



SUNICOP

Opt out – Poland

IN GENERAL

- **Opt out**
 - making Charter provisions unenforceable
 - denying direct applicability
- **BUT! Charter**
 - has been referred to in rulings
 - has not acknowledged new rights

POLAND

- Compromise between **Law and Justice** and Civic Platform
- Critised by the ombudsman



Charter (EU) could impose its 'moral standards' on the Polish law

Non-discrimination clause with regard to sexual minorities and relationship bw homosexual partners

Right to privacy
- women's freedom (sexual health and family planning – acces to abortion)

Right to property
- German citizens' claim to lands



CIVIC PLATFORM (PM TUSK) UPHOLD

- Law and Justice remain strong in the Sejm after election
- Jeopardise the process of ratification of Lisbon Treaty
- BUT! Tusk
 - acknowledged: opting out is backward step (integration, FRs protection)
 - reassured: insist on for the adoption of the Charter
- Sejm approval, BUT! Protocol: Lack of understanding of

‘Sejm of the Republic of Poland, acknowledging positive impact and importance of the Charter of Fundamental Rights for citizens hopes that it will be possible for Poland to withdraw from the British protocol’



THANK YOU FOR YOUR ATTENTION!