

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Joint contribution of 7 NGOs:

- 1) Batory Foundation
- 2) Citizens Network Watchdog Poland
- 3) Civic Development Forum
- 4) Free Courts
- 5) Helsinki Foundation for Human Rights
- 6) Institute of Public Affairs
- 7) National Federation of Polish NGOs

Main Areas of Work

- ☒ Justice System
- ☒ Anti-corruption
- ☒ Media Pluralism
- ☒ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

- 1) <https://www.batory.org.pl/en/>
- 2) <https://siecobywatelska.pl/?lang=en>
- 3) <https://for.org.pl/>
- 4) <https://wolnesady.org/aktualnosci/>
- 5) <https://hfhr.pl/en>
- 6) <https://www.isp.org.pl/en/about-us>
- 7) <https://ofop.eu/eng/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

- 1) Batory Foundation: 10828394017-54
- 2) Citizens Network Watchdog Poland: 384760948458-33
- 5) Helsinki Foundation for Human Rights: 657241221166-37
- 6) Institute of Public Affairs: 884313938581-87
- 7) National Federation of Polish NGOs: 558046445201-01

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria

- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☒ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Maciej

Surname

Kalisz

Email Address of the organisation

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*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).

- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

N/A

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☒ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

In 2024, efforts to restore the rule of law and judicial independence primarily focused on policy changes. These included, among others, ceasing smear campaigns against the judiciary, efforts to reinstate the independence of the prosecution service, and replacing court leadership in consultation with the judicial community.

However, no legislative changes have been introduced to restore the independence of the judiciary. Although the Parliament worked on draft legislation concerning the National Council of the Judiciary and the Constitutional Tribunal, these proposals have not come into force.

Significant issues highlighted in the Action Plan, such as the status of the so-called "new judges," remain unresolved. In September 2024, the government presented a draft framework to address this issue, but no specific legislative proposals have been presented to date. Further work on draft proposals concerning judicial independence and court system reforms requires an in-depth analysis of international and constitutional standards, as well as a pragmatic assessment of how the proposed changes may affect the judiciary's ongoing functioning. Very little progress appears to have been made in this regard in 2024. The absence of thorough analytical and comparative studies will likely delay introduction of reforms when political opportunities arise.

The government declared its readiness to implement key judgments of the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU) concerning judicial independence. Nonetheless, none of these judgments have been fully implemented, largely due to a lack of political consensus between the governing majority and the President, as well as the absence of a clear government strategy to restore the rule of law.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

National Council of Judiciary

The lack of independence of the National Council of the Judiciary (NCJ), stemming from the politicized manner in which its members are appointed, remained a key issue affecting judicial independence in 2024.

To address this, the government proposed draft legislation amending the process for appointing judge-members of the NCJ and terminating the term of the current NCJ. One of the most contentious aspects of the draft legislation was the provision granting the so-called "new judges" (see section below) the right to vote and stand for election as judicial members of the NCJ.

Initially, the proposal excluded new judges from eligibility for NCJ membership. However, following an opinion by the Venice Commission in May 2024, the draft was amended to allow all judges, including new judges, to stand for election. During parliamentary proceedings, this provision was revised again, ultimately excluding new judges from the right to stand for election.

In the end, the President of Poland referred the draft law to the Constitutional Tribunal for review prior to signing it into force.

Despite growing concerns regarding the legality of its operations, the NCJ continues to adopt resolutions

promoting judges. In 2024, the Minister of Justice ceased announcing competitions for vacant judicial positions in common courts. However, the NCJ nominated judges based on competitions announced by the previous Minister of Justice and the President of Poland. In 2024, over 130 new judges were appointed by the President upon the NCJ's recommendation.

Status of the new judges

The status of the so-called "new judges" (appointed upon the NCJ's recommendation since its political capture in 2018) remains a critical issue in the process of restoring the rule of law.

To date, the government has not introduced any draft legislation to address the issue of the new judges' status. In September 2024, the government presented an initial framework for addressing the issue. This framework proposed dividing new judges into three cohorts based on their prior careers:

First Cohort: Judges who were judge-trainees and had no alternative but to apply to the NCJ for permanent judicial positions after completing their training. Their status would be remedied through legislative action.

Second Cohort: Judges who were already serving but chose to apply to the NCJ despite legal concerns about its lack of independence. For this group, the NCJ resolutions appointing them would be annulled by law, and they would return to their previous positions—even if this effectively meant their dismissal from judicial roles.

Third Cohort: Judges who not only obtained or were promoted to their positions based on NCJ resolutions but also actively participated in undermining the rule of law (e.g., serving as disciplinary commissioners). For these judges, the NCJ resolutions would be annulled by law, they would be returned to their previous roles, and disciplinary proceedings would be initiated against them.

This proposal is expected to evolve in response to the Venice Commission's opinion issued in October 2024. The opinion addressed abstract questions raised by ongoing legal debates regarding the resolution of new judges' status. Judicial associations have proposed automatically returning new judges to their previously held positions by annulling the NCJ resolutions *ex lege*. In contrast, NGOs such as the Helsinki Foundation for Human Rights have advocated for a re-authorisation process to assess each nomination individually.

The Venice Commission stated in its opinion that "it cannot be declared through a law that all the relevant appointments made by the NCJ in a particular timeframe are null and void, as this would represent an undue interference with the competence of the judiciary."

By the end of 2024, neither the Ministry of Justice nor its advisory body, the Codification Committee on the System of Courts and Prosecution, had presented draft legislation to implement the Venice Commission's recommendations.

Public statements by members of the Codification Commission suggest the body aims to address the status of judges appointed with the involvement of the improperly constituted NCJ by introducing mechanisms to repeat competitions for judicial positions. According to these statements, the proposed solution would, by law, lead to the demotion or removal from office of all individuals appointed through the new NCJ, except for those specifically excluded by legislative decision (e.g., former judicial assessors).

This proposal raises concerns in light of an abstract opinion issued by the European Commission for Democracy through Law (the Venice Commission).

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Court presidents

In 2024, the Minister of Justice continued the process of replacing court presidents and vice-presidents. Since the introduction of legal changes in 2017, the procedure for appointing candidates to these positions has faced significant criticism for its lack of transparency and inadequate consultation with the judiciary community.

Although the law governing the appointment of court presidents remains unchanged—granting the Minister of Justice authority to appoint candidates—the new Minister of Justice introduced a practice of requesting judges from each court to propose at least two candidates for the position of court president.

According to information published by the Ministry of Justice, since the end of 2023, the Minister of Justice had initiated procedures to remove 127 court presidents and vice-presidents. In 2024, the Minister of Justice also appointed at least 111 new court presidents and vice-presidents.

Judicial secondment (transfer)

A fundamental issue persists in the legislation governing the judiciary system, which grants the Minister of Justice the authority to second judges to other courts, the NCJ office, the National School of Judiciary and Prosecution, and selected government administrative bodies, including the Ministry of Justice, the Ministry of Foreign Affairs, and the President of Poland's Chancellery. These laws, however, lack adequate safeguards to protect seconded judges from unexpected recalls. Such recalls can be made for any reason and, except in cases of indefinite delegation, require no prior notice—an issue particularly relevant for judges seconded to other courts. These provisions have raised concerns about judicial independence, as highlighted by the judgment of the Court of Justice of the European Union (CJEU) in the joint cases C-748/19 to C-754/19. The 2024 draft amendments to the Law on Common Courts and the Law on Military Courts partially address risks associated with the delegation of judges. However, as of the preparation of this response, that draft has not yet been submitted to the Sejm (lower house of Parliament).

Additionally, the current mechanisms for safeguarding judicial independence rely on the NCJ, which fails to meet the criteria of independence, impartiality, and reliability in proceedings involving the transfer of judges to another court, changes in their duties, retirement, or mandatory retirement due to permanent incapacity. In such cases, the NCJ either reviews appeals against decisions made by court presidents (e.g., departmental transfers or changes in duties) or issues decisions on whether a judge may continue in office after reaching retirement age or must retire. A troubling example of the NCJ's actions in this area is its decision to retire Judge Piotr Borowiecki of the Provincial Administrative Court in Warsaw due to his absence from a scheduled medical examination. Judge Borowiecki is known for his civic engagement and criticism of the current NCJ's functioning.

In a related development, in July 2024, Judge Piotr Gąciarek returned to adjudicating in his original criminal division after being suspended from official duties and reassigned to another criminal division following his reinstatement. This change was enabled by a shift in the leadership of the Warsaw District Court.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

The process of promoting judges in Poland remains largely unchanged, despite the passage of a law intended to reform the National Council of the Judiciary (NCJ). The procedure for judicial nominations still involves recommendations from the NCJ and final appointments by the President of Poland, with no alterations to the current mechanisms.

Although the Minister of Justice has suspended the announcement of new judicial positions in common courts, the NCJ has continued processing competitions for positions announced by the previous minister. Additionally, it has handled competitions for the Supreme Court (SN) and Supreme Administrative Court (NSA), as these are initiated by the President rather than the ministry. However, this selective activity has exacerbated existing vacancies in common courts, leaving over 620 positions unfilled and significantly burdening the judiciary.

In the realm of prosecutorial promotions, the Minister of Justice, who also serves as Prosecutor General, retains broad discretionary powers. This includes appointing prosecutors to higher positions without the involvement of an independent body, which has long been a point of concern regarding the independence of the prosecutorial service.

However, a noteworthy development occurred in March 2024, when the Prosecutor General reinstated several prosecutors who had been unfairly demoted in 2016 under the leadership of Zbigniew Ziobro. These demotions were widely regarded as politically motivated and violated principles of equality and non-discrimination. The reinstated prosecutors were appointed to higher positions within regional prosecutor's offices.

Allocation of cases in courts

5000 character(s) maximum

The allocation of cases in Polish common courts is governed by the Random Case Assignment System (System Losowego Przydziału Spraw, SLPS), an IT tool introduced to ensure transparency, proportionality, and impartiality in assigning cases to judges. However, this system has faced persistent criticism and controversy regarding its transparency and accountability, particularly related to the Ministry of Justice's refusal to disclose its algorithm.

Efforts to gain access to the SLPS algorithm have been met with resistance from the Ministry of Justice, even under the current leadership. In a high-profile case initiated by the civil rights group Watchdog Polska, the ministry cited concerns over national cybersecurity to justify its refusal to release the source code. Critics, including IT expert Tomasz Zieliński, argue that these claims lack technical merit, highlighting that transparency in public systems, including access to source code, can actually enhance security by allowing independent verification and correction of flaws.

Zieliński, who developed the Monitor SLPS project to analyse the system's operations, has raised numerous concerns. He identified irregularities in how SLPS assigns cases, including discrepancies in the weighting of judges' workloads and instances of apparent errors in randomisation. For example, he documented cases where judges with extraordinarily low or even negative workload indices were assigned cases, pointing to potential flaws in the algorithm's implementation. Furthermore, Zieliński criticised the system's lack of documentation, which makes it difficult to understand how the algorithm works and whether it adheres to legal and procedural standards.

Another troubling aspect is the possibility of manipulation. Zieliński demonstrated how vulnerabilities in the system's database or pseudorandom number generator could be exploited, enabling deliberate interference in case assignments. These concerns underscore the need for greater transparency and robust safeguards to ensure the integrity of the case allocation process.

Despite these challenges, there have been some positive steps toward greater transparency. Since October 2024, the Ministry of Justice has begun publishing SLPS reports on the Open Data Portal in machine-readable JSON format, allowing independent analysis. These reports, updated monthly, provide detailed

insights into case assignments, marking a significant improvement in access to information. Additionally, the ministry has announced plans to commission an independent audit of SLPS by the end of 2024. This audit aims to verify whether the system's randomisation algorithm complies with legal requirements, whether the software ensures integrity in case assignments, and whether it is vulnerable to unauthorised manipulation.

Furthermore, the ministry appointed Jarosław Gwizdak as Plenipotentiary for an Open Judiciary in October 2024. Gwizdak's mandate includes, among other things, increasing public access to information about the judiciary.

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

The independence of Poland's judiciary has been a contentious issue in recent years, with ongoing concerns regarding the composition, powers, and operations of the National Council of the Judiciary (NCJ). Both the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) have consistently raised these concerns.

Despite changes in government leadership, the composition of the NCJ remains unaltered. The council is still dominated by individuals selected by the Polish Parliament, a practice that began in 2018 when reforms shifted the power to appoint NCJ members from judges to the legislature. This politicisation of the council has been widely criticised in multiple international rulings, including those by the CJEU and ECtHR, declaring the current NCJ structure incompatible with European standards of judicial independence.

Efforts to reform the National Council of the Judiciary (NCJ) began with the passage of a new law in April 2024 aimed at restoring the pre-2018 mechanism, allowing judges to elect their own representatives to the council. However, this law has been stalled after President Andrzej Duda referred it to the Constitutional Tribunal for a pre-emptive review. Concerns raised by the president include questions about the legality of terminating the current NCJ's term prematurely, the prerogatives of the president in appointing judges, and procedural irregularities during the law's legislative process. The Constitutional Tribunal has yet to issue a decision.

The standoff over the NCJ has significant practical implications. Minister of Justice Adam Bodnar has halted the announcement of new competitions for judicial appointments in common courts, effectively freezing the process of filling judicial vacancies. This has exacerbated existing issues in the judiciary, including delays in case resolution and increased workloads for judges. According to Ministry estimates, there are over 620 judicial vacancies across various levels of the judiciary, further straining the efficiency of the justice system.

Nevertheless, the NCJ continues to conduct recruitment processes for positions in the Supreme Court (SN) and Supreme Administrative Court (NSA), as these competitions are announced by the President of Poland, not the Minister of Justice. The council also processes competitions initiated before the current freeze on new announcements. This selective activity has deepened concerns about the NCJ's role in judicial appointments and its adherence to principles of impartiality.

The 2025 state budget has further highlighted the challenges facing the NCJ. For the first time, no funds have been allocated for the remuneration of NCJ members. This decision, part of broader budgetary cuts targeting institutions linked to the previous government's judicial reforms, reflects the current governing

coalition's reluctance to legitimise the council in its existing form. Members of the KRS, particularly judges aligned with former Minister of Justice Zbigniew Ziobro, have been criticised for benefitting disproportionately from their roles.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

In 2024, legislators introduced no changes to the disciplinary regime. The current Minister of Justice based his actions on legal regulations enacted during previous Sejm terms.

After taking office, the current Minister of Justice implemented a series of personnel changes. In July 2024, the Minister assigned the duties of disciplinary court judges to over 120 individuals. On 23 February 2024, the Ministry of Justice published an announcement on its website regarding the appointment of ad hoc disciplinary ombudsmen. By June 2024, 15 orders had been issued under this procedure, resulting in 86 disciplinary proceedings against 39 judges.

The appointments were made pursuant to Article 112b § 1 of the Law on the System of Common Courts (P. U.S.P.), which grants the Minister of Justice the authority to appoint a disciplinary ombudsman for a specific case, thereby excluding another ombudsman from intervening. This provision was introduced through the 2018 amendments to the Law on the System of Common Courts, significantly expanding the Minister's influence over individual disciplinary proceedings concerning judges.

The primary focus of the Minister of Justice's disciplinary ombudsmen has been the discontinuation or withdrawal of requests for disciplinary hearings. According to Article 17 § 1.9 of the Code of Criminal Procedure, such actions should lead to the termination of disciplinary proceedings. Consequently, the court is obliged to issue a decision on the merits when a complaint is withdrawn, which constitutes an absolute ground for appeal pursuant to Article 439 § 1 item 9 of the Code of Criminal Procedure.

In 2024, authorities concluded disciplinary proceedings in the cases of judges Waldemar Żurek, Ewa Gregajtys, Dorota Turała, Anna Kalbarczyk, and Piotr Gąciarek, among others.

The new National Council of the Judiciary (NCJ) challenged several provisions before the Constitutional Court, including those concerning the appointment of ad hoc disciplinary ombudsmen. The NCJ argued that these regulations undermine the independence of the disciplinary judiciary, allowing executive overreach that could infringe upon individual rights and freedoms.

The challenge was submitted on 23 April 2024—more than six years after the regulations came into effect—despite the previous Minister of Justice having already exercised the power to influence disciplinary proceedings under the Law on the System of Common Courts. The NCJ also raised constitutional concerns regarding the extent of the Minister's influence, particularly in the case of Judge Monika Frąckowiak (case no. II ZOW 45/24).

On 19 November 2024, the disciplinary court upheld the decision to discontinue proceedings against Judge Frąckowiak. In a concurring opinion, SSN Wiesław Kozielowicz, SSN Barbara Skoczowska, and SN juror Radosław Jeż asserted that the appointment of ad hoc ombudsmen, as an exception to the general rule, appears systemically justified. They also noted that these regulations have been in force and consistently applied since 2018.

Disciplinary proceedings were not the only repressive measures employed against judges. Other actions included the transfer of judges to different court departments—often unrelated to their expertise and

experience—or the imposition of immediate suspensions. These measures were carried out with the active involvement of court presidents appointed by the previous Minister of Justice.

The NCJ reviews matters related to the allocation of judicial duties, while the Chamber for Extraordinary Control and Public Affairs handles appeals against its resolutions. However, these bodies do not guarantee adjudication of individual cases in accordance with national and international standards on the right to a fair trial.

Additionally, disciplinary cases involving judges and prosecutors—particularly those concerning immunity—fall under the jurisdiction of the Chamber of Professional Responsibility. Of its 11 members, six were appointed as Supreme Court judges through a defective procedure. The selection process for these members remains contentious due to the significant role played by representatives of the executive branch.

In conclusion, the past year has seen extensive personnel changes, including a shift in the interpretation of regulations governing the disciplinary responsibility of judges and prosecutors. These developments have contributed to enhancing judicial independence. Nevertheless, it is important to note that the existing regulations continue to grant the Minister of Justice considerable authority to shape the judicial system.

Independence/autonomy of the prosecution service

5000 character(s) maximum

In 2024, lawmakers did not introduce substantial legal changes to the regulations governing the functioning of the prosecution service. As a result, the legal provisions that combine the roles of the Prosecutor General and the Minister of Justice, as well as grant significant supervisory powers to these offices and superior prosecutors—thus limiting the independence of rank-and-file prosecutors—remained in force.

One notable example of this concentration of power was the decision by the Prosecutor General-Minister of Justice to take over civil cases from the Regional Prosecutor's Office in Warsaw. These cases concerned the validity of resolutions adopted by the general assemblies of TVP S.A. (Polish Television) and PAP S.A. (Polish Press Agency) that led to leadership changes in public media following the parliamentary elections. A positive development toward increasing prosecutorial independence was the Minister of Justice's decision to join the European Public Prosecutor's Office (EPPO).

Legal and public circles raised concerns about how the change in the position of the National Prosecutor was handled, particularly the exclusion of the President of the Republic of Poland from the process, which appeared to conflict with the requirements of the Act on the Prosecution Service.

In January 2024, the Minister of Justice informed National Prosecutor Dariusz Barski that his appointment to the prosecutorial post lacked a valid legal basis. According to the Minister, the legal basis used for Barski's appointment was temporary and had expired before his return from retirement to his role as a prosecutor in the National Prosecutor's Office. As a result, the Minister argued that Barski could not have been properly appointed as National Prosecutor. The Ministry of Justice presented legal opinions supporting this conclusion.

Simultaneously, the Minister of Justice-Prosecutor General appointed Jacek Bilewicz as Acting National Prosecutor.

In February 2024, despite the absence of a legal requirement, an open competition for the position of National Prosecutor was conducted, resulting in the appointment of Dariusz Korneluk. The Prime Minister sought the President of Poland's opinion, as mandated by the Act on the Prosecution Service. However, when the opinion was not issued within 30 days, Korneluk was appointed by the Prime Minister. The Act on the Prosecution Service does not explicitly regulate the possibility of appointing the National Prosecutor without obtaining the President's opinion.

The Supreme Court later scrutinised the legality of Korneluk's appointment in two separate proceedings, which produced conflicting judgments. One panel, composed solely of judges appointed by the so-called

new National Council of the Judiciary (NCJ), determined that the provision under which Dariusz Barski had retired was not episodic in nature (I KZP 3/24). Meanwhile, another panel, which excluded judges appointed by the new NCJ, declined to adopt a resolution on the implications of the lack of a presidential opinion. Nonetheless, the panel's justification stated that the requirement to appoint the National Prosecutor "upon obtaining the President's opinion" was satisfied if the Prime Minister sought the opinion but either did not receive it or received no formal response (I KZP 6/24).

In July 2024, the Ministry of Justice unveiled a draft law aimed at separating the roles of the Minister of Justice and the Prosecutor General and regulating the process for selecting the latter. However, the draft failed to include provisions that would meaningfully enhance prosecutorial independence.

At the request of the Minister of Justice, the Venice Commission reviewed the draft law in October 2024. The Commission criticised the proposed mechanism for appointing the Prosecutor General and recommended significant changes to the selection process, eligibility criteria, grounds for dismissal, and the appointment procedures for regular prosecutors. Additionally, the Commission underscored the need for stronger safeguards to protect prosecutorial independence.

Parallel to these efforts, the Codification Commission on the Judiciary and Prosecution worked on drafting a new law on the prosecution service.

In early 2025, the National Prosecutor's Office published the first part of a report examining cases of public interest handled or concluded between 2016 and 2023 in prosecution units. The report identified 200 cases where mechanisms were allegedly used to manipulate the outcomes of criminal proceedings deemed significant to the ruling political camp.

The report highlighted various concerning practices, including: unlawful requirements for approval by superior prosecutors; unjustified oversight by the National Prosecutor's Office in minor cases; unwarranted transfers of cases to other prosecutorial units, and failure to conduct preliminary inquiries before initiating or refusing proceedings.

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Pursuant to the Supreme Court Act, the cassation of disciplinary cases of advocates and solicitors falls within the jurisdiction of the Chamber of Professional Responsibility (hereinafter: 'IOZ'), created by an amendment of 9 June 2022, which replaced the Disciplinary Chamber, whose status as an independent and impartial court has been repeatedly challenged by national and international courts (judgments of the ECtHR: *Reczkowicz v. Poland*, *Tuleya v. Poland*, *Juszczyszyn v. Poland* and CJEU judgment of 15 July 2021, C-791/19).

However, the status of the IOZ as an independent and impartial court also raises doubts. These relate mainly to systemic flaws that arose in its constitution - with regard to the interference of the executive power in appointing the composition of the IOZ adjudicators. These defects are of a systemic nature due to the selection of the members of the IOZ directly by politicians, i.e. the President of the Republic of Poland with the countersignature of the President of the Council of Ministers, and the appointment to adjudicate in the IOZ of persons appointed to judicial positions at the request of the new NCJ, in which the entire composition of the judiciary since 2018 has been directly selected by politicians, i.e. the Sejm of the Republic of Poland. The defective constitution of the IOZ was raised by the very judges of the Supreme Court who were appointed by the President of the Republic of Poland to its composition - two of whom, i.e. Paweł Grzegorzczyk and Krzysztof Staryk, effectively refuse to sit on its adjudicatory panels.

Disciplinary cases of advocates and solicitors are therefore examined at the cassation level by an authority about which there are serious doubts as to its independence and impartiality as a court and, consequently, as to its ability to rule on the disciplinary proceedings of legal professionals, the examination of the cassation by an independent and impartial court being, in this respect, a condition for a fair trial.

On 28 May 2024, the European Court of Human Rights ruled in the case *Pietrzak and Bychawska-Siniarska and Others v. Poland* (application nos. 72038/17 and 25237/18), in which one of the applicants was the dean

of the Warsaw Bar Association, Mikołaj Pietrzak. This case concerned the provisions allowing operational control and the application of the so-called Anti-Terrorism Act. The Court ruled that the application of surveillance provisions results in a violation of the right to privacy, a concern that carries even more serious implications for advocates. The broad and largely uncontrolled scope of surveillance poses a significant risk to the confidentiality of advocacy and defence secrets. With regard to the issue of surveillance, it is also important to point to information appearing in the public space and reports by the research facility Citizen Lab regarding the possible use of the Pegasus spying system against lawyers. On 14 February 2024, the President of the Supreme Bar Council requested information from the Minister of Justice on whether the Pegasus system had been used against advocates, emphasising the protection of advocacy secrecy as a cornerstone of the profession.

A significant threat to the independence of legal self-governments is their financial autonomy, an issue that has long been raised by these bodies in their calls for the realisation of adequate rates for the provision of ex officio legal aid. Key in this regard is the draft amendment to the Code of Criminal Procedure proposed in 2024 by the Ministry of Justice regarding increased access to the assistance of defence counsel in criminal proceedings. A key development in this regard is the draft amendment to the Code of Criminal Procedure, proposed in 2024 by the Ministry of Justice, which aims to enhance access to defence counsel in criminal proceedings. The proposed changes are intended to implement the so-called EU defence directives (Directive 2013/48 and Directive 2016/1919).

The draft provides for the introduction of mandatory on-call duty of advocates and solicitors. In a situation where a suspect, in connection with the first interrogation, declares that he or she wishes to use a defence counsel, it will be possible to postpone the interrogation until the appearance of the defence counsel - no longer than three hours from the time of the declaration. According to the draft, the State Treasury will cover the costs of the actual legal assistance, but the readiness for duty itself will not be remunerated. Advocates and solicitors are thus the last profession to be required by the state to perform on-call duty without any guaranteed remuneration for doing so. This fact is pointed out in the explanatory memorandum to the draft, emphasising that the above "will not result in an excessive burden on the state budget."

The introduction of this type of legislation will be an additional burden and a restriction of the independence of legal professionals on financial grounds.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

N/A

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

In May 2024, the Minister of Justice repealed the regulation requiring the State Treasury to pay the fees for unpaid legal aid provided by court-appointed attorneys. The updated regulation aligned the fee rates for legal aid provided by court-appointed attorneys with those established under the regulation on fees for legal services. The latter regulation sets the rates for attorneys' activities before judicial bodies, which serve as the basis for courts to award legal representation costs and attorneys' fees.

This change ended the discriminatory treatment of cases involving court-appointed legal aid, potentially

improving the quality of legal aid provided under the scheme.

In 2024, two additional amendments were introduced to the regulation on fees for legal services, raising the minimum fees for legal aid in specific categories of cases. These included:

- an increase in the minimum fee for cases related to employment contracts, such as challenging dismissals, seeking reinstatement, or determining termination terms. The fee rose from PLN 180 (EUR 42.26) to PLN 360 (EUR 84.52) for first-instance proceedings;
- a similar increase for representing minors in juvenile cases, where the minimum fee doubled from 112 PLN (EUR 28.17) to 225 PLN (EUR 56.34).

Under provisions of the regulation, court-awarded costs of legal proceedings can exceed the minimum rate. However, it may not be higher than six times the minimum rate or the value of the subject matter of the dispute. Awarding legal representation costs above the minimum rate must be justified by specific criteria, such as the necessary effort of the attorney, the value of the case, the attorney's contribution to clarifying the case, and the nature and complexity of the matter.

The broad scope of these criteria means that, in practice, the amount awarded to a party for legal representation costs is subject to the court's discretion and is subject to limited appellate review. Consequently, in some categories of cases, the party may receive only the minimum rate for legal representation, which can be very low. This situation appears to constitute a significant financial barrier to the fair pursuit of rights in court.

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

The latest data on judicial staffing resources, from 2023, indicates several changes compared to the previous year. The number of appellate judges increased from 469 to 483. In contrast, a slight decrease was recorded in the number of district court judges, which declined from 2,766 to 2,756, and regional court judges, which fell from 6,106 to 6,071.

A notable development was the significant rise in the number of judicial assessors, which grew from 467 to 608.

Across all judicial categories, salaries saw a substantial increase.

In 2023, the number of court support staff increased by 8 percent, with judicial assistants rising by 9 percent and judicial clerks by 10.5 percent. Additionally, salaries across all categories of court staff saw a general increase, ranging from 10% to 21%.

Despite these salary adjustments, the average remuneration for court administrative staff in 2023 amounted to PLN 7,365 (EUR 1,730), which has posed challenges in attracting new employees and has contributed to high turnover among clerical staff. Consequently, the workload for the remaining administrative personnel in courts has increased significantly.

In the 2024 budget, the Ministry of Justice allocated funds for a 20 percent salary increase for court staff. The minimum and maximum salary thresholds for judicial assistants were also raised.

In November 2024, the Ministry of Justice introduced ten proposed reforms aimed at enhancing the efficiency of the judiciary. Among the key measures is the creation of 1,159 new assistant judge positions.

However, the proposal also lowers the eligibility requirements for judicial assistants, permitting fourth- and fifth-year law students to assume these roles. This change has raised concerns regarding the quality and effectiveness of their work.

The proposed reforms also include:

- restructuring the expert witness system,
- digitising court registries and records,
- promoting mediation,
- facilitating the submission of legal documents through the Common Courts' Information Portal, and
- implementing management training for court presidents.

These measures have the potential to alleviate some of the workload currently borne by court administrative staff.

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

In 2024, the Ministry of Justice appointed a new director for the National School of Judiciary and Prosecution. An open competition preceded the selection process, establishing minimum criteria for the position, such as at least three years of experience leading a public institution, university, or NGO, along with experience in organizing training activities.

Initially, the selection committee chose Wojciech Postulski for the position. However, according to a Ministry of Justice press release, he did not accept the financial offer and withdrew from the competition. Meanwhile, media reports revealed that members of the judicial community contested his candidacy, citing his alleged lack of sufficient experience as a judge. In a press interview, Mr. Postulski stated that he did not resign voluntarily but was asked to do so. Ultimately, the Ministry of Justice appointed Piotr Girdwoyń, who ranked as the second-best candidate for the role.

Upon taking office, the new director of the School introduced an internal regulation that excluded so-called "new judges"—those appointed upon the motion of the NCJ since 2018—from teaching classes at the School.

Additionally, in 2024, the School increased stipends for students, raising them from PLN 4,100 to 4,300 for first-year students and from PLN 4,500 to 5,100 (approximately EUR 1070-1215) for second-year students. However, students and the Association of Prosecutors criticized the increase as insufficient, arguing that the stipends still hover around the minimum salary threshold despite rising living and accommodation costs in recent years.

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

In November 2024, the Ministry of Justice announced the development of the Judge's Digital Assistant (Digitalny Asystent Sędziego, DAS), software designed to aid judges in drafting reasoning for judgments, scheduled for introduction in selected courts by mid-2026.

The ministry has also proposed the electronic approval of court settlements in cases involving Swiss franc loans. This measure aims to streamline proceedings and alleviate court workloads. However, the ministry provided no further details on either initiative.

The EPU 3.0 project, unveiled in July 2024, aims to upgrade the Electronic Writ-of-Payment Proceedings (Elektroniczne Postępowanie Upominawcze, EPU) system, with completion planned by the end of 2025. This modernisation will introduce several new e-services, including:

- online filing of individual and mass claims,
- digital access to case files for all parties involved.

Valued at nearly PLN 30 million, with EU funding covering approximately PLN 24 million, the project aims to enhance the system's efficiency, reliability, and security. Through these improvements, the Ministry seeks to make legal processes more accessible and less time-consuming for individuals and businesses.

Also announced in July 2024, the e-Delivery system aims to digitalise communication in bailiff enforcement proceedings. Full implementation is expected by January 2025, following a transitional phase ending in December 2024. The system will allow bailiffs to send electronic notifications, serving as a digital equivalent of registered mail with confirmation of receipt.

Key aspects of the e-Delivery system include:

- electronic notifications sent to parties in enforcement proceedings,
- a hybrid delivery model for individuals who have not activated digital inboxes, combining electronic and traditional postal services.

The Ministry of Justice and the National Council of Bailiffs have emphasised that e-Delivery will ultimately facilitate fully digital communication, reducing administrative burdens and costs while improving the speed of proceedings.

In addition to these initiatives, the Ministry of Justice is preparing to introduce simplified enforcement procedures based on invoices. This plan, currently in the preliminary stages, is intended to further reduce the courts workloads and address payment backlogs without requiring additional public funds.

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

N/A

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

N/A

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

N/A

Any other developments related to the justice system - please specify

5000 character(s) maximum

N/A

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

Recommendation 1: Continue efforts to separate the function of the Minister of Justice from that of the Prosecutor-General and to ensure functional independence of the prosecution service from the Government.

As described in the following parts of this section: In late July, the Minister of Justice submitted a draft bill to the Government Legislation Centre to amend the Law on Public Prosecution. The bill aims to not only reverse the structural and operational changes introduced during the Law and Justice government but also to establish a new prosecution model with stronger safeguards against political influence. This reform is crucial for restoring the rule of law in Poland and strengthening the prosecution of corruption, where the prosecution service plays a key role.

More in the relevant question at the section I. Justice system.

Recommendation 2. Strengthen the existing integrity rules by introducing lobbying rules and a standardised online system for asset declarations of public officials and Members of Parliament.

As described in the following parts of this section: In 2024, the Sejm amended its regulations to improve legislative process quality, increase transparency and enhance civic participation. As regards integrity, the new requirements mandate the detailed completion of the Declared Regulatory Effects form for draft laws, aiming to provide full and structured justifications for bills. The amendment also restricts the use of fast-track procedures—any acceleration of the legislative process now requires a justification and a vote. Additionally, a requirement has been introduced to justify and publish amendments to laws, ensuring transparency in the legislative process.

To enhance transparency in the legislative process, all submitted comments, along with the details of the individuals or entities providing them, will be publicly available for the duration of the Sejm's term in which the bill was under consideration. However, unlawful content—particularly material that violates personal rights or legally protected secrets—will not be disclosed.

Still the lobbying process and information on who impacts the law making is not effectively regulated, as there are several problems connected with lawmaking in the pre legislative phase, when diverse expert

groups work in the Ministries. It is also not known what are the calendars of the Ministers and who has access to parliamentarians when they are proceeding.

As regards assets declarations it is described in the following sections. The most important information is about conceptual works in a positive direction, still not legal activities around it. The Central Anti-Corruption Bureau is developing the framework for an act regulating asset declarations, following an order issued by Tomasz Siemoniak, Minister of Internal Affairs and Administration and Coordinator of the Special Services.

Recommendation 3: Continue efforts to ensure independent and effective investigations and prosecutions, address the broad scope of immunities for top executives and remove previously introduced impunity clauses in legislation in order to enable a robust track record of high level corruption cases.

Individual cases of removing immunity took place in 2024, among which the most significant is the high-profile corruption case linked to the former government—the investigation into the disbursement of funds from the Justice Fund. On 12 July, the Sejm voted to lift Romanowski's immunity and approved his detention and temporary arrest. He was detained on 17 July 2024, and charges were brought against him. However, the court soon ordered his release, citing his immunity under his role in the Parliamentary Assembly of the Council of Europe. The prosecution contested this ruling, and in September, the Parliamentary Assembly lifted his immunity.

Following this, the prosecutor's office applied for a three-month detention order, which the court approved on 9 December. After the decision, Romanowski went into hiding, prompting the issuance of an arrest warrant and a European Arrest Warrant. On 19 December, the Hungarian government announced that Romanowski had been granted political asylum in Hungary.

There were no legal changes that would prevent uncertainty of such situations.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Poland joining EPPO

While no significant changes were introduced in 2024 regarding broader anti-corruption policies, some institutional developments took place. At the outset of Donald Tusk's government, on 5 January 2024, Minister of Justice Adam Bodnar formally notified the European Commission and the European Council of Poland's accession to the European Public Prosecutor's Office (EPPO). This step represents a crucial advancement in ensuring the fair use of the EU budget. The European Commission officially accepted Poland's notification of accession on 29 February 2024, thereby granting the EPPO competence to investigate and prosecute offences against the Union's financial interests committed in Poland after 1 June 2021.

On 12 December 2024, the Sejm received a government bill proposing amendments to various acts in connection with Poland's accession to enhanced cooperation within the EPPO framework. The bill aims to align national legislation with the EU EPPO regulation by introducing, among other provisions, a mechanism for selecting European Public Prosecutor's Office candidates and establishing a legal basis for creating

delegated European Public Prosecutor offices within the common organisational units of the public prosecutor's office.

The first reading of the bill took place on 9 January 2025 during a session of the Parliamentary Committee on Justice and Human Rights. Additionally, in December 2024, the Council appointed Grażyna Stronikowska as European Public Prosecutor.

Dissolution of the Central Anti-Corruption Bureau

On 10 December 2024, the government adopted a draft law on the coordination of anti-corruption activities and the dissolution of the Central Anti-Corruption Bureau (CBA), which is scheduled to be dissolved on 1 July 2025. According to the draft, the CBA's existing tasks and personnel—both officers and employees—will be transferred to the Police, the Internal Security Agency (ABW), and the National Fiscal Administration (KAS). In its place, a Central Bureau for Combating Corruption (CBZK) will be established within the Police structure. This new unit will be responsible for nationwide efforts to identify and combat corruption offences.

The CBZK will assume responsibilities from the dissolved CBA in areas such as:

- corruption offences related to state institutions and local self-government,
- administration of justice,
- elections and referendums,
- public order,
- document credibility,
- property,
- business transactions,
- financial operations involving money and securities,
- political party financing,
- sports competition principles, and
- sale of medicines and medical devices.

Operational, analytical, and control activities currently undertaken by the CBA will continue under the respective acquiring agencies.

The draft law has drawn criticism from experts. The Batory Foundation, among others, has pointed to deficiencies in the Regulatory Impact Assessment accompanying the proposal. The document fails to outline the anticipated effects of the changes or provide indicators to evaluate whether the proposed restructuring will enhance the state's capacity to combat corruption effectively. Additionally, the assessment does not address whether the dissolution of the CBA aligns with Article 36 of the UN Convention against Corruption, which mandates that corruption prevention should be managed by a central authority.

The draft law also lacks preventive measures, such as public education, awareness-raising efforts, and mechanisms to prevent conflicts of interest—key factors that often lead to corruption. Neither the newly proposed CBZK, the ABW, the KAS, nor the Minister Coordinator of Special Services has competencies related to broad preventive actions. Consequently, the draft law fails to meet the obligations under Article 6 of the UN Convention against Corruption, which requires member states to establish "a body or bodies for the prevention of corruption through... the increase and dissemination of knowledge on the prevention of corruption."

Batory Foundation experts also pointed out that such a major change in the fight against corruption should also anticipate the emergence of new requirements that will stem from the EU Anti-Corruption Directive, replacing European Council Framework Decision 2003/568/JHA and the Convention on the Fight against Corruption of Officials of the European Communities and Officials of the Member States of the European Union and amending European Parliament and Council Directive (EU) 2017/1371.

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

The above-mentioned legislative proposals to abolish the CBA implement no additional guarantees ensuring the independence of the Central Anti-Corruption Bureau. Moreover, the draft may deprive Poland of an independent body for the prevention and detection of corruption.

Changes in CBA Leadership

Significant personnel changes took place in the leadership of the Central Anti-Corruption Bureau (CBA). In December 2023, the government dismissed former CBA head Andrzej Stróžny, and Agnieszka Kwiatkowska-Gurdak initially assumed his duties before her official appointment as head of the CBA in March 2024. Stróžny faced allegations of being too closely associated with the Law and Justice government.

In July 2024, the Warsaw District Prosecutor's Office launched an investigation into an apartment linked to the former CBA chief. The case concerns a property in Warsaw valued at PLN 1,255,000 (approximately EUR 280,000), which the CBA allegedly purchased for Stróžny using its own budget. On 25 April, the new CBA management filed a formal notification regarding this matter, alleging that Stróžny exceeded his powers to obtain a financial benefit at the expense of the public interest.

Furthermore, Andrzej Stróžny refused to participate in a meeting of the Pegasus Investigation Committee, citing a ruling by the Constitutional Tribunal (for more information, see the Regime for Constitutional Review of Laws section).

Separation of the Minister of Justice and Prosecutor General functions

In late July, the Minister of Justice submitted a draft bill to the Government Legislation Centre to amend the Law on Public Prosecution. The bill aims to not only reverse the structural and operational changes introduced during the Law and Justice government but also to establish a new prosecution model with stronger safeguards against political influence. This reform is crucial for restoring the rule of law in Poland and strengthening the prosecution of corruption, where the prosecution service plays a key role.

The draft proposes several key changes, including the separation of the functions of the Minister of Justice and the Prosecutor General, expanding the Prosecutor General's powers beyond those in place between 2009 and 2016, establishing budgetary autonomy for the office, and introducing a democratic process for selecting the Prosecutor General.

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

The Polish government, despite prior assurances reported in the Rule of Law Report 2024 and other statements, has yet to adopt an anti-corruption strategy. Preliminary work on its development has not even begun. The last Government Anti-Corruption Programme concluded in 2020, and since then, Poland has made no progress in formulating a new strategy. There are currently no indications that such efforts will commence in the coming year.

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

There was also no major effort in 2024 to strengthen integrity in the public sector.

GRECO recommendations not fulfilled

In January 2025, the Group of States against Corruption (GRECO) published a report assessing Poland's implementation of its recommendations to date. The report concludes that Poland has fully implemented only eight out of the 22 recommendations issued, partially implemented nine recommendations, and five recommendations remain non-implemented. GRECO highlighted that the overall level of compliance remains "globally unsatisfactory."

Notably, no progress has been made regarding recommendations related to parliamentarians since GRECO's last follow-up report in 2023. These recommendations include providing MPs with guidance on conflicts of interest, the acceptance of gifts and advantages, and asset declarations. Furthermore, they call for the introduction of ethics and conduct standards for senators, the establishment of a clear mechanism for MPs to declare potential conflicts of interest—including those of close family members—and enhancements to the monitoring system to ensure compliance with anti-corruption regulations.

Proposed Changes in Governance and Supervision of State-Owned Enterprises

Noteworthy efforts are underway concerning the MPs' bill aimed at amending various acts to improve corporate governance in State-Owned Enterprises (SOEs). The bill, introduced by MPs from Polska 2050, one of the ruling coalition parties, focuses on raising qualification requirements and tightening exclusion criteria for candidates to supervisory boards of SOEs.

A key provision of the bill is the introduction of independent members to the supervisory bodies of fully state-controlled enterprises—approximately one hundred business entities. These independent members must meet the qualification criteria applicable to candidates for audit committee members, as outlined in the Act on Statutory Auditors, Audit Firms, and Public Supervision. At the same time, they will be subject to stringent requirements ensuring their apolitical and non-partisan status.

According to the proposed legislation, the supervisory bodies of fully state-controlled enterprises will consist of seven members, three of whom will hold independent member status. These members will be appointed through an open and competitive recruitment process conducted by the Good Governance Committee, a tenure body appointed for a period longer than the parliamentary term (five years). This structure aims to foster an apolitical supervisory model for corporate governance in SOEs.

The selection of the Good Governance Committee members will be made by the Council of Ministers, with significant parliamentary involvement. Additionally, the bill mandates full disclosure of the remuneration of supervisory and management board members in SOEs.

Unfortunately, the draft legislation is unlikely to be adopted swiftly. It was submitted to the Sejm on 1 March 2024, but progress has been slow. It was not until November that the Sejm subcommittee adopted a report recommending further work on the draft. However, MPs from Civic Platform and the Polish People's Party voted against it.

Change in the practice of selecting candidates for senior positions

There also has been a shift in the approach to selection of people to fill top state positions. On 18 February, authorities conducted an open competition for the position of National Prosecutor, including a public hearing of the candidates. This transparent process led to the appointment of Dariusz Korneluk to the post. Similarly, on 16 May, the Minister of Funds and Regional Policy appointed the President of the Polish

Agency for Enterprise Development—one of the most important government institutions supporting the economy and fostering innovative private ventures—through an open competition process.

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Legislative process at the parliamentary stage (amendment of the Sejm's Regulations and the Lobbying Act)
In 2024, the Sejm amended its regulations to improve legislative process quality, increase transparency and enhance civic participation. The new requirements mandate the detailed completion of the Declared Regulatory Effects form for draft laws, aiming to provide full and structured justifications for bills. The amendment also restricts the use of fast-track procedures—any acceleration of the legislative process now requires a justification and a vote.

Additionally, a requirement has been introduced to justify and publish amendments to laws, ensuring transparency in the legislative process. Citizens' and MPs' bills are now subject to mandatory consultation. The Speaker of the Sejm is also required to commission regulatory impact assessments for legislative proposals, providing MPs with insights into the potential effects of proposed laws. Furthermore, committees must consider draft legislation within nine months.

The amendment to the Lobbying Act introduces significant changes regarding public hearings and consultations. A new section has been added, allowing for public consultations after the government submits a bill to Parliament. These consultations provide an opportunity for both individuals and legal entities to submit comments on the proposed legislation.

To enhance transparency in the legislative process, all submitted comments, along with the details of the individuals or entities providing them, will be publicly available for the duration of the Sejm's term in which the bill was under consideration. However, unlawful content—particularly material that violates personal rights or legally protected secrets—will not be disclosed.

See “The process for preparing and enacting laws” for expanded statistics.

Amendments to the Council of Ministers Rules of Procedure

The Regulations of the Council of Ministers have also been amended, imposing mandatory publication of press releases after Council of Ministers meetings, as well as mandatory public consultations for draft government documents.

See “The process for preparing and enacting laws” for more information on relevant procedures.

Asset declarations - conceptual work

The Central Anti-Corruption Bureau is developing the framework for an act regulating asset declarations, following an order issued by Tomasz Siemoniak, Minister of Internal Affairs and Administration and Coordinator of the Special Services. The proposed changes focus on three key areas:

- 1) Digitisation - the reform aims to introduce a unified electronic asset declaration form for all obligated persons, accompanied by detailed instructions for completion. This standardisation is intended to streamline the process and enhance the analysis and oversight of submitted declarations.
- 2) Electronic system for analysis and control - a dedicated electronic system will be designed to automatically analyse asset declarations using advanced algorithms, identify irregularities, and generate reports. The system will also flag individuals requiring further scrutiny.
- 3) Sanctions - the amendment foresees the introduction of clear and uniform sanctions for failure to submit

an asset declaration or for misrepresentation. Administrative penalties will be proportionate to the degree of culpability and imposed by an authorised body, with the possibility of judicial review.

Public access to asset declarations - asset declarations will be accessible to the public through the new system, with access granted upon authentication via a trusted profile.

'On-demand' declarations - a mechanism will be introduced to allow institutions, in exceptional cases—such as suspected corruption—to require individuals holding public office to submit an asset declaration outside the standard deadlines.

Parties subject to declaration - the catalogue of individuals required to submit asset declarations will be reviewed and refined. The planned changes include the addition of new professional groups while excluding those for whom the obligation is deemed unnecessary.

Register of benefits

In the fourth quarter of 2024, the government initiated work on increasing the threshold for the mandatory reporting of donations received from domestic or foreign entities. Following the amendment, the reporting obligation will apply to donations exceeding 25 percent of the minimum salary.

Transparency of political parties:

No legislative changes have been introduced in this area.

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

On 17 June 2024, the Supreme Audit Office (NIK) published the results of an audit conducted at the National Freedom Institute, covering the period from 1 January 2018 to 31 October 2023. The audit revealed that the Director of the National Freedom Institute had failed to develop and implement an effective system for preventing conflicts of interest in the selection of experts responsible for evaluating NGO applications. As a result, experts were assigned to assess competition applications from entities with which they had personal connections.

NIK recommended initiating work on establishing a transparent procedure to minimise conflicts of interest within expert panels and competition committees.

In response, the new Director of the National Freedom Institute introduced such procedures on 18 June 2024.

No new legislation has been introduced to revitalise the debate on conflicts of interest, although this is an issue that requires intervention.

--> For the three previous points, **please also provide information and figures on their application/enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

Poland has long lacked adequate whistleblower protection measures. For years, NGOs focused on transparency and anti-corruption have warned that individuals exposing irregularities in their professional environments risk facing severe reprisals with little to no legal or institutional protection. However, 2024 marked a turning point in this area, as Poland finally enacted a whistleblower protection law.

The impetus for introducing this legislation came from EU Directive 2019/1937, which required all EU member states to establish whistleblower protection systems. However, Poland failed to implement the directive within the required timeframe, delaying compliance by more than two years and incurring multi-million euro fines. As a result, in 2024, the newly-formed Polish government made the implementation of the whistleblower protection law one of its top priorities.

While Poland' adoption of the whistleblower protection act is a commendable step forward, the rushed legislative process unfortunately compromised the bill's quality, leaving it with significant shortcomings.

The bill's most serious flaw lies in its relatively narrow scope. The law provides an exhaustive list of situations in which a whistleblower is entitled to protection, primarily focusing on areas specified in the EU directive. Polish decision-makers, however, ignored NGO recommendations to broaden legal protections to cover all breaches of law occurring in the workplace. Instead, the Polish bill extends the directive's material scope only to include corruption and violations of constitutional freedoms and human rights, specifically those related to individuals' interactions with public authorities.

During parliamentary deliberations, the Polish Senate decided to exclude labor law from the scope of whistleblower protection, despite strong opposition from NGOs and trade unions. This exclusion effectively deprives individuals reporting the most common irregularities within Polish institutions and enterprises of the legal safeguards provided by the whistleblower protection act.

In alignment with EU Directive 2019/1937, the Polish whistleblowers protection act aims to safeguard individuals who report breaches of law within their work environment. The category of 'whistleblower' encompasses a broad spectrum of individuals, including: employees, contractors (e.g., individuals working under a contract of mandate or a contract for specific work), partners, interns, and former employees.

The whistleblower protection act establishes three procedures for reporting legal violations: internal reporting, external reporting, and public disclosure. Internal reporting allows whistleblowers to report violations within their company's or institution's internal structure. External reporting involves notifying the Commissioner for Human Rights or another relevant public authority. Public disclosure, intended as a last resort, requires whistleblowers to meet additional conditions before making information public.

Under the act, whistleblowers have the flexibility to choose between internal and external reporting, allowing them to either follow their employer's internal procedure or report directly to the appropriate authority. However, the public disclosure option is intended for exceptional cases and is subject to stricter requirements.

The law mandates that all entities employing 50 or more people must establish internal whistleblowing procedures to facilitate reporting and ensure compliance with the new regulations.

The Commissioner for Human Rights serves as the primary body responsible for protecting whistleblowers, although other government entities are also authorised to receive reports. The law excludes classified information from protection, along with public contracts related to defense and security. While anonymous reports are permitted, their acceptance remains at the discretion of the receiving body.

The Whistleblower Protection Act was enacted in June 2024, requiring all obligated entities to implement internal reporting procedures by 15 September 2024. Public institutions were given until 15 December 2024 to establish mechanisms for receiving external reports. As the act has only recently come into full effect, it is still too early to assess its practical effectiveness.

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

Exclusion of the Public Procurement Law for Polish EU Presidency purchases

On 3 July, the President signed an act introducing special measures for the preparation and execution of Poland's Presidency of the Council of the European Union in the first half of 2025. The act exempts public contracts for works, supplies, and services related to the presidency from the provisions of the Public Procurement Law of 11 September 2019.

This exemption raises concerns, as it represents yet another instance where public procurement regulations have been excluded in areas particularly vulnerable to corruption risks. While the law assigns the Central Anti-Corruption Bureau (CBA) the responsibility of monitoring procurement processes for potential corruption, the Polish government (see above) has simultaneously proposed the dissolution of the CBA before the presidency concludes.

Proposed reforms in response to visa scandal

In response to a series of corruption scandals related to the issuance of visas to Poland, a draft bill aimed at addressing irregularities in the visa system was published on the website of the Government Legislation Centre on 11 September. As indicated by the document's title, the proposed legislation is the government's reaction to findings from the so-called visa scandal that occurred during the Law and Justice government.

The key elements of the proposed regulation focus on reforming visa procedures for individuals seeking to study in Poland and improving the system for issuing temporary residence permits for the duration of their studies. Among the proposed measures are:

- higher language proficiency requirements for visa applicants, ensuring they have adequate knowledge of the languages in which Polish universities conduct instruction,
- improved administration of data on third-country students arriving in Poland, and
- streamlined procedures for cooperation between universities and administrative bodies to curb the issue of sham education at universities.

These reforms aim to enhance oversight and reduce opportunities for abuse within the Polish visa system.

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

The government has made no progress in updating the legal framework for the criminalisation and sanctioning of corruption. Particularly disappointing is the lack of work on amending legislation concerning the use of public resources by electoral committees, despite numerous irregularities identified during the 2023 election campaign.

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Accessing official data on corruption remains highly challenging, as such information is not published on a regular basis. At present, only partial data from the activities of a limited number of institutions are available, and even these pertain solely to the year 2023.

Police:

Venality (Article 228 Criminal Code): <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-10/63537,Sprzedajnosci-pelniajacego-funkcje-publiczna-art-228.html>

Bribery (Article 229 CC): <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-10/63538,Przekupstwo-art-229.html>

Paid patronage (Articles 230 and 230a CC): <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-10/63541,Platna-protekcja-art-230-i-230a.html>

Bribery in a managerial position (art. 296a CC): <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-17/63917,Lapownictwo-na-stanowisku-kierowniczym-art-296a.html>

The general report on police activities for 2024 provides limited insights. It states that, among all entities tasked with anti-corruption responsibilities, the police remain the leading authority, addressing 91.68 percent of such crimes in 2024. These offences include accepting or offering financial or personal benefits, or the promise thereof, as well as engaging in paid patronage and committing intellectual forgery to secure financial or personal gain. <https://www.policja.pl/pol/aktualnosci/255015,Walka-z-przestepczoscia-gospodarcza.html>

Judiciary and prosecution

The Statistical Directory of Justice (isws.ms.gov.pl), which provides data on the functioning of the justice system, does not publish up-to-date information on corruption cases. Additionally, there is no publicly available data on corruption cases handled by the prosecution.

CBA

However, 2023 statistics on CBA activities are available at <https://www.cba.gov.pl/pl/o-nas/informacja-o-wynikach/5095,Informacja-o-wynikach-dzialalnosci-Centralnego-Biura-Antykorupcyjnego-w-2023-rok.html>

Other data/surveys

On 6 June 2024, the international consulting firm Ernst & Young published its annual EY Global Integrity Report 2024. The report highlights a decline in integrity standards in Poland, with an increasing propensity for unethical conduct in business and beyond. According to the findings, one in five domestic companies has experienced fraud or compliance violations. Additionally, nearly half of respondents (49%) indicated that their organisation employs managers willing to compromise integrity for short-term personal gain. More than half (53%) of those surveyed believe that dishonest behaviour can be justified to advance career prospects or secure a higher salary.

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Irregularities in the Justice Fund and the case of the former deputy justice minister

Significant progress has been made in one of the most high-profile corruption cases linked to the former government—the investigation into the disbursement of funds from the Justice Fund. On 19 June 2024, the prosecutor's office formally requested the Sejm to lift the parliamentary immunity of Suwerenna Polska MP Marcin Romanowski, accusing him of involvement in an organised criminal group and ten other offences. The group, in which Romanowski was allegedly involved, is accused of misappropriating over PLN 200 million (approximately EUR 45 million) from the fund, including the unlawful transfer of funds to allied right-wing organisations. The prosecution also sought Romanowski's arrest.

On 12 July, the Sejm voted to lift Romanowski's immunity and approved his detention and temporary arrest. He was detained on 17 July 2024, and charges were brought against him. However, the court soon ordered his release, citing his immunity under his role in the Parliamentary Assembly of the Council of Europe. The prosecution contested this ruling, and in September, the Parliamentary Assembly lifted his immunity.

Following this, the prosecutor's office applied for a three-month detention order, which the court approved on 9 December. After the decision, Romanowski went into hiding, prompting the issuance of an arrest warrant and a European Arrest Warrant. On 19 December, the Hungarian government announced that Romanowski had been granted political asylum in Hungary.

The 2020 election scandal - Commission's findings

On 22 November, the Parliamentary Commission of Inquiry into the legality, regularity, and expediency of the preparations for and conduct of the 2020 presidential election by postal voting (the so-called Envelope Election Commission of Inquiry) presented its report. The commission concluded that the 'envelope elections' were organised without a legal basis, resulting in multimillion-złoty losses for the Polish Post and the State Security Printing Works for production and printing of postal voting packages.

The report alleges that Jarosław Kaczyński and other key decision-makers—former Sejm Speaker Elżbieta Witek, former Prime Minister Mateusz Morawiecki, former Minister of the Interior and Administration Mariusz Kamiński, former Minister of Digitalisation Marek Zagórski, former President of the Personal Data Protection Office Jan Nowak, former Head of the Chancellery of the Prime Minister Michał Dworczyk, and former Minister of State Assets Jacek Sasin—abused their powers and failed to fulfil their duties. The commission has filed 19 notices of potential criminal offences with the prosecutor's office.

Law and Justice (PiS) MPs serving on the commission submitted dissenting opinions to the report. It is important to note that, independently of the commission's work, the regional prosecutor's office in Warsaw has established a special investigative team to determine whether crimes were committed in connection with the failed postal election. The potential accountability of senior officials remains uncertain, as many key decisions were reportedly not documented in writing.

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Detailed data pertaining exclusively to corruption offences are not yet available, as they are included within a broader dataset covering economic crimes. These figures were published in January 2025.

Police secured assets valued at PLN 3,359,031,618 (approximately EUR 799,769,432) — including movable property, vehicles, cash, company shares, and real estate, an increase of more than 24 percent compared to 2023, when secured assets totalled PLN 2,701,563,762 (approximately EUR 643,229,467).

The value of recovered property in completed preparatory proceedings also rose by 18 percent in 2024, reaching PLN 274,860,969 (approximately EUR 65,443,088), compared to PLN 232,306,425 (approximately EUR 55,311,054) in 2023.

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

N/A

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

Recommendation 1: Pursue efforts to ensure that fair, transparent and non-discriminatory procedures, are adhered to for the granting of operating licences to media outlets, and
Recommendation 2: Pursue efforts to ensure an effective legislative framework for the independent governance and editorial independence of public service media, taking into account European standards on public service media.

The situation is complicated and it is described in the further parts of this Section. Summary below.

On 21 June 2024, the Ministry of Culture and National Heritage published for public consultation the draft outline of a bill on public media reform, which aims to implement Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024. The regulation establishes a common framework for media services within the internal market and amends Directive 2010/13/EU (European Media Freedom Act).

Despite the bill's broad scope, the public consultation report indicates that it is not going to resolve the problem of the lack of political independence of the National Broadcasting Council—the national media market regulator—whose operations have been heavily influenced by the ruling party.

The lack of independence within the National Broadcasting Council is particularly concerning given its authority to impose fines on broadcasters for content deemed unlawful. The legal basis for this power—Article 18 of the Law on Public Media—is excessively broad. Past Council decisions have demonstrated how this authority has been used to suppress political opponents of the ruling majority and censor media content that contradicts the government's agenda.

Despite these concerns, the Ministry of Culture and National Heritage has indicated no intention to amend these provisions. It maintains that the planned reforms—focused on ensuring greater plurality within the Council and introducing stricter eligibility criteria for its members—will be sufficient to prevent potential censorship through fines.

It is important to note that Poland's media market continues to have two regulatory bodies: the National Broadcasting Council and the National Media Council. The latter, established amid considerable controversy, was created alongside the National Broadcasting Council, stripping it of key powers related to appointing management board members of publicly owned broadcasters, which in Poland operate as private commercial companies.

The introduction of the National Media Council through an amendment to the Law on Public Media was declared unconstitutional by the Polish Constitutional Tribunal in its judgment of 13 December 2016 (K 13 /16). However, the ruling has yet to be implemented. Following the 2024 parliamentary elections, the government largely acted as if the National Media Council did not exist, allegedly in an effort to enforce the Constitutional Tribunal's ruling. Nonetheless, there remains a pressing need to clarify the legal framework governing the oversight exercised by political institutions and the government over public media companies.

By the end of 2024, the ruling coalition appeared to have shifted its stance on the National Media Council. In October, Parliament dismissed the Council's chairman, and in December, a new member—an MP from the ruling coalition—was appointed to the Council and subsequently assumed the role of chairman. Significantly, on 27 December 2023, the Minister of Culture and National Heritage declared public broadcasting companies—both television and radio channels—insolvent, initiating legal bankruptcy proceedings against them. Under this process, the Minister appointed receivers to temporarily manage the companies, but according to the Commercial Companies Code, these appointments offer minimal safeguards for independence. Receivers may be dismissed at any time and for any reason by the majority shareholder—the Polish State—represented by the Minister himself.

Although this measure was reportedly intended to mitigate legal controversies surrounding the changes in public media, it has, in practice, placed these institutions in a legal framework with even fewer formal guarantees of independence than before.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

On 21 June 2024, the Ministry of Culture and National Heritage published for public consultation the draft outline of a bill on public media reform, which aims to implement Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024. The regulation establishes a common framework for media services within the internal market and amends Directive 2010/13/EU (European Media Freedom Act).

The government's ambition is to reform Poland's media landscape, with a particular focus on public media regulation. The draft outline proposes several major changes, including restructuring the National Broadcasting Council, revising the management of public television and radio channels, introducing competition rules for media market mergers through a media pluralism test, regulating the advertising practices of state-owned entities, enhancing transparency in media ownership structures, proscribing publishing by local authorities, and strengthening the protection of journalistic sources.

Despite the bill's broad scope, the public consultation report indicates the proposed reform is unlikely to address some of the most pressing and long-standing issues within Poland's media regulatory framework. In recent years, these challenges have stemmed from the lack of political independence of the National Broadcasting Council—the national media market regulator—whose operations have been heavily

influenced by the ruling party.

Due to anticipated controversies surrounding any substantial overhaul of the Council, the draft outline proposes only limited changes, focusing on the terms of its members and their eligibility criteria. However, numerous NGOs and public institutions, including the Commissioner for Human Rights, have repeatedly called for a more comprehensive overhaul of the appointment procedure, advocating for stronger guarantees of political pluralism and gender balance.

Criticism also extends to the lack of transparency in the appointment process, which notably excludes meaningful participation from civil society, media market stakeholders, and journalists' representatives. The lack of independence within the National Broadcasting Council is particularly concerning given its authority to impose fines on broadcasters for content deemed unlawful. The legal basis for this power—Article 18 of the Law on Public Media—is excessively broad. Past Council decisions have demonstrated how this authority has been used to suppress political opponents of the ruling majority and censor media content that contradicts the government's agenda.

Despite these concerns, the Ministry of Culture and National Heritage has indicated no intention to amend these provisions. It maintains that the planned reforms—focused on ensuring greater plurality within the Council and introducing stricter eligibility criteria for its members—will be sufficient to prevent potential censorship through fines.

A potential mitigating measure could come from the proposed amendment requiring majority voting within the Council when imposing fines. However, this change fails to address the core issue, which lies in the overly broad and vague wording of the existing legal provisions governing the Council's competencies. It is important to note that Poland's media market continues to have two regulatory bodies: the National Broadcasting Council and the National Media Council. The latter, established amid considerable controversy, was created alongside the National Broadcasting Council, stripping it of key powers related to appointing management board members of publicly owned broadcasters, which in Poland operate as private commercial companies.

The introduction of the National Media Council through an amendment to the Law on Public Media was declared unconstitutional by the Polish Constitutional Tribunal in its judgment of 13 December 2016 (K 13 /16). However, the ruling has yet to be implemented. Following the 2024 parliamentary elections, the government largely acted as if the National Media Council did not exist, allegedly in an effort to enforce the Constitutional Tribunal's ruling. Nonetheless, there remains a pressing need to clarify the legal framework governing the oversight exercised by political institutions and the government over public media companies. By the end of 2024, the ruling coalition appeared to have shifted its stance on the National Media Council. In October, Parliament dismissed the Council's chairman, and in December, a new member—an MP from the ruling coalition—was appointed to the Council and subsequently assumed the role of chairman.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

[Addendum to the previous question due to reaching the limit of characters:]

Significantly, on 27 December 2023, the Minister of Culture and National Heritage declared public broadcasting companies—both television and radio channels—insolvent, initiating legal bankruptcy proceedings against them. Under this process, the Minister appointed receivers to temporarily manage the companies, but according to the Commercial Companies Code, these appointments offer minimal safeguards for independence. Receivers may be dismissed at any time and for any reason by the majority shareholder—the Polish State—represented by the Minister himself.

Although this measure was reportedly intended to mitigate legal controversies surrounding the changes in public media, it has, in practice, placed these institutions in a legal framework with even fewer formal guarantees of independence than before.

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

N/A

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

The issue of discretionary and non-transparent spending on state institutions' advertising remains widespread. Despite the provisions of the Access to Public Information Act, obtaining information often depends more on the discretion of the obliged entity than on the legal requirements.

For instance, in 2022, Citizens Network Watchdog Poland submitted inquiries regarding advertising and promotional expenditures to seventeen Regional Directorates of State Forests. Only five—Krosno, Łódź, Szczecin, Warsaw, and Zielona Góra—provided responses. Eleven Regional Directorates complied only after a ruling by the Provincial Administrative Court, which meant delays of one to two years. Meanwhile, the Lublin Regional Directorate filed a cassation appeal to a higher court, meaning the requested information remains unavailable as of 2025.

On 21 June 2024, the Ministry of Culture and National Heritage submitted for public consultation a draft of outline of a law to implement the so-called European Media Freedom Act (EMFA). The consultation period lasted three months, which is considered a commendable practice. However, such an approach remains an isolated case.

During the consultations, civil society organisations pointed out borderline scenarios where rapid decisions on the placement of advertisements could create opportunities for abuse. Such scenarios include emergencies like natural disasters. While the EMFA provides exceptions for such cases, Poland's experience demonstrates the potential risks involved. This was particularly evident during the COVID-19 pandemic, when some media outlets—such as Agora, Ringier Axel Springer Media, and the Discovery Group—published vaccination announcements free of charge, while others—including state-owned media, Polsat, and outlets owned by Fratria or the Lux Veritatis Foundation—received payment for doing so. The key distinction between these groups lay in their oversight role concerning state authorities; the more critical a media outlet was, the less likely it was to receive payment for publishing public service announcements, regardless of its audience reach.

They also highlighted that certain forms of media subsidies in Poland, not covered by the EMFA, fall outside the definition of political advertising but still impact media competitiveness. These subsidies include various grants that support the media's own activities. Recital 72 of the EMFA refers to implicit subsidies, offering a framework to interpret the transfer of such funds. In practice, shifting resources from state advertising to subsidies could indirectly influence editorial independence.

On 6 November 2024, the Ministry published a report on the consultations. The report included the Ministry's

declaration that “expenditure transparency regulations will cover all expenditure by public entities on behalf of the media.”

Organisations welcomed the creation of a media and advertising database, emphasising the importance of practical solutions and accessible data. They stressed the need for an effective control system and meaningful sanctions for legal violations.

However, by the end of 2024, the final bill implementing the EMFA had yet to be included in the government's legislative agenda.

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

As previously mentioned, there remains a persistent lack of legal clarity regarding the exact and binding procedure for appointing management board members of public media companies. This uncertainty stems from the unconstitutional 2015 reform and the establishment of the National Media Council, which stripped the National Broadcasting Council of its key competencies. Despite the ongoing controversy, the issue has yet to be addressed, reaching a critical point in December 2023 when the Minister of Culture and National Heritage unilaterally appointed new CEOs of public broadcasters.

This decision directly contradicts international standards on public media independence and established case law of the Polish Constitutional Tribunal, which underscores that public media must not be placed under direct control of the executive branch.

According to a press release from the Minister of Culture and National Heritage, the recent changes in the management of public media companies were carried out under the provisions of the Commercial Companies Code. However, this rationale circumvents constitutional requirements ensuring public media independence, further exacerbating the ongoing legal conundrum. The Constitutional Tribunal, in its case law, has consistently held that while public broadcasting entities may take the form of public limited companies, this legal structure cannot override their unique role in upholding freedom of expression and the right to information. According to the Tribunal, public broadcasters cannot be treated in the same manner as other commercial enterprises, despite their organisational model being based on similar principles.

The Ministry announced plans to address these issues through legislative reform; however, specific solutions remain under discussion. Meanwhile, recent studies indicate that although some reduction in extreme and biased content has been observed, political influence persists. A significant majority of airtime is still dedicated to representatives of the ruling coalition, who accounted for nearly 90 percent of invited speakers during the European Parliament election campaign. (See: https://demagog.org.pl/analizy_i_raporty/czysta-woda-bez-kobiet-i-z-dominacja-koalicji-obywatelskiej-kogo-zapraszaja-programy-publicystyczne/).

Polska Press, the largest regional media group in Poland, remains owned and controlled by the state-owned oil company PKN Orlen. Despite the current government's declared intention to resell the media outlets due to significant political and legal controversies, Polska Press remains effectively under government control and no specific details of a potential resale deal have been disclosed.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

While identifying the publisher of a media outlet poses no significant challenges in principle, ambiguities arise in practice. For instance, during election periods, single-issue newspapers may appear with unclear publishing credentials while presenting themselves as regularly issued periodicals. Similarly, online portals often provide ownership details in a manner that is not intuitively accessible. A more pressing concern, however, lies in identifying the actual beneficiaries behind media ownership.

Under the provisions of the AML/CFT Law, the beneficial owner must be an individual or individuals. If it is demonstrably impossible to determine the actual person(s), the law designates a senior management representative, such as a board member, as the beneficial owner. This approach creates a situation where the actual beneficial owner may remain undisclosed due to successive layers of ownership. Furthermore, public companies fall outside the scope of this register altogether, adding another layer of opacity.

Compounding the issue is the Court of Justice of the European Union (CJEU) ruling in the joined cases C-37/20 and C-601/20, WM (C-37/20), Sovim SA (C-601/20) v Luxembourg Business Registers, which could restrict public access to the beneficial ownership register. Although the register remains accessible for now, the ruling introduces uncertainty regarding its future availability.

The EMFA as considered for implementation in Poland includes a proposed a requirement to disclose the names of direct or indirect owners with interests that enable them to influence activities and strategic decisions. This includes instances of direct or indirect ownership by the state or public entities, marking a significant step forward. Civil society organisations have stressed the need to recognise the unique influence media ownership can exert on public opinion, advocating for public disclosure of ownership details, including information on individual owners.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

While the personal security of journalists in Poland is relatively well protected, several issues and concerning trends persist, necessitating amendments to criminal law, criminal procedure regulations, and the civil liability framework. Journalists frequently face threats in the form of verbal and psychological harassment, criminal intimidation, and various forms of undue pressure that fall outside the scope of existing criminal law provisions.

Some of these challenges stem from the very legal regulations intended to protect journalists' safety. Articles 43 and 44 of the Press Law establish penalties for offenses such as the use of threats or violence against journalists (Article 43) and the abuse of authority to suppress press criticism (Article 44). Despite their

potential effectiveness, these provisions are rarely applied, even though existing case law demonstrates their utility in protecting journalists, including in cases involving indirect actions such as obstructing information gathering, misleading reporters, intimidating sources, and harassment.

The limited enforcement of these provisions appears to be driven not only by their infrequent invocation in court proceedings but also by a broader reluctance to bring charges under these articles. Additionally, cases of violence or harassment against journalists are often not reported to the relevant law enforcement authorities, further complicating efforts to ensure their protection.

Another critical aspect of journalists' safety in Poland is the legal framework governing journalistic secrecy in criminal proceedings. A significant challenge arises from the lack of clarity in the existing legislation concerning the scope of this secrecy, the protection of journalistic sources, and the precise conditions and procedures for waiving this confidentiality.

A particularly problematic issue is the established case law practice that journalistic secrecy does not apply to certain offences defined under Article 240 of the Criminal Code. The positions taken by legal scholars and courts on this matter are inconsistent, leading to uncertainty in its application. Additionally, concerns have been raised regarding judicial practices that adopt a restrictive interpretation of legal provisions, suggesting that journalistic secrecy is only safeguarded when the source of information has explicitly requested anonymity.

The current Polish regulations on the retention of materials that may contain information protected under journalistic secrecy present significant challenges. Existing safeguards, though intended to provide judicial oversight, are largely insufficient in practice. Judicial review is limited to instances where such materials are used as evidence in criminal proceedings. However, at earlier stages of the investigation, prevailing legal interpretations allow prosecutors to access and examine these materials without prior judicial authorization.

This legal framework falls short of international standards, including those established by the European Court of Human Rights (ECHR), which emphasize the necessity of robust safeguards against undue interference with journalistic sources. The current system, which allows for only ex post judicial oversight, is incompatible with these standards.

A critical and persistent issue affecting the safety of journalists in Poland relates to surveillance practices, particularly the lack of robust safeguards surrounding access to telecommunications, postal, and internet metadata by law enforcement and national security services. Current regulations permit the retrieval of metadata even outside of pre-trial investigations, without requiring a request to the relevant telecommunication service provider or prior court or prosecutorial approval—even in cases involving privileged communications, such as journalistic confidentiality.

The only safeguard in place is ex post control, which is widely regarded as ineffective. District courts are theoretically empowered to review such activities, but this oversight is based solely on general, aggregated semi-annual reports submitted by the relevant services, offering no meaningful scrutiny of individual cases.

Further, judicial review concerning surveillance of communication content, such as wiretapping, is also deficient. Although the law nominally requires ex ante approval, in practice, courts review the matter only after the services have accessed and examined the communication. Judicial decisions are limited to determining whether the already obtained information can be used as evidence in criminal proceedings.

Both of the surveillance regulations described above—concerning the acquisition of metadata and the content of communications—are incompatible with Article 4(4)(d) of the European Media Freedom Act, which requires prior independent authorization to access journalistic confidential communication.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

N/A

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

In Poland, there is no dedicated institution responsible for overseeing access to public information, and no central body collects data on the implementation of related obligations. The only authority that occasionally monitors the systemic fulfilment of these obligations is the Supreme Audit Office. Administrative courts adjudicate cases involving specific instances of refusal or failure to comply with the law.

The Access to Public Information Act was enacted in 2001, and its most significant challenges stem from the definition of public information. The law leaves room for interpretation regarding what constitutes public information. This ambiguity not only results in a narrowing of the constitutional standard for access to information but also leads to protracted legal disputes.

A glaring example of how access to information procedures can be excessively prolonged is the case concerning financial records of a publicly funded project at Cardinal Stefan Wyszyński University. The project, valued at PLN 3.7 million (over EUR 860,000 at the 2025 exchange rate), was titled A Model for Regulating Openness and Its Limitations in a Rule of Law State. Since 2015, legal proceedings have been ongoing as efforts continue to obtain financial records related to the project.

Due to legal provisions that allow the University to introduce new justifications for withholding information, the case has repeatedly returned to court, which has consistently ruled in favour of the complaining organisation (Watchdog Poland). The most recent hearing took place on 27 November 2024. If the University continues to withhold the requested information—though it is expected to comply—the case will become the longest-running access to information dispute in Poland, surpassing a decade.

Such frequent failures to conclude cases are permitted under the current provisions of the Access to Public Information Act and therefore require urgent reform.

A significant challenge to accessing public information arises from the ambiguous interpretation of what constitutes public information under the Access to Public Information Act. One notable example is the category of "internal/technical documents", which lacks a legal definition and exists solely within administrative interpretations and judicial rulings. This ambiguity leads to unpredictability in the system and an inconsistent adherence to case law, regardless of the public significance of the requested information.

A prominent example of this issue is the case concerning access to the calendar of the President of the Constitutional Tribunal during the rule of law crisis. On 21 March 2024, the European Court of Human Rights (ECtHR) delivered its judgment in Sieć Obywatelska Watchdog Polska v. Poland (application no. 10103/20). The case involved the organisation's complaint regarding the denial of access to the meeting calendar of Constitutional Tribunal President Julia Przylębska.

The ECtHR ruled that the refusal to disclose the calendar was unjustified, emphasizing that the information was of public interest and relevant to the broader public debate. The Court recognised that organisations such as Watchdog Polska serve as public watchdogs and that access to such information is crucial for monitoring the actions of public authorities and safeguarding democratic processes. Consequently, the Court found that the denial of access to the meeting calendar constituted a violation of the right to information protected under Article 10 of the European Convention on Human Rights.

Another method used to withhold public information is the accusation that applicants are abusing their right to access such information. This concept is not explicitly defined in the Access to Public Information Act but is instead based on interpretations derived from other legal frameworks, where terms such as trivial,

frivolous, unreasonable, irrational, vexatious, malicious, abusive, similar, and repetitive are clearly defined and subject to verification.

In jurisdictions where these concepts are codified, their meaning is clear, and they are applied within a structured legal framework. However, in the Polish system, the lack of a legal definition allows for arbitrary interpretations that vary depending on the circumstances. This frequently results in administrative authorities escaping accountability by prolonging proceedings and, ultimately, undermining the public interest.

According to a report published by the OECD in March 2024, Poland meets 67 percent of the regulatory criteria concerning open data and 54 percent of the practical criteria, compared to the OECD averages of 67 percent and 62 percent, respectively. However, the practical implementation of these standards reveals significant shortcomings.

Detailed information on the situation in Poland is available in the State of Openness Report 2024.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

The landscape of strategic lawsuits against public participation (SLAPPs) has shifted following the 2024 parliamentary election. The current ruling coalition has significantly reduced the use of SLAPPs by the central government and its affiliates. State-owned companies have withdrawn some legal actions, although certain proceedings continue, and new cases have also emerged.

For instance, Lasy Państwowe (State Forests) discontinued criminal defamation proceedings against environmental activist Brunon Wołosz. The case involved allegations made by Wołosz regarding poor forest management and profiteering from tree cutting, ultimately raised in various contexts, including in consultations with the European Commission.

Similarly, Polski Holding Hotelowy—a state-owned company operating the second-largest number of hotels in Poland—dropped two civil lawsuits against Rafał Krzycki, owner of the online news portal Horecabc.pl, which focuses on the hospitality industry. However, one of these cases continues, as it was co-initiated by the company's former CEO, Gheorghe Marian Cristescu, who has also filed a separate lawsuit individually. These cases pertain to allegations, among other issues, of the illegal wiretapping of opposition politicians (now part of the ruling coalition) in hotels owned by the company.

Nevertheless, SLAPP cases initiated by private entities, individuals, and representatives of local governments continue. Stefan Gardawski, a city activist and member of the association Miasto Jest Nasze (The City Is Ours), lost a first-instance case brought by Dom Development, a property developer. The case stemmed from Gardawski's public remarks—based on official documents—raising concerns about the company's purchase of municipal land without proper authorization. The court ordered him to delete his tweets on the matter, issue a public apology, and pay PLN 5,000 (EUR 1,190) to a charitable foundation.

Moreover, new concerning proceedings have also been initiated by state actors. For instance, the Border Guard submitted a notice to the prosecutor's office alleging criminal defamation against Piotr Czaban, a journalist reporting on the migrant crisis at the Polish-Belarusian border.

Some SLAPP-like proceedings initiated by members of the Law and Justice party also remain ongoing.

On 15 January 2025, the Ministry of Justice published a proposed law to implement the anti-SLAPP directive. The law incorporates many of the directive's instruments; however, it does not include a reversed burden of proof in cases where the defendant files a motion for early dismissal. The proposed mechanism for early dismissal is based on the concept of *oczywista bezzasadność powództwa* (manifestly unfounded

lawsuit), which is already present in the Polish Civil Code but is interpreted very narrowly by courts. In its current application, this provision would not cover most SLAPP cases.

The proposal also lacks provisions for compensating damages caused by SLAPPs. Under current law, individuals targeted by SLAPPs must initiate separate proceedings to seek compensation, which is both time-consuming and costly, requiring significant financial resources for legal representation. Furthermore, the draft law does not include protections against judgments from third countries.

A positive aspect of the proposal is its applicability to pending cases. Swift adoption, along with the incorporation of recommendations from the third sector, is strongly recommended.

No government-backed training programmes exist for judges in this realm, which is particularly concerning given the directive's brief and imprecise definition of SLAPP. This raises concerns that judges may fail to identify abusive lawsuits targeting public participation and may not effectively apply the instruments provided by the law.

In April 2024, the Minister of Justice pledged to decriminalise criminal defamation under Article 212 of the Criminal Code—a provision frequently used to suppress public debate as criminal defamation proceedings can be initiated directly by individuals without the involvement of law enforcement. However, there are no indications that this promise will be fulfilled, which is especially concerning, as SLAPP filers may increasingly turn to criminal proceedings in light of new laws limiting the use of civil instruments to stifle public debate.

Parliamentary deliberations continue regarding the proposed law on *ślepe pozwy* (so-called "John Doe lawsuits"). Under current law, civil proceedings cannot be initiated against an individual whose identity is unknown. The draft law aims to introduce this possibility, potentially reducing reliance on criminal procedures in such cases. However, the proposed legislation lacks safeguards to prevent abuse of this procedure for identifying the authors of legitimate speech, raising concerns about unjustified restrictions on the right to anonymity.

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

A significant and highly contested development is the proposed abolition of newspapers published by local government authorities and institutions as part of the implementation of the European Media Freedom Act (EMFA). These publications—issued by municipal offices, public community centres, public sports centres, municipal companies, and other local government entities—primarily serve a promotional purpose and compete with independent newspapers. Unlike independent media, they are typically distributed free of charge, have a wide reach, and sometimes carry advertisements. Taxpayers cover the costs of these publications.

The Ministry of Culture and National Heritage, in its plans for implementing the EMFA, proposed banning local government media, permitting only six printed newsletters per year (source). Civil society organizations and journalist associations welcomed this proposal, considering it a positive step, as they have long advocated for regulating the local news and media landscape. However, local authorities opposed the measure, arguing that it would restrict their freedom of expression and hinder their ability to inform residents. According to the public consultation report, the ministerial proposal remains stalled. The year 2025 is expected to be decisive for the future of this initiative.

However, threats to media pluralism and the media's watchdog role continue to grow. Local authorities not only publish their own newspapers—sometimes employing more journalists than traditional media outlets—but also actively attempt to silence independent voices, and not only through SLAPPs.

In November 2024, lawyers representing the ruling majority in Lublin filed complaints against a local NGO publisher including all its institutional donors, in an effort to cut off the newspaper's funding. The complaints targeted an investigative report that exposed legal violations committed by members of the ruling majority's party. In addition to challenging the findings, the complaints contained slanderous accusations against the editorial team, alleging ties with political opponents.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

N/A

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders' public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

In 2024, the Sejm—the lower chamber of the Polish parliament—considered 272 bills and passed 138 of those. The government drafted 227 bills, with 97 approved by the Council of Ministers and subsequently referred to the Sejm.

Changes and statistics of the legislative process at the government level

In 2024, lawmakers introduced significant changes to legislation governing lawmaking and the participation of citizens and legal entities. These changes stemmed, among other factors, from commitments outlined in the National Reconstruction Plan (F 2.1). The Council of Ministers adopted amendments through a resolution on its Rules of Procedure, while the Sejm adjusted its own Rules of Procedure to reflect the new requirements.

The amendments to the Rules of Procedure of the Council of Ministers, adopted on 13 August 2024, aimed to limit opportunities to bypass public consultations. The revised Section 36 now states: "Refraining from holding public consultations is allowed only in exceptional cases, particularly when related to security, public order, health protection, or environmental protection." Additionally, §40 introduced a requirement for a detailed justification when setting a time limit of less than 21 days for submitting positions on a bill.

A comparison of practices before and after the amendments reveals little improvement. Between 1 May and 31 July, the government initiated work on 58 bills, subjecting 39 to consultation. Following the changes to the Rules of Procedure of the Council of Ministers, no significant progress emerged. Between 1 September and 31 October, work began on 52 drafts, with consultations held for 39. From 1 November to 31 December, the government initiated 28 drafts and announced consultations for 19. In cases where consultations were not announced, the authorities did not cite the reasons outlined in the amended §36 of the Rules of Procedure of the Council of Ministers. Additionally, officials failed to provide the required detailed justifications for reducing

the consultation period from 21 days, with such reductions occurring in approximately 50% of cases.

Changes and statistics at the parliamentary level

The situation in the Sejm developed somewhat differently. On 26 July 2024, the Sejm adopted amendments to its Rules of Procedure, with the most relevant changes taking effect on 1 November. From this date, the Speaker of the Sejm must submit a bill for public consultation before referring it for the first reading of parliamentary or civic initiatives. Exceptions to this rule apply only in particularly justified cases. The Speaker may also initiate consultations on bills submitted by the Senate and the President.

Participants in the consultations have 30 days to submit their comments electronically, which are then published in the Sejm Information System for public access. This allows anyone, particularly the bill's author and MPs, to review the feedback. Parliamentary experts also analyse the submitted comments and prepare an opinion on the bill's impact assessment.

Under the new procedure, between 1 November and 31 December, 23 drafts underwent public consultation. The 30-day consultation period was shortened in only two cases. One of these involved a 14-day consultation period for a bill addressing incidental issues related to the Supreme Court's role in the May 2025 presidential election.

The newly introduced consultation mechanism has gained significant popularity. For instance, the bill regulating mandatory periodic examinations for hunters received as many as 8,298 opinions, while the bill mandating the publication of approximate salaries in job advertisements attracted 195 opinions. Before the amendments to the Rules of Procedure, the Sejm did not conduct public consultations at all. The introduction of this practice marks a clear improvement in the transparency and inclusiveness of the legislative process, demonstrating responsiveness to public demand.

In addition, the Sejm held four public hearings in 2024, with another scheduled for January 2025. This is a notable increase compared to the previous legislative term, during which only three public hearings took place.

Comprehensive statistics on the quality of public consultations, including the time required to process drafts, will not be available until the Batory Foundation compiles them in the second half of 2025. However, based on information available on the Sejm's website, it is evident that the legislative process has slowed considerably compared to the previous term.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

The above amendments to the Rules of Procedure of the Sejm and the Council of Ministers both introduced provisions limiting the acceleration of legislative procedures.

Parliament

Under the revised Rules of Procedure of the Sejm, which took effect following the 26 July 2024 amendment, the shortening of deadlines for considering bills—such as the 7-day period from assigning a print number to the first reading and the 7-day period from the publication of a committee report to the second reading—now requires the Sejm's approval through a vote held upon a justified motion.

Comprehensive statistical data is not yet available, but preliminary analyses indicate a reduction in the extreme instances of expedited legislative processes seen in the previous term. During the previous

legislature, one bill completed the entire legislative process in just two hours. In contrast, under the new rules, even shortened procedural timelines require a minimum of 14 days, reflecting a more structured approach to fast-track legislation.

Government

The amendments introduced on 13 August to the Rules of Procedure of the Council of Ministers modified § 99 by adding the requirement that fast-track procedures may only be applied when “the importance or urgency of the matter requires an immediate decision by the Council of Ministers” and when “the lack of such a decision would constitute, in particular, a threat to security, public order, health protection, or environmental protection.”

However, without an in-depth analysis of each legislative proposal at the government level, it remains difficult to determine the extent to which fast-track procedures are being utilised. It is likely that at least some instances of bypassing public consultations, as discussed earlier, result from the application of expedited procedures. Verifying this was relatively straightforward in 2023, but recent changes to the Government Legislation Centre's database now prevent users from identifying fast-tracked projects in search results, making transparency and oversight more challenging.

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

No changes have been introduced regarding states of emergency compared to previous years. In 2024, a state of emergency was declared only in areas affected by flooding, and it did not have a direct impact on the functioning of Parliament or the courts.

Regime for constitutional review of laws

5000 character(s) maximum

The crisis surrounding the Constitutional Tribunal persists. Although 2024 brought some developments, they ultimately failed to restore the rule of law in the Tribunal's operations. In March 2024, the Sejm adopted a resolution declaring that its 2015 resolutions regarding the appointment of individuals to already occupied positions—the issue of the so-called “judicial doubles”—had been adopted in gross violation of the law, including the Constitution of the Republic of Poland. In the current state of affairs, the Tribunal's actions are not taken into account by the authorities, so its impact is very limited. Its rulings are invoked basically only by representatives of the opposition and the President. The Tribunal ruled that the parliamentary committee dealing with the use of Pegasus software was acting unconstitutionally (ref. U 4/24). This was ignored by the commission, but some persons, e.g. former head of the CBA Andrzej Stróżyński, who were to be questioned by it refused to explain themselves citing this very ruling.

In 2024, the Tribunal also issued 88 orders discontinuing proceedings.

As a result, although the activity of the Tribunal, in contrast to 2016 - 2023, does not negatively affect the deepening of the crisis of the rule of law - i.e. this body does not legitimise actions against the rule of law, it still has people elected illegally, and citizens do not have an institution that effectively and lawfully controls the compliance of laws with the Polish Constitution.

Republic of Poland and the Convention for the Protection of Human Rights and Fundamental Freedoms. As a result, the Sejm declared these resolutions legally void and without effect. Consequently, it asserted that judgments issued with the participation of these individuals “may be considered a violation of the principle of legalism.”

The resolution—alongside the so-called “action plan” proposed by the Ministry of Justice to the European Commission in February 2024, which outlined general directions for legal reforms aimed at restoring the rule

of law—contributed to the Commission’s decision on 29 May to close the Article 7(1) TEU procedure against Poland. As a result, the Commission withdrew its reasoned proposal, which had triggered the procedure in 2017.

In the cited action plan, the Polish government committed to introducing amendments to the laws governing the Constitutional Tribunal. On 6 March, MPs from the ruling coalition submitted draft legislation, previously prepared by the Legal Expert Team of the Stefan Batory Foundation. In November, the Venice Commission published its opinion, acknowledging certain shortcomings in the proposed laws but generally assessing them positively. However, the Commission issued a negative opinion on the draft constitutional amendment under consideration in the Senate. This amendment aimed to revise constitutional provisions concerning the Tribunal, which would result in the removal of all sitting judges, including those legally appointed.

The acts on the Constitutional Tribunal successfully passed through the full legislative process in parliament but were subsequently referred by President Andrzej Duda to the Constitutional Tribunal, which has yet to publish its decision.

On 18 December 2024, the government adopted a resolution aimed at counteracting the negative effects of the constitutional crisis in the judiciary. The resolution stated that the Council of Ministers holds the position that publishing the Constitutional Tribunal’s rulings in official journals could further entrench the ongoing rule of law crisis. In effect, the resolution formalised the existing situation, as the government—specifically the Government Legislation Centre—had not published the Tribunal’s rulings for over six months.

In December 2024, three members of the Constitutional Tribunal, including former President Julia Przyłębska, left the bench upon the completion of their terms. The Sejm chose not to fill these vacancies, reducing the Tribunal’s composition to 12 members. Bohdan Świączkowski, a former national prosecutor and Law and Justice politician, assumed the position of President.

Official statistics of the Tribunal indicate that it has made 25 judgments in 2024. Of these, 9 concerned constitutional complaints (submitted by private entities), 9 motions for ascertaining the compliance of laws or ratified international agreements with the Constitution, 5 motions for ascertaining the compliance of laws issued by central state bodies with the Constitution, ratified international agreements or laws and 2 concerned legal questions on the compliance of a normative act with the Constitution, ratified international agreements or laws.

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions (‘NHRIs’), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

No new major threats to NHRIs, equality bodies, or the Supreme Audit Office in 2024.

Moreover, the budgets of these institutions saw a substantial increase compared to 2023, both in overall financial resources and current expenditures, including staff salaries. The budget for the current expenditures of the Office of the Commissioner for Human Rights rose from PLN 57.7 million (EUR 13.7 million) to PLN 70.7 million (EUR 16.8 million). The Office of the Commissioner for Children’s Rights experienced an even greater increase of over 40%, from PLN 21.6 million (EUR 5.1 million) to PLN 30.5 million (EUR 7.3 million). Budget increases also benefited the Patient Rights Ombudsman, which received an additional PLN 9 million (EUR 2.1 million), and the Supreme Audit Office, with a rise of nearly PLN 70 million (EUR 16.7 million).

Further increases in funding for the operation of independent institutions have already been approved in the 2025 budget bill.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

According to the report of the Commissioner for Human Rights in 2023, the Commissioner issued 519 general submissions, including:

- 117 problem-focused submissions,
- 89 submissions indicating the need for legislative initiatives,
- 48 extraordinary complaints,
- 89 cassation appeals in criminal cases,
- 18 complaints to administrative courts, and
- 54 cassation appeals in administrative court cases.

Additionally, this data includes decisions to join constitutional complaints reviewed by the Constitutional Tribunal (15 cases) and 46 court proceedings conducted before common courts.

Data provided by the Commissioner's Office indicates the issues raised by the Commissioner primarily concern:

- Administrative and economic law (27.4%),
- Criminal law (22.3%), and
- Constitutional, international, and European law (15.8%).

In 11% of cases, the Commissioner's actions addressed compliance with the principle of equal treatment. Actions related to civil law were at the same level.

The Commissioner's report indicates that in 2023, 863 cases involving general submissions resulted in outcomes aligned with the expectations of both the applicants and the Commissioner for Human Rights. In contrast, during the same period, the Commissioner's position was disregarded in 1,054 cases initiated by general submissions.

Notably, the success rate of motions challenging the constitutionality of provisions—as well as proceedings initiated through legal questions or constitutional complaints—in which the Commissioner participated remained very low. According to the report, in 2023, the Constitutional Tribunal upheld only one such case, while proceedings in 24 others were discontinued.

Between 2018 and 2023, the Constitutional Tribunal upheld only nine cases involving the Commissioner for Human Rights. By comparison, in 2017 alone—prior to the change in the Tribunal's leadership—eight such cases were upheld. This stark contrast raises legitimate concerns about the Tribunal's reliability and impartiality in reviewing the constitutionality of legal acts, which in turn has a negative impact on the national human rights protection system.

In 2024, the Supreme Audit Office (SAO) conducted 1,873 audits across 1,507 entities, addressing a total of 191 issues. As a result of these audits, the SAO issued over 5,000 post-audit recommendations, of which 83.6% were accepted for implementation. Additionally, the SAO prepared 83 proposals for legislative changes and submitted 118 notifications to law enforcement authorities regarding potential crimes or fiscal offences. However, no information is available on the outcomes of the criminal proceedings initiated following the SAO's notifications.

According to the 2023 annual report of the Commissioner for Children's Rights, the Commissioner issued 25 general interventions throughout the year. However, the report does not include any information regarding the effectiveness or outcomes of these interventions.

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

N/A

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

N/A

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

N/A

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

N/A

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Since the 15 October 2023 elections, numerous institutional changes have taken place, including personnel shifts, procedural adjustments, and the elimination or merger of institutions. However, the implementation of legal solutions advocated by civil society organisations—such as those outlined in recommendations submitted to political parties by a broad coalition of NGOs prior to the elections—has been less evident. The Minister's responsibilities include conducting analyses and assessing the effectiveness of legal solutions related to civil society, ensuring its sustainable development, supporting citizens' initiatives, monitoring and promoting good practices, and drafting and reviewing legal acts and other government documents concerning civil society (Journal of Laws, Dz.U.2023.2705).

However, the effectiveness of the office was hindered as Agnieszka Buczyńska, the first appointee, was largely absent throughout the year due to health issues. Furthermore, criticism arose over the political nature of the appointment process, which did not involve civil society organisations or consultations with them. Despite this concern, the nomination itself was not widely contested. At the end of 2024, Buczyńska was replaced by Adriana Porowska, who took over the role and began her tenure.

Political changes have led to a renewed dialogue with civil society organisations regarding regulatory matters. However, the measures implemented so far fall short of fully addressing the ambitions and needs of the NGO community.

For example, in March 2024, the Chairwoman of the Committee for Public Benefit, Agnieszka Buczyńska, established three working groups: one on legal simplification for NGOs, another on activism and volunteerism, and a third on public participation. As part of the work of the legal simplification group,

recommendations for corporate income tax (CIT) exemptions and a streamlined association registration process were approved.

In May 2024, Parliament introduced minor amendments to the Law on Public Benefit Activity and Volunteerism (Journal of Laws, Dz.U.2024.1491), primarily affecting NGOs that work with Polish communities abroad and modifying the functioning of the Committee for Public Benefit.

In September 2024, amendments to the Law on Lobbying aligned it with the new Rules of Procedure of the Sejm (Journal of Laws, Dz.U.2024.1535). These changes enhanced public consultation processes, allowing for the online submission of opinions on draft laws via the parliamentary portal. Simultaneously, amendments to the Rules of Procedure of the Council of Ministers were introduced to strengthen the role of mandatory consultations. Both legislative changes stem from Poland's commitments under the Recovery and Resilience Facility (RRF) milestones, aiming to enhance public participation in the legislative process. However, NGOs and academia continue to criticise both the Lobbying Law and the government's consultation practices for draft legislation. Cases persist where key legislative proposals and strategic documents—such as those related to migration—are either not subject to consultation or are presented with such short timeframes that meaningful participation becomes practically impossible.

Creating opportunities for genuine dialogue with the government remains particularly challenging in areas of contention, such as migration policy. The public hearing on the government's migration strategy for 2025–2030, organised on 25 November by the Minister for Civil Society Affairs and the Office of the Prime Minister with the assistance of the Shipyard Foundation, failed to address these concerns as the hearing took place only after the strategy had already been adopted.

On 8 November, the Sejm passed the Law on Civil Protection and Civil Defense, which acknowledges the role of NGOs, including through the establishment of a formal list of organisations. However, civil society organisations have pointed out that this represents only a first step toward building an effective crisis response system that fully integrates the sector's potential.

In December 2024, the Committee on Public Benefit prepared its Annual Plan of Cooperation with NGOs for 2025 and submitted it for public consultation on 30 December.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

In June 2024, the Ministry of Interior and Administration issued a regulation establishing a buffer zone along the Polish-Belarusian border, covering approximately 60 km (Journal of Laws, Dz.U. 2024 poz. 861). Within this zone, civilians are prohibited from entering a 200-meter strip along approximately 40 km of the border and a 2-km strip along approximately 16 km. The entry ban applies to representatives of civil society organizations (CSOs) involved in humanitarian, medical, and legal aid, as well as to organizations monitoring compliance with the law. Media representatives are also barred from conducting independent observations of border enforcement activities.

These restrictions have raised significant concerns among CSOs regarding human rights violations, particularly in light of repeated reports of migrants suffering from poor health conditions, experiencing violence, and the presence of unaccompanied minors. Moreover, the compliance of Article 12a of the Act on the Protection of the State Border—the legal basis for this regulation—with the Polish Constitution has been challenged by the Commissioner for Human Rights and independent legal experts, including the Helsinki Foundation for Human Rights. They argue that the provision fails to meet constitutional requirements for introducing restrictions on human rights and freedoms.

In December 2024, the Ministry of Interior and Administration extended the buffer zone for an additional 90 days. Despite worsening weather conditions that pose serious risks to the lives and health of migrants in the

border area, humanitarian aid providers remain barred from access. The government's announcement of the "temporary and territorial suspension of the right to submit asylum applications" has further exacerbated tensions. CSOs protesting against this measure faced sharp criticism from ruling coalition politicians, who portrayed human rights organizations as "detached from reality" and accused them of "manipulating the truth."

At the end of 2024, a serious incident targeted the headquarters of the Last Generation organization, an activist group known for staging public protests, including roadblocks and disruptions to public transport hubs. On 2 December, Prime Minister Donald Tusk publicly urged law enforcement agencies to "react decisively and counteract the actions" of the Last Generation. Following his statement, some public media outlets, such as TVP3, called for a boycott of coverage of the organization's activities, while politicians from various political factions proposed legislative measures to restrict the right to protest.

On 13 December, an celebrity associated with the former ruling Law and Justice (PiS) party attacked the headquarters of the Last Generation with a fire extinguisher. A recording of the attack was posted on social media, accompanied by hate-filled comments directed at the organization's actions. In response, the Prime Minister condemned the attack but simultaneously warned that the continuation of the group's protest activities could, in the future, be treated as a criminal offense.

This series of events has not only intensified negative rhetoric against the organization but has also paved the way for potential restrictions on the right to protest, raising concerns about the broader implications for civil liberties and freedom of expression in Poland.

According to the CASE-2024-report, Poland continues to lead in the number of SLAPP cases, making them a significant tool for harassing and silencing organizations. As a result, the issue of SLAPPs in Poland remains a focal point of discussion among NGOs, journalists, legal experts, and academics.

In April 2024, the EU's Anti-SLAPP Directive 2024/1069 came into force. On 26 April, an international conference was held in Poland with the participation of Minister of Justice Adam Bodnar, who emphasized that SLAPPs have become a permanent feature of public life since 2015. He highlighted that public authorities and state-owned enterprises have used SLAPPs as a silencing mechanism even more frequently than private entities.

Given the scale of the issue, more than 40 Polish NGOs issued an appeal, Together Against SLAPP, outlining legal solutions that could effectively curb such practices. The Ministry of Justice's proposed regulations largely align with these expectations; however, concerns remain. The most contentious issue is Article 212 of the Criminal Code, which organizations have long called to repeal. While progress is evident in the proposed civil law reforms, fears persist that the Criminal Code could become the preferred tool for suppressing public debate.

Therefore, it is crucial that the current draft law undergoes broad consultation—not only with representatives from civil society, journalists, and legal experts—but also with international institutions such as the Council of Europe (See Rec CM/Rec(2024)2), to ensure a comprehensive and effective approach to addressing SLAPPs.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

In 2024, the new coalition government, aiming to fulfil its campaign promises, conducted numerous audits and inspections, including a review of grant allocation processes for NGOs. The NGO sector faced significant challenges stemming from the mismanagement of public funds between 2015 and 2023. These issues were particularly evident in the operations of the National Freedom Institute – Center for Civil Society Development (NIW-CRSO), the executive agency legally mandated to support civil society development under the law of 15 September 2017.

The Supreme Audit Office's report, published on 17 June, revealed widespread irregularities at NIW-CRSO.

It concluded that “the process of evaluating applications, selecting projects for funding, as well as their verification and reporting, was unreliable, and in some cases unlawful, inexpedient, or wasteful, fraught with the risk of corruption” (Record No.: D/23/505). The report further highlighted “the lack of formalization and transparency in methods related to the assignment of applications and their evaluation by experts who lacked impartiality or did not have a valid contract.”

Beyond transparency and impartiality concerns, the report identified additional issues such as the introduction of extraordinary, non-standard criteria for evaluating applications—classified as A, B, or C—and potential conflicts of interest within the funding process.

The NIW-CRSO was not the only institution where irregularities in grant assignments were identified; however, it remains a key source of funding for the NGO sector, particularly for organizations operating outside major urban areas. Following her appointment, the Minister for Civil Society, Agnieszka Buczyńska, took steps to address the issues at NIW-CRSO, including appointing new leadership and establishing a new Council. The new director was selected through an open recruitment process and, upon taking office, initiated a comprehensive review of the institute’s procedures, focusing on the appointment of experts, the content of bylaws, and other key operational aspects.

Planned amendments to the Law on the National Freedom Institute – Center for Civil Society Development and the Gambling Act are expected in the first quarter of next year, with the primary goal of increasing the spending limit to enhance the institute’s financial capacity.

A similar debate has emerged regarding the reform of the Justice Fund, which was originally intended to support crime victims and crime prevention efforts. One of its key functions is to provide funding to organizations specializing in these areas. During an audit conducted by the new leadership at the Ministry of Justice, efforts were made to verify whether fund expenditures had been misused for election campaign purposes.

As with the NIW-CRSO, measures were introduced to ensure that the grant allocation process is conducted transparently and without arbitrary decision-making. Among the key initiatives, a proposal was put forward to establish a network of Children’s Assistance Centers through an open call process to provide specialized support to child victims of crime. These calls were announced in June 2024.

According to information provided by the Ministry of Justice on 20 November 2024, the Minister of Justice signed a regulation reforming the fund’s operational framework. The regulation notably eliminates the controversial Article 11, which previously allowed for the “entrusting of tasks outside the competition procedure.” This change aims to improve transparency and accountability in the distribution of Justice Fund resources.

Undoubtedly, the discussion on improving the funding system for NGOs in Poland is only at its beginning, despite an ongoing debate that has persisted for many years. This topic is frequently addressed on key platforms such as ngo.pl, where op-eds on the subject are published regularly.

One of the most widely used funding mechanisms for NGOs is the 1.5% tax donation scheme. According to information from the Ministry of Finance for the year 2024, dated 3 October 2024, Poles donated more than PLN 1.9 billion (EUR 452.4 million) to public benefit organizations through this mechanism. A total of 15 million taxpayers participated, with an average donation of PLN 128 (EUR 30.5).

An essential aspect of strengthening the financial independence of NGOs—especially in light of recent years’ challenges—could be the development of a well-designed system to support philanthropy through donations or tax incentives. However, in this area, no significant legislative changes have been introduced in the past year.

To support organizations affected by the floods, the National Freedom Institute – Center for Civil Society Development (NIW-CRSO) launched an additional application pathway under the Government Program for the Development of Civic Organizations (PROO 5). A total of PLN 3 million (EUR 714,285) was made available, with grants of PLN 20,000 (EUR 4,761).

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e. g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

N/A

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

N/A

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here
dc22ce52-a3aa-4c44-b659-b381e2310bd1/raport-naduzywanie.pdf

Contact

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