

(Working translation)

Warsaw, 13th September 2017

Ministry of Development
Tadeusz Kościński
Undersecretary of State
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IK: 419576

Mr. João Brás Jorge
President of Polish-Portuguese Chamber of Commerce

Mr. Wojciech Baczyński
Director of Polish-Portuguese Chamber of Commerce

Dear Sirs,

in response to the letter of 1 August 2017, I would like to inform you that the validity of a Treaty on promotion and mutual protection of investment, signed on 11 March 1993 in Lisbon between the Government of the Republic of Poland and the Government of the Republic of Portugal, is being questioned by the European Commission on grounds of non-compliance with the European Union law. It should be noted that the European Commission calls into question the validity of all the treaties on promotion and mutual protection of investment signed between European Union Member States, as in its opinion the provisions of mentioned treaties duplicate or contradict the provisions of the Treaty on the Functioning of the European Union. Moreover, the Commission would have certain reservations regarding the question of settling the disputes on the investments regulated in the bilateral investment treaties, since these regulations appear to be contrary to the exclusive competence of the EU courts. As a consequence, the European Commission considers initiation of infringement proceedings against Poland for non-compliance of the mentioned treaties with European law, which has been already done against Austria, the Netherlands, Slovakia, Sweden and Romania.

In reaction to the actions of European Commission, the Government of the Republic of Poland decided to terminate the validity of all the treaties on promotion and mutual protection of investment concluded between the Republic of Poland and European Union Member States, including Portugal.

Yours faithfully,

Tadeusz Kościński
Undersecretary of State

For information of:
Mr. Tomasz Pisula, PAIH President