



Deutscher **Anwalt** Verein

Press Releases

## Defending Judicial Independence in Poland - Urgent decision of the ECJ is an important step

### **Defending Judicial Independence in Poland - Urgent decision of the ECJ is an important step**

The European Court of Justice today, adopting different interim measures, decided that Poland must immediately suspend the application of the national provisions on the powers of the Disciplinary Chamber with regard to disciplinary cases concerning judges. The Disciplinary Chamber was established in 2018 and can dismiss any judge or prosecutor. Other regulations adopted in the course of the Polish judicial reforms are, however, also problematic as regards the rule of law: According to the so-called "Muzzle Law", in force since February 2020, judges are facing disciplinary proceedings if they submit a reference to the European Court of Justice for a preliminary ruling.

The DAV comments on this:

*"We expressly welcome today's decision of the ECJ. The situation for the Polish judiciary is very serious - judges are already facing numerous disciplinary proceedings. It is therefore an important step to suspend the jurisdiction of the Disciplinary Chamber, whose independence cannot be guaranteed. However, the efforts must not end here: It is crucial that the necessary steps are now also being taken against the recent tightening of disciplinary rules in Poland. The Commission is called upon to act urgently."*

Brussels/Berlin (DAV). A statement by Dr. Ulrich Karpenstein, member of the board of the German Bar Association (DAV), on the decision of the ECJ, that Poland must immediately suspend the application of the national provisions on the powers of the Disciplinary Chamber with regard to disciplinary cases concerning judges.

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