



SĄD NAJWYŻSZY

Rzeczypospolitej Polskiej

Pierwszy Prezes Sądu Najwyższego

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Declaration of the First President of the Supreme Court

In the year 2004 the Poles have decided to join the European Union, an organisation whose goal it is to provide legal certainty for Europe. Such was the decision of the Nation, taken in form of a referendum. Today, the highest-level judicial body of this structure – the Court of Justice of the European Union – has passed a judgement, being an answer to the requests for preliminary ruling made by the Supreme Court of Poland.

The Court of Justice has recognized the judicial control of compliance of legal provisions regarding the court system with the law of the European Union. The Court has acknowledged this issue as going beyond Polish internal affairs. The Court has shared the Supreme Court's reservations and decided, that the question of independence of the Disciplinary Chamber, raised in the request for preliminary ruling, as well as the question of the National Council of Judiciary's impartiality, should be considered by the referring court, i.e. the Polish Supreme Court. The Court of Justice has also indicated the requirements which have to be fulfilled by an independent court. Such an interpretation of EU law, however, is binding not only to the Supreme Court, but to all courts and other state bodies to the extent that it may prove necessary to disapply the provisions of national law.

It is highly probable that issues raised in the ruling of the Court of Justice will become object of considerations and decisions of common and administrative courts. The referring court has been obliged by the Court of Justice to decide to whether the Disciplinary Chamber is a court to the understanding of the EU law, taking account of the way the Chamber has been brought into being. The relevant decisions of the Supreme Court will be passed without unnecessary delay, but it certainly needs to take some time. In order to prevent and eliminate the uncertainties, as mentioned in the judgement today, or even legal chaos, the Government and the Parliament should not hesitate to take legislative steps. The preservation of the rule of law in Poland, which stability has challenged already some time ago, requires such an intervention. We need solutions which will contribute to the restoring of trust towards the National Council of Judiciary as well as towards the common courts and towards the Supreme Court, for the sake of good of Poland, seen both from the internal and international perspective.