



AEQUITAS NEWSLETTER (Nr 5)

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APPLICATION OF THE NATIONAL COUNCIL OF THE JUDICIARY TO THE MINISTER OF JUSTICE FOR THE UNBLOCKING OF JUDICIAL JOBS

The National Council of the Judiciary in its resolution of 11 June 2025 asked the Minister of Justice to unblock competitions for vacant judicial positions. The Council noted that **currently over 1,000 judicial positions are unfilled**, and the lack of announcements of new competitions means that the number of active judges is constantly decreasing. Let us add that in Poland we have less than 10.000 judicial positions, which means that **every tenth position is currently unfilled**. If we also add that **the time from the announcement of a competition for a vacant judicial position to the nomination of a judge by the President is from ten to twenty months**, it is clear that the omissions of the Minister of Justice will affect the state of the judicial staff for at least the next few years.

<https://www.rp.pl/sady-i-trybunaly/art42510571-juz-ponad-1000-wakatow-w-sadach-krs-wzywa-bodnara-do-odblokowania-konkursow-sedziowskich>

DISCONTINUATION OF PROCEEDINGS AGAINST MEMBERS OF THE KRS AND JUDGES WHO SUPPORTED THEIR CANDIDATURES

On May 7, 2025, the Internal Affairs Department of the National Prosecutor's Office discontinued the investigation into fifteen judges, members of the National Council of the Judiciary, and judges who supported candidacies to the National Council of the Judiciary by signing letters of support for candidates. The investigation was conducted for acts described in Article 231 of the Penal Code, which refers to exceeding one's powers or failing to fulfill official duties. The Association of Polish Judges Iustitia filed a report of a possible crime, arguing that the amended Act on the National Council of the Judiciary is inconsistent with the Constitution and illegal. In the justification of the decision to discontinue the proceedings, the National Prosecutor's Office indicated quite obvious facts that the Constitution does not determine how the judicial part of the National Council of the Judiciary is to be elected, that there is a legal dispute as to the method of election and that the judges, when running or supporting the candidacies, acted within the framework of the applicable law, so one cannot speak of exceeding their powers or failing to fulfill their official duties.

<https://oko.press/czlonkowie-nielegalnej-neo-krs-nie-beda-scigani-odmawia-tego-prokuratura>

SALARIES FOR COURT EMPLOYEES

In February this year, **the Ministry of Justice, as a result of talks with trade unions, promised court officials wages of at least PLN 5,500 gross, and employees in support positions of at least PLN 5,000 gross.** On June 4 this year, a regulation was published, according to which the minimum wage for court officials is to be PLN 4,650 gross, and for trainees and employees in support positions PLN 4,550 gross, and therefore below the minimum wage, which currently stands at PLN 4,666 gross. At the same time, court directors received guidelines to pay wages in a higher amount, resulting from an agreement with trade unions. This

raised justified doubts among trade unions about compliance with the rule of law by shaping wages using ministry guidelines, and not a normative act.

<https://www.prawo.pl/prawnicy-sady/wynagrodzenie-w-sadach-minimalne-w-rozporzadzeniu-stanowisko-solidarnosci-ad-rem,533310.html>

<https://niezalezna.pl/polska/wrocila-grupa-rekonstrukcji-patologii-resort-bodnara-zakpil-z-urzednikow-sadowych-i-zlamal-prawo-pracy/545250>

SALARY RAISE AT THE NATIONAL SCHOOL OF JUDICIAL AND PUBLIC PROSECUTION

On June 19 this year, new rates of pay for KSSiP employees will come into effect, which will amount to:

- for an independent position up to PLN 18,900 instead of the previous amounts from PLN 4,000 to PLN 14,500,
- for a support position up to PLN 12,600 instead of the previous amounts from PLN 3,600 to PLN 9,000,
- for an auxiliary, technical and economic service position up to PLN 7,900 instead of the previous amounts from PLN 3,600 to PLN 6,000.

In addition, bonuses for the position held are planned in five rates from PLN 1,200 to PLN 3,400, which will replace the previous four rates from PLN 1,080 to PLN 2,700.

A maximum salary for managerial positions will also be introduced at a level of up to PLN 23,000.

<https://www.prawo.pl/prawnicy-sady/nowe-stawki-wynagrodzenia-dla-pracownikow-kssip-dla-kierownictwa-do-23-tys-zl,533287.html>

POSTPONEMENT OF THE DEADLINE FOR THE OPINION OF THE VENICE COMMISSION

The European Commission for Democracy through Law (Venice Commission), contrary to its announcements, will not issue an opinion during the June plenary session on the draft act on restoring the right to an independent and impartial court established on the basis of law by regulating the effects of resolutions of the National Council of the Judiciary adopted in the years 2018-2025 and on amending certain other acts. The draft prepared by the Ministry of Justice actually aims to remove from office judges appointed to positions after 2018. According to unofficial information, the opinion of the Venice Commission may be adopted only at the next plenary session, which is to be held in the first half of October. **The Minister of Justice has stressed in his statements so far that the opinion of the Venice Commission will be taken into account in legislative work on regulating the status of judges appointed after 2018.**

The Polish Association of Judges Aequitas and the Votum association have presented their critical comments on the draft act to the Venice Commission, based on the case law of the European Court of Human Rights and the Court of Justice of the European Union.

It is worth mentioning that so far the Venice Commission has expressed a negative opinion on the draft act on the National Council of the Judiciary in the scope in which judges appointed to office after 2018 were to be deprived of the passive electoral right to this body.

<https://wiadomosci.onet.pl/swiat/ustawa-o-statusie-sedziow-odlozona-jest-decyzja-komisji-weneckiej/rymern6>

THE SUPREME COURT OVERTURNED THE JUDGMENT DUE TO THE PANEL BEING CONTINUED BY A JUDGE NOMINATED AFTER 2018

Almost 6 years ago, an incident occurred in Konin, in which a policeman shot and killed a 21-year-old man who was running away. After several years of investigation, a trial began in November 2023, as a result of which the policeman was found guilty of unintentionally causing death and exceeding his authority, as a result of which the policeman was sentenced to 3 years of imprisonment and a 6-year ban on practicing his profession was imposed. However, as a result of the prosecutor's appeal against the verdict,

the Supreme Court - despite considering the appeal as substantively unfounded - quashed the verdict and referred the case back to the court of first instance, because the adjudicating panel included a judge nominated after 2018.

Spokesperson for the Supreme Court, Dr. Hab. Aleksander Stępkowski, commented that judges do not have the competence to assess the correctness of the appointment of a judge by the President of the Republic of Poland, nor to assess the correctness of the resolution of the National Council of the Judiciary adopted in this matter. Therefore, the judges who questioned the prerogative of the President of the Republic of Poland by annulling the judgment despite the prosecutor's substantively unfounded cassation appeal, committed a drastic abuse of judicial power.

<https://www.lm.pl/aktualnosci/sad-najwyzszy-cofnal-sprawe-do-pierwszej-instancji-przez-udzial-neosedziego>