



Rome, March 7th 2022

President of European Commission

Honourable

Ursula von der Leyen

President of European Parliament

Honourable

Roberta Metsola

Vice- President of European Commission

Honourable

Vera Jourova

Commissioner

Honourable

Didier Reynders

Chairman of LIBE Commission

Honourable

Juan Fernando Lopez Aguilar

Dear Ms. President of European Commission

Dear, Ms. President of European Parliament

Dear Ms. Vice- President of European Commission

Dear Mr. Commissioner,

Dear President Mr. Chairman of LIBE Commission,

Due to the latest developments in Poland, we, the undersigned Board of the European Association of Judges, in the name of our Association which gathers together 47 national judges' associations, feel obliged to share our concerns regarding new legislative developments which will no doubt be again a violation of the principle of rule of law in Poland.

According to our information, Sejm, the Lower Chamber of Polish Parliament is about to deliberate three draft bills.

It is our duty to point out to you new developments initiated by the ruling majority, which will not bring any improvements in Polish system of justice.

- 1) The Solidarna Polska Party`s draft is manifestly incompatible with the CJEU and ECHR judgments.
- 2) The President Duda`s draft (parliamentary print no. 2011) in fact is practically giving control of the Polish Supreme Court into the hands of those judges whose authority and position is dubious because they were appointed to their posts with the participation of the non-constitutional Polish Council of the Judiciary. This draft does not solve any of the systemic and fundamental problems of defective appointments to the Supreme Court. It allows the further operation of the Disciplinary Chamber which was already condemned by the CJEU and ECtHR in numerous judgments.
- 3) The Law and Justice deputy`s draft (parliamentary print no. 2013) foresees further existence of the Disciplinary Chamber and disciplinary commissioners appointed by the Minister of Justice in the Polish legal system. Such proposal will lay the ground for further political control over independent judges and the judiciary as such.

We must stress that simultaneously a fourth draft has been presented which was adopted by the Association of Polish Judges 'Iustitia' and a coalition of non-governmental and democratic organizations. This draft is in accordance with the CJEU and ECHR judgments and the rule of law. However, this draft has been disregarded by the parliamentary majority and the President of the Republic.

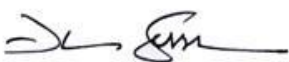
We also feel obliged to emphasize that the procedure of selecting members of the National Council of the Judiciary for the next 4-year term of office has been initiated with no signs that all shortcomings will be eliminated and the process improved.

Failure to cease this process may result in appointments to the office of judge in a procedure which does not guarantee Polish citizens that their case will be heard in front of an impartial and independent judge.

We ask for your attention to these worrisome developments and remain at your disposal for any further clarifications.

Sincerely Yours,

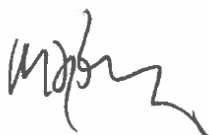
European Association of Judges Board



Duro Sessa



Sabine Matejka



Mikael Sjoberg