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Dear President,

Thank you for your email of 11 February 2022, as well as the enclosed statement of the European Association of Judges, in which you draw attention to a recent decision of the Minister of Justice-Prosecutor General of the Republic of Poland to suspend in office an ordinary court judge for the content of a judicial decision she rendered. The statement calls on the Commission to use all means at its disposal to ensure compliance by Poland with EU law requirements, notably as they result from the case law of the Court of Justice.

Allow me to underline my appreciation for your Association's engagement in promoting and upholding the rule of law. I would also like to assure you that the Commission is aware of the development to which you refer and other similar decisions taken against Polish judges.

In that respect, I would like to recall that on 7 September 2021, the Commission took two separate decisions, both related to the implementation of the rulings of the Court of Justice of July 2021 to which you refer. The Commission considers that Poland failed to take the necessary measures to fully comply with these rulings. Firstly, as regards the interim measures order of 14 July in case C-204/21 R, the Commission decided to request that daily financial penalties be imposed on Poland. On 27 October 2021, the Vice-President of the Court of Justice imposed a daily penalty on Poland of EUR 1 000 000 for as long as the order of 14 July 2021 is not fully implemented. Secondly, as regards the judgment of the Court of Justice of 15 July 2021 in case C-791/19, the Commission decided to send a letter of formal notice to Poland on the basis of Article 260(2) TFEU. The reply of the Polish authorities is currently being analysed in detail in view of deciding on appropriate next steps.

*Mr Duro Sessa
President
European Association of Judges*

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I would like to assure you that the Commission will continue to follow closely the developments in Poland and remains strongly committed to upholding EU law and values in compliance with its obligations under the Treaties and in the interest of the citizens of Poland and of the rest of the European Union.

Yours sincerely,

Věra Jourová

