

2023 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 European rule of law mechanism, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, three editions of the Rule of Law Report have been published in 2020, 2021 and 2022.

In the preparation of the first three editions of the Rule of Law Report, the Commission has relied on a diversity of relevant sources, including from Member States, country visits, and stakeholders' contributions collected through the targeted stakeholder consultation [1]. The information provided has informed the Commission's country-specific assessments in preparing the Report. Building on the positive experience from the first three editions of the Rule of Law Report, the Commission is now inviting stakeholders to provide written contributions for the preparation of the 2023 Rule of Law Report through this targeted consultation.

The contribution to be provided should include (1) information on measures taken to implement the recommendations addressed to the Member State in the 2022 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 2022 [2] falling under the 'type of information' outlined in the next section.

The input should be short and concise and summarise information related to one or more of the areas referred to in the template. You are invited to focus on the areas that relate to the scope of work and expertise of your organisation. Existing reports, statements, legislation or other documents may be referenced with a link (no need to provide the full text). Stakeholders are encouraged to make references to any contributions already provided in a different context or to Reports and documents already published. Contributions should focus on significant developments both as regards the legal framework and its implementation in practice.

If you wish to submit information concerning several Member States, you will have to fill-in the questionnaire separately for each Member States (due to the size of the questionnaire). There is no limit to the number of contributions submitted by a single participant. In such cases, you are not required to repeat the information in the section "about you" that is non-mandatory nor the information on horizontal developments.

Please provide your contribution by **20 January 2023**. Should you have any requests for clarifications or encounter difficulties in filling in the questionnaire, you can contact the Commission at the following email address: rule-of-law-network@ec.europa.eu.

[1] For the consultation for the 2022 Report, see https://ec.europa.eu/info/publications/2022-rule-law-report-targeted-stakeholder-consultation_en

[2] Unless the information was already submitted in the consultation for the previous Rule of Law Reports.

Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

Legislative developments

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

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

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, heads of independent authorities included in the scope of the questionnaire[1])

Any other relevant developments

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

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[1] 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

If "Other", please specify

*** Organisation name**

250 character(s) maximum

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☐ Other

If "Other", please specify

Please insert an URL towards your organisation's main online presence or describe your organisation briefly: *500 character(s) maximum*

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

☐ **Country of origin**

Please add the country of origin of your organisation ☐ Afghanistan

- ☒ Albania
- ☒ Algeria
- ☐ Andorra
- ☒ Angola
- ☐ Antigua and Barbuda
- ☒ Argentina
- ☒ Armenia
- ☒ Australia
- ☐ Austria
- ☒ Azerbaijan
- ☒ Bahamas
- ☒ Bahrain
- ☒ Bangladesh
- ☒ Barbados
- ☒ Belarus
- ☒ Belgium

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○ Bolivia
○ Bosnia and Herzegovina
○ Botswana
© Brazil
○ Brunei Darussalam
u Bulgaria
© Burkina Faso
© Burundi
© Cabo Verde
○ Cambodia
© Cameroon
© Canada
© Central African Republic
© Chad
© Chile
© China
© Colombia
© Comoros
©' Congo
© Costa Rica
© Cote D'Ivoire
© Croatia
© Cuba
© Cyprus
© Czechia
© Democratic Republic of the Congo
© Denmark
© Djibouti
© Dominica
© Dominican Republic
© Ecuador
© Egypt
© El Salvador
© Equatorial Guinea
© Eritrea
© Estonia
© Eswatini
© Ethiopia
© Fiji
© Finland
© France
© Gabon
© Gambia
© Georgia
© Germany
© Ghana
© Greece
© Grenada
© Guatemala
© Guinea
© Guinea Bissau
© Guyana
© Haiti
© Honduras

© Hungary
© Iceland
© India
© Indonesia
© Iran
© Iraq
© Ireland
© Israel
© Italy
© Jamaica
© Japan
© Jordan
© Kazakhstan
© Kenya
© Kiribati
© Kuwait
© Kyrgyzstan
© Laos
© Latvia
© Lebanon
© Lesotho
© Liberia
© Libya
© Liechtenstein
© Lithuania
© Luxembourg
© Madagascar
© Malawi
© Malaysia
© Maldives
© Mali
© Malta
© Marshall Islands
© Mauritania
© Mauritius
© Mexico
© Micronesia
© Monaco
© Mongolia
© Montenegro
© Morocco
© Mozambique
© Myanmar
© Namibia
© Nauru
© Nepal
© Netherlands
© New Zealand
© Nicaragua
© Niger
© Nigeria
© North Korea
© North Macedonia
© Norway
© Oman
© Pakistan
© Palau

© Panama
© Papua New Guinea
© Paraguay
© Peru
G Philippines
© Poland
© Portugal
© Qatar
© Republic ofMoldova
© Romania
U Russian Federation
© Rwanda
© Saint Kitts and Nevis
© Saint Lucia
© Saint Vincentand the Grenadines
© Samoa
LJ SanMarino
© SaoTome and Principe
© Saudi Arabia
LJ Senegal
© Serbia
LJ Seychelles
LJ Sierra Leone
LJ Singapore
© Slovakia
LJ Slovenia
© Solomon Islands
LJ Somalia
© South Africa
© South Korea
© South Sudan
© Spain
© Sri Lanka
© Sudan
LJ Suriname
LJ Sweden
LJ Switzerland
© Syrian Arab Republic
© Tajikistan
LJ Tanzania
© Thailand
LJ Timor-Leste
© Togo
LJ Tonga
LJ Trinidad andTobago
© Tunisia
© Turkey
Lj Turkmenistan
LJ Tuvalu
LJ Uganda
© Ukraine
© United Arab Emirates
© United Kingdom
© United States of America
LJ Uruguay
LJ Uzbekistan

- ☐ Vanuatu
- ☐ Venezuela
- ☒ Viet Nam
- ☐ Yemen
- ☒ Zambia
- ☐ Zimbabwe

First name

Surname

Email Address of the organisation (this information will not be published)

*** 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 2023 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 2023 Report.pdf](#)

Please provide any relevant information on horizontal developments here *5000 character(s) maximum*

Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member States in the 2022 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2022 Rule of Law Report and (2) any other significant developments since January 2022^[1]. Please include a link to and reference relevant legislation/documents (in the national language and/or where available, in English) if relevant. Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

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.

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

Member State covered in contribution [only one choice possible]

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

☐ Austria

☐ Belgium

☐ Bulgaria

☐ Croatia

☐ Cyprus

☐ Czechia

☐ Denmark

☐ Estonia

☐ Finland

☐ France

☐ Germany

☐ Greece

☐ Hungary

☐ Ireland

☐ Italy

☐

☐ Latvia

☐ Lithuania

☐ Luxembourg

☐ Malta

☐ Netherlands

☐ Poland

☐ Portugal

☐ Romania

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

N/A

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)*

There were no legislative changes in the area concerning the appointment and selection of judges or court presidents in 2022.

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)

There were no legislative changes regarding the irremovability of judges or court presidents in 2022.

Promotion of judges and prosecutors (incl. judicial review)

There were no legislative changes in the area concerning the rules for the promotion of judges in 2022.

Allocation of cases in courts

No legislative changes in the area concerning the allocation of cases in courts took place in 2022, apart from the developments in the Supreme Court due to the Amendment Act of 9 June 2022 (Journal of Laws 2022, item 1259, in force since 15 July 2022, hereinafter: Amendment Act), which concerned, inter alia, the abolition of the Disciplinary Chamber and creation of the Professional Liability Chamber. Under the Amendment Act it is allowed to exclude a judge from a particular case at the request of the entitled person (a party or participant to the court proceedings) if, in that case, the judge does not meet the requirements of independence and impartiality, taking into account the circumstances of his or her appointment and his or her conduct after the appointment. Entitled persons may request it if, in the circumstances of a particular case, a breach of the standard of independence or impartiality affecting the outcome of the case could occur, taking into account the circumstances concerning the entitled person and the nature of the case. Thus, the allocation of cases in courts is affected in this regard.

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)

On 23 February 2022, the Constitutional Tribunal ruled (Case P 10/19, Journal of Laws 2022, item 480) that Article 49 of the Code of Civil Procedure is unconstitutional within the scope in which the premise for the recognition of doubts as to the impartiality of a judge in a particular case would be

the circumstances related to the procedure for his or her appointment to the office of judge by the President of the Republic at the request of the National Council of the Judiciary (hereinafter: NCJ). The Constitutional Tribunal also found Article 1 of the Supreme Court Act to be unconstitutional within the scope in which that provision would provide the normative basis for the Supreme Court to decide on the status of a person appointed to the office of judge, including a judge of the Supreme Court, the powers of such a judge resulting therefrom, as well as the effectiveness of actions taken by the court with the participation of that person.

The Constitutional Tribunal judgments were confirmed by the legislator, who by the Amendment Act introduced:

- prohibition of challenging independence of the judge solely on the circumstances of the appointment (Article 55),
- a mechanism for examining whether a judge meets the requirements of independence and impartiality, taking into account the circumstances of his or her appointment and his or her conduct after the appointment, if, in the circumstances of the case, there could be a breach of independence or impartiality affecting the outcome of the case, taking into account the circumstances of the entitled person and the nature of the case. Lodging a request does not suspend the admissibility of issuing urgent orders of a preventive nature in the case under examination.

Article 29 of the Supreme Court Act is analogous. Decisions made under this mechanism apply only to a particular case.

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)

Following the amendments introduced by the Amendment Act, the Disciplinary Chamber of the Supreme Court was abolished and a new Professional Liability Chamber was created (Article 4(4a) of the Supreme Court Act). The Amendment Act introduced the possibility of reopening proceedings pending in the Disciplinary Chamber concerning judges. It also imposed priority consideration of cases concerning the suspension of judges. As a result, the majority of judges previously suspended have returned to service and, in 3 cases, these proceedings have not been concluded by the end of 2022 (only one case is still pending at the date of drafting the response).

The Act - Law on the Common Court System introduced a new disciplinary offence: refusal to administer justice (Article 107(1)(1a)). At the same time, it was stipulated that a circumstance where a judicial decision issued with the participation of a given judge is affected by an error in the interpretation and application of national or European Union law or in the establishment of facts or in the assessment of evidence does not constitute a disciplinary offence. Neither is it a disciplinary offence to refer a question to the Court of Justice of the European Union for a preliminary ruling under Article 267 of the Treaty on the Functioning of the European Union (OJ 2004, item 864, as amended); nor to examine meeting the requirements of a judge's independence and impartiality in the relevant procedure.

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

The remuneration of judges and judges of the Supreme Court undergo the same mechanism, set out in the Act - Law on the Common Court System and the Act on the Supreme Court, respectively. The basic remuneration of a judge is determined with reference to the indicator of the average remuneration in the second quarter of the previous year, officially announced by the President of the Statistics Poland. If the average remuneration in a given year is lower than the average remuneration announced for the second quarter of the preceding year, the basis for determining the judge's basic remuneration in the previous amount is adopted. In the previous two years (2021 and 2022), the aforementioned statutory mechanism was temporarily suspended on the basis of specific laws defining the rules for the implementation of the Budget Act for a given year. As a result, there was a "freezing" of the basis for determining the judge's basic salary according to the

previous average salary index (in 2021 according to the 2019 index and in 2022 according to the 2020 index).

At the end of 2022, the Parliament (Sejm) enacted the Act on special solutions for the implementation of the Budget Act for 2023 (Journal of Laws 2022, item 2666), which changed the mechanism for determining judges' remuneration, abandoning reference to objective economic criteria (the average remuneration index). The reason for departing from the statutory regulations binding in this respect was the financial situation of the state budget. When introducing these solutions, it was stated that the basic remuneration of a judge was calculated by increasing the existing basic remuneration by 7.8% in order to compensate for inflation.

In December 2022, the First President of the Supreme Court filed a request to the Constitutional Tribunal to examine the constitutionality of the aforementioned provisions of the Act concerning the budget (ref. no. BSA III.4011.2022). The First President claimed that the introduced solutions violate the principle of judicial independence and do not guarantee remuneration appropriate to the dignity of the judicial office and the high responsibility associated with the performance of the judicial profession (Article 178 of the Constitution of the Republic of Poland). The request pointed to the arbitrariness of the determination of remuneration and the violation of the principle of a democratic state of law, particularly with regard to the principle of protection of acquired rights (Article 2 of the Constitution of the Republic of Poland).

It should be pointed out that in the previous jurisprudence of the Constitutional Tribunal (judgment of 12 December 2012 in the case K 1/12), the suspension of the operation of an objective mechanism in the calculation of judicial remuneration was found to be unconstitutional.

Independence/autonomy of the prosecution service

N/A

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

N/A

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

With regard to the public perception of the judiciary, it should be recalled that the continuing political crisis concerning the judiciary in Poland in general has a negative impact on the reputation of the courts and judges. Legal issues concerning reforms are vigorously debated in public. Judicial reform is regularly invoked by the media as a condition for meeting so-called milestones and receiving funds from the EU aid programme.

The media recently reported on the latest amendment to the Supreme Court Act, resulting from a draft submitted on 13 December 2022. This has given rise to speculation about the Polish government's arrangements with the European Commission as well as the possibility of passing the draft in parliament and obtaining the approval of the President of the Republic. The legislative procedure for the project has not been concluded. After its enactment in the Sejm (13 January 2023), the bill was referred to the Senate.

In an extremely polarised society, the positions presented in the media do not allow for a precise assessment of the perception of judges and the court by the general public. However, it seems that the public is mainly very confused about the current developments in the Polish judiciary. The amount of information concerning the very complex and unfamiliar mechanisms of the law seems to be troublesome, as various contradictory opinions appear in this regard. As a result, the independence of judges, both those appointed after 2018 (the problem of participation in the procedure for the appointment of the NCJ in its current form) and those appointed in an earlier

period (the problem of appointment by a communist body - the Council of State, the problem of appointment in procedures whose unconstitutionality was confirmed by the Constitutional Tribunal).

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 under section 2)

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

Significant legislative developments in this area include the amendment of the Act - the Code of Civil Procedure, which entered into force in June 2022. The amendments concerned the enforcement of final judgments ordering the return of a child to the country of his or her habitual residence, issued on the basis of the Hague Convention of 1980, when they affect the interests and welfare of the child.

Since September 2022, a significant amendment to the Code of Civil Procedure (No. 2650) aiming at accelerating court proceedings and facilitating contact with the court for parties and legal representatives is being proceeded with in the Sejm. The draft provides for the introduction of new solutions concerning scheduling of the hearing and necessary instructions issued by the court. It provides for new separate proceedings involving consumers.

The restrictions introduced in connection with the COVID-19 pandemic are gradually being lifted, which restores the accessibility of the courts.

Due to a Constitutional Tribunal ruling, the differentiation of legal representation salaries between ex officio and elected representation was found to be unconstitutional.

An improvement in communication can also be observed, with a significant increase in the number of case announcements published by the Supreme Court, with the use of a simple message, explaining the essence of the decision in an accessible manner.

Resources of the judiciary (human/financial/material)

(Material resources refer e.g. to court buildings and other facilities)

At the end of 2022, there were 89 judges in the Supreme Court. Pursuant to the Rules of the Supreme Court in force since 15 July 2022 (see the Decree of the President of the Republic of Poland of 14 July 2022, Journal of Laws, item 1489, as amended), the total number of judicial positions in the Supreme Court is 125. This means that there are vacant judicial positions in each of the Supreme Court chambers to which new judges can be appointed. In 2022, the President of the Republic of Poland, acting on a motion of the NCJ, appointed a total of 10 new Supreme Court judges. Moreover, a total of 13 Supreme Court judges retired in 2022. Thus, the vacancy of 36 unfilled judicial positions contributes to the protraction of proceedings.

According to the Budget Act for 2022, the Supreme Court's expenditure plan includes an amount of over PLN 197 million, i.e. an increase of over PLN 6 million compared to the plans for 2021.

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

Professional training and other forms of in-service training for judges, assistant judges, public prosecutors, assistant public prosecutors, court registrars, assistant judges, assistant public prosecutors, court probation officers as well as court and public prosecutor's office clerks are provided by the National School of Judiciary and Public Prosecution (hereinafter: the National School) on the basis of an annual training schedule. Training topics are prepared, inter alia, on the basis of training needs indicated by training participants, as well as external entities (including the Ministry of Justice, common courts and prosecutor's offices). Training is delivered both in the form of on-site (16- or 6-8-hour units) and on-line training. The National School, established on the basis of the Act of 23 January 2009 on the National School of the Judiciary and Public Prosecution, is a legal entity and fulfils the function of the only central institution responsible for initial training of future judges and public prosecutors, as well as for continuing education of court and public prosecution staff in Poland. More detailed information on:

<https://www.kssip.gov.pl/angielski#CONTINUOUS%20TRAINING%20AND%20INTERNATIONAL%20COOPERATION> (accessed on 05.01.2023)

Such training does not apply to judges and staff of the Supreme Court, which has to provide the training independently.

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

Since July 2021, regulations have been in force which provide that during a state of epidemic emergency or a state of epidemic declared due to COVID-19 and within one year after the last regulation has been revoked, in cases examined under the provisions of the Code of Civil Procedure, the hearing shall be held remotely, i.e. by means of technical devices enabling it to be conducted remotely with simultaneous direct video and audio transmission.

Due to changes introduced on 1 January 2010, electronic writ-of-payment proceedings, which are supported by the ICT system of the Ministry of Justice (<https://www.e-sad.gov.pl>), operate in Polish civil proceedings. Currently - as of January 2020 - the competent court to hear cases in this mode is the VI Civil Division of the District Court Lublin-Zachód - in Lublin). In July 2022, the Court of Appeal in Lublin was entrusted with the task of supporting users of the ICT system servicing electronic writ-of-payment proceedings, administering this system, implementing and modifying it and testing it. The jurisdiction of this court (called the e-court) covers the territory of the whole of Poland and applies to cases heard in electronic writ-of-payment proceedings, regardless of the total amount of the dispute. Filing a case in e-court is only an alternative to traditional proceedings. Thus, the introduction of the e-court has not restricted the access of citizens to the traditional court.

Pursuant to the current decree of the President of the Republic of Poland concerning the manner of dealing with Supreme Court case files, court cases, registers and court case recording devices of the Supreme Court, being repertories and indexes, are maintained in electronic form, in the Supreme Court's ICT system. Via the Supreme Court website, it is possible to access information on court cases (e-wokanda) (<https://www.sn.pl/sprawa/SitePages/e-Sprawa.aspx>, accessed on 5.01.2023) and information on scheduled court hearings (e-wokanda) (<http://www.sn.pl/sprawa/SitePages/e-Wokanda.aspx>, accessed on 5.01.2023).

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

The application of assessment tools and standards has not changed since January 2021. Court statistics collected by the Ministry of Justice are available at <https://isws.ms.gov.pl/pl/baza-statystyczna/> (accessed on 5.01.2022).

The Supreme Court annually submits information to the President of the Republic of Poland and the NCJ on its activities and on any significant problems identified in connection therewith, including those arising from its jurisprudence (Article 5 § 1 of the Supreme Court Act). Irrespective of this, the First President of the Supreme Court shall submit comments to the competent authorities on irregularities or gaps in the law identified, the rectification of which is necessary to ensure the rule of law, social justice and the coherence of the legal system (Article 6 § 1 of the Supreme Court Act).

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

Following the changes introduced on 15 July 2022, there are five Chambers in the Supreme Court. In addition to the previous four Chambers of the Supreme Court (Civil, Criminal, Labour and Social

Security Law, and Extraordinary Review and Public Affairs), since July also the Professional Liability Chamber has been operating, which is responsible for hearing, inter alia, disciplinary cases of Supreme Court judges as well as labour and social security law cases concerning Supreme Court judges. There are 11 judges in the Professional Liability Chamber. They were drawn at the Supreme Court College meeting from among Supreme Court judges sitting in other Supreme Court Chambers. The term of office of the judges sitting in the Professional Liability Chamber is 5 years.

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)

Length of proceedings

According to official data presented in 2022 by the Ministry of Justice, in the first quarter of 2022, the average duration of proceedings in selected categories of cases was shorter than in the previous year (see <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/>, accessed on 5.01.2022). In the opinion of the Ministry of Justice, there is a trend of accelerating the duration of proceedings compared to 2021, which results from the implementation of elements of computerization of the justice system. This concerns the full computerization of the National Court Register (e-KRS) and the application, in a broader sense, of deliveries in electronic form (<https://www.gov.pl/web/sprawiedliwosc/sady-pracuja-szybciej>, accessed on 5.01.2022).

Detailed information on case traffic statistics by Supreme Court Chamber, including a list of the number of cases resolved (and the way in which they were resolved) in a particular year and information on the duration of proceedings, is made available on the Supreme Court website, categorized by year and by month

(https://www.sn.pl/sprawy/SitePages/Statystyki_ruchu_sprawIOZ.aspx, accessed on 5.01.2023).

Other - please specify

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 2022 Report regarding the anti-corruption framework (if applicable)

3000 character(s) maximum

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 authorities.

Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

3000 character(s) maximum

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

3000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable).

If available, please provide relevant objectives and indicators

3000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application

3000 character(s) maximum

General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing

3000 character(s) maximum

Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

3000 character(s) maximum

Measures in place to ensure whistleblower protection and encourage reporting of corruption. *3000 character(s) maximum*

List the sectors with high-risks of corruption in your Member State and list the relevant measures taken /envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

3000 character(s) maximum

Any other relevant measures to prevent corruption in public and private sector

3000 character(s) maximum

C. Repressive measures

Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery

3000 character(s) maximum

Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds

(Please include, if available the number of (data since 2019): indictments; first instance convictions; first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year)

3000 character(s) maximum

Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

3000 character(s) maximum

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

3000 character(s) maximum

Other - please specify

3000 character(s) maximum

III. Media Freedom and Pluralism

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

3000 character(s) maximum

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

3000 character(s) maximum

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

3000 character(s) maximum

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 (including any rules regulating the matter)

3000 character(s) maximum

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 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

3000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners, as well as any rules regulating the matter

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

Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

3000 character(s) maximum

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

3000 character(s) maximum

Access to information and public documents (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)

3000 character(s) maximum

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

3000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

The recommendations concerning the system of checks and balances in Report 2022 do not apply to the Supreme Court of the Republic of Poland. However, some general answers may be provided.

In the first recommendation concerning the system of checks and balances, the 2022 Report recommends Poland to provide a more systematic follow-up of the findings of the Supreme Audit Office and to ensure the prompt appointment of the members of the Supreme Audit Office's College.

The 2022 report on the activities of the Supreme Audit Office is not yet available, so it cannot be used as a basis for assessing the degree of systematic follow-up of its findings.

In its second recommendation on the system of checks and balances, the 2022 Report recommended Poland to improve the operating conditions for civil society and the Ombudsman, taking into account European standards for civil society and Ombudsman institution.

The legislative processes for the draft laws challenged by the Commission as deteriorating the civic space in point IV of the 2022 Report have not been concluded (draft law on amending the Law - Law on assemblies and some other laws, the Sejm paper No. 1607; draft law on openness of financing of non-governmental organisations, Sejm paper No. 2299; draft law of 14 April 2022, EW-020-881/22, on amending the Law - the Criminal Code). On 20 December 2022, the President of the Republic of Poland refused to sign the new Act of 4 November 2022 amending the Act - Education law and certain other acts.

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

[1] *This includes also the consultation of social partners*

Pursuant to Article 1(4) of the Act of 8 December 2017 on the Supreme Court, the Supreme Court shall be a judiciary body responsible for issuing opinions on legislative bills and other normative acts under which courts adjudicate and function, as well as other legislative bills to the extent that they affect cases within the jurisdiction of the Supreme Court.

In 2022, 351 draft laws or regulations were submitted to the Supreme Court for opinion, including 141 with effects beyond the scope of the court's opinion within the meaning of Article 1(4) of the Supreme Court Act. 210 of them were assessed by the Supreme Court and opinions (53) or notes were issued regarding them. Draft laws and regulations came from the Government, groups of MPs, the Senate and the President of the Republic of Poland.

The Supreme Court was consulted on draft laws and regulations on judicial reform in 2022. The Supreme Court provided its opinions to all of them: parliamentary draft act amending certain acts in order to abolish the Professional Liability Chamber of the Supreme Court - EW-020-1060/22, government draft act - Law on the system of common courts - UD 322, government draft act - Introductory provisions of the act - Law on the system of common courts - UD 323, draft decree of the President of the Republic of Poland on the determination of the specimen application form

for a candidate for a vacant position of a judge of the Supreme Court, President of the Republic of Poland's draft law amending the Act on the Supreme Court and certain other acts - the Sejm paper no. 2011, the parliamentary draft law on the protection of the independence of judges and special rules of criminal and disciplinary liability of judges - the Sejm paper no. 2013, the government's draft law amending the Act on the Supreme Court - the Sejm paper no. 2870.

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)

Out of 277 draft laws brought to the Sejm in 2022, which were given priority, the urgent procedure was adopted with regard to 14 drafts. A significant number of them concerned issues of energy and aid to Ukraine. None of the drafts examined in urgent procedure fell within the competence of the Supreme Court to issue opinions on legal acts under Article 1(4) of the Law of 8 December 2017 on the Supreme Court.

Regime for constitutional review of laws

N/A

COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

judicial review (including constitutional review) of emergency regimes and measures in the context of COVID- 19 pandemic

In 2022, the Supreme Court issued opinions on two draft laws related to the COVID-19 pandemic. One of them concerned the improvement of the computerisation of the judiciary (draft law amending the Law on the Common Court System - UD 385), and the other concerned hearing cases by a single judge (draft law amending the law on special solutions related to preventing, counteracting and combating the COVID-19 pandemic, other infectious diseases and emergencies caused by them - the Senate paper no. 727).

oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

N/A

processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

N/A

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#>)

3000 character(s) maximum

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

3000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

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

3000 character(s) maximum

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)

3000 character(s) maximum

Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation

3000 character(s) maximum

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 and dissolution rules)

3000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks - verbal, physical or online -, 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.

3000 character(s) maximum

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)

3000 character(s) maximum

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

3000 character(s) maximum

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society etc.)

3000 character(s) maximum

Other - please specify

3000 character(s) maximum