



AEQUITAS NEWSLETTER Nr 15

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FURTHER DECISIONS OF THE JUDICIAL COLLEGES REGARDING THE DISMISSAL OF VICE PRESIDENTS

On August 26, 2025, the Board of the District Court in Wrocław rejected the Minister of Justice's motion to dismiss the vice president of that court.

On the same day, the Board of the District Court in Konin also did not support the Minister's intention to dismiss the vice president of the District Court in Konin.

<https://wiadomosci.onet.pl/kraj/waldemar-zurek-domagal-sie-odwolania-sedziego-z-wroclawia-jest-decyzja/m0n5mqg>
share.google/ZgN5qaYtlub3YcuPw

RESOLUTIONS OF THE COLLEGES OF THE DISTRICT COURT IN PŁOCK

On August 28, 2025, the Board of the District Court in Płock issued a negative opinion regarding the proposed dismissal of the presidents of the District Courts in Mława and Sierpc.

In its resolutions, the Board also negatively assessed the current legal status, which grants the Minister of Justice very broad powers to dismiss court presidents, and noted the Constitutional Tribunal's judgment of October 16, 2024, K 2/24, which ruled the current procedure for dismissing court presidents unconstitutional.

It was emphasized that since 2017, there has been no statutory procedure for consulting the judicial community before appointing court presidents, and that the informal consultations conducted since 2024 have often been superficial, as individuals appointed to the positions of presidents have had little support among the judges of the given court.

In conclusion, it was pointed out that the content of the letter of the Minister of Justice may be considered defamatory, and such conduct of judges by a high-ranking official of the executive power does not serve to strengthen the authority and independence of the judiciary and violates the constitutional principle of separation and separation of powers.

LEGAL PROBLEM WITH THE ADJUDICATION OF JUDGES OVER 65 WITHOUT THE CONSENT OF THE KRS

Under current law (Article 69 of the Act on the System of Common Courts), a judge retires by operation of law after reaching the age of 65, unless they first submit an application to the National Council of the Judiciary for permission to continue adjudicating, along with a medical certificate confirming their ability to perform their duties.

Currently, some judges refuse to submit such applications to the National Council of the Judiciary, considering it an unconstitutional body. Instead, they submit their applications to the Minister of Justice, who does not have the statutory authority to grant permission to continue adjudicating.

This practice has serious consequences, as judgments issued by such judges may be deemed defective, leading to their overturning by appellate courts (for example, Supreme Court judgments of September 17, 2024, III KK 385/24; of December 18, 2024, III KK 400/24; of June 25, 2025, III KK 295/25; and of June 26, 2025, III KK 211/25).

In all cases of adjudication by judges over 65 years of age who have not obtained the consent of the National Council of the Judiciary to continue adjudicating, there is a risk of legal uncertainty – citizens may have their cases dismissed by lower courts, significantly prolonging proceedings, and the courts will lose their ability to operate effectively.

The National Council of the Judiciary has announced a review of the reports of judges who adjudicate without its consent, and experts such as Prof. Ryszard Piotrowski, warn against the "anarchization of the legal system"

<https://serwisy.gazetaprawna.pl/orzeczenia/artykuly/9871325,kolejny-problem-w-sadach-bedzie-to-samo-co-z-neosedziami.html>

BETWEEN PRINCIPLE AND PRACTICE – MINISTER ŻUREK ON THE KRS AND HIS OWN DECISIONS

In an interview with "Rzeczpospolita" published on August 26, 2025, Minister of Justice Waldemar Żurek expressed strong criticism of the current National Council of the Judiciary (KRS), describing it as a body devoid of constitutional legitimacy and operating informally. He announced actions aimed at terminating the current Council's mandate and restoring its legal form from before the reforms introduced by the previous government.

At the same time, Waldemar Żurek admitted that in his Swiss franc case, he decided to proceed before a so-called "neo-judge," despite his earlier declarations of disapproval of such appointments. He attributed this to the need to protect his own interests against the statute of limitations. He declared that in the future he would file motions to recuse judges appointed by the current National Council of the Judiciary.

This decision has sparked controversy among judges because it is perceived as inconsistent – the minister criticizes the legality of judges appointed after 2018, and at the same time uses their judgments in personal matters.

Moreover, the minister deliberately lied about the truth in his explanations, as his filing of a motion to have the judge alone before the court of first instance would have had no impact on the limitation period of his claim, which was interrupted by bringing the case to court.

https://www.rp.pl/sady-i-trybunaly/art42908481-waldemar-zurek-nie-ma-krs-jest-organ-ktory-spotyka-sie-przy-kawie-i-ciasteczkach?utm_medium=Social&utm_source=Facebook&fbclid=IwQ0xDSwMb1q1leHRuA2FIbQlxMAABHui81-fBrAw3GDMtP_wX9sp-dMxZr4MFU4rzOggc7pcF72tZnYS7TsbsA4vy_aem_gAQMvwl9xQY379z4t-6xoQ#Echobox=1756231315

PARTICIPATION OF THE MINISTER OF JUSTICE IN THE MEETING OF THE NATIONAL COUNCIL OF THE JUDICIARY

On August 26, 2025, Minister of Justice Waldemar Żurek attended a meeting of the National Council of the Judiciary, emphasizing that the Council was elected under a flawed procedure and is generating costs for damages awarded by the ECtHR. The Minister pointed out that the Council "is not a body" and announced that he would use lawful methods to ensure that the judicial members of the National Council of the Judiciary leave its seat. Addressing them, he pointed out that the Council, in its current composition, bears shared responsibility for the appointment of judicial positions in the Supreme Court and the Supreme Administrative Court using a procedure inconsistent with the Polish Constitution.

He further stated that "it is not too late to dissolve an entity formed in this way. I deliberately do not call it a body, because the body is clearly defined in the Constitution." After delivering the above statement, the Minister left the meeting.

<https://wpolityce.pl/polityka/738723-zurek-do-czlonkow-krs-bede-dazyl-byscie-opuscili-budynek>