

Petition regarding non-free elections to the European Parliament in Poland

This petition is filed by candidates and voters in the Polish elections to the European Parliament of 26 May 2019. The electoral process was defective in the following ways.

1. During the three year period preceding the election day, large-scale political propaganda in favour of the ruling party *Prawo i Sprawiedliwość* (PiS), accompanied with discrimination against other political forces, was organized by the Polish State-owned media, at a cost to the State budget of approximately 600 million euro.
2. During the same period, advertising spending of State-owned companies was discriminatory on a large scale: for no discernible reason much more advertisements were purchased by these companies from media that support the ruling party than from other media.
3. It was impossible to challenge the validity of the election before domestic courts of law based on the two points above; this impossibility results from the following circumstances:
 - 3.1 such challenges are declared inadmissible by statute (Article 82 § 1 of the Polish electoral code);
 - 3.2 the validity of the election was adjudicated by judges of Supreme Court who had been appointed by the political power in breach of the Polish constitution, and who do not offer guarantees of independence that can be considered as sufficient under the law of the European Union.

Each of these three defects is attributable to the Polish authorities and amounts to a violation of the principle of free elections, enshrined in Article 1(3) of the Act of 1976.¹

These defects of the electoral process result from a comprehensive undertaking aiming at the suppression of democracy in Poland. Most notably, the Polish State is now in the process of acquiring 14 regional newspapers and more than 100 local newspapers and news-oriented web sites, creating a clear danger that these news outlets will give extra strength to the State propaganda engine. A legislative project of tax on advertising is being discussed by the Polish government. The tax, if adopted, will likely weaken the financial situation of private media, increasing the power that the State-owned media have to disseminate political propaganda.

It is to be feared that in the future, both the elections to the European Parliament in Poland and the Polish domestic elections will get increasingly non-free, and ultimately a fully fledged dictatorial regime will be established in Poland. Some other Member States are following the same route. The European Parliament must act strongly in order to prevent this from happening and must invite the European Commission to act alike.

Additionally, the above-mentioned violations of the principle of free elections cast doubt on the democratic legitimacy of the Parliament itself. This is one more reason for the Parliament to act strongly.

What the petitioners request

The petitioners respectfully request that the Parliament take the following actions:

- a. ask the Polish government to take position on this petition;

¹ *Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976* (as amended), available here: [https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:01976X1008\(01\)-20020923](https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:01976X1008(01)-20020923)

