



Group of States against Corruption
Groupe d'États contre la corruption



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FOURTH EVALUATION ROUND

Corruption prevention in respect of
members of parliament, judges and prosecutors

THIRD *INTERIM* COMPLIANCE REPORT

Including

FOLLOW-UP TO THE AD HOC (RULE 34) REPORT

POLAND

Adopted by GRECO at its 98th Plenary Meeting
(Strasbourg, 18-22 November 2024)

I. INTRODUCTION

1. This Third Interim Compliance Report assesses the measures taken by the authorities of Poland to implement the outstanding recommendations issued in the Fourth Round Evaluation Report on Poland (see paragraph 2) covering “Corruption prevention in respect of members of parliament, judges and prosecutors”, as well as the additional recommendations issued in 2018 in the Addendum to the Fourth Round Evaluation Report on Poland (Rule 34).
2. The [Fourth Round Evaluation Report](#) on Poland was adopted at GRECO’s 57th Plenary Meeting (19 October 2012) and made public on 25 January 2013 (Greco Eval IV Rep (2012) 4E). Between December 2014 and June 2018, three compliance reports were adopted by GRECO. Thus, the [Compliance Report](#), the [Second Compliance Report](#) and the [Addendum to the Second Compliance Report](#) were adopted at the 66th Plenary meeting (12 December 2014), the 75th Plenary meeting (20-24 March 2017) and the 80th Plenary meeting (18-22 June 2018) and were subsequently made public.
3. In addition, in light of the judicial reforms of 2016-2018 in Poland, which critically affected the judiciary, GRECO decided at its 78th Plenary meeting (4-8 December 2017) to apply its *ad hoc* procedure (Rule 34 procedure) to Poland¹. As a result, GRECO adopted at its 80th Plenary Meeting an [Addendum to the Fourth Round Evaluation Report](#) (the Rule 34 Report), which re-assessed outdated parts of the Fourth Round Evaluation Report and addressed additional recommendations to Poland. GRECO decided that the authorities of Poland would report back on actions taken to implement the recommendations contained in the Rule 34 Report (the Addendum), within the framework of the on-going Fourth Round compliance procedure.
4. The compliance procedure of the Fourth Evaluation Round (i.e. in respect of the recommendations of the Evaluation Report and, later on, those of the Rule 34 Report - the Addendum to the Evaluation Report) continued with the adoption of three additional compliance reports. Thus, the [Second Addendum to the Second Compliance Report](#), the [Interim Compliance Report](#) and the [Second Interim Compliance Report](#) were adopted at GRECO’s 84th Plenary meeting (2-6 December 2019), 88th Plenary meeting (20-22 September 2021) and 93rd Plenary meeting (20-24 March 2023) and made public on 16 December 2019, 22 September 2021 and 20 July 2023, respectively.
5. In the Second Interim Compliance Report, GRECO maintained that the overall low level of compliance with the recommendations remained “globally unsatisfactory” within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure, a finding made initially in the Second Addendum to the Second Compliance Report in December 2019. It decided to apply its “non-compliance procedure” in accordance with Rule 32 and invited the President of the Statutory Committee to send a letter to the Permanent Representative of Poland to the Council of Europe, drawing attention to the non-compliance with the relevant recommendations. The Head of the Polish delegation was further asked to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i-iii, v-vi, ix, xii, xiv and xvi, and Rule 34 recommendations i-ii and iv-vi), at the latest by 31 March 2024.

¹ Rule 34 of GRECO’s [Rules of Procedure](#) provides for an *ad hoc* procedure that can be triggered in exceptional circumstances, such as when GRECO receives reliable information concerning institutional reforms, legislative initiatives or procedural changes that may result in serious violations of anti-corruption standards of the Council of Europe.

6. As required, the authorities of Poland submitted a Situation Report on measures taken to implement the outstanding recommendations. This report was received on 29 March 2024 and, together with the information submitted subsequently, served as a basis for the current Third Interim Compliance Report.
7. GRECO selected the Czech Republic and Portugal to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Helena KLIMA LIŠUCHOVÁ on behalf of the Czech Republic and Mr António DELICADO on behalf of Portugal. They were assisted by GRECO's Secretariat in drawing up the Third Interim Compliance Report.

II. ANALYSIS

8. It is recalled that, in its Evaluation Report, GRECO had addressed 16 recommendations to Poland, to which an additional six recommendations were added by virtue of the Rule 34 Report. At the time of the adoption of the previous compliance report seven recommendations of the Evaluation Report (i.e. recommendations iv, vii, viii, x, xi, xiii and xv) as well as one recommendation of the Rule 34 Report (i.e. recommendation iii) had been implemented satisfactorily or dealt with in a satisfactory manner. Five recommendations of the Evaluation Report (i.e. recommendations vi, ix, xii, xiv and xvi) as well as three recommendations of the Rule 34 Report (i.e. recommendations ii, iv, and vi) had been partly implemented. Four recommendations of the Evaluation Report (i.e. recommendations i-iii and v) as well as two recommendations of the Rule 34 Report (i.e. recommendations i and v) had not been implemented. Compliance with the outstanding recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendations i, ii, iii and v

9. *GRECO recommended:*
 - *that interactions by parliamentarians with lobbyists and other third parties who seek to influence the legislative process, be made more transparent, including with regard to parliamentary sub-committee meetings (recommendation i);*
 - *i) that the "Principles of Deputies' Ethics" be complemented in such a way so as to provide clear guidance to Sejm deputies with regard to conflicts of interest (e.g. definitions and/or types) and related areas (including notably the acceptance of gifts and other advantages, incompatibilities, additional activities and financial interests, misuse of information and of public resources, the obligation to submit asset declarations and on the attitude towards third parties such as lobbyists – and including elaborated examples); and ii) that such standards of ethics and conduct also be introduced for senators and disseminated among them (recommendation ii);*
 - *both in respect of Sejm deputies and senators, the development of a clearly defined mechanism to declare potential conflicts of interest of parliamentarians – also taking into account interests of close family members – with regard to concrete legislative (draft) provisions (recommendation iii); and*
 - *that the monitoring mechanism in respect of compliance by parliamentarians with standards of ethics and conduct - including rules on conflicts of interest and related areas - be reviewed in order to increase its effectiveness, in particular by*

simplifying the system of various bodies involved and by providing it with the necessary financial and personnel resources (recommendation v).

10. GRECO recalls that recommendations i-iii and v were not implemented, as the statutory amendments proposed by the Polish authorities did not have a direct effect on the areas covered by these four recommendations and no tangible progress had been made.
11. The Polish authorities now report that the matter has been referred to the Sejm's Parliamentary Ethics Committee and the Rules, Proceedings, and Immunities Committee. The chairpersons of the committees are planning to convene the Presidiums for a meeting to discuss the implementation of the recommendations. Moreover, the matter has been referred to the Senate's Rules, Ethics, and Senatorial Affairs Committee, which is the competent body for taking legislative action in the area of ethical conduct.
12. GRECO expects that the Sejm's and Senate's committees and Presidiums will take tangible action towards the implementation of the above recommendations. Pending the achievement of concrete progress, it cannot be said that the recommendations have been complied with, not even partly.
13. GRECO concludes that recommendations i, ii, iii and v remain not implemented.

Recommendation vi

14. *GRECO recommended both in respect of Sejm deputies and senators, (i) the establishment of a dedicated confidential counsellor with the mandate to provide parliamentarians with advice on ethical questions and possible conflicts of interests in relation to specific situations; and (ii) the provision of specific and periodic training for all parliamentarians on ethical questions and conflicts of interests.*
15. GRECO recalls that this recommendation was partly implemented. As regards part (i) of this recommendation, a trusted advisor had been appointed in the Senate to provide counselling to senators. GRECO noted that for a full implementation of this part of the recommendation, a confidential counsellor would also have to be appointed in respect of the Sejm deputies. Concerning part (ii), some mandatory and optional training courses had taken place in respect of senators, but no precise information had been provided regarding the number of senators attending such courses, their frequency, scope, and content, as well as the ethical issues addressed therein. No information had been provided on the training of Sejm deputies.
16. The Polish authorities have reported no further progress, other than referring to the information described in paragraph 11 above and to the previously submitted information according to which a special trusted advisor for ethical matters had been appointed in the Senate.
17. Pending the achievement of further tangible progress towards the implementation of both parts of this recommendation, GRECO concludes that recommendation vi remains partly implemented.

Corruption prevention in respect of judges

Recommendation ix

18. *GRECO recommended that appropriate legal, institutional and/or operational measures be put in place or strengthened to ensure a more in-depth scrutiny of judges' asset declarations and to enhance the preventive dimension of asset declarations. This should include greater co-ordination of all relevant control bodies.*
19. GRECO recalls that this recommendation was partly implemented. Further to initial consultations on strengthening cooperation amongst institutions involved in the monitoring of asset declarations, in March 2014 the Ministry of Finance had prepared rules on the review of asset declarations by tax authorities. While the said rules continued to apply, a number of legal initiatives to strengthen the role and coordination of institutions involved in carrying out in-depth analysis of asset declarations had failed to come to fruition. No additional progress had been reported in the three previous compliance reports.
20. The Polish authorities report that work is underway to improve aspects relating to the submission and verification of asset declarations. The verification of asset declarations submitted by judges and prosecutors is carried out not only by the courts' and the prosecutor's offices but also by the tax authorities (i.e. the National Revenue Administration). Thus, according to national law, judges are required to submit two copies of the asset declarations: one copy to the relevant territorial president of the appellate court (court directors and their deputies submit it to the Minister of Justice), and one copy to the to the tax office responsible for judges' place of residence. Similar rules apply to prosecutors. In addition, the Central Anti-corruption Bureau (CBA) may verify the correctness and truthfulness of asset declarations to ensure compliance with national law.
21. GRECO considers that the information provided by the authorities is not different from the situation described in paragraphs 147-154 of the Evaluation Report. There continue to be three control bodies involved in collecting and verifying asset declarations (namely, the president of appellate courts, the tax authorities and the CBA), none of which seems to have adequate resources to carry out in-depth scrutiny of asset declarations. GRECO maintains that there should be proactive interaction and coordination amongst them to ensure that asset declarations are subject to in-depth scrutiny. Such scrutiny would prevent any conflicts of interest and reduce the risks of corruption. No information has been provided in this respect. Also, information is absent about the use of asset declarations for preventive purposes. In these circumstances, the recommendation remains partly complied with.
22. GRECO concludes that recommendation ix remains partly implemented.

Corruption prevention in respect of prosecutors

Recommendation xii

23. *GRECO recommended that the "Collection of Ethical Principles governing the Prosecutors' Profession" (i) be disseminated among all prosecutors and made easily accessible to the general public; and (ii) that they be complemented in such a way so as to offer proper guidance specifically with regard to conflicts of interest (e.g. definitions and/or types) and related areas (including in particular the acceptance of gifts and other advantages, incompatibilities and additional activities).*
24. GRECO recalls that the recommendation was partly implemented. The first part of the recommendation had already been implemented satisfactorily. Regarding the second part of the recommendation, certain provisions on conflicts of interest

have been added to the Collection of Ethical Principles governing the Prosecutors' Profession. However, no guidance on conflicts of interest and other related issues (such as acceptance of gifts and other advantages, incompatibilities, and additional activities), including practical examples, had been offered.

25. The Polish authorities point to the conflict-of-interest provisions already added to the "Compendium of Ethical Principles Governing the Prosecution Profession" as well as to several provisions regulating incompatibilities. Moreover, the authorities provide that the National Prosecution Council will discuss this recommendation in its future meetings.
26. GRECO expects that the National Prosecution Council will take tangible actions to produce guidelines to fully implement the second part of the recommendation. In these circumstances, this recommendation remains partly complied with.
27. GRECO concludes that recommendation xii remains partly implemented.

Recommendation xiv

28. *GRECO recommended (i) that the competences of the National Prosecution Council for supervising compliance with ethical principles for prosecutors be clearly defined by law and that the Council be provided with adequate tools and powers for effectively performing this function; and (ii) that appropriate legal, institutional and/or operational measures be put in place or strengthened to ensure a more in-depth scrutiny of prosecutors' asset declarations and to enhance the preventive dimension of asset declarations. This should include greater co-ordination of all relevant control bodies.*
29. GRECO recalls that this recommendation was partly implemented in the previous compliance report owing to the partial implementation of the second part of the recommendation. As regards the first part of the recommendation, the Polish authorities saw no need to empower the National Prosecution Council (NPC) with competencies and tools to supervise and ensure the observance of ethical principles for prosecutors. Instead, they pointed to the competencies of a Disciplinary Ombudsman who might decide to initiate or refuse to institute such proceedings. GRECO reiterated its concern about the lack of tools and measures the NPC was entitled to take in the supervision process. Concerning the second part of the recommendation, the authorities provided no new and relevant information.
30. The Polish authorities now report that the NPC has adopted a resolution on the establishment of a commission for overseeing compliance with the principles of professional ethics by prosecutors. The commission will prepare annual reports on compliance with the principles of professional ethics by prosecutors based on data obtained from Provincial Prosecutors, the Disciplinary Ombudsman of the Prosecutor General, and individual cases submitted to the NPC, by 31 March of the following year. The report is expected to include recommendations for the NPC to be implemented by amending, supplementing, or interpreting the provisions of the Code of Professional Ethics for Prosecutors, as well as for the organisation of trainings on professional ethics. Moreover, the Polish authorities state that the discussion of this recommendation has been scheduled for the NPC's next meeting. Concerning the second part of the recommendation, reference is made to the information set out in paragraph 20 above.
31. As regards the first part of the recommendation, GRECO notes that the NPC has established a commission to assist it with overseeing compliance with the ethical principles for prosecutors and that it has scheduled to discuss the full

implementation of this recommendation in its next meeting. Pending the commission's full operation as well as its role in providing the NCP with adequate tools and powers to ensure observance of the ethical principles, GRECO maintains that this part remains not complied with. Turning to the second part of the recommendation, GRECO refers to the findings made in paragraphs 21-21 above and considers that this part of the recommendation remains partly complied with.

32. GRECO concludes that recommendation xiv remains partly implemented.

Recommendation xvi

33. *GRECO recommended (i) the provision of on-going training to all prosecutors on conflicts of interest, rules concerning gifts, prohibition or restriction of certain activities and declaration of assets and private interests, by way of dedicated courses referring to practical examples; and (ii) the provision of proper dedicated counselling in prosecutors' offices, in order to raise prosecutors' awareness and to provide them with confidential advice on questions of ethics and conduct – particularly with regard to the areas mentioned under (i) – in relation to specific facts, taking into account the need for common, nationwide solutions.*
34. GRECO recalls that this recommendation was partly implemented. As regards the first part of the recommendation, training activities on ethical matters had already been provided to prosecutors since the adoption of the Compliance Report. The second part of the recommendation had not been implemented as authorities maintained their position that the appointment of dedicated ethics advisors for prosecutors was not warranted.
35. The Polish authorities now report that the National School of Judiciary and Public Prosecution in Poland have conducted or are planning to carry out various training workshops, such as a training on "Methodology of conducting proceedings in corruption cases", a workshop on "Training for assessors and prosecutors commencing work in the prosecutor's office", a training on "Corruption threats in the work of judges and prosecutors" to mention but a few. The trainings target judges, judicial assessors, prosecutors, prosecutors' assessors and prosecutors' assistants (a total of 224 participants) and cover a vast range of issues related to corruption and corruption-related offences and professional ethics, including conflicts of interest, behavioural patterns on and off duty, communication principles in the prosecutor's work, principles of dealing with receiving or attempts to give gifts, etc.
36. Concerning the second part of the recommendation, the authorities raise doubts about the prospects of appointing ethics advisors for prosecutors within the prosecutor's office structure. They believe that such appointment could potentially violate the adopted constitutional solutions regarding the organisation and operation of the prosecutor's office, particularly those concerning the disciplinary and official responsibilities of prosecutors.
37. GRECO notes with satisfaction the actual and planned conduct of regular trainings for prosecutors on ethical issues and confirms its position that the first part of the recommendation remains fully implemented. Turning to the second part of the recommendation, GRECO regrets that the Polish authorities show no readiness to implement it. GRECO considers that, for the reasons set out in paragraph 223 of the Evaluation Report, dedicated confidential counselling on questions of ethics and conduct should be provided to prosecutors. The Polish authorities may find valuable examples in the practice developed by other GRECO member States in this area.

38. GRECO concludes that recommendation xvi remains partly implemented.

Recommendations issued in the Rule 34 Report of June 2018 (Addendum to the Fourth Round Evaluation Report)

39. It is recalled that the Rule 34 Report was an Addendum to the Fourth Round Evaluation Report. It assessed amendments to the Law on the National Council of the Judiciary (NCJ), the Law on Common (Ordinary) Courts as well as a new Law on the Supreme Court, as introduced in 2017, and made additional recommendations to Poland, the implementation of which would be assessed through the Fourth-Round compliance procedure (see paragraph 3 above).
40. By way of general remarks, the authorities of Poland state that one of the priorities of the current Government is compliance with obligations arising from EU and international law, including the full implementation of GRECO's recommendations. Immediately upon taking office on 13 December 2023, the Prime Minister established an Interministerial Team for the Restoration of the Rule of Law and Constitutional Order (the Team), the main task of which is to coordinate the Government's activities, analytical work and submit legislative proposals to restore the rule of law as well as ensure its supervision. The Team has currently carried out analytical and conceptual activities aimed at ensuring comprehensive fulfilment of international obligations. However, due to time constraints, not all aspects of these activities have been fully developed. Poland remains committed to addressing the issues giving rise to GRECO's recommendations and ensuring their full implementation.
41. Also, on 5 March 2024 the Government has established a Commission for the Codification of the System of Judiciary and Public Prosecution, the primary objective of which is to develop a new draft law which will fundamentally reorganise the system and rules of operation of the public prosecution service in Poland². The Commission for the Codification of the System of Judiciary and Public Prosecution is also expected to develop an in-depth reform of common courts, amendments to the Act on Common Courts and a draft Act on the Supreme Court. That said, the above issues require thorough analytical work, including conducting legal comparative studies.

Rule 34 recommendation i

42. *GRECO recommended that the provisions on the election of judges to the National Council of the Judiciary be amended, to ensure that at least half of the members of the National Council of the Judiciary are judges elected by their peers.*
43. GRECO recalls that this recommendation was not implemented. Twenty three of 25 NCJ members were still appointed by the legislative or executive powers or represented those authorities, contrary to this recommendation and Council of Europe standards.
44. The Polish authorities now report that, as a result of the analytical work to restore the rule of law, the Government approved a draft law³ amending the Act on the National Council of the Judiciary and forwarded it to the Sejm (parliament) for

² See the Venice Commission's Opinion on the draft amendments to the law on the Public Prosecutor's Office, accessible at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)034-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)034-e).

³ The English version of the draft law may be accessible at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2024\)015](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2024)015)

examination. On 12 July 2024 the Sejm adopted the law⁴, which the President of the Republic has referred for review of constitutionality to the Constitutional Court (so-called preventive control). The law regulates the judicial membership of the (new) NCJ, the election of its judge members and the right to an effective remedy. According to the law, the 15 judge members of the NCJ will be elected by all judges, in direct elections and by secret ballot, representing all levels of courts (administrative courts, military courts, district courts, regional courts, appeal courts, the Supreme Court and the Supreme Administrative Court). As a rule, in the first elections of members of the (new) NCJ, judges who have taken up positions because of applications for appointment submitted to the President of the Republic of Poland by the (existing) NCJ, after its composition changed following the 2017 reform, may not stand as candidates for members of the (new) NCJ. The State (National) Electoral Commission has been designated as the body to call the elections, verify the correctness of applications of candidates, organise a public hearing of the qualified candidates no later than seven days before the election day, hold the elections and promulgate the elections results. A resolution of the State (National) Electoral Commission rejecting the nomination of a candidate and the validity of election results are amenable to appeal to the Supreme Administrative Court.

45. The law envisages the establishment of a Social Council, composed of representatives of professional associations of lawyers, non-governmental organisations and the Ombudsman, as an advisory body to the NCJ to give non-binding opinion on candidates for judicial appointment. The aim of establishing the Council is to ensure the open participation of civic and professional organisations in formulating reform strategies in the judiciary and to ensure objectivity in the process of their monitoring. It will enable full control of the nomination process of judges. According to the authorities, with the support of the Social Council, the NCJ will be able to protect the courts more effectively from political pressure.
46. The transitional provisions of the law provide for the *ex lege* termination of the term of office of judge members of the (existing) NCJ elected by the Sejm.
47. GRECO notes with satisfaction that the amended law has reinstated the principle that the 15 judicial members of the NCJ are elected by their peers (and not by the Sejm). The judicial members make up more than half of the NCJ membership (25 members in total), which is in line with the requirements of the recommendation. As stated by the authorities, GRECO welcomes that the primary objective of the law is to restore the NCJ independence from the legislative and executive powers⁵. Such assessment is without prejudice to the findings made by the Venice Commission's urgent opinion given on the draft law⁶. Pending the entry into force of the law, which is subject to review of constitutionality before the Constitutional Court, GRECO considers that this recommendation has been partly complied with.

⁴ See the European Commission 2024 Rule of Law Report, page 7, at https://commission.europa.eu/document/download/9c081f05-688d-4960-b3bc-ea4fc3b2bafb_en?filename=48_1_58078_coun_chap_poland_en.pdf.

⁵ A series of judgments delivered against Poland by the European Court of Human Rights have found, amongst others, that the primary problem of the judicial reforms introduced in Poland had been the election of judicial members of the NCJ by the Sejm and the NCJ's involvement in the judicial appointments procedure, which had contributed to the weakening of judicial independence and compromised the legitimacy of a court composed of the judges so appointed (see, most recently, Wałęsa v. Poland, no. 50849/21, §§ 319-327, 23 November 2023, where the Court decided to apply the pilot-judgment procedure).

⁶ Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe (CDL-AD(2024)018) on the draft law amending the law on the National Council of the Judiciary in Poland, as found at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)018-e).

48. GRECO concludes that Rule 34 recommendation i has been partly implemented.

Rule 34 recommendations ii, iv, v and vi

49. *GRECO recommended:*

- *i) to reconsider the establishment of an extraordinary appeals chamber and disciplinary chamber at the Supreme Court and ii) reduce the involvement of the executive in the internal organisation of the Supreme Court (recommendation ii);*
- *that the disciplinary procedures applicable to Supreme Court judges are amended, in order to exclude any potential undue influence from the legislative and executive powers in this respect, in particular by excluding the possibility for the executive to intervene in these proceedings (recommendation iv);*
- *that the procedures for appointing and dismissing presidents and vice-presidents of ordinary courts be amended, to exclude any potential undue influence from the executive power therein (recommendation v); and*
- *that the disciplinary procedures applicable to judges of ordinary courts be amended to exclude any potential undue influence from the executive powers therein, in particular by excluding the possibility for the executive to intervene in these proceedings (recommendation vi).*

50. GRECO recalls that recommendations ii, iv and vi were partly implemented and recommendation v was not implemented. As regards the first part of recommendation ii, GRECO noted that the Disciplinary Chamber had been replaced with the Chamber of Professional Responsibility (Liability), whereas no amendments had been introduced in respect of the Supreme Court's Chamber of Extraordinary Appeals (Review) and Public Affairs. Concerns remained about the jurisdiction accorded to both special chambers and the appointment of judges to these chambers based on recommendations made by a deficient NCJ. The second part of recommendation ii had not been implemented as the President of the Republic maintained the controlling role and powers over the Supreme Court.

51. Recommendations iv and vi had been partly implemented on account of certain amendments which had been introduced with a view to exempting judges from disciplinary liability, while other problematic disciplinary offences remained in force. Recommendation v had not been implemented since the Minister of Justice continued to maintain unfettered discretion in the appointment and dismissal of presidents and vice-presidents of ordinary courts.

52. The Polish authorities have provided that, as regards recommendation ii, work is underway to draft a new law on the Supreme Court, which will include, among other things, the abolition of two Supreme Court's special chambers, i.e. the Chamber of Extraordinary Appeals (Review) and Public Affairs and the Professional Responsibility Chamber. The new draft law will also aim at reducing the interference by the legislative and executive branches in the organisation of the Supreme Court. Regarding recommendation iv and vi, the Ministry of Justice is currently working on amendments dealing with disciplinary procedures against judges. Insofar as recommendation v is concerned, the authorities plan to adopt draft legal instruments regulating the rules for the delegation of judges⁷, the functioning of the judicial self-government, the appointment of court presidents and the operation of disciplinary ombudsmen of common courts. These reforms

⁷ See, also, the Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law on European Standards regulating the status of judges (CDL-A(2024)-029), accessible at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)029-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)029-e).

will comprehensively regulate the system, organisation and functioning of the common courts.

53. GRECO takes note of the developments occurring in Poland and the authorities' intention and work to restore the rule of law and exclude any potential influence from the executive branch on the judiciary. These are steps going in the right direction. Pending the adoption and implementation of statutory amendments, GRECO retains its previous assessment and concludes that recommendations ii, iv and vi remain partly implemented and recommendation v not implemented.

III. CONCLUSIONS

54. **In view of the foregoing, GRECO notes that Poland has implemented seven of the sixteen recommendations of the Fourth Round Evaluation Report, and one of the six recommendations of the Addendum to the Fourth Round Evaluation Report (Rule 34 Report).** Of the remaining recommendations, five recommendations of the Evaluation Report and four recommendations of the Rule 34 Report have been partly implemented and four recommendations of the Fourth Round Evaluation Report and one recommendation of the Rule 34 Report have not been implemented.
55. More specifically, recommendations iv, vii, viii, x, xi, xiii and xv of the Evaluation Report as well as recommendation iii of the Rule 34 Report have been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations vi, ix, xii, xiv and xvi of the Evaluation Report as well as recommendations i, ii, iv, and vi of the Rule 34 Report have been partly implemented. Recommendations i-iii and v of the Evaluation Report as well as recommendation v of the Rule 34 Report remain not implemented.
56. As regards members of parliament, noting that no progress has been achieved, GRECO expects that the Sejm's and Senate's committees and Presidiums will take tangible action towards the implementation of the outstanding recommendations.
57. Concerning judges, GRECO welcomes the authorities' determined efforts to restore the independence of the National Council of the Judiciary (NCJ). The pending entry into force of the law amending the election of judicial members of the NCJ will ensure that more than half of its members are judges elected by their peers. GRECO further notes that several initiatives to fully implement the outstanding recommendations of the Rule 34 reports are in the pipeline.
58. Turning to prosecutors, a commission has been established to assist the National Prosecution Council (NPC) with overseeing compliance with the ethical principles for prosecutors. Furthermore, the NPC will discuss the implementation of GRECO's recommendations in its future meetings. Regular and continuous trainings on ethics and integrity continue to be delivered for prosecutors. Such integrity framework must be complemented with the provision of dedicated counselling and a more in-depth scrutiny of prosecutors' asset declarations, which are still lacking.
59. In view of the above (with only eight out of a total of 22 recommendations having been implemented), GRECO concludes that the overall very low level of compliance with the recommendations remains "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of its Rules of Procedure.
60. In application of paragraph 2 (i) of Rule 32 of the Rules of Procedure, and in view of Poland's serious and resolute efforts to implement the outstanding

recommendations, GRECO asks the Head of the Polish delegation to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i-iii, v-vi, ix, xii, xiv and xvi, and Rule 34 recommendations i-ii and iv-vi), at the latest by 30 November 2025.

61. In addition, in accordance with Rule 32, paragraph 2, sub-paragraph (ii) (c) GRECO invites the Secretary General of the Council of Europe to send a letter – with a copy to the Head of delegation of Poland – to the Minister of Foreign Affairs of Poland, drawing attention to non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
62. GRECO recalls that, in the framework of the Fifth-Round compliance procedure, in accordance with Rule 32 revised, paragraph 2, subparagraph (iii), the authorities of Poland will receive a high-level mission with a view to reinforcing the importance of complying with the outstanding Fifth-Round recommendations. In this connection, GRECO considers that, owing to Poland’s “globally unsatisfactory” compliance level with the Fourth-Round and Rule 34 recommendations since December 2019, the importance of complying with those outstanding recommendations should be emphasised at the same high-level mission, in accordance with Rule 32, paragraph 2, sub-paragraph (iii).
63. Finally, GRECO invites the authorities of Poland to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make the translation public.