



KEEP THE RULE OF LAW in POLAND

MEDEL STATEMENT ON THE REFORM OF THE SUPREME COURT IN POLAND

MEDEL has been following with an increasing concern the development of the situation in Poland. Only on 1st July 2017, the General Assembly of MEDEL adopted a communiqué on the Constitutional Court in Poland, calling the EU institutions to continue the dialogue with Polish authorities in order to restore the Rule of Law. Since then, the governing majority in Poland has taken further steps to weaken the judicial independence which will deeply undermine the fundamentals of the democratic rule of law state.

On 12th July 2017, *Sejm* – the lower chamber of the Polish Parliament - adopted the laws amending the *Law on the National Judicial Council* and the *Law on Common Courts*. They were already confirmed by the higher chamber of the Parliament (*Senat*), acting in hasty proceedings, without proper debate and consideration, and now both laws are waiting for the signature of the President of the state. The *Law on the National Judicial Council* provides *inter alia* the expiry of the term of office of its judicial members and the election of the new ones not by their peers, but by politicians. Furthermore, the Council is to consist of two chambers (composed of politicians and composed of judges), which have to act unanimously while taking decisions on judicial appointment. The *Law on Common Courts* provides a significant increase of the impact of the Minister of Justice (the Prosecutor General in the same time) on the court administration and management, particularly by arbitrary dismissals and appointments of presidents of all courts. The adopted solutions will increase the impact of politicians on the appointment of judges what may hinder their integrity and independence.

Also on 12th July 2017, the draft of the law amending the *Law on the Supreme Court* was filed with the Parliament which provides *inter alia* that all judges of the highest judicial authority in Poland are to be retired on the day of entry into force of this law except of judges selected by the Minister of Justice to continue their service.

All those changes violate not only the Constitution of the Republic of Poland but also the European standards, and will result in the end of the independence of courts of judges. The fundamental

rights of the individuals will no longer be effectively protected. The democratic rule of law state, which is one of the core values of the European Union, will cease to exist in Poland.

MEDEL calls upon the President of the Republic of Poland, as the guardian of the Constitution to prevent the laws on judiciary adopted by the Parliament from entering into force. MEDEL urges the competent EU institutions to take all possible steps to protect the rule of law in Poland as a member state of the European Union.

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