

Brussels, 20 July 2021

His Excellency Andrzej Duda  
President of the Republic of Poland  
Chancellery of the President of the Republic of Poland  
Wiejska Street 10  
00-902 Warsaw, Poland

Dear President Duda:

As Members of the European Parliament, we write to register our serious concern about legislation that was adopted by the Sejm on June 24 and is currently pending before the Senate (see [Print No. 437](#)).

Human rights, democracy, and the rule of law are shared values that lie at the heart of the European Union. These values are an integral part of our European way of life and our countries have maintained a strong alliance based on these principles ever since Poland joined the European Union in 2004.

Core international human rights instruments, including the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union, firmly establish the right to property and the right not to be arbitrarily thereof. The European Parliament has also been outspoken in its support of the restitution of private property to Holocaust victims and their heirs and has passed strong resolutions on restitution (see, e.g. Resolution of 16 July 1998, OJ C 292, 21.9.1998, p. 166). Furthermore, all EU Member States, including Poland, endorsed the 2009 Terezin Declaration on Holocaust Era Assets, committing to make every effort “to rectify the consequences of wrongful property seizures.” The Terezin Declaration underscored “that the protection of property rights is an essential component of a democratic society and the rule of law.”

Unfortunately, Poland remains the only country in the European Union that has not passed a comprehensive private property restitution law. Until now, Articles 156 and 158 of the Administrative Procedure Code have enabled a limited number of claimants to obtain a small measure of justice, by challenging unlawful administrative decisions. However, if the proposed legislation is signed into law, it would become all but impossible for Holocaust survivors and their families, as well as other Jewish and non-Jewish rightful property owners, to recover or receive just compensation for property that was wrongfully confiscated by the Communist government after the war. In effect, changes to the act would totally exclude the possibility to recover the property *in rem* (as Communist-era decisions were issued more than 30 years ago) and would fundamentally affect the ability to file civil suits for compensation (as claimants would no longer be able to obtain formal confirmation that an administrative decision was issued in flagrant breach of the law). We are especially concerned that the amendments would retroactively extinguish all claims still pending before courts – many of which have been ongoing for years.

Mr. President, as fellow Members of the European Union, we appeal to you, out of respect for the remaining survivors and the memory of millions of Jewish and non-Jewish victims and the most basic human rights, to reject this bill in its entirety, until there can be further study and analyses of the full implications of the proposed law.

Sincerely,

Charles Goerens, MEP  
Frédérique Ries, MEP  
Sergey Lagodinski, MEP  
Christophe Hansen, MEP

Olivier Chastel, MEP  
Marc Angel, MEP  
Tilly Metz, MEP  
Karen Melchior, MEP  
Jan-Christoph Oetjen, MEP  
Antoni Comín, MEP  
Carles Puigdemont, MEP  
Salima Yenbou, MEP  
Isabel Wiseler-Lima, MEP  
Clara Ponsatí, MEP