Additionally, Article 49³ of the TEU mandates respect for the rule of law as a precondition for membership into the European Union.

Alongside this, EU institutions including the Council of Europe (COE), its advisory body, the European Commission for Democracy through Law, commonly known as the Venice Commission, the Supreme adjudicator in the EU, the CJEU and the European Court of Human Rights (ECHR) are of primacy for enforcement and iterations regarding the rule of law in the EU.

While the contents of the rule of law differ from legal systems, there lie some core principles that have been highlighted by the CJEU and instruments of the COE and the Venice Commission and need to be upheld by member states of the EU with respect to their commitment under Article 2 TEU. These principles include:

- Lawfulness – meaning that there needs to be a transparent, democratic and pluralistic process for enacting laws;

¹ Pech, L. (2020) “The Rule of Law in the EU: The Evolution of the Treaty Framework and Rule of Law Toolbox”. SSRN Electronic Journal https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3608661 accessed 5 December 2021, p ???.

² Article 2, “Treaty on European Union” (Eur-lex.europa.eu, 1992) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11992M%2FTXT>, accessed 10 December 2021.

³ Article 49, “Treaty on European Union” (Eur-lex.europa.eu, 1992) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11992M%2FTXT>, accessed 10 December 2021.

- Certainty – implying that the rules must prohibit the Executive from exercising excessive discretionary power;
- Independent Judiciary – which purports the establishment of impartial courts free from politicisation;
- Judicial Review – which ensures a system of checks and balances to prevent the fundamental rights of citizens from being abridged and equality of law.

The existence of an independent judiciary is the precondition for the achievement of other elements of the rule of law such as the realisation and safeguarding of human rights, thus making it the most important principle of the rule of law.⁴ With regards to the establishment of an independent tribunal, it must be one which is free from legislative or executive interference for it could invoke distrust in the institution⁵ and largely influence the outcomes of proceedings, thereby compromising the sanctity of the judicial process.⁶ With respect to the judicial systems in constituent member states, Article 19(1)⁷ TEU directs member states to provide legal recourse which is sufficient enough “to ensure effective legal protection in the fields covered by Union Law”.⁸ Article 47⁹ of the Charter of Fundamental Rights (CFR) also envisages the fundamental right to an

⁴ Cameron, I. (2020) “The Role of the Venice Commission in Strengthening the Rule of Law”. SSRN Electronic Journal https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3650021, accessed 7 December 2021, p ???.

⁵ Kochenov, D. and G. Butler (2020) “The Independence and Lawful Composition of the Court of Justice of the European Union: Replacement of Advocate General Sharpston and the Battle for the Integrity of the Institution”. SSRN Electronic Journal https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3978193, p ???.

⁶ Burgess, P. (2019) “The Rule of Lore in the Rule of Law: Putting the Problem of the Rule of Law in Context”. 12 Hague Journal on the Rule of Law <https://link.springer.com/article/10.1007/s40803-019-00096-0>, accessed 9 December 2021, p ???.

⁷ Article 19(1), “Treaty On European Union” (Eur-lex.europa.eu, 1992) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11992M%2FTXT>, accessed 10 December 2021.

⁸ Qerimi, Q. (2020) “Operationalizing and Measuring Rule of Law in an Internationalized Transitional Context: the Virtue of Venice Commission’s Rule of Law Checklist”. 13 Law and Development Review https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3625945, accessed 3 December 2021, p ???.

⁹ Article 47, “Treaty On European Union” (Eur-lex.europa.eu, 1992) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11992M%2FTXT>, accessed 10 December 2021.

effective remedy and fair trial before an independent and impartial tribunal established by law.

Through case law jurisprudence, the elements of judicial independence have been set out, namely, the appointment mechanism, tenure/term of office, financial and functional autonomy and whether the judiciary appears independent and impartial.¹⁰ The rule of law checklist published by the Venice Commission lays out standards for the independence of the judiciary with respect to the above four elements.¹¹ The EU is committed to the principles of the rule of law and understands that effective justice mechanisms are intended to uphold the rule of law. As a result, the autonomy, value, and efficiency of judicial institutions are the key metrics of a successful judicial system, irrespective of the model of the national legal system or the tradition in which it is ingrained. It is also recognised and addressed that the organisation of justice within the national legal systems of member states falls within the competence of the respective constituent state; they must be obliged to promote and protect effective judicial protection, access to justice and fair trials and the numerous other values set out in EU treaty law and the decisions of the CJEU given how vital the independence of the court is to the protection of justice. The CJEU has also highlighted in numerous instances¹² the significance of having an effective, independent judicial system in place that remains compliant with EU law and checks that the member state adheres to the values of EU treaty law as the essence of rule of law. The presence of an effective system of justice in the national legal system is key and the axiomatic cornerstone of the common area of justice and the protection of the interests of the EU. Certain developments in member states point to the excessive manipulation as part of their political agendas.

Besides, the framework for the rule of law enforcement mechanism is envisaged in Article 7¹³ TEU for protecting the values of the EU mentioned in Article 2. Introduced by the Amsterdam Treaty, Article 7 TEU provides

¹⁰ *Campbell and Fell v. The United Kingdom*, no. 7819/77 and 7878/77, judgement of 28 June 1984, para. 78.

¹¹ Venice Commission (2016) “Rule of Law Checklist”. Venice.coe.int. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e), accessed 10 December 2021.

¹² *C-72/15 Associação Sindical dos Juizes Portugueses*, ECLI:EU:C:2017:236, para. 73.

¹³ Article 7, “Treaty on European Union” (1992) Eur-lex.europa.eu. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11992M%2FTXT>, accessed 10 December 2021.

ways for the EU to react to a member state deviating from values in Article 2, including the rule of law. Article 7 envisages a two-fold sanction mechanism under Article 7(1) and Article 7 (2). Article 7(1) concerns preventative measures wherein there is a determination of a clear risk of a breach of EU values. Article 7(2) is activated only when a clear, serious and persistent breach of EU values by a constituent member state is established and severe sanction measures can be imposed in such a case including suspension of membership to the EU. What is common in both mechanisms is that the final decision is taken by the representatives of the constituent member states in the European Council (excluding the member state under scrutiny) however, the thresholds are different in both cases. While actions on the first level have no immediate legal repercussions, decisions of the EU on the second level have. The European Council might decide to adopt the declaration that a member state has committed a severe and persistent violation of the values referred to in Article 2 according to Article 7 paragraph 2 of the TEU.

This mechanism is significant in the sense that it empowers EU institutions to intervene in all and any matters of constituent member states even where they act autonomously to protect the rule of law. While this can seriously impinge on member states sovereignty, the European Commission's Communication on Article 7 TEU provided an explanation to such a drastic measure: the justification is based on the fact that in cases of a sufficiently serious breach of the fundamental values encompassed in the TEU, this will very likely undermine the core principles and very foundation of the European Union community and the trust between its members, regardless of the field where the breach occurs.¹⁴

Concerns regarding the harsh mechanism have resulted in Article 7 being dubbed a "nuclear, draconian" measure. This called for member states to request a middle path to be adopted. Further, the mechanism under Article 7 regarding rule of law violations tends to be slow in response to perils to the rule of law in member states and there have been identified instances where these mechanisms have even failed to address threats to the rule of law.¹⁵

¹⁴ Communication from the Commission of 15 October 2003: Respect for and Promotion of the Values on which the Union is based, COM(2003) 606 final.

¹⁵ Grabowska-Moroz, B. and D. Kochenov (2020) "EU Rule of Law: The State of Play Following the Debates Surrounding the 2019 Commission's Communication". SSRN

This led to the European Commission formulating a framework to strengthen the rule of law.¹⁶ Recognising that this proposed framework does not intend to substitute or undermine the power of the EU to impose measures or sanctions under Article 7, rather it seeks to complement and precede Article 7 mechanisms before the conditions to activate the procedure are met. Thus, the purpose of this framework is to respond to “systemic threats to the principles of rule of law”, de-escalate the crisis and restore the rule of law.¹⁷

For the framework to be triggered, there are a few conditions to be met. Firstly, there must exist a crisis of a political, institution or legal nature in the member state as a whole or in part of the member state. Secondly, such a crisis must relate to the constitutional structure and principles such as separation of powers, independence of judiciary, effective judicial review or constitutional justice. Thirdly, the threat to the constitutional structure must be an effect of measures or practices adopted as part of increasing state interference and where there exists a stark lack of legal redress. This framework encompasses a three-pronged structured dialogue being initiated with the member state through an assessment by the Commission firstly and a recommendation by the Commission as to the interference with the rule of law and a follow-up to the recommendation by the Commission.

Besides this, particularly concerning risks to the independence of the judiciary, a specialised EU agency called the Consultative Council of European Judges¹⁸ exists that is entrusted with enhancing the role of judges in member states by providing advice on issues relating to judges’ independence, impartiality, and competence. They further contribute to

Electronic Journal https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3690975, accessed 8 December 2021.

¹⁶ Communication From the Commission to European Parliament and Council (2014) *A new EU Framework to strengthen the Rule of Law*. [online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52014DC0158>, accessed 10 December 2021.

¹⁷ Argyropoulou, D.V. (2019) “Enforcing the Rule of Law in the European Union”. *Harvard Human Rights Journal* (November 2, 2019) <https://harvardhrj.com/2019/11/enforcing-the-rule-of-law-in-the-european-union-quo-vadis-eu/>, accessed 10 December 2021.

¹⁸ <https://www.coe.int/en/web/ccje/about-the-ccje>

the implementation of the Framework Global Action Plan for Judges in Europe adopted by the Committee of Ministers, 2001.¹⁹

The most recent communication from the Commission in this regard is the Annual Rule of Law Report adopted in September 2020²⁰ and the next version i.e. the Annual Rule of Law Report adopted in July 2021²¹. Both reports take cognisance of the fact that almost all member states have enacted a varied slew of reforms related to their national justice systems, some of them even dealing with the final arbiter of legal disputes, the Constitutional Court.²² However, they recognise that while some of them have taken positive steps to strengthen judicial independence, impartiality and access to justice in their countries, some others fall starkly behind and have enacted reforms that lower safeguards for judicial independence – particularly in the form of excessive interference from the executive or legislative arm of the government thereby seriously undermining the sanctity of judicial institutions and the judicial process. Particularly, in the context of Poland.²³ The member state has been pulled up by the European Commission several times for its notorious reforms that have significant implications for the judicial independence and rule of law in the country. While these reports have been significant in assessing the situation of the rule of law and monitoring adherence of constituent member states to the standards set out in Article 2, they have often been criticised as lacking “bite”.²⁴

¹⁹ Kelemen, R. “The Political Foundations of Judicial Independence in the European Union” (2011) SSRN Electronic Journal https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1914516, accessed 10 December 2021.

²⁰ <https://carnegieeurope.eu/2020/10/20/unresolved-questions-on-eu-rule-of-law-report-pub-82999>.

²¹ European Commission (2021) “EU Rule of Law Report: Little Bark, No Bite” *European Federation of Journalists* <https://europeanjournalists.org/blog/2021/07/28/eu-rule-of-law-report-little-bark-no-bite/>, accessed 11 December 2021.

²² Mungiu-Pippidi, A. “Unresolved Questions on the EU Rule of Law Report” (2020) *Carnegie Europe* <https://carnegieeurope.eu/2020/10/20/unresolved-questions-on-eu-rule-of-law-report-pub-82999>, accessed 10 December 2021.

²³ Commission Staff Working Document, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “2020 Rule of Law Report, Country Chapter on the Rule of Law Situation in Poland” (2021) <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020SC0320&from=EN>, accessed 9 December 2021.

²⁴ “EU Rule of Law Report: Little Bark, No Bite” (2021) *European Federation of Journalists* <https://europeanjournalists.org/blog/2021/07/28/eu-rule-of-law-report-little-bark-no-bite/>, accessed 11 December 2021.

Poland's Judicial Reforms

Developments in Poland have long been scrutinised by the European Commission. Starting with the controversial anti-abortion laws²⁵ and the lowering of safeguards for protecting LGBTQ rights, Poland has been in the spotlight for a long time. These legislations have been used by the Polish Government and have also been confirmed by the country's Constitutional Tribunal to dangerously abridge women's access to sexual and reproductive rights in Poland²⁶. They started by broadening the abortion ban to include instances of "severe and irreversible foetal defects or intractable ailments that threatens the life of the foetus". Further, the Polish administration utilised the Constitutional tribunal to terminate the mandate of the country's human rights Ombudsman thus dealing a blow to human rights protection.

Legislative enactments made by the Polish Government have been controversial and have also been investigated by the European Union for failure to adhere to the values and standards of the rule of law. One of the first such cases was the Portuguese Judge's case (*Associação Sindical dos Juizes Portugueses* [2017], European Court of Justice, Rosneft C-72/15, EU:C:2017:236, Judgement of 27 February 2018 by the European Court of Justice) wherein the jurisprudence behind judicial independence started emerging. The case concerned salary cuts for judges of the Portuguese Court of Auditors and the *Associação Sindical dos Juizes Portugueses* or the ASJP which was a judicial trade union. It brought forth a case before the Supreme Court of Poland claiming that such a reform was an attack on judicial independence. The case was referred to the CJEU and the CJEU actually ruled that the reduction in salary would not be susceptible to undermining their independence. However, the case brought about a range of developments and principles regarding judicial independence and the foundations within EU treaty law thus opening the door for a new age to be born in EU Constitutional jurisprudence.

The CJEU decided that Article 19(1) of the TEU "gives concreteness to the value of the rule of law mentioned in Article 2 TEU," and "authorises

²⁵ <https://www.hrw.org/news/2020/12/18/letter-concerns-regarding-rule-law-and-human-rights-poland>.

²⁶ Schuman, R. (2021) "Protecting the Checks and Balances to Save the Rule of Law". *Robert-schuman.eu* <https://www.robert-schuman.eu/en/european-issues/0590-protecting-the-checks-and-balances-to-save-the-rule-of-law>, accessed 11 December 2021.

the obligation for judicial scrutiny in the EU legal system not only to the CJEU, but also to national courts and tribunals.” In paragraph 41, it further ruled that Article 19 and Article 47 provided the linkages between effective judicial protection and judicial independence and further held that “it is critical to maintain the independence of such a court or tribunal in order to ensure that protection,” as confirmed by the second subparagraph of Article 47 of the Charter which provides that access to an “independent” tribunal is one of the prerequisites associated with the right to an effective remedy. In paragraph 44, as regards the elements of judicial independence, the Court ruled that it:

presupposes, in particular, that the body concerned exercises its judicial functions wholly autonomously, without being subject to any hierarchical constraint or subordinated to any other body and without taking orders or instructions from any source whatsoever, and that it is thus protected against external interventions or pressure liable to impair the independent judgement of its members and to influence their decisions.²⁷

While EU action has been put off, Poland’s government has consolidated its control over the judiciary. Further, disciplinary actions, proceedings and sanctions have been initiated against members of the judicial system who have spoken out against these changes.

The government has bypassed parliamentary concerns to its efforts to undermine independent institutions and reduce rights across the board by using a politically-tainted Constitutional Tribunal. The concerns²⁸ regarding the oversight of the Tribunal’s operations include the president’s motivated petitions and the unconstitutional modification in the composition of the Tribunal. Besides this case, there have also been claims related to the new rules enacted by the Polish Government concerning the appointment of members to the Supreme Court and Constitutional Court, besides the usual procedure for appointment. These concerns continue to persist and have led to a series of procedures being launched by various bodies of the European

²⁷ “Protecting the Checks and Balances to Save the Rule of Law” (2021) *Foundation Robert Schuman: The Research and Studies Centre on Europe* <https://www.robert-schuman.eu/en/european-issues/0590-protecting-the-checks-and-balances-to-save-the-rule-of-law>, accessed 10 December 2021.

²⁸ Michelot, M. (2019) “The ‘Article 7’ Proceedings Against Poland and Hungary: What Concrete Effects?”. *Institut Jacques Delors* https://institutdelors.eu/en/publications/___trashed/, accessed 10 December 2021.

Union, most notably under Article 7(1) TEU. In 2016, the lower house of the Polish Parliament discussed two draft amendments which lowered the retirement age for members of the Supreme Court thus prompting vacancies to be filled by the ruling political party and this move came without the advice of the COE's advisory body, the Venice Commission. The Venice Commission, later, gave an opinion²⁹ stating that the amendments to the laws on the National Council of the Polish Judiciary and the Supreme Court would carry serious risks with far-reaching ramifications for the independence of the judiciary in Poland and could involve actions by the European Commission for democratic backsliding and the erosion of the rule of law. Further, the European Commission began infringement proceedings linked to judicial independence in 2019³⁰ and 2020 where a range of temporary remedies were issued to suspend the Supreme Court's Disciplinary Chamber's authority in the case of disciplinary proceedings against judges.

Competence of EU Institutions vis-à-vis Polish Judicial Appointments

In 2021, Poland's Prime Minister Morawiecki filed a petition³¹ to the politically motivated Polish Constitutional Tribunal regarding the conformity of EU treaties with the Polish Constitution in Case K 3/21. The appeal concerned the implementation of the judgements and rulings of EU bodies such as the CJEU with respect to the above-mentioned standards and values of the rule of law and judicial independence and impartiality in Polish law. There arose major objections in the EU related to this as the petition had the objective of legalising changes made by the United Right Polish Government to the judiciary and thereby legalising and confirming the legislative amendments. Subsequent to this, the Polish Supreme Court

²⁹ European Commission for Democracy through Law (Venice Commission), "Opinion on the Act on the Constitutional Tribunal" (2016) [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)026-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)026-e), accessed 4 December 2021.

³⁰ <https://oko.press/tsue-daje-sadowi-najwyzszemu-kryteria-do-oceny-czy-izba-dyscyplinarna-sn-jest-niezawislym-sadem/>.

³¹ Prime Minister Morawiecki's petition in Case K 3/21 to the Polish Constitutional Tribunal, available at <https://ipo.trybunal.gov.pl/ipo/view/sprawa.xhtml?&pokaz=dokumenty&sygnatura=K%25203/21>.

confirmed that EU treaty law was indeed incompatible with the Polish Constitution and the legal order on the grounds of supremacy of the Polish Constitution and the relationship between EU law and the national law of Poland.

While Poland's constitutional identity can definitely set limits on the implementation of EU treaty law, the question arises whether the claim of constitutional identity can be claimed in a way to legalise decisions of the Polish Government that abridge the values of the European Union and standards set out under the various instruments highlighted above. The primacy of EU law is not piecemeal, rather its application has its bedrock in the very formation of the Union by constituent member states and thus, decisions concerning matters assuming even judicial appointments are within the domain of Polish laws must be rendered effective also in national legal systems.

The petition filed by Poland Prime Minister Morawiecki threatens the EU's transnational legal order, which is founded on cooperation between the domestic courts and the CJEU.³² A state cannot function in the EU community of law if it rejects the principle of cooperation based on independent courts according to EU standards. Its foundation are independent courts, which are independent in the meaning of EU law, cooperate with each other within a framework of mutual trust and cooperate with the CJEU, including by submitting requests for preliminary rulings.

The ruling of the CJEU in November 2019 laid out the elements of an independent, impartial court within the meaning of EU law. Article 19(1) of the TEU authorises the ECJ to ensure that the provisions of the treaty, including the rule of law, are followed by member states. This answers the research question pertaining to the EU's source of authority. Thus, on the basis of mutual trust and cooperation, it is necessary for constituent member states, including Poland, to recognise and respect the principles of an independent judiciary to ensure that the EU continues to be recognised as a supranational community of law, economics and values. Even though

³² Kochenov D. (2021) Article 7: A Commentary on a Much Talked-About 'Dead' Provision. In: von Bogdandy A., Bogdanowicz P., Canor I., Grabenwarter C., Taborowski M., Schmidt M. (eds) *Defending Checks and Balances in EU Member States. Beiträge zum ausländischen öffentlichen Recht und Völkerrecht (Veröffentlichungen des Max-Planck-Instituts für ausländisches öffentliches Recht und Völkerrecht)*, vol 298. Springer, Berlin, Heidelberg.

it may try to bypass these time-tested principles, any deviance from them would mean the symbolic cessation of Poland's legal existence in the EU.

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