Amendment 66
Jadwiga Wiśniewska, Joachim Stanisław Brudziński, Elżbieta Kruk
on behalf of the ECR Group

Report **A9-0138/2020**
Juan Fernando López Aguilar
Determination of a clear risk of a serious breach by the Republic of Poland of the rule of law
2017/0360R(NLE)

Motion for a resolution
Paragraph 18

Motion for a resolution	*Amendment*
18. ***Shares the Commission's concern*** that the ***power*** of the President of the Republic of Poland ***(and in some cases the Minister of Justice) to exercise influence over*** disciplinary proceedings against Supreme Court judges ***by appointing a disciplinary officer who will investigate the case, excluding the disciplinary officer*** of the ***Supreme Court from on-going proceedings, raises concerns as regards the principle of separation of powers and may affect judicial independence***[51] ;	18. ***Recognises*** that the ***powers*** of the President of the Republic of Poland ***to appoint a disciplinary officer in*** disciplinary proceedings against Supreme Court judges ***are part*** of the ***mechanism of governmental checks and balances***;

[51] See Commission Reasoned Proposal of 20 December 2017, COM(2017) 835, para. 133. See also OSCE-ODIHR, Opinion on Certain Provisions of the Draft Act on the Supreme Court of Poland (as of 26 September 2017), 13 November 2017, p. 33.

Or. en

Amendment 67
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Motion for a resolution
Paragraph 19

Motion for a resolution	*Amendment*
19. ***Recalls that the Court of Justice, in its judgment of 24 June 2019[52] , found that lowering the retirement age of sitting judges of the Supreme Court is contrary to Union law and breaches the principle of the irremovability of judges and thus that of judicial independence, after it had earlier granted the Commission's request for interim measures on the matter by order of 17 December 2018[53] ;*** notes that the Polish authorities ***passed the Act of 21 November 2018 amending*** the Act on the Supreme Court[54] in order to comply with the ***order of the*** Court of ***Justice, the only instance so far in*** which ***they undid changes to the legislative framework governing the justice system in connection with a decision by*** the Court of Justice;	19. Notes that the Polish authorities ***have adopted an amendment to*** the act on the Supreme Court in order to comply with the Court of ***Justice's order,*** which ***is seen as evidence of the willingness of the Polish authorities to cooperate and engage in dialogue with the Union bodies, including in the reform of the judiciary following*** the Court of Justice ***ruling, although this area remains an exclusive competence of the Member States***;

52 Judgment of the Court of Justice of 24 June 2019, Commission v Poland, C-619/18, ECLI:EU:C:2019:531.

53 Order of the Court of Justice of 17 December 2018, Commission v Poland, C-619/18 R, ECLI:EU:C:2018:1021.

54 Ustawa z dnia 21 listopada 2018 r. o zmianie ustawy o Sądzie Najwyższym (Dz.U. 2018 poz. 2507).

Or. en