



“Rule-of-law” cases against Poland adjourned for a further year

The processing of applications submitted in the context of the reorganisation of the judicial system in Poland – in what has been described by many observers as a “rule-of-law crisis” – has been further adjourned until 23 November 2026 to give more time to the Polish Government to adopt general measures following the *Wałęsa v. Poland* pilot judgment.

The Court currently has over 1100 pending cases against Poland concerning the judicial reform in Poland initiated in 2017. About 900 of those cases have been adjourned following the adoption, in 2023, of the pilot judgment in *Wałęsa v. Poland* (no. 50849/21, 23 November 2023). In that case, and in the light of previous judgments in which it had found breaches of the fundamental principles of the rule of law, separation of powers and the independence of the judiciary (see *Reczkowicz v. Poland*, *Dolińska-Ficek and Ozimek v. Poland* and *Advance Pharma sp. z o.o v. Poland* delivered in 2021 and 2022), the Court held that the violations of the Convention had originated in the interrelated systemic problems connected with the malfunctioning of domestic legislation and practice.

Finding that the resolution of the systemic situation required rapid action which should include taking appropriate legislative and other measures at the national level, the Court in the *Wałęsa* pilot judgment gave detailed indications as to the general measures to be taken by Poland. Similar cases were adjourned, pending the adoption of general measures by the Polish State.

The Court underlines that the existence of a systemic situation requires rapid action which should above all include appropriate legislative and other measures to be taken. According to the Court’s rulings the primary, systemic, problem is the defective procedure for judicial appointments involving the recomposed National Council of the Judiciary (NCJ) which inherently and continually affects the independence of judges so appointed (*Wałęsa v. Poland*, § 324).

In this respect the Court notes with concern that the Act amending the Act on the NCJ, adopted by the Parliament on 12 July 2024, and aimed at reversing the changes introduced as of 2017 which had deprived the members of the Polish judiciary of the right to elect judicial members of the NCJ and had enabled the executive and the legislature to interfere directly or indirectly in the judicial appointment procedure, has not been promulgated into law.

In November 2024 the Court agreed to extend for one year the adjournment decided in the *Wałęsa* pilot judgment (initially adjourned for one year). On 10 October 2025 the Polish Government requested a further extension of the adjournment. In support of the request, the Government provided the Court with information on measures already adopted and those under preparation, aimed at effectively resolving the systemic problems identified in the pilot judgment. Most notably they referred to the Draft Act on Restoring the Right to an Independent and Impartial Tribunal Established by Law which regulates the Effects of the National Council of the Judiciary’s resolutions Adopted between 2018 and 2025.

The Court has taken note of the Polish Government’s commitment to regularly report to the Court on progress in the enforcement of the *Wałęsa* pilot judgment. The Court notes that the execution of the pilot judgment and other judgments concerning the so-called “rule-of-law crisis” in Poland is being carried out under the supervision of the Committee of Ministers; and that, in line with their obligation under Article 46 of the Convention, the Government have been cooperating with the Committee of Ministers. The Court takes note of the decisions taken at the most recent meeting on 15-17 September 2025 with respect to execution of judgments against Poland ([CM/Del/Dec\(2025\)1537/H46-25](#); [CM/Del/Dec\(2025\)1537/H46-26](#)).

The Government have repeatedly reassured the Court of their commitment to promptly restore rule of law in Poland and introduce comprehensive reforms. They have underlined that, given the scale of the reforms, more time is required to take effective and comprehensive action. In this context, the Court has agreed to extend the adjournment of the cases concerned by the *Ważesa* pilot judgment for an additional year, that is until 23 November 2026. Nevertheless, in accordance with the pilot judgment, the Court will continue to deal with applications that raise different issues in the context of the independence of the judiciary.

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