

The President

Mr José Igreja Matos
President of the European Association of Judges
Palazzo di Giustizia
Piazza Cavour
IT - 00193 Rome

D 305506 14.05.2020

Dear President,

Thank you for having provided me with your statement on behalf of the European Association of Judges, in which you note your concern regarding the indefinite suspension of judicial duties of Polish Judge Pawel Juszczyzyn and the cut of his salary by 40%, for having implemented the criteria indicated in the judgement of the Court of Justice of the European Union (CJEU) of 19 November 2019 addressing the legality of the Polish National Council for the Judiciary¹.

The rule of law situation in Poland is a matter of concern for the European Parliament..

Most recently, on 16 January 2020, the European Parliament has adopted a resolution on the ongoing hearings under Article 7(1) of the TEU regarding Poland and Hungary (2020/2513(RSP)), in which it recommends that the Council address concrete recommendations to the Member States in question, as enshrined in Article 7(1) of the TEU, as a follow-up to the hearings, and that it indicate deadlines for the implementation of those recommendations. The Parliament expresses its regret that the hearings have not yet resulted in any significant progress by the two Member States in question with regard to redressing clear risks of a serious breach of the values referred to in Article 2 of the TEU, and notes with concern that the reports and statements by the Commission and international bodies, such as the UN, OSCE and the Council of Europe, indicate that the situation in both Poland and Hungary has deteriorated since the triggering of Article 7(1) of the TEU. It points out that a continued failure by the Council to make effective use of Article 7 of the TEU would risk to undermine the integrity of common European values, mutual trust, and the credibility of the Union as a whole.

Therefore, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) has decided to draft an interim report on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (Article 7(1) TEU procedure), in order to take stock of recent developments in Poland as regards respect for the values on which the Union founded, including the rule of law, democracy and respect for human rights, and in order to call upon the Council to act swiftly under Article 7(1) TEU.

¹ CJEU, judgment delivered on 19 November 2019 in Joined Cases A.K. (C-585/18) v Krajowa Rada Sądownictwa and CP (C-624/18) and DO (C-625/18) v Sąd Najwyższy, ECLI:EU:C:2019:982.

In the aforementioned resolution, the Parliament has also called on the European Commission to make full use of the tools available to address a clear risk of a serious breach by Poland and Hungary of the values on which the Union is founded, in particular expedited infringement procedures and applications for interim measures before the Court of Justice. Parliament advocates, furthermore, the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (DRF), as called for by the Parliament already in 2016, in the form of an interinstitutional agreement consisting of an annual independent, evidence-based, non-discriminatory review which assesses, on an equal footing, the compliance of all EU Member States with the values stipulated in Article 2 of the TEU and with country-specific recommendations, to be followed by an interparliamentary debate and a permanent DRF policy cycle among the EU institutions.

As regards the possible withdrawal of funding in case generalised deficiencies concerning the rule of law pose a real threat to the Union budget, the Parliament has adopted its position supporting the Commission's proposal for a regulation of the European Parliament and of the Council on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (COM/2018/324 final), and calls on the Council to start interinstitutional negotiations as soon as possible.

I would like to recall, finally, that, in the Parliament's first reading position adopted on 17 April 2019 on the new Rights and Values Programme and as partially agreed with the Council, a new Union values strand is to be created which will be dedicated to providing financial support as part of the next multiannual financial framework to civil society organisations active at local, regional and transnational level in strengthening the protection and promotion of Union values and the respect for the rule of law. This would create the possibility of providing support to civil society organisations in times when a shrinking space for civil society is witnessed in several Member States, including in Poland.

Yours sincerely,



David Maria SASSOLI