

2026 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, six 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 2026 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 2026 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) developments and measures taken in relation to the recommendations in the 2025 report,
(2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.

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.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

[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 and enforcement 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.

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. 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.

* 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

Main Areas of Work

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



Surname



Email Address of the organisation



* 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 as we will not be able to guarantee anonymisation of these elements.**
- ☐ 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 2026 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 for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

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 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 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 2025 Report regarding the justice system (if applicable)

5000 character(s) maximum

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

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

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

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

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

Independence/autonomy of the prosecution service

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

In 2025, the constitutional crisis and paralysis of the Constitutional Court remained entirely unresolved. In the coming months, the terms of office of several judges of the Constitutional Court will expire, requiring the Parliament to select new candidates. According to media reports, the ruling party (Civic Coalition) intends to use this mechanism to reshape the composition of the Court; however, the pool of potential candidates is extremely limited. The Constitutional Court has significantly lost its prestige and institutional authority, discouraging experienced lawyers and academics from seeking appointment. As a result, 2025 has not brought any improvement in public trust or in the actual influence of the Constitutional Court in Poland.

Additionally, there is visible conflict between the government and the Constitutional Court. On the one hand, the government tries to influence the Constitutional Court by limiting their funds which is alarming. On the other hand, the Constitutional Court's President Bogdan Świączkowski is actively engaged in political actions, including sending a letter to the General Chief of Police (Komendant Główny Policji) about the detention of the former Minister of Justice and Prosecutor General Zbigniew Ziobro [<https://trybunal.gov.pl/wiadomosci/uroczystosci-spotkania-wyklady/art/pismo-prezesa-tk-do-komendanta-glownego-policji>]. Another example is of Świączkowski sending a report on the recent developments in rule of law restitution to Donald Trump's administration [<https://natemat.pl/620195,bogdan-swieczkowski-i-100-stron-pism-tak-prezes-tk-mial-doniesc-na-polske>].

The situation of the Supreme Court is largely comparable. Due to the appointment of so-called "neo-judges" and ongoing controversies concerning the legality of judicial nominations, some courts refuse to follow Supreme Court rulings.

With regard to LGBTI cases, in March 2025 the Civil Chamber of the Supreme Court ruled that individuals seeking to change the gender marker on their birth certificate are no longer required to sue their parents, and that such cases should be conducted under non-contentious proceedings [https://www.wprost-pl.translate.google.com/translate?_x_tr_sl=auto&_x_tr_tl=en&_x_tr_hl=en-GB]. While this is a positive development, the lack of trust in the Supreme Court caused by the presence of neo-judges has resulted in its rulings not being uniformly applied by district courts, including this ruling.

Furthermore, the Supreme Court has still not issued a decision in the case concerning the presentation of an image of the Virgin Mary with a rainbow halo during the Pride March in Częstochowa. Although the Minister of Justice and Prosecutor General withdrew the extraordinary complaint from the Supreme Court in 2023, the Court has yet to formally dismiss the case.

The neo-National Council of the Judges (Krajowa Rada Sądownictwa) actively obstructs disciplinary proceedings against judges. Furthermore, President Karol Nawrocki announced that judges who are, in his opinion, politically engaged or challenge the Polish legal order would not be nominated [<https://www.prezydent.pl/aktualnosci/wydarzenia/prezydent-karol-nawrocki-odmawiam-nominacji-46-sedziow,110154>]. To attempt to bring an end to these controversies and challenges in the judiciary system, the Minister of Justice, Waldemar Żurek, has presented a draft bill on the rule of law restitution. This bill aims to change the manner of appointing judges to the National Council - they will be chosen by other judges among themselves, instead of being nominated by the Parliament. In December 2025, the bill was accepted by the government and should soon proceed to Parliament [<https://www.gov.pl/web/premier/dla-wymiaru-sprawiedliwosci-to-dobry-dzien--rzad-przyjal-tzw-ustawe-praworzadnoscia-i-ustawe-o-krs>]. However, it is unlikely, in the event of the bill passing parliament, that the President would sign it into law.

From the civil society perspective, trust for the court and judiciary is very low. One third of Polish society does not believe that the perpetrator of a crime will be brought to justice or an innocent person will receive a fair sentence. According to the survey of trust in institutions conducted by CBOS (February 2024), 39% of respondents declared that they trust the courts, while 45% expressed distrust. This is not significantly different from the legislative branch (the lower and higher chamber of the Parliament enjoyed trust of 41% and distrust of 49%) or the executive branch (40% and 43%, respectively declared trust in the President and government, while 55% and 50% expressed distrust). On the other hand, 84%, 72%, and 59% of respondents declared trust in the military, police, and the Commissioner for Human Rights respectively (distrust of 8%, 21%, and 16%, respectively). 2025 has not brought any positive changes in this area.

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)

[single market relevance] Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

On 10 June 2025 the Minister of Justice issued an executive order regarding private prosecution cases (Polish: sprawy ścigane z oskarżenia prywatnego) [<https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20250000770>]. The fixed fee for initiating a private indictment was increased from PLN 300 to PLN 1,000 (approximately EUR 71 to EUR 238). This substantial increase constitutes a significant financial barrier for individuals seeking legal protection through private prosecution.

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

[single market relevance] Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

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

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

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.

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

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 in the introduction)

[single market relevance] Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

Beyond legislative changes, the practical operation of the justice system also poses barriers for LGBTI individuals seeking redress. By way of example, in 2025 the case of Professor Magdalena Pecul-Kudelska concluded after five years of proceedings. Professor Pecul-Kudelska, an activist affiliated with the Citizens of Poland movement, faced criminal charges following a police intervention in 2020 [<https://queer-pl.translate.google.com/translate?sl=pl&tl=en&u=https%3A%2F%2Fwww.rybka.pl%2Fmagdalena-pecul-kudelska%2F&hl=en>], when she placed a rainbow flag bearing the inscription “Solidarity with the Persecuted” on the pedestal of the Sursum Corda statue of Christ located in front of the Basilica of the Holy Cross in Warsaw. As a result of the misuse of Article 196 of the Penal Code and prolonged inactivity by law enforcement authorities, she remained formally under suspicion for five years before the proceedings were ultimately discontinued.

Any other developments related to the justice system - please specify

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 2025 Report regarding the anti-corruption framework (if applicable):

5000 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/specialised 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

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

5000 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

5000 character(s) maximum

B. Prevention

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

5000 character(s) maximum

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

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

--> For the three previous points, **please also provide information and figures on their application/enforcement if available to you**, 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)

5000 character(s) maximum

[single market relevance] 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, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

5000 character(s) maximum

C. Repression

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

5000 character(s) maximum

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

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

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

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

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable)

5000 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

5000 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

5000 character(s) maximum

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

5000 character(s) maximum

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

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

5000 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 financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- **[single market relevance]** 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

[single market relevance] Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

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

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

5000 character(s) maximum

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

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

From the perspective of civil society organisations, the governmental bill aimed at implementing Directive (EU) 2024/1069 on Strategic Lawsuits Against Public Participation (SLAPPs) [<https://legislacja.rcl.gov.pl/projekt/12402950/katalog/13162464#13162464>], presented by the Ministry of Justice in October 2025, may also create additional obstacles. One of the concerns includes the high security deposits and financial penalties at an early stage of proceedings. These are designed to deter SLAPP claimants, and the judge in the case is given a lot of authority in determining whether the claim is primarily aimed at suppressing, restricting, or disrupting public debate or at harassing someone for participating in it. Given the aforementioned lack of trust in some judges as regards impartiality, some activists, journalists and smaller organisations fear being classified as SLAPP claimants when seeking justice for, for example, discriminatory anti-LGBTI speech in the media. If they were to be wrongly classified as attempting to disrupt public debate in the form of a SLAPP, they would be subject to heavy financial penalties. As a result of this lack of trust, there could be a chilling effect enabled by these provisions in the anti-SLAPP law, which KPH deems as outweighing the benefit of the desired financial deterrent effect on actual SLAPP claimants.

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

5000 character(s) maximum

In November 2025 the Basta Foundation filed a complaint with the Provincial Administrative Court against the decision of the Chairwoman of the National Broadcasting Council, Agnieszka Glapiak, who refused to remove LGBTI-phobic material published on a YouTube channel [<https://fundacjabasta.pl/fundacja-basta-skarzy-krrit-do-wsa-a-radio-maryja-kasuje-audycje-wirus-lgbt/>]. The material, called “the LGBT+ virus”, was prepared by Catholic organisation Lux Veritas and presented the LGBT+ community in a dehumanising way as a threat to traditional and Catholic values. After the Basta Foundation intervention, Lux Veritas removed the material themselves. The National Broadcasting Council did not watch the emission and relied solely on the argumentation of Lux Veritas when making their decision, violating the principle of impartiality. The material should have been subjected to sanctions under the Broadcasting Act.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] 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 in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

* This includes also the consultation of social partners

5000 character(s) maximum

In 2025, the law-making process again did not adequately include civil society organisations (CSOs), both at preparatory and parliamentary phase. Consultation processes have been limited and vary in length depending on the bill. For example, there were only 21 days of public consultation for the abovementioned anti-SLAPP bill, despite the fact that the bill would introduce complex changes in the civil law and civil procedure. As reported on last year, the executive order of the Minister of Justice regarding law enforcement practices in hate speech and hate crimes cases [<https://legislacja.rcl.gov.pl/projekt/12404802/katalog/13172900#13172900>] only had three days of consultation. While the government allowed for a 30 day consultation period from October 2024 for the bill on civil unions (reported in last's year's submission) [<https://legislacja.rcl.gov.pl/projekt/12390651>], in 2025 they

changed the title and content of the bill without any consultation. While the bill number remained the same, the title is now the bill introducing civil unions, which replaces the family rights institution with a civil agreement [<https://legislacja.rcl.gov.pl/projekt/12390652>]. Such a substantive change should have been done in consultation with civil society and other stakeholders.

Additionally the practice of informing CSOs on the publication of consultations is inconsistent: in some cases some CSOs, which are included in the so-called "distribution list", receive information about the public consultation via e-mail, however more often, CSOs are not alerted and have to find the information online themselves. The practice of being included or not in the "distribution list" remains intransparent and unpredictable - often CSOs are not included in the list despite having previously responded to relevant consultations.

The inclusion of CSOs in parliamentary committee work on legislation is also insufficient. The main obstacle to adequate participation is the lack of formal invitation or an invitation received with very short notice (approximately 1-2 days before).

Recommendation:

- Improve the inclusion of civil society organisations in the legislative process with more transparent and predictable frameworks for public consultations.

[single market relevance] 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

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

5000 character(s) maximum

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

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers (including effective access to relevant data) 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

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

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] 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

In the reporting period there has been no progress on implementation of the ECtHR and CJEU rulings reported on last year (see below).

Positively, in November 2025 the CJEU ruled in another case against Poland, Case C-713/23 [<https://infocuria.curia.europa.eu/tabs/document?source=document&text=&docid=306543&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=11841843>], that EU Member States must recognise a same-sex marriage lawfully concluded in another Member State by EU citizens who have exercised their free movement rights, to ensure continuity of their family life.

Non-implementation of judgements of the European Court of Human Rights (ECtHR)
Judgements in the cases Przybyszewska and others v Poland (March 2024) [<https://hudoc.echr.coe.int/#%7B%22itemid%22:%5B%22001-229391%22%5D%7D>] and Formela and others v Poland (September 2024) [<https://hudoc.echr.coe.int/#%7B%22itemid%22:%5B%22001-235976%22%5D%7D>] both found that Poland's lack of legal recognition of same-sex couples constitutes a violation of Article 8 of the European Convention on Human Rights (ECHR). Poland has yet to rectify this by adopting legislation recognising and providing equal rights to same-sex couples.

Non-implementation of CJEU judgement

In June 2024 the CJEU ruled in Case C-2/21 [<https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX%3A62021CO0002>] that EU Member States must, for the purposes of the child's right to freedom of movement, recognise the document issued in another Member State that enables the freedom of movement (i.e. birth certificate), including when both parents named on the document are of the same sex. In addition, the Member State of which the child is a national must provide the child with an ID document and passport without requiring the prior transcription of a birth certificate (obtained in another Member State) of that child into the national register of civil status. This judgement has still not been implemented, as there are no changes to date.

Recommendation:

- Ensure implementation of CJEU judgement in Case C-713/23 [<https://infocuria.curia.europa.eu/tabs/source=document&text=&docid=306543&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=11841843>], delivered in November 2025, as well as ECtHR and CJEU judgements remaining to be implemented from previous years.

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

5000 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, transparency and dissolution rules)

5000 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 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 July 2025, the ECtHR ruled that Poland had violated Article 3 in conjunction with the Article 14 of the Convention by failing to ensure real protection from homophobic motivated violence in a case in which one of the victims was an LGBTI human rights defender, working for KPH organisation.

The revised Penal Code has not come into force, because the Constitutional Court ruled that it is unconstitutional because it would limit freedom of speech too much. The Constitutional Court, similarly to the Supreme Court, has suffered from politicisation of the judge selection process (they are selected by the Parliament).

In April 2025 the final so-called “LGBT free zone” was removed, as Łańcut County removed its discriminatory Family Rights Charter [<https://kph.org.pl/strefy-wolne-od-lgbt-przeszly-dzis-do-historii/>].

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

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

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

5000 character(s) maximum

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

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