



AEQUITAS NEWSLETTER Nr 16

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POSITION OF THE COLLEGES OF THE SUPREME ADMINISTRATIVE COURT ON THE LACK OF THE PRIME MINISTER'S COUNTERSIGNATURE FOR ASSISTANT JUDGES OF THE VOIVODESHIP ADMINISTRATIVE COURTS

On August 25, 2025, the Board of the Supreme Administrative Court expressed its position on the lack of countersignature of the Prime Minister under the resolutions of the President of the Republic of Poland regarding the appointment of assessors in provincial administrative courts.

The Supreme Administrative Court's Board supported the Commissioner for Human Rights' motion of August 5, 2025, which cited unjustified delays in countersigning the appointment documents for assessors. It emphasized that **the lack of countersignatures may violate a citizen's constitutional right to have their case heard without delay**, especially since the assessors were to be assigned to the largest and busiest provincial administrative courts in Warsaw, Gliwice, and Wrocław.

The Board emphasized that the participation of an assessor in the adjudicating panel does not violate the party's right to have the case heard by an independent and impartial court, which is confirmed by the existing case law, as none of the judgments issued by the Supreme Administrative Court questioned the correctness of the judgment of the provincial administrative court due to the participation of an assessor in the adjudicating panel.

In conclusion, **the Board called for equal treatment of assessors in administrative and common courts**, as the same National Council of the Judiciary makes decisions in both cases. **In the opinion of the Board of the Supreme Administrative Court, there are also no legal grounds for suspending the publication of notices about vacant assessor positions.**

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NATIONAL COUNCIL OF LEGAL ADVISERS CRITICALLY ABOUT ASSESSORS IN FAMILY DEPARTMENTS

The National Chamber of Legal Advisers, through the Center for Research, Studies and Legislation (OBSiL), **expressed its strong opposition to the proposal to allow assessors to adjudicate in family divisions in a position published on September 1, 2025.**

In the Chamber's opinion, this change raises serious constitutional concerns. According to the Constitution of the Republic of Poland, the administration of justice is administered solely by judges, and assessors—despite statutory guarantees of independence—do not have such status. The National Chamber of Legal Advisers emphasizes that their independence can easily be limited by the legislature, which calls into question their ability to independently adjudicate in matters of such significant social importance.

The National Chamber of Legal Advisers also points out that family matters require special sensitivity, life experience, and professional experience, which assessors—as novice adjudicators—may not yet possess.

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COST OF OPERATIONS OF THE CODIFICATION COMMITTEE OF THE JUDICIAL AND PROSECUTOR'S OFFICE

We can summarize the activities of the Judicial and Public Prosecution System Codification Commission, operating since April 2024. The Commission's operating costs reach one million złoty. During this time, 14 members of the commission earned PLN 954,184 and received PLN 52,793 in reimbursement for travel expenses.

The commission was established pursuant to a regulation of the Council of Ministers, and its members were appointed by the Prime Minister at the request of the Minister of Justice. We highlight these details, because after recording the Commission's operating costs, it's time to see the results of its work. After a year, they have limited themselves to a single draft law in two versions, and the Minister of Justice withdrew the draft from the Venice Commission's review. Considering that serving judges such as Krystian Markiewicz, Jarosław Matras, Bohdan Bieniek, and prosecutor Michał Gabriel-Węglowski, among others, receive substantial fees for a single draft law based on the Prime Minister's decision, we should not only congratulate them on their well-paid and effortless work but also raise the question of what the current separation of powers should look like.

<https://niezalezna.pl/polska/tyle-kosztuje-polakow-komisja-markiewiczza-przez-rok-opracowali-projekt-ustawy/551154?s=09>

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MUNICIPAL COUNCILS' RESOLUTIONS SUPPORTING THE AEQUITAS PETITION

In March 2025, the AEQUITAS OZS sent a petition to all municipalities in Poland describing the blatant violation of the constitutional principle of judicial independence by the draft laws "restoring the rule of law" and the consequences of challenging the legality of judicial appointments

after 2017. It also cited specific court rulings that—contrary to the narrative pushed by the Ministry of Justice and the Iustitia SSP (Supreme Court of Justice)—conclude that **judicial appointments made by the President of the Republic of Poland at the request of the National Council of the Judiciary, as established by the Act of December 8, 2017, are valid**. Some municipal councils forwarded the petition to the Prime Minister, the Speaker of the Sejm, the Speaker of the Senate, the Minister of Justice, and the Commissioner for Human Rights.

The petition was generally well-received, as evidenced by the statements of the Municipal Councils in Czarne, Tuplice, Opoczno, Czernice Borowe, and Turobin.

https://dziendobrypomorze.pl/pl/707_samorzad/71508_terechow-nad-petycja-ogolnopolskiego-zrzeszenia-sedziow-aequitas-nalezy-sie.html?fbclid=IwY2xjawKdM_ZleHRuA2FibQlXMQBicmlkETBXejVrTEp3dGZBWkNMWHRnAR6gpxm9SCG4KqhUhq4GP5TApfU9fyFiKyDfSod2e-S-ugy-tafxMxl6oUgGZw_aem_kw4ek4p1tzgSJ94tjfAfBQ#goog_rewarded
https://tuplice.biuletyn.net/fls/bip_pliki/2025_05/BIPF635C958742CE0Z/Uchwała_Nr_XII_76_25.pdf
<https://bipumigjutrosin.nv.pl/urząd,a,16665,uchwała-nr-xiv852025-rady-miejskiej-w-jutrosinie-z-dnia-28-maja-2025-r-w-sprawie-rozpatrzenia-petycji.html>

COLLEGES' OPINIONS ON THE MINISTER OF JUSTICE'S INTENTION TO DISMISS THE PRESIDENTS OF COURTS

It's time to summarize the Minister of Justice's intentions regarding the mass dismissal of court presidents and vice presidents. As you may recall, **the Minister of Justice announced with considerable media coverage his intention to dismiss 46 court presidents and vice presidents. The regional court boards have completed their assessment of the minister's intentions. Approval was granted in approximately half of the cases.** It seems positive that the ministry's strictly political intention (the minister emphasized that he had no substantive objections to this group of presidents and vice presidents, and only disapproved of the fact that they signed letters of support for candidates to the National Council of the Judiciary or were appointed to subsequent judicial positions after 2018) was met with individual assessment by the court boards.

We also want to emphasize that **the board decisions were often preceded by opinions from the assemblies of judges of the given court, which bodes well for the revival of judicial self-government.**

<https://wiadomosci.onet.pl/kraj/porzadki-ministra-zurka-chcial-odwolac-pol-setki-prezesow-udalo-sie-w-polowie/de75ndc>