

# **RESOLUTION OF THE EUROPEAN ASSOCIATION OF JUDGES CONCERNING POLAND**

The European Association of Judges (EAJ) notes and echoes the concerns recently expressed, especially by the judges of the Courts of Appeal in Poznań, in Krakow and in Katowice, concerning the situation of the judiciary in Poland. The EAJ notes that particular concern has been expressed about threats to the independence of the judiciary posed by recent changes to the judicial system promoted by the executive which are designed to impose a level of political control over the judiciary.

The EAJ considers that these measures represent a failure by the Polish executive to respect the principle of the separation of powers in its recent changes to the judicial system, and to show appropriate respect to the judiciary as the third arm of the Polish government.

The EAJ expresses particular concern about the lowering of criteria for the selection of candidates to sit on the Supreme Court, and the failure to ensure that the independence and objectivity of candidates is guaranteed. This leaves open the possibility that the membership of the Supreme Court Disciplinary Chamber may in consequence be susceptible to political influence. That is contrary to the exercise of true judicial independence.

The EAJ is conscious that the Polish Supreme Court has suspended the application of a law forcing the early retirement of older judges and has sent five questions to the CJEU seeking a preliminary ruling concerning whether the retirement law is in compliance with EU law. The EAJ deprecates the fact that questions have been raised in certain quarters in Poland concerning the entitlement of the Polish Supreme Court to take such a step, some going so far as to suggest that the Polish Supreme Court is guilty of criminal action. The EAJ expresses its support for the Polish Supreme Court in this manifest exercise of its judicial independence.

Finally, the EAJ also expresses its solidarity with the wider Polish judiciary in their efforts to resist the dilution of the independence of the Polish judiciary, and their right to selfgovernance.

ADOPTED BY THE ASSOCIATION AT ITS MEETING AT MARRAKECH, MORROCCO  
ON 17th OCTOBER 2018.