



Council of the
European Union

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ECOFIN 596
UEM 240
SOC 460
EMPL 350
COMPET 320
ENV 420
EDUC 277
RECH 265
ENER 235
JAI 593
FSTR 134
REGIO 173
GENDER 99
ANTIDISCRIM 90

'A' ITEM NOTE

From: General Secretariat of the Council

To: Council

Subject: Council Recommendations on the National Reform Programmes 2020 to each Member State, and the UK, delivering Council Opinions on the updated Stability or Convergence Programmes

= Statements

Statement by Poland

1. Poland would like to abstain from voting regarding the approval of the contribution on economic/financial and MIP-related aspects of the draft Council Recommendations on the National Reform Programmes 2020 to each Member State, delivering Council Opinions on the updated Stability or Convergence Programmes;

2. Poland does not support part of country specific recommendation 4 (CSR) where Commission advises to "Enhance the investment climate, in particular by safeguarding judicial independence";
3. In our opinion there is no evidence of any negative impact of changes in the judicial system on the investment climate in Poland;
4. Since 2017, when the Commission for the first time decided to align the legal certainty, trust in the quality and predictability of regulatory with the investment climate, Poland has been recording a steady increase in both public and private investment (about 22 per cent for last 3 years);
5. Poland has introduced many favorable changes important for investment and business environment. The improvement in investment performance was also confirmed by the Commission in 2020 Country report-Poland but even though the Commission decided to strengthen this issue in the CSR4;
6. Moreover, as stated in the recital 25, some of the CJEU proceedings are pending along with a debate over the scope of authority of the CJEU over the matters pertaining to the Member States' scope of competence, i.e. the organization of the judiciary. So far, Poland complies with the CJEU's guidelines, therefore we don't see a reason to underline the necessity to additionally safeguard the judicial independence;
7. We would like to stress the importance of the European Semester as a framework for enhanced economic policy coordination in Europe. This economic process should be based on facts and figures. Otherwise we can have political statements and recommendations without any economic underpinning and instead of strengthening this important coordination tool we would weaken its effectiveness. We also stressed that European Semester should not duplicate other EU procedures.