



NETWORK OF THE PRESIDENTS  
OF THE SUPREME JUDICIAL COURTS  
OF THE EUROPEAN UNION  
RÉSEAU DES PRÉSIDENTS  
DES COURS SUPRÊMES JUDICIAIRES  
DE L'UNION EUROPÉENNE



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

To:

The president of the European Commission,  
Frau Dr. U. von der Leyen

From:

The president of the European network of presidents of Supreme Courts,  
Jean-Claude Wiwinius

The president of the European Association of Judges,  
Jose Igreja Matos

The president of the European network of Councils for the Judiciary,  
Kees Sterk

Brussels, 21 February 2020

Dear Madam,

On 20 September 2019, we, the presidents of the judicial organizations in the European Union, wrote you a letter to express our deep concern about the fact that several Member States are systematically undermining the core values on which the Union is based.

We reiterated our believe that without the core value of an independent judiciary in all Member States, the Union will eventually cease to exist as a common space for Democracy and Rule of Law, and in the process, will affect its internal market to the core.

The letter resulted in separate meetings with Vice-president Jourova and Commissioner Reynders on 30 January last. We were very pleased to hear that both members of the Commission are consistently working to uphold and to strengthen the Rule of Law in the Union. Allow us to mention as a good example the interim measures asked by the European Commission to the ECJ in the case of the Disciplinary Chamber of the Supreme Court of Poland.

At some point the Polish law “the Muzzle” (Law of 20 December 2019) was discussed in both meetings. This law has been enacted as from 14 February last. We all agreed that this law is in clear violation of European Law and undoubtedly affects the judicial independence to the core. It has provisions where judges must be disciplined because of the content of their

judgements, for applying European Law and for asking preliminary questions to the ECJ. On 4 February a first Polish judge has been suspended for life and his salary was reduced by 40%, because he applied European Law.

Therefore, we strongly demanded for the immediate start of an infringement procedure and interim measures as to this law. Both members of the Commission vigorously supported our appeal, but also mentioned that they were not totally confident about a sufficient support within the Commission.

Just these unsettling answers justify that we write to you again. This matter has evidently become Chefsache.

Therefore, we kindly request you, Madam President, for a personal meeting expressing our views that any strategy which considers judicial independence a bargaining chip against geopolitical issues or other policies, like climate ones, are completely mistaken. The same goes for politicians who think that the destruction of the Rule of Law will not undermine the internal market or, eventually, the preexistence of the European Union in its present form. Please, Madam President, give us, as soon as possible, the welcomed opportunity to provide you with our arguments to combat these opinions.

We will send a copy of this letter to the President of the European Council, Charles Michel, to Vice-president Vera Jourova and to Commissioner Didier Reynders.

Yours sincerely,



Jean-Claude Wiwinius  
President of the Network of Presidents of Supreme Courts



Jose Igreja Matos,  
President of the European Association of Judges



Kees Sterk  
President of the European network of Councils for the Judiciary