



**FRANS TIMMERMANS**  
First Vice-President

Brussels, 30. 08. 2019

*Dear Presidents,*

*Thank you for your letter in which you expressed concerns on behalf of the European Association of Judges about the new disciplinary regime for judges in Poland. You also transmitted a letter from the Polish Judges association "IUSTITIA" on this topic. Please accept my apologies for the delay in replying to your letter.*

*On 3 April 2019, the European Commission launched an infringement procedure by sending a Letter of Formal Notice to Poland regarding the new disciplinary regime for judges. The Commission considers that the new disciplinary regime undermines the judicial independence of Polish judges by not providing the necessary guarantees to protect them from political control, as required by the Court of Justice of the European Union. The Commission also considers that Poland failed to fulfil its obligations to ensure the right of courts to request preliminary rulings from the Court of Justice. The functioning of the preliminary reference mechanism, which is the backbone of the EU's legal order, requires national courts to be free to refer to the Court of Justice for a preliminary ruling any question that they consider necessary, at any stage in the proceedings.*

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*Mr José Igreja Matos*

*President*

*Mr Mikael Sjöberg*

*Vice-President*

*Mr Duro Sessa*

*Vice-President*

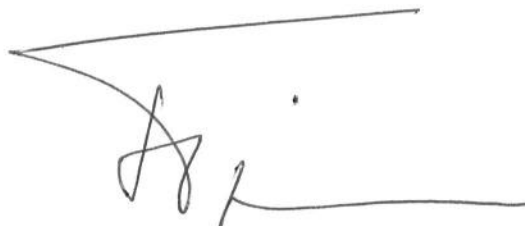
*European Association of Judges*

*E-mail: [secretariat@iaj-uim.org](mailto:secretariat@iaj-uim.org)*

*The Polish authorities replied to the Letter of Formal Notice on 1 June 2019. Following a thorough analysis of their response, the Commission concluded that it does not alleviate the legal concerns. The Commission therefore decided to move to the next stage of the infringement procedure and adopted, on 17 July 2019, a Reasoned Opinion with which Poland now has 2 months to comply<sup>1</sup>.*

*The Commission will continue to follow developments in Poland closely and remains strongly committed to upholding EU law and values in the interest of the citizens of Poland and of the rest of the European Union.*

Yours faithfully,

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a horizontal line and a small flourish at the end.

Frans Timmermans

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<sup>1</sup> For more information this measure, see [http://europa.eu/rapid/press-release\\_IP-19-4189\\_en.htm](http://europa.eu/rapid/press-release_IP-19-4189_en.htm)