



In a decision of April 8th 2020 (Case C-791/19 Commission v Poland), the European Court of Justice ruled that Poland must immediately suspend the application of the national provisions on the powers of the Disciplinary Chamber of the Supreme Court.

The Court, on the basis of a question referred by the Sąd Najwyższy – Izba Pracy i Ubezpieczeń Społecznych (Supreme Court – Labour and Social Insurance Chamber), found, *inter alia*, that EU law precluded cases concerning the application of EU law from falling within the exclusive jurisdiction of a court which is not an independent and impartial tribunal. According to the Court, that is the case where the objective circumstances in which the court concerned was formed, its characteristics and the means by which its members have been appointed are capable of giving rise to legitimate doubts, in the minds of subjects of the law, as to the imperviousness of that court to external factors, in particular, as to the direct or indirect influence of the legislature and the executive and its neutrality with respect to the interests before it and, thus, may lead to that court not being seen to be independent or impartial with the consequence of prejudicing the trust which justice in a democratic society must inspire in subjects of the law.

The Disciplinary Chamber of the Polish Supreme Court is not a court and cannot continue to act as one.

However, in a blatant disobedience to this decision of the European Court of Justice, this bogus body today waived the immunity of Beata Morawiec, judge of the District Court in Kraków, along with evident disciplinary sanctions that included a 50% salary cut.

Although the case against Judge Morawiec allegedly does not constitute a disciplinary proceeding, but a criminal one, it is clear that this supposed decision for such illegitimate body is not acceptable.

Therefore:

The European Association of Judges publicly expresses its unbreakable solidarity to Judge Beata Morawiec and to all independent Polish judges;

The European Association of Judges urges, once more, the European Commission to take all necessary measures to urgently reestablish the EU legal order in Poland.