

Please quote: DGI/GE/hrs

**President of GRECO**

Mr Zbigniew ZIOBRO  
Minister of Justice  
Poland

Strasbourg, 24 February 2020

Dear Minister,

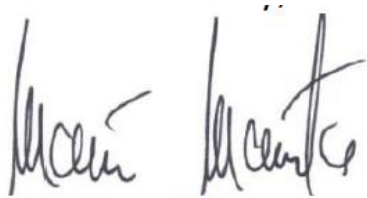
As you are aware, Poland is one of the oldest members of the Group of States against Corruption (GRECO) and like all other member States is subject to GRECO's evaluations. For several years, GRECO has assessed corruption prevention in respect of judges. An important component of these evaluations relates to the level of independence of the judiciary in a given country. To promote judicial systems where judges are, and are seen to be, independent and impartial in their judicial functions is at the heart of the values of the Council of Europe. From GRECO's perspective, judicial independence is a pivotal safeguard against corruption and a means to prevent undue interference with the judiciary. Judicial independence is a cornerstone of democracy and the rule of law.

Following the 2016-2018 judicial reforms in Poland, leading to extensive amendments to the Laws on the National Council of the Judiciary, the Supreme Court and the Organisation of Ordinary Courts, GRECO strongly criticised the significant weakening of the independence of the judiciary to the benefit of excessive executive powers. In the context of its ad-hoc ("Rule 34") procedure, GRECO has addressed a number of key recommendations to improve the situation brought about by the 2016-2018 reforms.

In the context of the on-going GRECO evaluation in respect of Poland, it is with great concern that I note the recent amendments (December 2019) to the Laws on the Organisation of Ordinary Courts, the Law on Supreme Court and certain other laws, which weaken even further judicial independence in Poland, *inter alia* by restricting judges' freedoms and providing the executive branch with additional control mechanisms in respect of the judiciary and its judges. I fully subscribe to the conclusion of the urgent opinion of the Venice Commission of 16 January 2020, that these amendments diminish judicial independence and put Polish judges in the impossible situation of having to face disciplinary proceedings for rendering decisions required by the European Convention on Human Rights or pursuant to the law of the European Union binding on Poland.

I call upon your government to re-consider these amendments. I can assure you of the full support of GRECO if that were to be the case. GRECO will continue to closely monitor the situation in Poland from the angle of its particular field of competence. The full implementation of the existing GRECO recommendations to Poland would go a long way in addressing the above concerns. Our next plenary meeting will take place on 16-20 March 2020, at which Poland will be asked for an update of the situation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Marin Mrčela', written in a cursive style.

Marin Mrčela