

Věra Jourová
Vice-President for Values and transparency

Didier Reynders
Commissioner for Justice

European Commission
Rue de la Loi, 200
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20 October 2020

Subject: *Rule of law situation in Poland - the case of judge Beata Morawiec*

Dear Vice-President,
Dear Commissioner,

We are writing to you to express our severe concern about the developments regarding the rule of law in Poland, in particular in relation to the recent judgment by the so-called "Disciplinary Chamber of the Polish Supreme Court"¹ against judge Beata Morawiec. Likewise, we are concerned about the lack of further steps on the side of the Commission.

Already on 8 April 2020, the European Court of Justice ruled² that Poland must immediately suspend the application of the national provisions on the powers of the "Disciplinary Chamber of the Supreme Court". Despite of Poland's disregard of this, the Commission has not requested the Court of Justice that a payment of a fine be ordered, nor requested other orders or initiated other infringement cases regarding the "Chamber". In the meantime, the "Disciplinary Chamber" is continuing its judicial activities.

Consequently, we stress that the "Disciplinary Chamber of the Polish Supreme Court" is not a legitimate body. Nonetheless, on 13 October, the so-called "Disciplinary Chamber of the Polish Supreme Court" lifted the immunity of judge Beata Morawiec, along with a salary cut. While the the case against judge Morawiec does not constitute a disciplinary case under domestic law, but a criminal one based on dubious evidence, it is clear that the "judgements" issued by this illegitimate body are not acceptable and constitute a breach of judicial independence and the right to a fair trial and are thus a breach of the rule of law. On 21 October and 22 October

¹ Following judgment of the Court of Justice on 19 November 2019 in Joined Cases C-585/18, C-624/18 and C-625/18, and the subsequent ruling of the Polish Supreme Court of 5 December 2019. the Disciplinary Chamber does not meet the requirements of EU law on judicial independence, and is therefore not an independent court within the meaning of EU law and of national law

² Case C-791/19 R

respectively, the judges Irena Majcher and Igor Tuleja face hearings in front of the so-called "Disciplinary Chamber of the Supreme Court" and their immunity might be lifted.

We invite you to comment on those cases and on the question what measures the European Commission is planning to take as a consequence in the nearest future.

Yours sincerely,

Terry REINTKE, Member of the European Parliament

Sylvia SPUREK, Member of the European Parliament

Juan Fernando LÓPEZ AGUILAR, Member of the European Parliament

Birgit SIPPEL, Member of the European Parliament

Michal ŠIMEČKA, Member of the European Parliament

Konstantinos ARVANITIS, Member of the European Parliament

Rasmus ANDRESEN, Member of the European Parliament

Benoît BITEAU, Member of the European Parliament

Patrick BREYER, Member of the European Parliament

Anna CAVAZZINI, Member of the European Parliament

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Thomas WAITZ, Member of the European Parliament