

AGREEMENT FOR THE RULE OF LAW

Warsaw, 27 January 2022

DECLARATION

Within the framework of the Agreement for the Rule of Law, civil organisations involved in the defence of the rule of law, in consultation with the associations of judges, associations of prosecutors and initiatives of attorneys-at-law, jointly prepared a 10-point plan for the reconstruction of the rule of law in Poland and the subsequent actual reform of the justice system.

The Agreement for the Rule of Law was signed in December 2021 by 10 opposition parties, the representatives of which expressed their support for the changes proposed by the NGOs in the Agreement for the Rule of Law.

The Association of Polish Judges, “Iustitia” prepared and presented a bill which brings into being the first five points of the “Agreement for the Rule of Law” in an act of law and implements the judgments of the European courts, as well as the Supreme Court and the Supreme Administrative Court, which have been passed to date, as well as the recommendations of the European Commission and the Venice Commission.

Within the framework of the Agreement for the Rule of Law, all the opposition parties and the social parties jointly recognised the bill prepared by the Association of Polish Judges (SSP), “Iustitia”, as constituting the basis for further legislative work.

Today, we are announcing the submission to the Sejm of a remedial bill based on the bill prepared by SSP “Iustitia”. The bill will be submitted by the opposition parties as a members’ bill and will be subject to the further parliamentary procedure.

The adoption of this Act will make it possible to put an end to the conflict with the European Union institutions and to unblock the Reconstruction Fund, to prevent the blockage of other EU funds through the conditionality mechanism and to avoid the further accrual of penalties imposed by the CJEU for the failure to comply with its judgments.

The bill assumes:

- the liquidation of the neo-NCJ and the election of a correct National Council of the Judiciary that is compliant with the Constitution;
- the loss of the functions of the defectively appointed so-called neo-judges and the right of all of these people to apply for new recruitments before a correctly elected NCJ;

- the liquidation of the illegal Disciplinary Chamber and the Chamber of Extraordinary Control and Public Affairs;
- a system of seconding judges in the transition period (until the settlement of the new judicial recruitments) protecting the citizens against chaos in the courts and the excessive prolongation of proceedings;
- the upholding of the validity of judgments issued with the involvement of neo-judges (with the exception of, e.g. judgments of the Disciplinary Chamber, which are invalid by law) with the simultaneous possibility of reopening defective proceedings, but only on the motion of the parties;
- the introduction of a truly independent civilised system of disciplinary liability of judges and the removal of the so-called “Muzzle Act”.

We would like to emphasise that this is the only comprehensive bill that assumes the recovery of the fundamental mechanisms and principles of the rule of law in Poland. Furthermore, this bill protects citizens to the maximum possible extent from the invalidity of proceedings and judgments involving neo-judges, simultaneously envisaging a reform that is as imperceptible as possible to defendants.

We are counting on this bill, which is being submitted in the interests of Poland and all Polish citizens, finding support in the Sejm and that the Sejm majority will not reject it as a part of a political war.

SOCIAL PARTIES



POLITICAL PARTIES

