



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Statement of the ENCJ Executive Board concerning judicial reforms in Poland

The ENCJ has been following the situation in Poland closely and has on several occasions called upon the executive to respect the independence of the judiciary, and to undertake reforms to the justice system only after meaningful consultation with the Council for the Judiciary and the judges themselves¹.

In an opinion drafted at the request of the National Judicial Council of Poland (Krajowa Rada Sądownictwa – KRS) in relation to draft-legislation that would affect both the composition and functioning of the KRS, the Board of the ENCJ concluded that the draft laws could harm the independence of the judiciary in Poland and that ENCJ standards were not met in several fields². It also stated that these standards are not developed to serve the interests of the judiciary. The standards simply reflect the shared principles and values of the EU Member States which guarantee a proper functioning of a democratic system based on the Rule of Law.

An ENCJ delegation recently met a group of representatives of the Polish judiciary and was informed about the ongoing reform of the judiciary by the governing party. Draft legislation currently being considered by the government includes the possible dismissal of all presidents and vice-presidents of common courts and subsequent appointment of new presidents by the executive; the setting up of disciplinary chambers consisting of peoples' representatives in the Supreme Court and the dismissal of the Presidents and a substantial number of judges of the Supreme Court. In addition, there are reports of regular attacks upon the judiciary in the media by the executive and intimidation of individual judges.

The Board of the ENCJ is gravely concerned by the developments, which are taking place in Poland. The Board wishes to point out that a key requirement for maintaining and enhancing mutual trust between judicial authorities in the EU, as a basis for mutual recognition, is the independence, quality and efficiency of the judicial systems and respect for the rule of law.

The Board of the ENCJ reiterates that the Rule of Law is at the core of the European Union. Respect for the Rule of Law is a prerequisite for the protection of all fundamental values listed in the Treaties, including democracy and fundamental rights. To uphold and protect the Rule of Law is a responsibility for both the judiciary and other state powers. For the effective preservation of the Rule of Law, independent and accountable justice systems are needed. The Board emphasizes that fair and impartial courts are the key institutions of an independent judiciary.

Done in Brussels
26th April 2017

¹[ENCJ Warsaw Declaration, 3 June 2016](#)

²[Opinion of the ENCJ Executive Board, 30 January 2017](#)