



CCJE-BU(2021)1

Strasbourg, 21 January 2021

## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

**Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):**

**“Evolution of the Councils for the Judiciary  
and their role for independent and impartial judicial systems”**

**REPLY FROM POLAND**

*Please in your answers do not send extracts of your legislation  
but describe the situation in brief and concise manner.*

### General

1. Is there a Council for the Judiciary in your judicial system?	<input checked="" type="radio"/> yes <input type="radio"/> no
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2. What is the exact title/denomination of this body?

**Krajowa Rada Sądownictwa (KRS) / National Council of the Judiciary**

3. This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.

Defending and fostering the independence of judges and the judiciary/the rule of law	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input checked="" type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Defending judges/the judiciary against public attacks	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input checked="" type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts

	<input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Administration of the judiciary	<input type="radio"/> HJC <input type="radio"/> MoJ <input checked="" type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input checked="" type="radio"/> other, please specify  Court directors, appointed by MoJ
Selection of new judges	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> A special Judicial Appointment Body <input checked="" type="radio"/> other, please specify Following the motion presented by the KRS, judges are appointed by the President of the Republic of Poland
Selection of judges for promotion	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> A special Judicial Appointment Body <input checked="" type="radio"/> other, please specify Following the motion presented by the KRS, judges are appointed (promoted) by the President of the Republic of Poland
Evaluation of judges	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Evaluation of court performance	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Parliament <input checked="" type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Conducting disciplinary procedures	<input type="radio"/> HJC <input type="radio"/> MoJ

	<input type="radio"/> Parliament <input type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input checked="" type="radio"/> other, please specify - Disciplinary proceedings representatives. - Disciplinary courts – in the first instance courts of appeal, in the second instance – Disciplinary Chamber of the Supreme Court (in the case of Supreme Court Judges and selected categories of [grave] misconduct – two different panels of Disciplinary Chamber of SC)
Drafting and enforcing a code of ethics	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input checked="" type="radio"/> Court Presidents – in terms of enforcement <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify It is the statutory competence of the KRS to "adopt a set of rules of professional ethics of judges and deputy judges and to ensure the complied thereof" as well as to interpret it, while its violation may give rise to liability before a disciplinary court. Proceedings are conducted by disciplinary representatives at the courts (or the Disciplinary Representative for Judges of Common Courts and his Deputies), at the request of the competent authorities – e.g. HCJ (i.e. KRS), Court president (e.g. on the basis of a complaint filed containing an application for disciplinary action, if he/she considers it justified in this respect); the KRS may request the initiation of proceedings to the relevant disciplinary representative (who in the disciplinary proceedings have a function corresponding to the public prosecutor)
Public relations/media coverage for the judiciary, or individual courts	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts – courts' spokespersons (sometimes one for civil and another for criminal matters) <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Providing input on legislative projects	<input checked="" type="radio"/> HJC

	<ul style="list-style-type: none"> <li><input type="radio"/> MoJ</li> <li><input checked="" type="radio"/> Court Presidents</li> <li><input type="radio"/> bodies within individual courts</li> <li><input type="radio"/> Judicial Administration Board</li> <li><input checked="" type="radio"/> Association of Judges</li> <li><input checked="" type="radio"/> other, please specify</li> </ul> <p>Drafts of many legislative acts are sent, via the court presidents, to all judges and they may, acting in accordance with reporting chain procedures, make their observations.</p>
Training of judges	<ul style="list-style-type: none"> <li><input type="radio"/> HJC</li> <li><input type="radio"/> MoJ</li> <li><input checked="" type="radio"/> Court Presidents</li> <li><input type="radio"/> bodies within individual courts</li> <li><input type="radio"/> Judicial Administration Board</li> <li><input type="radio"/> Association of Judges</li> <li><input checked="" type="radio"/> other, please specify</li> </ul> <p>National School of Judiciary and Public Prosecution [main organ in this respect]</p>
IT, including digitalisation of the judiciary and online hearings	<ul style="list-style-type: none"> <li><input type="radio"/> HJC</li> <li><input checked="" type="radio"/> MoJ</li> <li><input type="radio"/> Parliament</li> <li><input checked="" type="radio"/> Court Presidents</li> <li><input checked="" type="radio"/> bodies within individual courts</li> <li><input type="radio"/> Judicial Administration Board</li> <li><input type="radio"/> other, please specify</li> </ul>
The allocation of financial resources to the judiciary including individual courts	<ul style="list-style-type: none"> <li><input type="radio"/> HJC</li> <li><input checked="" type="radio"/> MoJ</li> <li><input checked="" type="radio"/> Parliament</li> <li><input type="radio"/> Court Presidents</li> <li><input type="radio"/> bodies within individual courts</li> <li><input type="radio"/> Judicial Administration Board</li> <li><input checked="" type="radio"/> other, please specify</li> </ul> <p>The <u>budget of the common courts</u> is determined by the budget law voted annually by parliament. The budgetary plans of the ordinary courts prepared by the directors of the appellate courts are submitted to the KRS (HCJ) and MoJ. The National Council for the Judiciary shall, within one month, submit to the MoJ a proposal to draw up a draft plan of the revenue and expenditure of the ordinary courts together with its observations and reservations. The draft revenue and expenditure plans of the common courts shall be forwarded by the MoJ to the Minister competent for public finances for inclusion in the draft budget law. The administrator of budgetary part corresponding to the common courts is the Minister of Justice. The budget plans of the <u>Supreme Court</u> are presented by the First President of the SN. The budget plans of the <u>administrative</u></p>

	<p>judiciary (Supreme Administrative Court and provincial administrative courts) are prepared and presented by the President of the Supreme Administrative Court (NSA).</p>
Salaries of judges	<p> <input type="radio"/> HJC  <input type="radio"/> MoJ  <input checked="" type="radio"/> Parliament  <input type="radio"/> Court Presidents  <input type="radio"/> Bodies within individual courts  <input type="radio"/> Judicial Administration Board  <input type="radio"/> other, please specify         </p> <p>The judicial remuneration shall be regulated by law, ensuring that (in accordance with Article 178(2) of the Polish Constitution) <i>"Judges are provided with working conditions and remuneration corresponding to the dignity of the office and the extent of their duties."</i></p> <p>In the case of ordinary courts, Article 91(1c) binds them with the average salary in the country. The basic salary of a judge in a given year shall be based on the average salary in the second quarter of the previous year. If the average salary is lower than the average salary announced in the preceding year, the basis for determining the basic salary of the judge in the previous amount is assumed (and therefore not reduced). The judge's basic salary shall be determined at the rates whose amount shall be determined using the multipliers of the basis for determining the basic salary in the country.</p>

- If there is a Council for the Judiciary in your country, has it other duties not mentioned here? Is it in a position to appoint or remove presidents of courts to and from the office? Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country?

The Council does not have the power to appoint or dismiss presidents of courts. On the other hand, it expresses its opinion on the dismissal of the President or Vice-President of the Ordinary Court and of the President or Deputy President of the Military Court.

In addition, within the framework of its competence, the Council:

- in the field of training: issues opinions on judicial application training programmes and annual timetables for training activities in the field of judges' training and professional development; indicates one member of the Programme Board of the National School of Judiciary and Public Prosecution; expresses its opinion on the appointment and dismissal of the Director of the National School of Judiciary and Public Prosecution;

- supervises the processing of personal data by the Constitutional Tribunal, Tribunal of State, Supreme Court, Supreme Administrative Court and courts of appeal, in the context of their proceedings;  
examine applications for retirement;

- elects a disciplinary representative for judges and deputy judges of ordinary courts disciplinary representative of military court judges (but at the same time cannot dismiss them);
- hears the appeals of judges against the division of activities in the court;
- examines applications for retirement from active service; considers the motions of judges (in inactive service) for return to the active service at the post of judge.

- If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country? n/a

### Legal basis

4. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

Existence of a Council for the Judiciary	<input checked="" type="radio"/> Constitution <input type="radio"/> Law <input type="radio"/> other, please specify
Composition	<input checked="" type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Selection of members including tenure and removal during tenure	<input checked="" type="radio"/> Constitution - <i>Article 187, in general terms</i> <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Tasks	<input checked="" type="radio"/> Constitution ( <i>Article 186</i> ) <i>In the most general terms, i.e.:</i> <i>- safeguards the independence of courts and judges.</i> <i>- may apply to the Constitutional Court for the constitutionality of normative acts in so far as they concern the independence of the courts and the independence of judges.</i> <input checked="" type="radio"/> Law <i>All other tasks are included in the acts of statutory rank, in particular in the Law on the KRS and in the Law on the Common Courts System, as well as in the laws relating to other branches of the judiciary.</i> <input checked="" type="radio"/> other, please specify <i>Rules of Procedure of the National Council for the Judiciary (adopted by Council's resolution)</i>
Resources, funding, administration	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Independence	<input checked="" type="radio"/> Constitution <i>To the extent that it ensures the tenure (the irrevocable 4-year term of office) for elected, judicial members of the Council.</i> <input checked="" type="radio"/> Law <input type="radio"/> other, please specify

- Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country? –

## Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there? 25
- Are there ex-officio members? Yes, there are. First President of the Supreme Court, Minister of Justice, President of the Supreme Administrative Court.
- How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances?

Judges – in active service – are fifteen members of the Council selected from among the candidates submitted - judges of the Supreme Court, ordinary courts, administrative courts and military courts, elected for a joint 4-year term. There are no specific requirements, but when making a choice, the Sejm, if possible, takes into account the need to represent judges of different types and tiers of the courts in the Council.

The following members are also judges: 1<sup>st</sup> President of the Supreme Court and President of the Supreme Administrative Court. A person appointed by the President of the Republic may also be judge.

- Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions)

Yes, it is possible and this potentially applies to 8 people out of 25 members: 4 members of the Sejm (lower house of parliament) elected by the Sejm itself, 2 senators elected by the Senate for a 4-year term, the Minister of Justice. Nor does a person appointed by the President of the Republic have to be the judge, although most often it is a judge in active service or *judge emeritus*.

6. Please describe the procedure of appointment:

- Who nominates the members? (judges or other institutions or authorities – please specify)  
A group of 25 judges or 2000 citizens of the Republic of Poland.
- Please describe the appointment system - see below
- If members are elected by Parliament, are these members elected with a simple or qualified majority?

The Sejm [lower house of parliament] elects 15 judges of the Council from among the nominated candidates for a joint four-year term, by a 3/5 majority in the presence of at least half of the statutory number of Members, by voting for the list of candidates.

In the case of failure to elect the members of the Council in this way, the Sejm shall elect the members of the Council by an absolute majority in the presence of at least half of the statutory number of its Members, by voting for the list of candidates.

The term of office of a member of the Council elected in view of the need to re-fill the mandate shall expire on the date of termination of the term of office of all the remaining members of the Council elected from among the judges.

7. How is integrity and independence of members ensured in the selection process and during their time on the Council?

In the selection process: For elected judicial members of the Council, who make up the majority of its composition, fairness and independence are ensured by transparency of the procedure, prior knowledge of the candidates, the possibility of debate (in the previous selection system, candidates were disclosed at the last minute and neither the debate nor list of candidates were made public). In addition, the Polish Constitution ensures that elected Members of the Council have the irrevocability of their joint 4-year term of office, which ensures their independence. In addition, the general guarantees of a member's independence as a judge strengthen his/her independence. Similarly, the general principles of accountability and access to the profession of judge strengthen confidence in his/her integrity, including as a member of the Council.

During the term of office of the Council, the integrity and independence of the members of the Council shall be ensured by the publicity of meetings broadcast live on the Internet, by the disclosure of resolutions published on the Council's website and by the institution of excluding a member of the Council from participating in resolutions which may not be fully impartial.

8. How is the President and/or Vice-President of the Council selected and appointed?

The Council shall elect a Chairperson, two Vice-Chairpersons and three members of the Presidium of the Council, from amongst its members. The term of office of each member of the Presidium of the Council shall be four years. Members of the Presidium of the Council may not serve more than two terms.

In the event of dismissal of a member of the Presidium of the Council, the Council shall make a supplementary choice at its next meeting.

The election of the Chairperson, Vice-Chairpersons and other members of the Presidium of the Council shall be carried out separately, with an unlimited number of candidates. If, on the first ballot, no candidate receives the required majority of votes, the candidate who received the least number of votes in the previous vote shall be excluded in each subsequent vote.

9. What is the term of office for a member of the Council?

The Sejm elects fifteen members of the Council from among the judges of the Supreme Court, ordinary courts, administrative courts and military courts **for a joint four-year term**. The joint term of office of the new members of the Council elected from among the judges shall begin on the day following that on which they were elected.

The members of the Council of the previous term of office shall act until the date of commencement of the joint term of office of the new members of the Council.

The Sejm elects four members of the Council from among its members for a period **of four years**. The Senate elects two members of the Council from among senators, for a period **of four years**. The members of the Council elected by the Sejm and the Senate shall perform their functions until new members are elected. This can happen earlier than after 4 years – if the parliamentary term has been shortened.



A person appointed by the President of the Republic of Poland shall perform his/her functions in the Council without marking the term of office and may be dismissed at any time. The term of office of the person appointed by the President shall expire at the latest three months after the end of the Term of Office of the President or the emptying of the office of President of the Republic.

The First President of the Supreme Court, the President of the Supreme Administrative Court and the Minister of Justice shall be members of the Council for the duration of these functions.

10. May a member be removed from office against his/her will and, if so, under what circumstances?

A member of the Council may not be removed from office against his will, except for a person appointed by the President of the Republic, whom the President may revoke at any time. *Ex officio* members lose their post as they lose their duties. Judicial members of the Council shall lose their membership when they lose their status as judges or retire from active service. The Minister ceases to be a member of the Council upon his dismissal from the Council of Ministers.

**Resources and management**

<p>11. Which body provides funding for the Council for the Judiciary?</p>	<p><input type="radio"/> MoJ  <input checked="" type="radio"/> Parliament  <input type="radio"/> other, if so specify</p> <p>The Council's revenue and expenditure shall form a <u>separate</u> part of the State budget. The draft revenue and expenditure plan shall be adopted by the Council and forwarded by the Chairman of the Council to the minister responsible for the budget drafting, for inclusion in the draft budget law adopted by the parliament each year.</p> <p>The administrator of budgetary part of funds corresponding to the Council shall be the Chairman of the Council.</p>
<p>12. Is the administration of the Council for the Judiciary independent from other branches of government?</p>	<p><input checked="" type="radio"/> yes <input type="radio"/> no</p>

**Relations within the Council for the Judiciary and within the judiciary**

13. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? If yes, what was the character of these conflicts and have they been solved?

Differences of opinion arising, have so far been constructively resolved in a spirit of compromise and are resolved through discussion in order to obtain the necessary absolute majority for the resolutions.

14. Have there been conflicts between the Council for the Judiciary and the judiciary? Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved?

During the Council's more than 30 years in office, there have sometimes been criticisms of its action. This is natural, as there are both satisfied and dissatisfied persons in every environment and different points of view about the operation of the body concerned, including the KRS, are expressed.

### **Relations with other branches of government, governmental bodies, civil society and media**

15. Have there been conflicts between the Council for the Judiciary and the executive or legislative? If yes, what was the character of these conflicts and have they been solved?

Yes, in many of Council's terms of office. They were of varying nature: concerned (among others) the rules on the remuneration of judges and other staff of the courts, the appointment of alumni of the National School of Judiciary and Public Prosecution as deputy judges (i.e. judge for a trial period, in Polish "asesor"), the amount of the common courts' budget. They were resolved through talks.

16. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed?

The Council may adopt a position on this matter, forwarding it to the relevant authorities, the media and also posting it on its website.

As regards legal remedies, the National Council for the Judiciary may apply to the Constitutional Tribunal for the constitutionality of legislative acts in so far as they concern the independence of the judiciary and the independence of judges. On the other hand, the Council itself, even if it considers that there has been an infringement of its powers, is not in a power to ask the Tribunal to resolve a competence dispute involving it. The authorities empowered to do so shall be: the President of the Republic of Poland; Marshal (speaker) of the Sejm; Marshal of the Senate; Prime Minister; President of the Supreme Audit Office; First President of the Supreme Court and President of the Supreme Administrative Court.

The last two persons are members of the National Council for the Judiciary and may make such a request if they consider it appropriate.

In theory, such a solution is permissible because the Constitutional Court, in Order No 1/20, considered that it was not inconceivable that a body other than that in dispute would make the request. The adoption of a different position would mean that the possibility of resolving a competence dispute would be limited to disputes between the entities referred to in Article 192 of the Constitution. However, the disposition of Article 189 speaks of the settlement of jurisdictional disputes between the central constitutional bodies of the State, which means that proceedings may be initiated before the Constitutional Tribunal for each of those bodies in dispute. Furthermore, the legislature, which, by designating, in Article 192 of the Constitution, the entities entitled to make a request, did not limit the legitimacy of those entities by requiring those entities to have an interest in bringing proceedings.

17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies?

The presidents of the appellate courts and the military circuit courts [*upper tier of military courts*] make a declaration of assets to the National Council for the Judiciary, which analyses the data contained therein and, if necessary, calls for their completion. The Council shall make

public the information contained in the declarations of assets of the aforementioned court presidents, in its Public Information Bulletin. One copy of the declaration of assets shall be forwarded to the tax office competent for the judge's place of residence.

Any interaction may occur if doubts are raised as to the veracity of the data or if they themselves raise doubts.

18. How does the Council for the Judiciary in your judicial system interact with NGOs?

If a lawyer, solicitor, notary, prosecutor or bailiff takes part in the procedure for appointment as a judge, the National Council for the Judiciary shall inform the relevant professional self-government of the meeting of the Council's team hearing that candidature. A representative of that self-government may attend a meeting of the team and give his/her opinion on the candidate.

Any NGO may submit its position, comments or proposals to the KRS. They shall be heard by the Complaints and Proposals Commission and, if necessary, by other substantive committees, by the Presidium and even by the Council *in pleno*.

The KRS is also in contact with representatives of trade unions of judicial staff workers.

19. How does the Council for the Judiciary in your judicial system interact with associations of judges?

The statutes of most judicial associations provide for the possibility of cooperation with the National Council for the Judiciary in order to achieve the objectives of the association's activities.

Interactions are, in principle, informal. On the other hand, judicial associations, like any stakeholder, may submit their opinions to the Council, in the form of resolutions, on the legal acts or other matters concerning judges. Consultation meetings between representatives of associations and representatives of the Council may also take place. In the course of preparing the judicial budget for the following year, it happens that the Council's budgetary committee consults representatives of associations or trade unions, in particular those of administrative staff of the judiciary.

20. How does the Council for the Judiciary in your judicial system interact with media?

The Council interacts with the media primarily through the action of the Council's spokesperson, assisted by a deputy spokesperson as well as a press team from within the office staff. The members of the Council's management also appear in the media. The Council also issues communications and information (including for the press) on its website.

21. What, if any, is the role of the Council for the Judiciary in the vetting of judges?

I. The verification / vetting of judges in Poland was of a very limited nature and mainly concerned the then-judges of the Supreme Court in June 1990. It involved shortening the five-year term of office (in force at that time) of judges of the Supreme Court under the Act of December 1990. The new composition of the Supreme Court was appointed by President W.

Jaruzelski at the request of the National Council of the Judiciary. At that time, 57 judges were appointed to four chambers of the Supreme Court, including 22 judges from the previous limited-tenure composition of the Court. No verification whatsoever was carried out in other segments of the judiciary. Moreover, even no shallower kind of verification was carried out, as the National Council of the Judiciary ruled in March 1990, immediately after its constitution, that "judicial independence and irremovability of a judge constitute the main constitutional rule", which led to assumption that "the concepts of carrying out vetting in the judiciary environment using administrative and disciplinary methods are unacceptable.". This attitude has sometimes been assessed critically<sup>1</sup>.

In addition, for over a dozen years now, judges applying for a judicial position or promotion, have submitted lustration declarations in which they must disclose whether they were collaborators of the secret services between 1944-1990. Submitting a false lustration declaration results in launching disciplinary proceedings, resulting in the dismissal of a judge from office. The National Council of the Judiciary does not significantly participate in this procedure, but as the body to which lustration declarations are submitted along with the candidate's other documents, it submits them immediately to the Vetting Office of the Institute of National Remembrance for examination (i.e. verification of their truthfulness).

II. With regard to the second meaning of the word "lustration" - i.e. examination of the activities of courts or individual judges - the Council may order the:

- 1) visit of the court or its organisational unit (covering the full administrative activity of the court or division);
- 2) vetting in the court (covering selected issues from the court's activity);
- 3) vetting the work of a judge or a deputy judge whose individual case is subject to examination by the Council.

These activities must not encroach on an area in which judges and deputy judges are independent. They can be conducted by members of the Council or by judges delegated to the Council's Office.

## **Challenges, developments**

22. Does the Council for the Judiciary in your judiciary face particular challenges? If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary.

- 1) A large number of vacancies for judges' posts and - as a consequence - an increasing number of competitions to fill them;
- 2) A large number of candidates in relation to the vacancies (e.g. 13 people were candidates for one position at the Provincial Administrative Court in Białystok).

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<sup>1</sup> see Antoni Dudek, *Rząd Tadeusza Mazowieckiego wobec reformy wymiaru sprawiedliwości*, in: „Chrześcijaństwo, Świat, Polityka”, 2018, issue 22 (2018), p. 125

23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how?

Regardless of the changes introduced in recent years, the basic competences of the National Council of the Judiciary (e.g. in the field of judicial career, issuing opinions on statutes, judicial ethics) have not changed significantly.

24. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? If so, what were the objectives of these reforms and have they been successful?

Yes, in 2018 there was a change in the election procedure for the judicial part of the Council members. The aim was to democratise the Council and increase its mandate and social trust through, inter alia, election of judges by elected representatives of the public and facilitation of membership to the district court judges, who constitute nearly 70% of judges and, so far, have been represented in the Council to a negligible extent. Like the previous election system, the current one was criticised by part of the public, the political class and some of the judges themselves. As even the first term of the Council elected in this manner has not ended yet, it is not yet possible to make an unequivocal assessment of the balance of its operations. Undoubtedly, the current composition of the Council turned out to be much more open to judges of lower tiers of courts, which, in the opinion of some critics, is its disadvantage.

25. In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced?

In Poland, the National Council of the Judiciary functions since February 1990.