



SĄD NAJWYŻSZY  
Rzeczypospolitej Polskiej

First President  
Supreme Court of the Republic of Poland

Warsaw, 13 November, 2018.

PPI – 0131 – 2833/18

The European Commission

*via*

The European Commission  
Representation in Poland  
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POLAND

Referring to the letter of the First President of the Supreme Court of 31<sup>st</sup> October 2018, in which information about the measures undertaken by the Supreme Court in order to carry out the order of the Vice-president of the Court of Justice of the European Union of 19<sup>th</sup> October 2018 in case C-619/18 R, have been given, I consider it for purposeful to make the resolution of the new National Council of Judiciary of 9<sup>th</sup> November 2018 known to the Court of Justice of the European Union.

In this resolution an attempt has been taken to interpret the aforementioned order of the Vice-president of the CJEU. This interpretation shall be considered contradictory to the essence of the interim measure applied by the CJEU on the 19<sup>th</sup> October this year. Moreover, the foregoing resolution may have a considerable impact on the way in which the order of the Vice-president of the CJEU is being carried out. In particular, the resolution contains in fact a threat of disciplinary responsibility of the Supreme Court judges concerned by the appealed provisions of the statute on the Supreme Court, if they perform official duties.

In the attachment, please find the statement of the National Council of the Judiciary of November 9<sup>th</sup>, 2018 as well preceding correspondence between the National Council of the Judiciary and the Supreme Court.

WZ.

Dariusz Zawistowski

President of the Supreme Court

Head of the Civil Chamber