



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Issues that the ENCJ delegation would like to discuss at the meeting with KRS on 21 June 2018

1. In the view of the KRS members, is the new KRS a continuation of the previous Council, or do the amendments to the law mean that there is in fact a new organization?
2. Does the KRS wish to continue its involvement in the ENCJ?
3. Does the KRS endorse 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 its judiciary?
4. To what extent is the current legal set-up of the KRS in compliance with the ENCJ statutes, in particular as regards its independence of the executive and legislature? In particular, do the principles of the formation of the new Judicial Council meet the essential requirement of ENCJ that half of the national Judicial Council should consist of the judges that had been elected by the judges' community?
5. In what way is the Council planning to act to ensure the final responsibility for the support of the judiciary in the independent delivery of justice?
6. Does the KRS adhere to the values of ENCJ and its vision that to uphold and preserve the Rule of Law is a responsibility for both the judiciary and other state powers. Access to fair, independent and impartial courts as the key institutions of an independent judiciary is a fundamental right also laid down in article 47 of the EU Charter of Fundamental Rights. How will the KRS contribute to the preservation of the Rule of Law in Poland. And how does it see its role in the EU?
7. How does the KRS expect to shape its relation with the other state powers? How will the relations with the Minister of Justice and the Parliament develop? On which points does KRS expect to run into conflict with the other State Powers.
8. How were the judicial members proposed as candidate? How were they appointed? With what majority? Does this method of appointment influence their relation with the legislature? If yes, in what way?
9. How would you explain why part of the Polish judges nevertheless have doubts that the new Judicial Council will guarantee the observation of the Rule of Law principle and independence of the judiciary? What means, in your opinion, would be appropriate to ensure the support of the Polish judiciary and to persuade the judges and make them feel secure that the above mentioned principle will be observed in the further activity of the Judicial Council?
10. How does KRS expect to shape its relation with the judiciary? How does the KRS for instance intend to deal with the former Members of the KRS, judges active in the various judges associations and other judges that speak out for the independence of the judiciary?