



CHAIRMAN
OF THE NATIONAL COUNCIL OF THE JUDICIARY
OF POLAND
No. WWM-006-5/18

Warsaw, 12 July 2018

Hon.

Mr. Kees STERK

President

**European Network of Councils for the
Judiciary**

Dear Mr. President,

Please find attached the answers to the questions asked by the European Network of the Councils for the Judiciary regarding the issues the ENCJ wanted to discuss at the meeting with the National Council of the Judiciary on 21 June 2018.

Chairman
of the National Council of the Judiciary

Judge Leszek Mazur

Answers to the questions asked by the European Network of the Councils for the Judiciary (ENCJ) regarding the issues the ENCJ wanted to discuss at the meeting with the National Council of the Judiciary on 21 June 2018

1 The Polish National Council of the Judiciary (KRS), as a body enshrined in the Constitution of the Republic of Poland, has existed continuously since its establishment in 1989. Amendments to the Act of 12 May 2011 on the National Council of the Judiciary introduced by the Amending Act of 8 December 2017 (Journal of Laws of 2018, item 389 as amended) did not create any new, distinct entity. As earlier, apart from judges, there are ex officio members of the Council as follows: the First President of the Supreme Court, the Minister of Justice, the President of the Supreme Administrative Court and a member appointed by the President of the Republic of Poland (Article 187(1)(1) of the Constitution of the Republic of Poland). Two groups of members of the Council are therefore chosen for a four-year term of office by means of elections – judges and members of parliament (Article 187(1)(2) and 187(1)(3) of the Constitution of the Republic of Poland). The terms of office of the two groups are calculated separately. Previous objectives and tasks of the Council remained unchanged as well. We are not a “new” Council, but the National Council of the Judiciary with a new, democratically elected, composition.

The National Council of the Judiciary is a state body of an EU Member State and it recognises the obligation to respect the European legal order.

The Council still has 15 judges among its members (plus the First President of the Supreme Court and the President of the Supreme Administrative Court), which means that their (judges’) votes are decisive (they hold a majority in the Council consisting of 25 members).

The amendments to the law by means of the Act of 8 December 2017 introduced a different method of choosing 15 judges sitting in the National Council of the Judiciary. Contrary to what is claimed by some circles, the judges were not proposed to become members of the National Council of the Judiciary by politicians. The judges-candidates were proposed by groups of judges (and in one case, by a group of judges and a group of citizens). Such a possibility for the judges’ community and citizens was created, for the first time in 27 years, by the Act of 8 December 2017 (see: appendix No. 1 “Information on the number of judges on the lists of persons supporting candidates to the National Council of the Judiciary”). The judges are not dependent in any manner whatsoever on the Minister of Justice or politicians. They were appointed to serve as judges long before the recent parliamentary or presidential elections. This fact, however, is of secondary importance in the light of Article 178(3) of the Constitution of the Republic of Poland, under which a judge shall not belong to a political party, a trade union or perform public activities incompatible with the principles of independence of the courts and judges. These rules are not breached by any judge sitting in the Council at the moment.

Before the amendments to the Act on the National Council of the Judiciary entered into force, judges-candidates were selected only by judges chosen in a complex system based on curial groups. Due to the provisions of the Act of 27 July 2001 – Law on Common Courts Organisation (Journal of Laws No. 98 item 1070) [known also as the Act on the System of Common Courts] in its version applicable before the amendments of December 2017, a group of approximately 7,000 judges of district courts (*sądy rejonowe*) was deprived of an adequate

representation (and, consequently, of the possibility of taking part in the elections to the National Council of the Judiciary) because of the model of judicial self-government adopted therein. [See: Appendix No. 2 "Representation of district court judges in the National Council of the Judiciary from 23 February 1990 to 7 March 2018 in comparison to the representation of judges of other courts (curial system)"].

At this point, it should be noted that the amendment of the Act on the National Council of the Judiciary of 12 May 2011 was not an autonomous (deprived of the judiciary's review) act of the legislative power interfering with the matters of the judiciary. The amendment to the Act originated from the ruling of the Constitutional Tribunal that declared unconstitutionality of Article 11(3) and (4) read together with Article 13(1) and (2) of the Act by the breach of Article 32(1) of the Constitution of the Republic of Poland, which provides for equality before the law and the right to equal treatment by public authorities (judgment of the Constitutional Tribunal of 20 June 2017, K 5/17). In particular, it was found unconstitutional to have, as it was adopted in the resolution of the National Council of the Judiciary, an individual model of terms of office of the Councils' members elected from among judges (which was, therefore, discriminatory when compared to the model applicable to other members of the Council) (see: Appendix No. 3 "Judgment of the Constitutional Court of 20 June 2017, Case File No. K 5/17 with the statement of grounds). Under the model, each member commenced and terminated its involvement in the Council at a different point in time. Therefore, as a matter of fact, there was no term of office for the body, but for individual members only.

As a result of the amendment to the Act on the National Council of the Judiciary (according to the judgment of the Constitutional Tribunal of 20 June 2017, Case File No. K 5/17), the aforementioned unconstitutionality specified in the judgment was removed through a legislative process. For the same reason, there is no legal ground to support the claim that the term of office of the National Council of the Judiciary as a body was unlawfully terminated. In fact, with respect to thirteen judges the terms of office expired before the first meeting of the National Council of the Judiciary in its new composition formed under the Amending Act of 8 December 2017 was convened.

It is also significant from the perspective of assessing the compatibility of establishing the National Council of the Judiciary in its new composition with the rule of law that the first meeting was convened by the First President of the Supreme Court. If she had been convinced of the unconstitutionality of the Council's appointment, the meeting would not have been convened by her.

When the legislator gave the society a possibility of being involved in the selection of members to the institution that "shall safeguard the independence of courts and judges", with such possibility being transparent to all citizens and in line with the rules of democracy, the society took advantage of this opportunity. The candidates were selected upon the will of citizens or upon the will of judges, while the representatives of the Nation (members of the Sejm of the Republic of Poland) showed respect to that selection by the act of appointment by means of a Sejm vote with the qualified, three-fifths majority. The National Council of the Judiciary has the strongest democratic mandate in history.

In particular, it is worth mentioning the democratisation of the process of proposing candidates to sit in the National Council of the Judiciary, both in terms of submitting candidacies by the judges' community and citizens. The names of candidates

became widely known long before they were elected to the National Council of the Judiciary. The method of electing candidates in a system based on curial groups, which was unclear for the majority of the society (and the judges' community) and caused undesirable developments consisting from time to time in "the fixing of candidate selection" by small groups of judges, was discontinued.

If a clearly faulty system of elections and operation of the Council existing before 8 December 2017 was regarded by the ENCJ as compliant with the standards envisaged in the ENCJ statutes and all European guidelines, then the concerns voiced by the ENCJ's representatives to the effect that the National Council of the Judiciary in its current composition falls short of standards seem incomprehensible.

2 The National Council of the Judiciary was a founding member of the European Network of Councils for the Judiciary (ENCJ) in 2004 and since then it has been actively involved in ENCJ work and it supports the objectives of the organisation. The reform of the judiciary in Poland has no impact on the National Council of the Judiciary's membership or on the attitude of its current members in this regard. Not only are the current members of the National Council of the Judiciary deeply interested in cooperation with the ENCJ, but there are also judges among them who do cooperate with international associations. Their experience became a perfect basis for the understanding of the idea laid down, among others, in statutes-based objectives of the ENCJ.

3. The National Council of the Judiciary endorses the aim of the ENCJ which is to improve the cooperation between and good mutual understanding amongst the Councils of the Judiciary and the judges of signatory states. The National Council of the Judiciary always sees the need for dialogue and cooperation within the framework of various judiciary systems represented by members of the Association. . The National Council of the Judiciary understands this cooperation as an ability to analyse, thoroughly and carefully, various situations encountered within the European Union and all over the world. It accepts the obligation to respect certain differences, in particular in the context of transformation, so that ENCJ members are not isolated or discriminated against. The members of the National Council of the Judiciary observed developments relating to judges in Turkey, they supported them within their associations and they possessed knowledge about the unprecedented scale of breaches of the rule of law and judicial independence in that country. However, it should be strongly emphasised that there can be no analogy whatsoever between the situation in Poland and in Turkey in terms of the rule of law and judicial independence. The Council hopes that in the course of further cooperation with the ENCJ any similar comparisons or juxtapositions will not be used and our mutual cooperation will be based on the rules set forth in the ENCJ statutes. No Polish judge or president of a court faced repressions or was deprived of employment or of retirement rights and judges kept the right to freedom of expression and the right to voice critical opinions on amendments to the Act on System of Common Courts, the Act on the National Council of the Judiciary or the Act on the Supreme Court, or on any matters relating to the legal system. Many former presidents of courts hold functions within courts, being visiting judges, heads of divisions, members of judicial collective bodies, or collective bodies of regional courts and courts of appeal.

4. Independence of courts and judges is one of the fundamental guarantees enshrined in the Constitution of the Republic of Poland. These rules were further developed in the national legislation. The National Council of the Judiciary believes that its legal structure is compliant with the ENCJ statutes. The method of electing judges to the National Council of the Judiciary has been changed by democratisation of the process; the description of the method has been included in point 1.

The introduction of such legislative solution does not contravene the rule under which a half of members sitting in a judiciary council should be judges chosen by the judges' community, since in accordance with Article 11a(2) of the Act on the National Council of the Judiciary, the entities entitled to submit a judge-candidate for a member of the Council are a group of at least 25 judges, excluding retired judges, or a group of at least 2,000 citizens of the Republic of Poland who are at least 18 years old, enjoy full capacity to perform acts in law and have all public rights.

Each of the current members of the Council was supported by at least 25 judges. The act of electing members to the National Council of the Judiciary remains entirely in compliance with point 27 and 46 of Recommendation 2010(12) (independence, efficiency and accountability) of the Committee of Ministers to member states signed on 17 November 2010 at the meeting of the Ministers' Deputies in Rome. It is also important that the new, entirely democratic system of electing judges to the constitutionally established body remains entirely compliant with point 20 of Recommendation CM/Rec (2010), which states that "judges, who are part of the society they serve, cannot effectively administer justice without public confidence". Approval of the society expressed by proposing a candidate who represents the judiciary certainly illustrates the required public trust.

5. One of the tasks of the National Council of the Judiciary was and indisputably still is to safeguard the independence of courts and judges (Article 186 of the Constitution of the Republic of Poland). The Council has been equipped by the legislator with a number of tools that enable performance of this constitutional duty. The National Council of the Judiciary, among others, adopts the collection of principles of judges' and trainee judges' professional ethics and ensures that those principles are followed; it also expresses opinions on the condition of judges and trainee judges; it expresses its opinions on matters concerning the judiciary, judges and trainee judges, brought under its agenda by the President of the Republic of Poland, other public authorities or bodies of judicial self-government; it gives opinions on draft legislation concerning the judiciary, judges and trainee judges, and it presents proposals in this regard; it adopts resolutions regarding applications to the Constitutional Tribunal to examine compliance with the Constitution of the Republic of Poland of normative acts within the scope concerning independence of courts and judges; it appoints the disciplinary proceedings representative for matters regarding judges of common courts and trainee judges and the disciplinary proceedings representative for matters regarding judges of military courts; it expresses opinions on appointment and dismissal of presidents and deputy presidents of common courts and military courts (Article 3 of the National Council of the Judiciary). The Council may also decree a visitation at the court, inspection at the court and inspection of the career of a judge or a trainee judge (Article 5 of the Act on the National Council of the Judiciary) and it is entitled to submit the motions for disciplinary actions against judges who breach the principles of judges' ethics (Article 19(1) of the Act on the National Council of the Judiciary).

Opinions expressed by some members of the judges' community which may be heard today and personal views adopted by them, which are repeated in mass media, harm the judiciary and are negatively perceived by the society. Therefore, the Council, which may establish ad hoc issue committees (Article 19(2) of the Act on the National Council of the Judiciary of 11 May 2011), exercised its right and set up the committee for investigating an individual issue that occurred in the Cracow circuit. As a part of the committee's actions, the National Council of the Judiciary will check facts, following the principle of hearing all the parties involved. The position on this matter will be adopted in full respect to the rule of law, independence of judges, freedom of expression, but also apoliticism required in this profession (Article 178(3) of the Constitution of the Republic of Poland).

6. The National Council of the Judiciary is bound by the rule set forth in Article 2 of the Constitution of the Republic of Poland, which stipulates that the Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice. Upholding and preserving the rule of law is, therefore, not only a duty of the National Council of the Judiciary, but also of all state authorities. The right to a fair trial is treated in Poland as a fundamental principle of the legal system and it is also expressed in the Constitution of the Republic of Poland. In accordance with Article 45(1) of the Constitution of the Republic of Poland, everyone has the right to a fair and public hearing of his case, without undue delay, before a competent, impartial and independent court, while exceptions to the public nature of hearings may be made for reasons of morality, State security, public order or protection of the private life of a party, or other important private interest.

The National Council of the Judiciary was established to safeguard the independence of courts and judges (Article 186(1) of the Constitution of the Republic of Poland). The Council has been equipped, by means of statutory acts, with a number of legal instruments mentioned in the answer to the previous question that are supposed to facilitate the performance of the Council's constitutional duty. To preserve the rule of law in Poland, the Council has the right, provided for in the Constitution of the Republic of Poland (Article 186(2)), to make application to the Constitutional Tribunal regarding the conformity to the Constitution of normative acts to the extent to which they relate to the independence of courts and judges.

7. The National Council of the Judiciary shapes its relation with other state powers correctly. Both the Minister of Justice and four members of the Parliament are members of the Council, which enables uninterrupted communication between the judiciary and legislative and executive powers. The National Council of the Judiciary does not expect to enter into any conflict with other state powers due to the necessity of observing the constitutional principle of cooperation among branches of powers and due to the constitutional principle of the separation of powers. Any divergences of opinions will be explained through a dialogue and mutual search for solutions satisfying all the parties. As a part of its activity, the Council in its current composition set "the Committee for the Reform of the Judiciary". One of the objectives of the Committee is to monitor and supervise the effects of changes made to the judicial system and to take actions in this regard within the scope of its competences. It is a proof of a total independence of the Council from the two other branches – legislative and executive ones. The Council will not stay passive towards the reforms which are being carried out and their effects.

8. The candidacies of members to the National Council of the Judiciary referred to in Article 187(2) of the Constitution of the Republic of Poland (fifteen members selected from amongst the judges of the Supreme Court, common courts, administrative courts and military courts) were submitted in accordance with Article 11a(2)(1) and Article 11a(2)(2) of the Act on the National Council of the Judiciary by a group of at least 25 judges and, in one case, additionally by the group of approximately 5,000 Polish citizens. The judges, assisted by the candidate's representative (attorney-in-fact) who is a judge and acts upon the candidate's expression of will to take part in the statutorily and constitutionally acceptable act of submitting a candidacy, submitted a candidacy of a judge together with such judge's written consent for being a candidate (last sentence of Article 11a(5) of the Act on the National Council of the Judiciary) to the Speaker of the Sejm.

In practice, judges-candidates had earlier addressed other judges, usually from their own judicial circuit (but some candidates addressed also other regions), to obtain their support, retired judges being excluded. This is what the process of proposing candidates taking part in the new procedure of electing judges to the National Council of the Judiciary looked like.

The candidate who apart from being supported by at least 25 judges was supported also by citizens, had been an advocate for the period of 23 years before being nominated to the administrative court. The legal practice as an advocate was carried out during the Martial Law and in later 1980s. When the legislator gave the society a possibility of being involved in the selection of members to the institution that safeguards the independence of courts and judges, with such possibility being transparent to all citizens and in line with the rules of democracy, citizens used this opportunity to express their trust towards the candidate. In the Silesia only, where the candidate acted in court rooms as a defence attorney for innocent defendants deprived of employment and facing charges brought by communist authorities, as well as supported their families, and where the candidate has been serving as a judge for 14 years, 2,500 votes supporting the candidate were collected within three days.

One of the candidates was proposed by a group of at least two thousand citizens of the Republic of Poland who are at least 18 years old, enjoy full capacity to perform acts in law and have all public rights, in accordance with Article 11a(2)(1) of the aforementioned Act. The first fifteen of citizens of the list of supporters specified their attorney-in-fact. The candidate had expressed to the citizens his will to be a candidate before signatures on the list of support were collected. Subsequently, the candidate provided a written consent for being a candidate (last sentence of Article 11a(5) of the Act on the National Council of the Judiciary). All in all, the candidate in question was not indicated by any parliamentary club. Some parliamentary clubs refused to indicate any candidate.

Finally, the members from amongst (eighteen) submitted candidates was elected by the Sejm of the Republic of Poland (Article 11d of the Act on the National Council of the Judiciary) after candidacies were submitted by the candidate's attorney-in-fact and after the written consent of a judge for being a candidate was obtained.

It should be emphasised that candidates were proposed by the judges' community, in large majority, only from the circuit in which a given candidate serves as a judge, but in some cases also from other circuits.

The fact that in January 2018 there were eighteen candidates proposed out of the total number of approximately ten thousand judges in Poland was not very different from the situation regarding the proposals in years: 2006, 2010, 2014 (see: Table No. 3 and 4 “Judges-candidates for 15 seats in the National Council of the Judiciary in 2016–2018 (out of 10,000 judges in Poland)”).

This method of choosing members of the National Council of the Judiciary does not affect their attitude to the legislative power because, being judges, they are independent and subject only to the Constitution and statutes (Article 178(1) of the Constitution of the Republic of Poland). No Polish judge can be deprived of his or her virtue of being independent by the fact that he or she was chosen by the Sejm, because tradition and awareness of how important the independence of courts and the judiciary is has been shaped, in the case of the candidates in question, after the period of time when judges were dependent on political power, namely 1989. The judges who were candidates to the National Council of the Judiciary became judges after 1990 (see: table No. 1), but this matter is anyway dealt with by Article 178(3) of the Constitution).

Judges had various motivations to become candidates. For example, one of the judges declared during the Meeting of Delegates of SSP *Iustitia* (Association of Polish Judges) held in Mszczonów on 10 February 2018 that he was driven by the concern for the interest of the State and willingness to follow postulates formulated by the pro-reform community of judges; another judge (at the same meeting) said that he regarded his submission as compliant with the applicable legal order and his own conscience (records of the Meeting of Delegates of SSP *Iustitia* of 9–11 February 2018). He stated in press articles that for many years he has wished for changes of a non-democratic formula of the earlier provisions regarding the National Council of the Judiciary. Another judge stated that he was encouraged to submit his candidacy by a transparent procedure of elections to the National Council of the Judiciary compliant with the rules of democracy (records of the meeting of 21 June 2018 with the ENCJ delegation, Warsaw, the National Council of the Judiciary's registered office). Motives and reasons for taking part in the election procedure were also described in public statements off/interviews with judges-candidates (usually in newspapers), among others in an opinion-making daily newspaper ‘*Rzeczpospolita*’ in a series of interviews published in the election period. All of the information is available online with the names of candidates.

The opinions on judges-candidates drafted by the president of the court in which a given judge-candidate was employed, professional experience of each judge-candidate, as well as information about their social activity and culture of executing the office, with findings of visits or inspections (Article 11a(6) of the Act) were published after the candidacies were submitted to the Speaker of the Sejm. The above information was analysed by the public for approximately one month.

In the previous system of electing candidates, the opinions on the candidates were expressed orally at closed meetings during the deliberations of judicial electors and immediately after such presentation the list of candidates was closed, while the closed circle of electors representing circuit courts, courts of appeal, administrative courts, the Supreme Administrative Court and military courts proceeded to vote. Any verification was impossible, while any discussions were less than occasional.

(Records of judicial meetings from 2006-2010-2014 kept in the archive of the National Council of the Judiciary).

Signatures on the lists of support were verified against the official registers of the Ministry of Justice and checked with the National Curial Commission (in the case of the lists of citizens supporting the submission). Therefore, at least the attorney-in-fact, the Speaker of the Sejm and the Minister of Justice acquired knowledge about who signed the lists of support. The same knowledge was possessed also by judges signing the lists of support. This issue will be resolved after the judgment of the Provincial Administrative Court of 12 July 2018 became final (reference number II SA/Wa 520/18).

It should be noted that in the previous system the information about the choice of a candidate was classified. Elections of judges who were entitled to be electors were secret.

9. Article 187(1)(1) and (2) of the Constitution of the Republic of Poland specifies the judicial composition of the National Council of the Judiciary. The basic law does not specify, however, who is entitled to choose judges sitting in the National Council of the Judiciary.

Doubts expressed by some part of the judges' community in relation to the wording of this provision, caused by the interpretation of Article 187(1)(1) and 187(1)(2) of the Constitution of the Republic of Poland, with such interpretation having its roots in the systemic and political reality of the late Polish People's Republic, do not correspond to the current context. When the National Council of the Judiciary of those times was established, judges were still politicised as the majority of them belonged in the past to the Polish United Worker's Party. Meanwhile, the legislator, when amending the Act on the National Council of the Judiciary, decided that given the wording of Article 4 of the Constitution of the Republic of Poland, it is reasonable to make the elections of members to this collective body fully democratic by granting this right to the Sejm of the Republic of Poland, whose composition is decided about at general elections. Pursuant to Article 96(1) and (2) of the Constitution of the Republic of Poland, the Sejm consists of 460 members, while elections thereto are universal, equal, direct and proportional and are conducted by secret ballot. Members of the Sejm are representatives of the Nation (Article 104(1) of the Constitution of the Republic of Poland). The Nation by the majority of valid and indisputable votes made a specific choice. This is in line with the overriding rule provided for in Article 4(1) and (2) of the Constitution of the Republic of Poland, under which supreme power in the Republic of Poland is vested in the Nation that exercises such power directly or through their representatives. It should be emphasised that the function consisting in creating bodies within the Polish legal system is a function of the Sejm of the Republic of Poland.

Interpretative doubts exist because the Polish judiciary system has not been entirely deprived of the remains of communism in Poland, as it was the case in the former German Democratic Republic, where the compositions of all courts were fully replaced. The resolution of the Supreme Court of 20 December 2007 ((I KZP 37/07) may serve as a proof for the fact that changes made in the judiciary system were not complete. This resolution gives a perfect answer to the question whether judges adjudicating in numerous political processes and issuing sentences of long-term

imprisonment were held accountable. The Supreme Court adopted a resolution having the effect of a legal rule, in which it stated that: "courts adjudicating in criminal cases pertaining to offences contrary to the State Council's decree of 12 December 1981 on the Martial Law were not released from their obligation to apply retroactive criminal provisions of statutory rank".

The resolution of the Supreme Court put an end to the attempts of holding accountable judges who sentenced many Polish citizens facing indictments for purely political reasons. In practice, "it was binding not only for courts, but also for other state bodies. This could take a form of so-called chilling effect by effectively discouraging law enforcement bodies from making any attempts to hold accountable judges who issued sentences based on retroactive provisions of the Decree on the Martial Law". This issue was raised at the meeting of the Council of Europe by the Polish Prime Minister, Mateusz Morawiecki. Professor A. Strzembosz commented Resolution SN I KZP 37/07 as follows (A. Strzembosz. *Między prawem a sprawiedliwością [Between law and justice]*, Warsaw 2017, p. 144): "There are certain rules that simply are in the air! They are derived from the legal culture of our civilisation and they must be recognised and absolutely applicable! No matter whether *lex retro non agit* is or is not written down in the constitution, for each judge it should be unquestionable that they have no moral right to convict anybody pursuant to an act which the defendant could not become acquainted with. No one can be punished for an act when one could not know that such act is unlawful! Unfortunately, the fact that the Supreme Court of the independent Republic of Poland made such resolution is a harmful burden for that court".

Some doubts expressed by a group of lawyers are therefore based on a forecast of future developments. It may be even stated that attempts are made to intimidate others with the future. It is impossible to predict in advance the effects of the changes made, especially when many experienced judges of the supreme court judge rank or common court judges make different forecasts than some judges opposing the changes. The escalation of concern is not welcomed when the solutions stay within the framework of the applicable legal order and are not significantly different from other existing solutions (such as the model applicable in the Kingdom of Spain or the judiciary models of other countries where there are no councils for the judiciary).

The National Council of the Judiciary believes that its future activity and qualifications will convince the judges' community that it safeguards constitutional values and acts to the benefit of the independence of courts and judges. The best tool to achieve this objective is full transparency of the National Council of the Judiciary's work along with the strict observance of applicable legal provisions. This was achieved, among others, by introducing, through a statutory act, the obligation to make audio-visual broadcast of the Council's meetings available via Internet. High constitutional and ethical standards followed by the National Council of the Judiciary should convince judges that it acts for the benefit of the rule of law and the independence of the judiciary in Poland.

10. The National Council of the Judiciary due to its position within the legal system is, since its beginnings, an important state body acting to the benefit of the judiciary in Poland and expressing concern for the judiciary's interest. The Council intends to continue this mission. Judges in Poland have the full right to express their opinions on universally applicable law. As long as the behaviour of a judge does not breach

the principles of judges' ethics, it cannot have any impact on the proceedings conducted before the National Council of the Judiciary.

The National Council of the Judiciary strives for dialogue and listens to the voices of the judges' community. This is illustrated with the fact of setting up committees for specific issues, as mentioned earlier. The Council is a body that safeguards the independence of courts and judges and, to this end, it observes the current and planned legal situation, as well as the current political situation. The Council does not only speak for independence of the judiciary, but also acts to its benefit. The Council provides its assistance as a forum of dialogue for judges from various associations and judges who advocate for independence of the judiciary.

INFORMATION ON THE NUMBER OF JUDGES ON THE LISTS OF SUPPORT FOR CANDIDATES TO THE NATIONAL COUNCIL OF THE JUDICIARY

| | |
|---|---|
| 1.Dariusz Drajewicz (judge since 2005) | 25 (JoCC, JoDC) |
| 2.Jarosław Dudzicz (judge since 2008) | 37 (JoCC, JoDC) |
| 3.Grzegorz Furmankiewicz (judge since 2007) | 28 (JoCC, JoDC) |
| 4.Marek Jaskulski (judge since 1992) | 28 (JoCC, JoDC, JoPAC) |
| 5.Joanna Kołodziej-Michałowicz (judge since 2006) | 29 (JoCC, JoDC) |
| 6.Jędrzej Kondek (judge since 2016) | 29 (JoCC, JoDC) |
| 7.Teresa Kurcysz-Furmanik (judge since 2004) | 32 (JoPAC, JoSAC, JoDC) (and #5000 citizens) |
| 8.Ewa Łapińska (judge since 1997) | 27 (JoCC, JoDC) |
| 9.Zbigniew Łupina (judge since 1990) | 59 (JoCC, JoDC) |
| 10.Leszek Mazur (judge since 1994) | 54 (JoCC, JoDC, JoAC) |
| 11.Maciej Mitera (judge since 2003) | 25 (JoCC, JoDC) |
| 12.Maciej Nawacki (judge since 2007) | 29 (JoCC, JoDC) |
| 13.Dagmara Paweńczyk-Woicka (judge since 2001) | 30 (JoCC, JoDC, JoPAC) |
| 14.Rafał Puchalski (judge since 2003) | 25 (JoCC, JoDC, JoPAC) |
| 15.Paweł Styrna (judge since 1999) | 26 (JoCC, JoDC) |

JoDC- Judges Of The District Courts

JoCC- Judges Of The Circuit Courts

JoPAC- The Judges Of The Provincial Administrative Courts

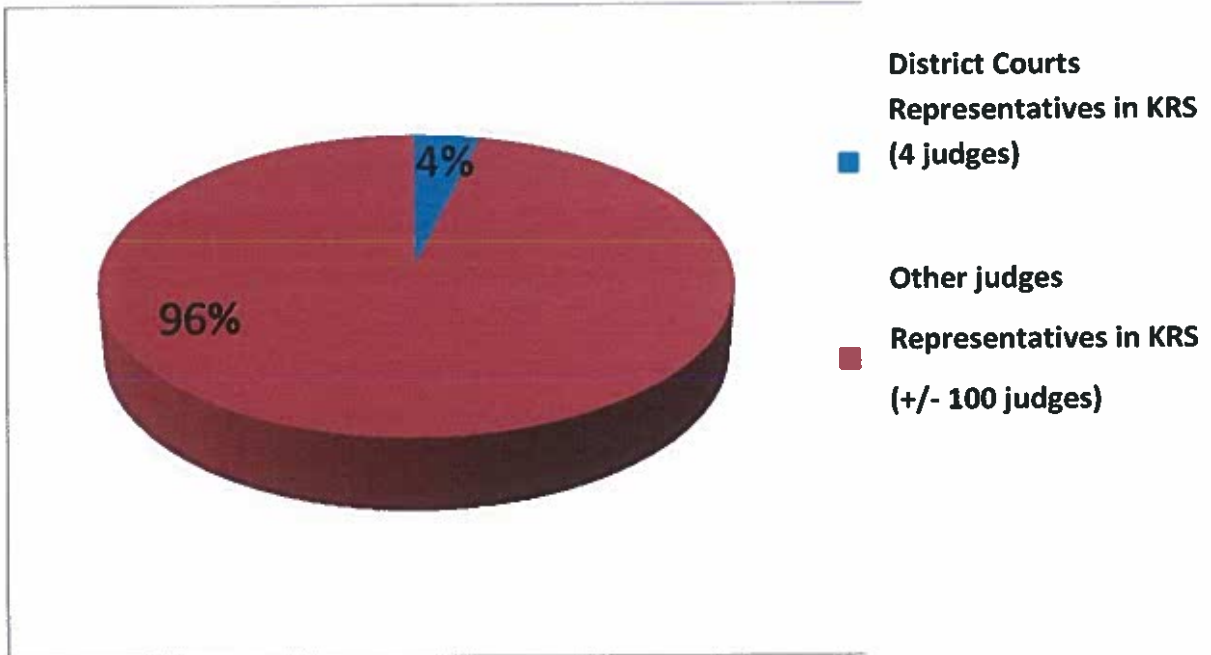
JoSAC- The Judges Of The Supreme Administrative Court

JoAC - Judges Of The Appeal Courts

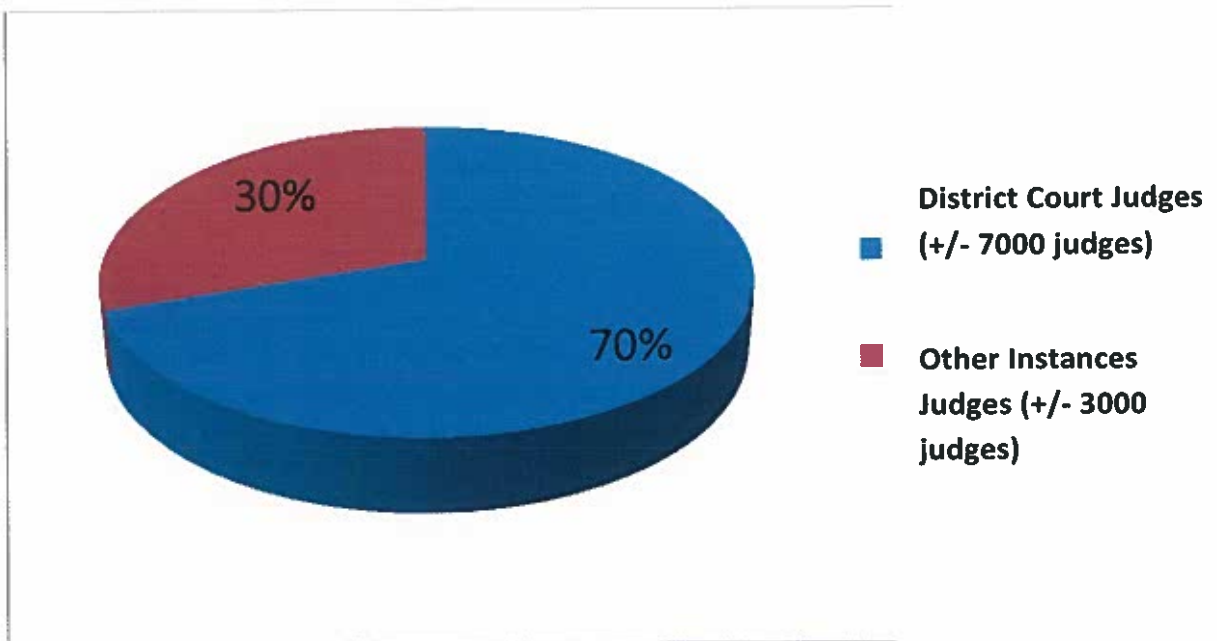
*Judges from the list of support are in 90% judges of the judicial districts of the members of the National Council of the Judiciary

**Information on the basis of a survey among the members of the Council on 6 July 2018 year

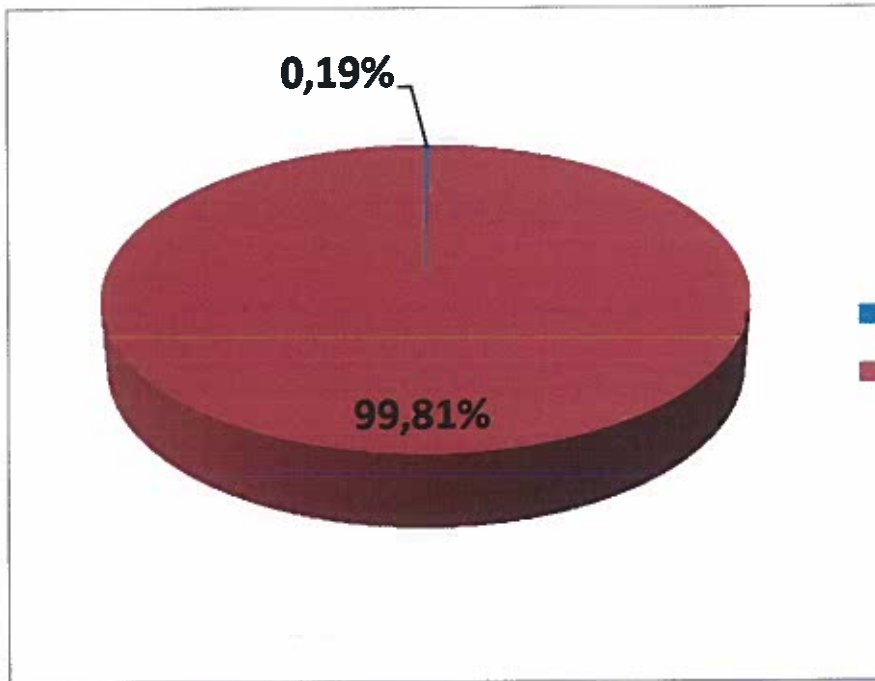
PICTURE OF THE REPRESENTATION OF JUDGES OF THE DISTRICT COURTS IN THE NATIONAL COUNCIL OF THE JUDICIARY in the years 23.02.1990 to 6.03.2018 on the BACKGROUND OF THE JUDGES FROM OTHER INSTANCES (CURIAL SYSTEM)



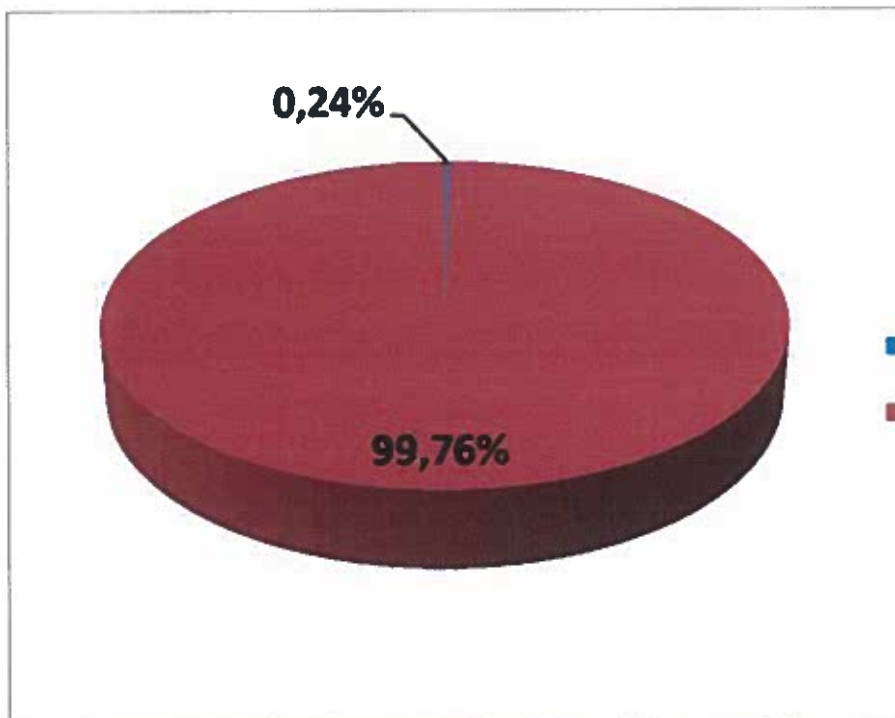
THE NUMBER OF DISTRICT COURTS JUDGES AND JUDGES OF OTHER INSTANCES



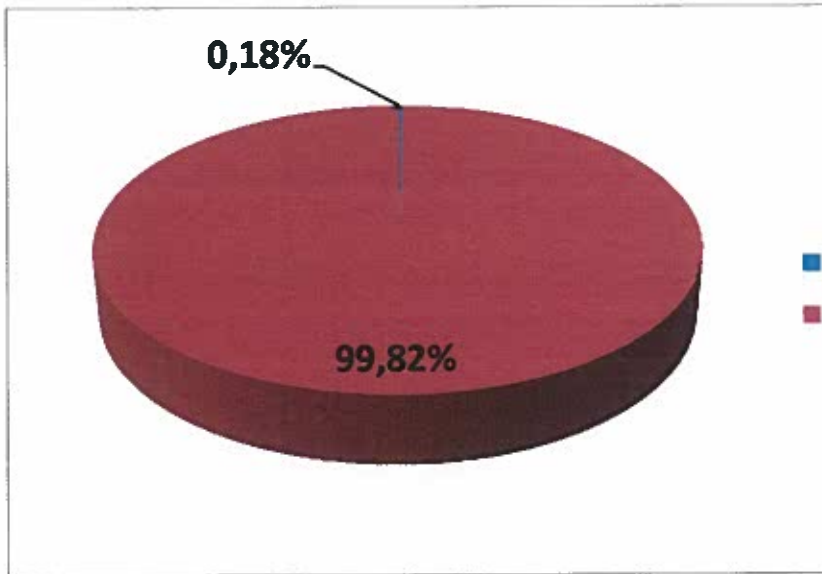
AMOUNT of JUDICIAL CANDIDATES FOR 15 SEATS IN THE NATIONAL COUNCIL OF THE JUDICIARY in the years 2006-2018 (+/-10 000 judges)



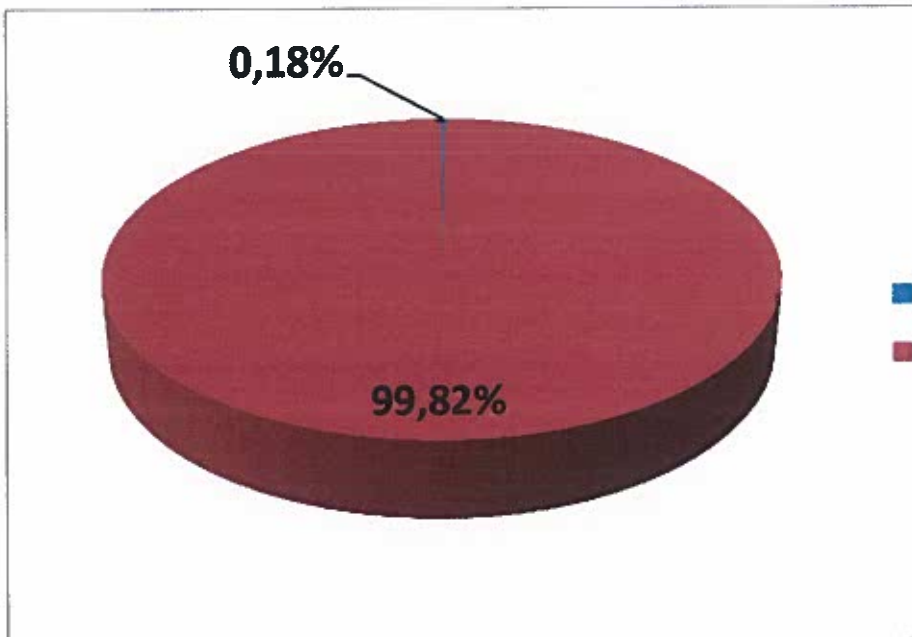
2006



2010



2014



2018