

**Question for written answer E-001311/2023**  
**to the Commission**  
Rule 138  
**Tineke Strik** (Verts/ALE)

Subject: Lack of judicial independence in Poland

In the meeting of the Committee on Civil Liberties, Justice and Home Affairs on 23 March 2023, legal experts raised critical concerns about the Polish draft law on the Supreme Court. Among other things, they highlighted that moving the disciplinary chamber to the Supreme Administrative Court (SAC) violated the Polish Constitution and that as a result, legitimate judges would likely refuse to sit in this chamber, leaving room for more neo-judges. They also predicted that the SAC would be flooded with disciplinary cases, thus paralysing the last remaining court that scrutinises the administration.

1. Is the Commission aware of these concerns and does it agree that moving the disciplinary chamber to the SAC entails the aforementioned risks?
2. Are these concerns taken into account in the Commission's ongoing exchanges with Poland regarding the judicial milestones in the country's recovery and resilience plan, and if so, how is this done and what information does the Commission rely on in those exchanges?
3. The Commission acknowledges<sup>1</sup>that there are serious concerns about the independence of Poland's National Council of the Judiciary (NCJ), referencing to case-law of the Court of Justice of the European Union<sup>2</sup>and the European Court of Human Rights<sup>3</sup>. Why does the Commission not consider this case-law sufficient to launch infringement proceedings regarding the NCJ?

Submitted: 20.4.2023

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<sup>1</sup> 2022 Rule of Law Report – Country Chapter on the Rule of Law Situation in Poland, p.3:

[https://commission.europa.eu/system/files/2022-07/48\\_1\\_194008\\_coun\\_chap\\_poland\\_en.pdf](https://commission.europa.eu/system/files/2022-07/48_1_194008_coun_chap_poland_en.pdf).

<sup>2</sup> Judgment of 15 July 2021, *Commission v Poland*, C-791/19, paragraph 108, and judgment of 6 October 2021, *W.Ż.*, C-487/19, paragraph 150.

<sup>3</sup> See, for instance, the judgment of 15 March 2022 in *Grzędav Poland*, no 43572/18, and the judgment of 8 November 2021 in *Dolinska-Ficek and Ozimek v Poland*, nos 49868/19 and 57511/19.